

STEP BY STEP: Declaring a critical shortage & certifying positions

TRSL retirees may be eligible for reemployment under critical shortage provisions within the RTW Laws without benefit suspension or reduction. The critical shortage provisions within the 2010 RTW Law (La. R.S. 11:710) and 2020 RTW Law (La. R.S. 11:710.1) are specific to certain positions within PreK-12 school districts, whereas the 2022 RTW Law (La. R.S. 11:710.2) is specific to certain positions within Higher Education.

Both categories require the employer to complete certain actions to declare a critical shortage before reemploying a retiree in a critical shortage position. Additionally, both require the retiree and their employer to pay contributions to TRSL during the period of reemployment.

Note: Under the 2020 RTW Law, retirees must be directly reemployed in a critical shortage position. Benefits will be suspended if reemployed through contract or corporate contract.

2010 and 2020 RTW Laws: PreK – 12 employers

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 Positions	A critical shortage can exist (1) for full-time or part-time PreK-12 classroom teacher positions in any subject area where a shortage of certified teachers exists, and/or (2) for full-time or part-time certified 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.

Employer procedures for declaring a critical shortage

1. The employer must:

- 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.
- 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.
- 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 provisions outlined in the 2010 RTW Law (La. R.S. 11:710).
 - » 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:

- 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 or 2020 RTW Law (if directly employed).

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- 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 or 2020 RTW Law (if directly employed).
3. **If a qualified, certified retiree 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 critical shortage exists.

2022 RTW Law: Higher education employers

Definitions

Eligible Retiree	Retiree who retired on or before June 30, 2020, is at least age 62, and has at least 30 years of creditable service.
"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.
Critical Shortage Positions	A critical shortage can exist for adjunct professor positions in a nursing program within a public post-secondary institution. <i>NOTE: The retiree must be directly reemployed.</i>

Employer procedures for declaring a critical shortage

1. The employer must:

Prominently display a listing of applicable positions that are unfilled, or that are filled by reemployed retirees, on the website of:

- the institution
- the institutions management board, and
- the Board of Regents

2. If a qualified, eligible retiree is hired, the employer must:

- Enroll the retiree in TRSL under the applicable critical shortage provision via the TRSL Employer/Membership Information Site (EMIS).
- Certification statements are included in the online enrollment process and are required for submission.

Need more information on RTW provisions?

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