

[First Reprint]

ASSEMBLY, No. 4544

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

Sponsored by:

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District 28 (Essex)

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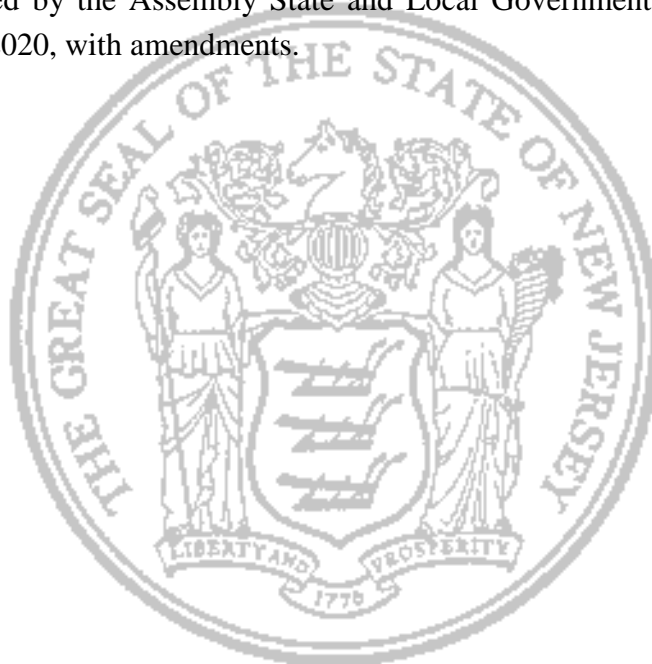
District 7 (Burlington)

SYNOPSIS

Permits school nurse who is retired from TPAF to return to employment during public health emergency and state of emergency for COVID-19 pandemic, for up to two years without reenrollment in TPAF.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on October 19, 2020, with amendments.



(Sponsorship Updated As Of: 11/16/2020)

1 AN ACT concerning a return to employment by a school nurse
2 ¹during the public health emergency and state of emergency for
3 the COVID-19 pandemic¹ after retirement from the Teachers'
4 Pension and Annuity Fund ¹**],** and amending N.J.S.18A:66-
5 53.2¹].
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*
9

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

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

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

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

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted October 19, 2020.

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

18 c. A former member of the retirement system who has been
19 granted a retirement allowance, for any cause other than disability,
20 may become employed again with the former employer in a position
21 as a coach of an athletics activity if: (1) the employment
22 commences after the retirement allowance becomes due and
23 payable; (2) the former member had attained the service retirement
24 age, applicable to that member, as of the date of retirement; and (3)
25 the compensation for the employment is less than \$15,000 per year.
26 This subsection shall be effective if the qualified status of the
27 retirement system under federal law can be maintained upon its
28 application, and such modifications to the system as may be
29 available shall be made to allow for its application. As used in this
30 section, "former employer" means the employer with which the
31 former member held employment immediately prior to retirement.
32 (cf: P.L.2019, c.184, s.1)]¹

33
34 ¹1. Notwithstanding the provisions of N.J.S.18A:66-53.2 to the
35 contrary, the cancellation, reenrollment, and additional retirement
36 allowance provisions of subsection a. of N.J.S.18A:66-53.2 shall not
37 apply to a former member of the Teachers' Pension and Annuity Fund
38 who is a certified school nurse and who, after having been granted a
39 retirement allowance, becomes employed by a board of education as a
40 certified school nurse on a contractual basis for a term of not more
41 than one year; except that the cancellation, reenrollment, and
42 additional retirement allowance provisions shall apply if the former
43 member becomes employed as a certified school nurse within 60 days
44 of retirement with the employer from which the member retired.
45 Nothing herein shall preclude a former member so reemployed with a
46 board of education from renewing a contract for one additional year;
47 provided that the total period of employment with any individual board
48 of education does not exceed a two-year period, unless so approved by

- 1 the Commissioner of Education as being in the best interests of the
2 school district; and provided that no such renewal shall provide the
3 former member an election regarding whether or not to be reenrolled.
4 This section shall apply only with regard to a certified school nurse
5 whose reemployment with any board of education commences during
6 the public health emergency and state of emergency declared by the
7 Governor in Executive Order No. 103 for the COVID-19 pandemic
8 and during any extensions of that public health emergency and state of
9 emergency.¹
10
11 2. This act shall take effect immediately.