

ASSEMBLY, No. 4544

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

Sponsored by:
Assemblyman RALPH R. CAPUTO
District 28 (Essex)

SYNOPSIS

Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning a return to employment by a school nurse after
2 retirement from the Teachers' Pension and Annuity Fund, and
3 amending N.J.S.18A:66-53.2.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. N.J.S.18A:66-53.2 is amended to read as follows:

9 18A:66-53.2. a. Except as provided in subsection b. of this
10 section, if a former member of the retirement system who has been
11 granted a retirement allowance for any cause other than disability,
12 becomes employed again in a position which makes him eligible to
13 be a member of the retirement system, his retirement allowance and
14 the right to any death benefit as a result of his former membership,
15 shall be canceled until he again retires.

16 Such person shall be reenrolled in the retirement system and shall
17 contribute thereto at a rate based on his age at the time of
18 reenrollment. Such person shall be treated as an active member for
19 determining disability or death benefits while in service and no
20 benefits pursuant to an optional selection with respect to his former
21 membership shall be paid if his death shall occur during the period
22 of such reenrollment.

23 Upon subsequent retirement of such member, his former
24 retirement allowance shall be reinstated together with any optional
25 selection, based on his former membership. In addition, he shall
26 receive an additional retirement allowance based on his subsequent
27 service as a member computed in accordance with applicable
28 provisions of this article; provided, however, that his total retirement
29 allowance upon such subsequent retirement shall not be a greater
30 proportion of his final compensation than the proportion to which he
31 would have been entitled had he remained in service during the
32 period of his prior retirement. Any death benefit to which such
33 member shall be eligible shall be based on his latest retirement, but
34 shall not be less than the death benefit that was applicable to his
35 former retirement.

36 b. The cancellation, reenrollment, and additional retirement
37 allowance provisions of subsection a. of this section shall not apply
38 to a former member of the retirement system who is a certificated
39 superintendent or a certificated administrator and who, after having
40 been granted a retirement allowance, becomes employed by the State
41 Department of Education in a position of critical need as determined
42 by the State Commissioner of Education, or becomes employed by a
43 board of education as a certificated superintendent or a certificated
44 administrator, or who is a certified school nurse and who, after
45 having been granted a retirement allowance, becomes employed by a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 board of education as a certified school nurse, on a contractual basis
2 for a term of not more than one year; except that the cancellation,
3 reenrollment, and additional retirement allowance provisions shall
4 apply if the former member becomes employed within 120 days of
5 retirement, or if the former member becomes employed as a certified
6 school nurse within 60 days of retirement, with the employer from
7 which the member retired. Nothing herein shall preclude a former
8 member so reemployed with a board of education from renewing a
9 contract for one additional year; provided that the total period of
10 employment with any individual board of education does not exceed
11 a two-year period, unless so approved by the Commissioner of
12 Education as being in the best interests of the school district; and
13 provided that no such renewal shall provide the former member an
14 election regarding whether or not to be reenrolled.

15 c. A former member of the retirement system who has been
16 granted a retirement allowance, for any cause other than disability,
17 may become employed again with the former employer in a position
18 as a coach of an athletics activity if: (1) the employment commences
19 after the retirement allowance becomes due and payable; (2) the
20 former member had attained the service retirement age, applicable to
21 that member, as of the date of retirement; and (3) the compensation
22 for the employment is less than \$15,000 per year. This subsection
23 shall be effective if the qualified status of the retirement system under
24 federal law can be maintained upon its application, and such
25 modifications to the system as may be available shall be made to
26 allow for its application. As used in this section, "former employer"
27 means the employer with which the former member held employment
28 immediately prior to retirement.

29 (cf: P.L.2019, c.184, s.1)

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31 2. This act shall take effect immediately.
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34 STATEMENT

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36 This bill would permit a certified school nurse who retired from
37 the Teachers' Pension and Annuity Fund (TPAF) to return to work
38 full time as a certified school nurse with a board of education without
39 being reenrolled in the TPAF. If the retired school nurse returns to
40 work with the former employer, it must occur more than 60 days after
41 the retirement. This bill will permit the school nurse to receive the
42 TPAF retirement allowance as well as a salary. The bill permits the
43 return to work under a contract for one year, which may be renewed
44 only for one additional year.

45 Current law has a substantially similar provision to permit certain
46 TPAF retirees to return to work with a board of education in a TPAF
47 position as a certificated superintendent or certificated administrator
48 for a limited period of time, without reenrollment in the TPAF.

1 There may be additional requirements that would have to be met
2 in certain circumstances for a return to work in order to comply with
3 the laws and regulations of the federal Internal Revenue Code.

4 Due to the COVID-19 pandemic, Governor Murphy declared a
5 State of Emergency and a Public Health Emergency by signing
6 Executive Order No. 103 on March 9, 2020. That declaration of the
7 Public Health Emergency was extended many times since then in
8 order to allow the State to continue to take methodical, strategic, and
9 appropriate action to address the continuing pandemic. Schools in
10 the State were closed for many months in 2020 and plans have been
11 developed to safely reopen the schools for the 2020-2021 school
12 year.

13 The work of a certified school nurse is demanding and sensitive
14 even in normal times. They provide health screenings and care for
15 students with chronic illnesses, disabilities, and mental health
16 conditions. They serve as advocates for students. While there is a
17 shortage of school nurses in other states, New Jersey is not yet one
18 of those states. However, filling the position of school nurse is not
19 easy, and may be especially difficult for the 2020-2021 school year
20 and thereafter.

21 Now more than ever, the school nurse is an essential employee of
22 every school district in the State. It is imperative that the State
23 address the critical need for school nurses and provide means for
24 school districts to employ well-qualified and experienced individuals
25 for these essential positions.