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This index provides information and procedures for employers who elect to hire a retiree who is subject to the **2020 RTW Law**. Agencies should refer to Index 15.1 for information related to the employment of retirees subject to the 2010 RTW law.

The 2020 RTW Group includes the following:

- Retirees who retired *on or after* July 1, 2020*; or
- Retirees in the 2010 RTW Group who make an **irrevocable election** to transfer to the 2020 RTW Group.

*Retirees who **retired prior to July 1, 2020**, and whose first reemployment fell under the 2020 return-to-work law have the option to transfer to the 2010 RTW Law (La. R.S. 11:710). They can do so by completing Form 15TR.

NOTE: If the retiree makes this election, they will remain covered by the provisions of the 2010 RTW law until 06/30/2027.

[La. R.S. 11:710.1](#), effective August 1, 2020, made significant changes to the state's retiree return-to-work (RTW) law. The new law, referred to as the **2020 RTW Law**, establishes a separate set of RTW provisions for retirees who retired on or after July 1, 2020. The information in this section is provided to help you understand the options available to retirees under the **2020 RTW Law**, as well as provide guidance regarding the enrollment of retirees and certain reporting requirements.

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

Retirees that fall under the 2010 RTW law can elect to make the **irrevocable** decision to convert from the 2010 RTW Group to the 2020 RTW Group. They can do so by completing Form 15ELEC (see page 6). A termination date should be submitted for any active enrollment under the 2010 law and a new enrollment should be submitted based on the 2020 RTW provision elected by the retiree.

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2020 RTW provisions

Under La. R.S. 11:710.1, TRSL retirees employed in a TRSL-reporting position are subject to the following options and categories. Applicability is determined by the way in which an individual is employed. Waiting period applies.

Reemployment by contract/corporate contract

- Retiree benefit is suspended for the duration of reemployment.
- No supplemental benefit is earned.
- Employee and employer do not remit contributions to TRSL.

Reemployment for a critical shortage

- No impact to benefit.
- Available for certain full-time and part-time direct employment positions.
- Employee and employer remit contributions.

RTW Option 1: Earnings Limit (25% FAC)

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

- Retiree earnings are limited to 25% (per fiscal year) of their final average compensation (FAC) from their original retirement.
- Benefit is reduced when earnings limit is reached, and if necessary, suspended to recover amounts over earnings limit.
- Employee and employer remit unsheltered contributions to TRSL.

RTW Option 2: Suspend Benefit/Regain Membership

Available to all full-time direct employment positions

- Retiree benefit is suspended for the duration of reemployment and retiree regains active membership in TRSL.
- Service credit is earned during reemployment and retiree accrues a supplemental benefit. Supplemental benefit is calculated with the same formula used to determine the retiree's original benefit, utilizing service credit earned during reemployment under RTW Option 2. The final average compensation (FAC) utilized will depend on the length of reemployment.
- Employee and employer remit unsheltered contributions to TRSL.

RTW options available for 2020 RTW Group retirees are *not* related to the benefit options available at the time of a retiree's original retirement.

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12-month waiting period

Retirees returning to work in positions eligible for TRSL membership are subject to a 12-month waiting period, which begins on the date of the member's retirement. If the retiree is reemployed within the first 12 months of retirement, TRSL must suspend the retiree's TRSL retirement benefits until the completion of the waiting period or the end of reemployment, whichever occurs first.

The 12-month waiting period will not impact retirees who elect RTW Option 2 because a suspension of benefits is required under both circumstances. The retiree will be eligible to earn service credit under RTW Option 2 during the 12-month waiting period.

Available RTW options

RTW Option 1 — Earnings Limit (25% FAC)

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.

Retirees who exceed the 25% earnings limit will have their benefit reduced and, if necessary, suspended to recover 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).

Unsheltered employee and employer contributions are required, with the employee contributions becoming refundable upon termination of reemployment. Retirees do not earn additional service credit under RTW Option 1. See Index 7.0 – Retiree Refunds section – for employer procedures for retiree refunds.

The retiree can convert from RTW Option 1 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.

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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.

Calculating the earnings limit

This earnings limit calculation differs from the 2010 RTW law. The 2020 RTW law allows for 25% of a retiree's final average compensation (FAC), whereas the 2010 RTW law allows for 25% of a retiree's annual benefit, if they are employed in an earnings limit applicable position.

EXAMPLE 1: Final Average Comp: \$3,837.19 (monthly) x 12 months x 25% = \$11,511.57 earnings limit per fiscal year

TRSL Regular Plan Information		
Date of Service Accrual: 08/16/1995	Final Average Comp: \$3,837.19	
Switch-Over Date:		
Social Security Eligibility Date:	Original Retirement Plan	
Service Credit for Benefit Computation		Member Contributions
Regular Service	17.00	
Total as of 05/26/2013	17.00	No Contributions

EXAMPLE 2 – Earnings limit calculation for DROP retiree

Earnings limit is based on **Before DROP** average compensation, even if After DROP average compensation is higher.

Before DROP Average Comp: \$5,060.71 (monthly) x 12 months x 25% = \$15,182.13 earnings limit per fiscal year

TRSL Regular Plan Information		
Date of Service Accrual: 07/29/1981	Before DROP Average Comp: \$5,060.71	
Switch-Over Date:	After DROP Average Comp: \$5,999.96	
Social Security Eligibility Date:	Original Retirement Plan	
Service Credit for Benefit Computation		Member Contributions
Regular Service	30.10	
DROP Regular	3.56	
Annual Leave	0.22	

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RTW Option 2 — Suspend Benefit/Regain Membership

RTW Option 2 is available to all **full-time**, direct employment positions, regardless of the TRSL-eligible position the retiree is filling.

Retirees who select this option will have their benefits suspended for the duration of reemployment. The retiree will return to active member status and remit **unsheltered** contributions to TRSL during reemployment. These retirees will accrue service credit for a **supplemental benefit** upon termination of all return-to-work employment.

Unsheltered employee and employer contributions are required and employers will be responsible for certifying questionable years. Please refer to [Index 6.0](#) for more information on certifications and corrections.

Once the retiree elects RTW Option 2, any subsequent reemployment will also fall under RTW Option 2; however, once a retiree has retired from RTW Option 2, they can elect RTW Option 1 only if the reemployment is part-time.

RTW Option 2 - Supplemental Benefits

The supplemental benefit will be calculated with the same benefit factor (i.e. benefit multiplier) used in the retiree's original benefit computation (benefit factor is typically 2% or 2.5% for Regular Plan members).

The final average compensation (FAC) used in the **supplemental benefit** will be determined as follows:

- If reemployed less than 36 months, the FAC used to calculate the supplemental benefit will be the same as the original or pre-DROP FAC.
- If reemployed for 36 months or longer, the FAC will be the higher of the original FAC or the FAC since reemployment.

The supplemental benefit will be effective **90 days** after the retiree's last day of work. The retiree must apply for the supplemental benefit by submitting a completed [Form 11RTW](#).

NOTE: A retiree's benefit cannot be resumed until TRSL is in receipt of the Form 11RTW and an online termination date has been received. Please see [Index 15.0](#) or [Index 4.0](#) for more information regarding terminations.

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Suspended benefit/Contact Work

(Employment by contact or corporate contract.)

Retirees who are reemployed in a TRSL-eligible position by **contract/corporate contract** will have their **TRSL benefits suspended** for the duration of reemployment. No employee or employer contributions will be made, and the retiree will not earn a supplemental benefit.

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 1099 Form — not a W-2 Form used by employers to report wages of employees directly employed. 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. Retirees in the 2020 RTW Group, who are reemployed by contract or corporate contract, will have their benefits suspended for the duration of reemployment, and do not earn a supplemental benefit.

Contract or corporate contract (employment arrangements) includes:

- LLCs, staffing agencies, third-party agencies, etc.
- Method of payment does not matter (accounts payable, 1099, grant money, contract/one-time, “vendor”).

Critical shortage

(Available to full-time or part-time direct employment.)

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.

Steps to declare a critical shortage

Employers may certify the existence of a critical shortage after complying with all of the following requirements:

1. 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.

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2. 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.

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

3. 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 under the Core Subjects and Special Leave provisions.

*NOTE: Advertising the position on Teach Louisiana **does not** satisfy the above requirements; it can, however, be used as a supplemental advertising source.*

4. 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. 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.
5. Retirees rehired to fill a critical shortage (full- or part-time) must be certified in the specific subject area or position in which they are hired to fill.
6. Critical shortage positions must be certified to TRSL and the Board of Elementary and Secondary Education (BESE) within 45 days of enrollment.

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 their 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.

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After TRSL receives the critical shortage certification, as a reemployed retiree meeting the “retired teacher” criteria, the retiree is not subject to a suspension of retirement benefits.

*REMINDER: Employers must process the online enrollment for a retiree being reemployed 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.

Form 15ELEC

As part of the enrollment process, all RTW 2020 Group retirees returning to work must select a RTW Option by completing a [Form 15ELEC](#). This includes retirees subject to the 2010 RTW law who make the **irrevocable** election to convert to the 2020 RTW law.

The employer must also complete Sections 1 and 6 of this form prior to processing the online enrollment for the return-to-work retiree. The employer should also maintain the Form 15ELEC in their personnel records **and** MAIL or FAX a copy of the completed form (completed by both employer and retiree) to TRSL.

Electing to convert from 2010 RTW Law to 2020 RTW Law

Retirees subject to the 2010 RTW Law who make an **irrevocable election** to convert to the 2020 RTW Law can never again be covered under the provisions in the 2010 RTW law (i.e. Critical Shortage positions, Core Subjects, or Special Leave provisions). If the retiree chooses to convert, they must complete Section 3 on Form 15ELEC to make a **one-time irrevocable election** to be covered by the 2020 RTW law. The retiree will also complete Section 4 on the Form 15ELEC to select RTW Option 1 or RTW Option 2. At time of online enrollment, the employer will need to check a certification statement confirming the retiree’s election to join the 2020 RTW Group.

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Enrollments

In addition to completing Form 15ELEC, **employers must also complete an online enrollment in EMIS**. La. R.S. 11:710.1 requires employers to notify TRSL of all retirees returning to work in TRSL-covered positions within 30 days of such reemployment. If an employer fails to enroll a reemployed retiree within 30 days of reemployment, 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.

Concurrent enrollments

Retirees cannot be enrolled under RTW Option 1 (Earnings Limit) or Critical Shortage while also enrolled under RTW Option 2 (Suspended Benefit/Regain Membership). Similarly, they cannot have concurrent enrollments under the 2010 RTW law and the 2020 RTW law. Any active, RTW Option 1 or Critical Shortage 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.

EMIS Instructions for online RTW enrollments

1. Log into EMIS.
2. Under Updates tab, choose Enrollments.
3. Enter the Social Security number
4. Select Portal B: 2020 RTW law (if applicable)
5. Enter the following information:
 - System # (System will default to 4 unless you are Plan B parish then System 3 is available)
 - Enrollment date (mm/dd/yyyy)
 - Return-to-Work Provision (select one from drop-down menu)
 - Contract Months (select 9, 10, 11, or 12 from the drop-down menu)
 - Enrollment Type (select Full-Time or Part-Time from the drop-down menu)



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- Position Type (drop-down menu)
- Certify current FY actual earnings, if applicable (see page 9)
- Gender
- Certification statements

6. Select Submit.

Converting from 2010 RTW Law to 2020 RTW Law

When enrolling a retiree with return-to-work history prior to July 1, 2020, the enrollment program will show two options: Portal A (2010 RTW Law) and Portal B (2020 RTW Law). If a retiree makes the irrevocable election to convert from the 2010 RTW Law to the 2020 RTW Law, the employer should enter Portal B to perform the enrollment.

The employer should only select Portal B if a Form 15ELEC has been completed and the retiree fully understands they are making an irrevocable election to transfer from the RTW 2010 Law to the RTW 2020 Law.

Before entering Portal B, employers will need to certify that a Form 15ELEC has been executed and the retiree fully understands their decision to convert from the 2010 RTW Law to the 2020 RTW Law.

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Please make selection below to continue.

Portal A: 2010 RTW Law (Group to which retiree currently belongs)
 Portal B: 2020 RTW Law

I hereby certify that the retiree has received and executed Form 15ELEC Return to Work (RTW) of TRSL retiree - La. R.S. 11:710.1 (RTW 2020 Group) including Section 3 of the form, whereby this retiree is making an irrevocable election to be covered by La. R.S. 11:710.1. I further certify that the employer certification portion of the form has been executed, the form will be permanently maintained in the personnel records of this employer, with a copy forwarded to TRSL.

I Certify to the Above.

Continue Enrollment

Certifying current fiscal year actual earnings if switching from RTW Option 1 or from the RTW 2010 law to RTW Option 2

When an employer enrolls a retiree under RTW Option 2, and the retiree was previously enrolled with the same employer as a “retired teacher” under the 2010 group or under RTW Option 1 under the 2020 law, the employer will need to certify any applicable current year earnings (actual earnings) earned prior to the enrollment change. This information will be submitted as part of the enrollment process.

The employer should terminate the “retired teacher” or RTW Option 1 enrollment before processing the RTW Option 2 enrollment.

Enter Enrollment Information Below	
System:	4
Employer ID:	
Enrollment Date (mm/dd/yyyy):	10/01/2020
Return-to-Work Provision:	Option #2 710.1-RTW-ACTIVE-RET
Contract Months:	9
Select Position Type:	Classroom Teacher
Certify Current FY Actual Earnings Prior to RTW Option 2 Enrollment:	<input type="text"/>
Gender (update gender if needed):	Female
Address:	

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- **RTW Option 1 – 710.1 – Earnings Limit (25% FAC)**
RTW Option 1 (can be part-time or full-time employment) – 25% earnings limit, retiree’s benefit continues unless the 25% earnings limit is exceeded; unsheltered contributions required.
- **RTW Option 2 – 710.1 – Suspend Benefit/Regain Membership**
RTW Option 2 (must be full time employment) – benefit is suspended, retiree regains active membership and receives a supplemental benefit at end of reemployment; unsheltered contributions required.
- **RTW Option 3 – 710.1 – Suspended Benefit/Contract Work**
Contract or corporate contract employee - retiree’s benefit is suspended, no supplemental benefit; employee or employer contributions are not required.
- **Critical Shortage – No Suspension/No Benefit Reduction**
Critical Shortage Option will only be visible to certain agencies.

City/Parish School Boards, Charter Schools, and Lab Schools

- These options are also available to teaching personnel with the Department of Corrections (including Office of Juvenile Justice) and teaching positions within the Special School District.

Enter Enrollment Information Below	
System:	4
Employer ID:	
Enrollment Date (mm/dd/yyyy):	
Return-to-Work Provision:	Choose a Return To Work Provision
Gender (update gender if needed):	Choose a Return To Work Provision Option #1 - Earnings Limit (25% FAC) Option #2 - Suspend Benefit/Regain Membership Option #3 - Suspend Benefit/Contract Work Critical Shortage
Address:	

Higher Education/Unions/Professional Organizations/Miscellaneous State Agencies

Enter Enrollment Information Below	
System:	4
Employer ID:	
Enrollment Date (mm/dd/yyyy):	
Return-to-Work Provision:	Choose a Return To Work Provision
Gender (update gender if needed):	Choose a Return To Work Provision Option #1 - Earnings Limit (25% FAC) Option #2 - Suspend Benefit/Regain Membership Option #3 - Suspend Benefit/Contract Work Critical Shortage
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Position types

(drop-down menu will appear once you select a RTW Option)

Employers must provide a position type for each enrollment. EMIS will display the available position types based on the type of employer and the RTW provision selected. For PreK-12 employers, the position types are based on [Department of Education](#) PEP code categories.

Below is a quick-reference guide of common PEP code categories as they relate to the TRSL position types. Refer the Department of Education website for an inclusive list.

Classroom Teacher/Teacher's Aide	PreK-12 Teachers or Aides in the regular or special education programs, as well as those in vocational education, or other instructional or special programs
Pupil Support Services	Child welfare and attendance services, guidance and health services, pupil assessment and appraisal services
Instructional Staff Services	Parish-wide directors/supervisors/coordinators, instruction and curriculum development services, staff training services, media-based instruction or other educational media services
General Admin	Board of Education Services, tax assessment and collection services, Office of the Superintendent of Assistant Superintendent or other executive administrative services
School Admin	Principals and assistant principals or other school administrators
Business Services	Fiscal and purchasing services, warehousing and distributing services, printing/publishing and duplicating services
Central Services	Planning, research, development, and evaluation services, public information and personnel services, data processing services
Food Service Operations	Food Services Operations, enterprise operations, community service operations, facility acquisition and construction services (also includes secretaries which fall under School Food Services Funding)
Clerical/Secretarial	General clerical or secretarial positions

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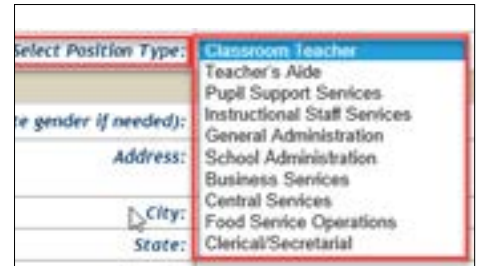
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City/Parish School Boards, Charter Schools, and Lab Schools To include Dept. of Public Safety and Corrections (0140) and Office of Juvenile Justice (0296)

RTW Option 1 or RTW Option 2 Enrollments:

1. Classroom Teacher
2. Teacher's Aide
3. Pupil Support Services
4. Instructional Staff Services
5. General Administration
6. School Administration
7. Business Services
8. Central Services
9. Food Service Operations
10. Clerical/Secretarial



University/Board, Medical, Technical Colleges, and Community College/Board

RTW Option 1 or RTW Option 2 Enrollments:

11. Professor
12. Adjunct Faculty
13. Instructor
14. Research Associate
15. General Administration



Unions/Professional Organizations/Specific State Agencies

Teacher unions, various professional organizations, and certain state agencies, including, but not limited to, La Association of Educators (LAE), La Federation of Teachers (LFT), La Resource Center for Educators (LRCE), Association of Professional Educators of LA (APEL), La School Board Association (LSBA), the Board of Elementary & Secondary Education (BESE), and La Department of Education (DOE Contractors) will default to position type "Other" when enrolling a TRSL retiree in the 2020 RTW group in a TRSL-covered position. Additionally, the employer will need to type the retiree's position title in the "Position Title" field.

16. Position Type Description will be "Other"

» Enter retiree's position title into the Position Title Field



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Certification statements

(this box will appear once you select the position type)

Prior to completing the online enrollment, employers are required to certify the retiree’s position status (part-time, full-time, or contract employee). Likewise, employers are required to certify that the retiree completed a Form 15ELEC and, if applicable, completed Section 3 indicating the retiree is making an **irrevocable election** when transferring from the RTW 2010 law to the RTW 2020 law.

The certification statements for each RTW Provision selected is as follows:

RTW Option 1 - 710.1 - Earnings Limit (25% FAC):

I hereby certify that the retiree I am enrolling under RTW Option 1 (25% of FAC earnings limit), as outlined in La. R.S. 11:710.1, is filling a TRSL eligible position as a part-time or full-time employee and is eligible to elect this option. I further certify that the retiree has received and executed Form 15ELEC Return to Work (RTW) of TRSL retiree - La. R.S. 11:710.1 (RTW 2020 Group), the employer certification has been completed on the form, the form will be permanently maintained in the personnel records of this employer, with a copy forwarded to TRSL, and contributions will be made by the retiree and employer for the duration of employment.

RTW Option 2 - 710.1 - Suspend Benefit/Regain Membership:

I hereby certify that the retiree I am enrolling under RTW Option 2 (suspension of benefit and accrual of supplemental benefit), as outlined in La. R.S. 11:710.1, is filling a TRSL eligible position as a full-time employee and is eligible to elect this option. I further certify that the retiree has received and executed Form 15ELEC Return to Work (RTW) of TRSL retiree - La. R.S. 11:710.1 (RTW 2020 Group), the employer certification has been completed on the form, the form will be permanently maintained in the personnel records of this employer, with a copy forwarded to TRSL, and contributions will be made by the retiree and employer for the duration of employment. [Full-time employees are scheduled to work more than 20 hours per week and are not seasonal or temporary. For colleges, universities (including lab schools), and technical colleges, full-time also includes teachers/professors scheduled to work at least half of the number of course hours/credits that the college or university considers full-time.]

RTW Option 3 – 710.1 – Suspended Benefit/Contract Work:

I hereby certify that the retiree I am enrolling pursuant to La. R.S. 11:710.1 is filling a TRSL eligible position as an independent contractor or under a corporate contract whereby the retiree’s benefits will be suspended for the duration of the reemployment. I further certify that the retiree has received and executed Form 15ELEC Return to Work (RTW) of TRSL retiree - La. R.S. 11:710.1 (RTW 2020 Group), the employer certification has been completed on the form, and the form will be permanently maintained in the personnel records of this employer, with a copy forwarded to TRSL.

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Critical shortage – 710.1 –no impact to benefit

I certify a Form 15CS has been executed and will be forwarded to TRSL, indicating all advertising requirements have been met, as outlined in La.R.S. 11:710-1(G)(2)(b)

Frequently asked questions (FAQs)

- 1. What is a waiting period under the 2020 RTW Law and am I subject to it?**
 - » *Retirees returning to work in positions eligible for TRSL membership are subject to a mandatory waiting period during which their TRSL benefits will be suspended.*
 - » *Within the 2020 RTW Group, retirees who retired on or after July 1, 2020, there are three return-to-work options. Retirees who return to work under RTW Option 1 within 12 months after retirement will have their retirement benefits suspended for the duration of such active service or the lapse of 12 months from retiree's effective date of his retirement, whichever occurs first. Retirees who return to work under RTW Option 2 will have their benefit suspended immediately effective on the first day of their reemployment under RTW Option 2, and their benefit will be restored upon their subsequent retirement (when their application for subsequent retirement is received by TRSL or the day after termination of employment, whichever is later). Retirees who return to work under Critical Shortage within 12 months after their retirement date will have their benefits suspended for the duration of reemployment or the lapse of 12 months, whichever occurs first.*
- 2. Does the 2020 RTW Law prevent a TRSL employer from hiring a TRSL retiree who is within his or her waiting period?**
 - » *The TRSL return-to-work law does not prohibit or prevent an employer from employing any TRSL retiree. The law regulates the receipt of retirement benefits when a TRSL retiree returns to work; it does not regulate the employment of retirees.*
- 3. Are retirees returning to work at a charter school subject to the 2020 RTW Law?**
 - » *Pursuant to charter school law, each charter school may elect to participate in TRSL ("Participating Charter School") or to not participate in TRSL ("Non-participating Charter School") upon*

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initial approval of the school's charter by the chartering authority. The TRSL RTW law applies to Participating Charter Schools; therefore, retirees returning to work at Participating Charter Schools are subject to all provisions governing return to work, just as though they had returned to work at a traditional public school.

» Non-participating Charter Schools are not subject to TRSL laws, including the return-to-work law; therefore, a retiree returning to work at a Non-participating Charter School is not subject to the return-to-work provisions in the law. Such retirees may return to work at a Non-participating Charter School without being subject to the earnings limits, suspension of benefits, or accrual of a supplemental benefit provided by the 2020 RTW Law.

» **NOTE:** Pursuant to La. Atty. Gen. Op. No. 11-0257, applicable constitutional and statutory law does not allow charter schools to modify the teachers' retirement plan selected in its approved charter during the charter school's operation. As a result of this opinion, charter schools that have attempted to withdraw from TRSL are considered "Participating Charter Schools."

4. Are retirees performing services under a contract or corporate contract covered by the 2020 RTW Law?

» The TRSL RTW law applies to employment by contract or corporate contract. A retiree is subject to TRSL's return-to-work laws and will be subject to a benefit suspension for the duration of reemployment when they (1) enter into an independent contract with a TRSL-covered employer (employment by contract); or (2) are employed by a separate entity to perform services for a TRSL-covered employer (employment by corporate contract).

5. What are the earning limitations for eligible retirees under the 2020 RTW Law?

» For retirees who elect the RTW Option 1 provision of the 2020 return-to-work law, the law restricts earnings in a fiscal year (July 1 – June 30) to no more than 25% of the retiree's final average compensation (FAC). This typically yields a higher earnings limit than the limit associated with earnings-limited positions under the 2010 RTW law.

» **EXAMPLE:** If a retiree's FAC is \$40,000 per year, his or her earnings limit would be \$10,000. If the retiree's earnings in a fiscal year exceed \$10,000, his or her benefit would be reduced by the amount of earnings over \$10,000.

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» If the retiree participated in DROP, the pre-DROP FAC will be used.

6. What positions can a retiree be reemployed in when electing RTW Option 1 (earnings limit) under the 2020 RTW Law?

» 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 (as opposed to employment by contract or corporate contract). 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 pre-DROP final average compensation.

7. Can the retiree be employed in more than one position or with more than one employer under RTW Option 1 (earnings limit) under the 2020 RTW Law?

» Yes, a retiree can hold more than one earnings limit position as it relates to TRSL's return-to-work law, but the earnings limit applies to the total earnings for all such eligible positions in the fiscal year.

» **EXAMPLE:** The earnings of a retiree who is a substitute teacher for a school district and an adjunct professor for a university will be combined for the purposes of the earnings limitation. If the retiree is employed by multiple employers, each employer must enroll the retiree and report monthly salary and contributions and submit a Form 15ELEC.

8. What grade levels are included in the definition of “classroom teacher” in a critical shortage area? Is pre-kindergarten included?

» In 2018, the TRSL return-to-work law was amended to include pre-kindergarten in the “retired teacher” category of “reemployment eligible critical shortage position” as a full- or part-time “classroom teacher.”

9. Who is considered a “classroom teacher” under the TRSL return-to-work law?

» The law defines a “classroom teacher” as any employee:

- » whose position of employment requires a valid Louisiana teaching certificate; and

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- » *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.*
- » *Remember that the definition of “classroom teacher” only relates to individuals attempting to meet the definition of “retired teacher” related to a critical shortage or a substitute.*

10. Who is included in the “classroom teacher” definition with respect to “instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept?”

- » *The law defines “classroom situations” as including “teaching in a school classroom or in other settings such as a home or hospital or other learning situations such as co-curricular activities, which instruction may be provided in person or through an approved medium such as television, radio, computer, internet, multimedia, telephone, and correspondence that is delivered inside or outside the classroom or in other teacher-student settings.” Examples of “classroom teachers” include:*
 - » *Teachers in traditional PreK-12 classroom settings in which a teacher maintains records of student attendance, i.e. a teacher assigned a class(es) to perform instructional activities for a designated number of students in a designated subject area or grade, as established for the school year or course length.*
 - » *Teachers providing instruction to students in PreK-12 instructional settings during a regular school day whereby:*
 - » *1) The services provided to the child are a component of the child’s instruction in a subject area(s); &*
 - » *2) There is an attendance record maintained with respect to the child by the teacher providing the instruction or by a teacher to whom the child is primarily assigned for the subject area or grade, if the instructional services provided are supplemental to the course work of the primary assignment. For example, for children needing assistance under the Individuals with Disabilities Education Act (IDEA), an interventionist or resource teacher may provide instruction which supplements instruction provided in the primary subject area assignment.*
 - » *Teachers providing distance learning via the internet or other means, if the teachers are maintaining records of daily attendance for the school system.*
 - » *Teachers providing instruction to homebound students, if the*

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teachers are maintaining records of daily attendance for the school system.

11. Does a retiree have to be certified in the critical shortage area?

- » Retirees filling a position in a critical shortage area must be certified in the critical shortage area. The TRSL return-to-work law, with respect to filling a position with a retiree when there are fewer than three applicants, requires that all applicants are certified in the critical shortage area.
- » Please note that the certification requirements referenced herein only relate to the requirements set forth in the TRSL return-to-work law.

12. What types of employment are considered part-time employment with respect to “classroom teachers?”

- » For the purposes of the TRSL return-to-work law, TRSL considers part-time to include the following:
 - » Working 20 hours or less per week
 - » Filling a position temporarily vacated by a full-time employee
 - » Working on a special project or program that is temporary or short term

13. Can a full-time or part-time 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 be considered under the critical shortage provision of the return-to-work law?

- » Yes. As of 7/1/2024, eligible critical shortage positions are available within the 2020 RTW Law.

14. What steps should I take as an employer when hiring a TRSL retiree under the 2020 RTW Law?

- » Form 15ELEC, along with an online enrollment, is required for all retirees under the 2020 RTW law. Unsheltered contributions may also be required. Refer to Index 15 and Index 15.2 of the Employer Procedures Manual, including all materials that supplement Index 15 and 15.2.
- » Refer to critical shortage section or step-by-step guide for critical shortage process.

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15. What penalties may an employer be subject to for failing to enroll a return-to-work retiree under the 2020 RTW Law?

- » *The return-to-work law requires employers to enroll reemployed retirees within 30 days of employment. If an employer fails to do so and a benefit payment is made that should have been suspended but for the lack of enrollment, the employer will be liable to TRSL for the repayment of any amounts overpaid to a retiree.*
- » **EXAMPLE:** *If School Board A employs Retiree Z, who elects to regain membership under RTW Option 2, and fails to enroll Retiree Z in TRSL for six months following reemployment, Retiree Z will continue to receive retirement benefits during the six-month period. School Board A will therefore be liable to TRSL for the payment of the six months of retirement benefits paid to Retiree Z.*

16. Under the 2020 RTW Law, can a retiree increase their accrual rate under RTW Option 2?

- » *Service credit earned under RTW Option 2 is used for benefit calculation purposes only, not eligibility. The supplemental benefit is calculated with same formula (e.g. accrual rate) used to determine the retiree's original benefit. If reemployment lasts at least 36 months, the supplemental benefit is calculated based on the higher of the retiree's original FAC or the FAC since reemployment.*

17. What steps should I take as an employer when a retiree's reemployment period ends under the 2020 RTW Law?

- » *An online termination date should be submitted when a retiree's reemployment period ends. Additionally, you should remind retirees about applicable RTW forms needed upon termination*
- » **Form 11RTW** – *required for retirees who regained active membership under RTW Option 2 and are now ready to “re-retire” or elect to convert to the 2010 RTW Group. The benefit cannot be resumed without the online termination date and Form 11RTW.*
- » **Form 7A** – *required for retirees who wish to refund the unsheltered contributions remitted under RTW Option 1 (earnings limit).*