

SENATE, No. 2065

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1997

By Senator CIESLA

1 AN ACT providing for the purchase of certain service credit in the
2 Teachers' Pension and Annuity Fund or the Public Employees'
3 Retirement System.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. A member of the Teachers' Pension and Annuity Fund who prior
9 to December 12, 1979 held a valid certificate of the State Board of
10 Education as a teacher and served as a remedial or supplemental
11 instructor in a position funded in whole or in part from federal funds
12 under Title I of the federal Elementary and Secondary Education Act
13 of 1965, 20 U.S.C.A. §236 et seq., but who was not enrolled in the
14 retirement system prior to that date, may purchase credit for such
15 service if the member submits to the retirement system an application
16 to make the purchase not later than the 180th day following the
17 effective date of this act, P.L. , c. (now pending before the
18 Legislature as this bill). The amount of credit eligible for such
19 purchase with respect to the person's service in such position during
20 a calendar period in any school year shall be the same as the amount
21 of credit that would be allowed if the person were employed in such
22 position during an identical calendar period in the school year in which
23 application for the purchase is made. The purchase shall be made in
24 the same manner and be subject to the same terms and conditions
25 provided for the purchase of previous membership service by
26 N.J.S.18A:66-9.

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28 2. A member of the Public Employees' Retirement System who
29 prior to December 12, 1979 held a valid certificate of the State Board
30 of Education as a teacher and was employed as a remedial or
31 supplemental instructor in a position funded in whole or in part from
32 federal funds under Title I of the federal Elementary and Secondary
33 Education Act of 1965, 20 U.S.C.A. §236 et seq., but who was not
34 enrolled in the retirement system prior to that date, may purchase
35 credit for the service if the member submits to the retirement system
36 an application to make the purchase not later than the 180th day
37 following the effective date of this act, P.L. , c. (now pending

1 before the Legislature as this bill). The amount of credit eligible for
2 such purchase with respect to the person's service in such position
3 during a calendar period in any school year shall be the same as the
4 amount of credit that would be allowed if the person were employed
5 in such position during an identical calendar period in the school year
6 in which application for the purchase is made. The purchase shall be
7 made in the same manner and be subject to the same terms and
8 conditions provided for the purchase of previous membership service
9 by section 8 of P.L.1954, c.84 (C.43:15A-8).

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11 3. This act shall take effect immediately and shall expire on the
12 181st day following enactment.

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15 STATEMENT

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17 This bill permits certain members of the Teachers' Pension and
18 Annuity Fund (TPAF) and the Public Employees' Retirement System
19 (PERS) to purchase TPAF or PERS credit for service as a "Title I"
20 remedial or supplemental teacher rendered prior to the decision by the
21 Appellate Division of Superior Court (Gladden v. Pub. Emp. Retirem.
22 Sys. Trustee Bd., 171 N.J.Super. 363 (App.Div.1979)) that it was not
23 necessary for a public employee to be paid in each of four calendar
24 quarters to qualify for membership in the retirement system.

25 The bill applies to any TPAF or PERS member who (1) prior to
26 December 12, 1979 held a valid New Jersey teaching certificate and
27 was employed as a remedial or supplemental instructor in a position
28 funded in whole or in part from federal funds under Title I of the
29 Elementary and Secondary Education Act of 1965, 20 U.S.C.A. §236
30 et seq., but (2) was not enrolled in the retirement system prior to that
31 date. The bill provides that such a member could purchase TPAF or
32 PERS credit for the pre-December 12, 1979 service as a remedial or
33 supplemental instructor. The amount of credit eligible for the
34 purchase with respect to the person's service in such position during
35 a calendar period in any school year would be the same as the amount
36 of credit that would be allowed if the person were employed in the
37 position during an identical calendar period in the school year in which
38 application for the purchase is made.

39 The bill provides that the member must apply to make the purchase
40 not later than 180 days following the date on which the bill takes effect
41 as law. The terms of the purchase would be the same as those
42 applicable to the purchase of previous membership service (i.e., the
43 member must purchase all of the service rendered as a Title I teacher,
44 but is liable only for the "employee's share" of the cost of that service).

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3 Permits purchase of TPAF or PERS credit for certain service as
4 remedial or supplemental teacher under Title I of federal Elementary
5 and Secondary Education Act of 1965.