Current return-to-work provisions

TRSL retirees returning to work in a TRSL-covered position are categorized as either “retired teachers” or “retired members.” Payment of retirement contributions and receipt of retirement benefits are determined by the category to which the return-to-work retiree belongs.

Retirees re-employed within the 12-month waiting period are not eligible for benefits and will have their benefit suspended for the duration of employment or lapse of the 12-months, whichever occurs first.

Criteria for retired teachers:
Act 149 of 2015 re-organized the “retired teacher” definition, placing like return to work provisions together. The sub-groups are:
• Re-employment-eligible, critical shortage position:
  ➢ Full-or-part-time K-12 classroom teacher where a critical shortage exists
  ➢ A retiree who returns to work as a full-time certified speech therapist, speech pathologist, audiologist, school counselor, school social worker, or educational diagnostician
• Re-employment eligible position (25% earnings limit):
  ➢ Substitute, PreK-12 classroom teacher (includes proctoring)
  ➢ Adult education or literacy program teacher
  ➢ Adjunct professor
• Re-employment eligible retiree:
  ➢ Member who retired on or before June 30, 2010 (grandfather group)
  ➢ Retiree who holds an advanced degree in speech therapy, speech pathology, or audiology

After the 12-month waiting period or the end of re-employment, whichever occurs first, “retired teachers” are eligible to receive a retirement benefit. This applies to individuals employed through contract or corporate contract.

Retirees qualifying as “retired teachers” and their employers are required to pay contributions to TRSL upon re-employment.

Criteria for retired members:
• Retirees who do not meet the above definitions are considered “retired members.” They may include teachers in non-critical shortage areas, administrators, secretaries, and employees in higher education or vocational schools.
• Benefits are suspended for the duration of re-employment with a TRSL-covered employer, including those who are re-employed by contract or corporate contract.
• Retired members and their employers do not pay contributions to TRSL.
Declaring a critical shortage for full-time K-12 “classroom teachers“:
1. The employer must:
   a. Advertise on two separate occasions in their official journal notice that a shortage of certified teachers exists and the positions sought to be filled; and
   b. Post the job notice at the career development office (or similar entity) of every post-secondary institution within a 120-mile radius of the employer’s governing authority.
2. If fewer than three qualified applicants apply, then 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 return to work law.¹
3. If a qualified retiree who is certified in the subject area is hired, then the employer must do the following:
   a. Enroll the retiree in TRSL under the critical shortage full-time provisions via our online system.
   b. Complete and submit to TRSL the Retiree Return-to-Work Critical Shortage Certification (Form 15CS).²
   c. Form/letter must be signed by the superintendent and personnel director.
   d. Certify to the Board of Elementary and Secondary Education (BESE) that a shortage of full-time K-12 “classroom teachers” exists.

Declaring a critical shortage for part-time K-12 “classroom teachers (including substitute teachers)“:
1. Employer must determine that there is a critical shortage of part-time K-12 “classroom teachers (includes substitutes).”
2. Retiree must be a certified teacher, but does not have to be certified in the specific subject area that he/she will be filling on a part-time/substitute basis.
3. If 1 and 2 above are met, the employer must do the following:
   a. Enroll the retiree in TRSL under the critical shortage part-time provisions via our online system.
   b. Complete and submit to TRSL the Retiree Return-to-Work Critical Shortage Certification (Form 15CS).²
   c. Form/letter must be signed by the superintendent and personnel director.
   d. Certify to BESE that a shortage of part-time K-12 “classroom teachers” exists.

Declaring a critical shortage of full-time certificed speech therapists, speech pathologists, audiologists, school counselors, school social workers, or educational diagnosticians:
1. Employer must:
   a. Advertise on two separate occasions in their official journal notice that a shortage of certified speech therapists, speech pathologists, audiologists, school counselors, school social workers, or educational diagnosticians, as applicable, exists and the positions sought to be filled; and
   b. Post the job notice at the career development office (or similar entity) of every post-secondary institution within a 120-mile radius of the employer’s governing authority.
2. If fewer than three qualified applicants apply, then a qualified retiree who applies may fill the position as a “retired teacher under the return to work law.¹
3. If a qualified retiree is hired, then the employer must do the following:
   a. Enroll the retiree in TRSL under the critical shortage speech therapists, speech pathologists, audiologists, school counselors, school social workers, or educational diagnosticians provisions via our online system.
   b. Complete and submit to TRSL the Retiree Return-to-Work Critical Shortage Certification (Form 15CS).²
   c. Form/letter must be signed by the superintendent on behalf of the employing school board.
   d. Certify to BESE that a shortage of full-time speech therapists, speech pathologists, audiologists, school counselors, school social workers, or educational diagnosticians exists.

¹ NOTE: If three or more qualified applicants apply for the position, then the retiree cannot be re-employed under the critical shortage provisions. The retiree can be re-employed as a “retired member” which would require the suspension of the retirement benefit for the duration of employment.
²As an alternative to submitting the Form 15CS, an employer may submit a letter to TRSL certifying that a critical shortage exists. The letter must include all of the information requested in the Form 15CS for the particular critical shortage position being certified. For a part-time critical shortage classroom teacher who is hired as a substitute teacher, all subject areas the retiree will be filling as a substitute must be provided.