

[Second Reprint]

SENATE, No. 3150

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senators O'Scanlon and Ruiz

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 amended by the Senate on June 3, 2021.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning a return to employment by a school nurse
 2 ²**【during the public health emergency and state of emergency for**
 3 **the COVID-19 pandemic】**² after retirement from the Teachers’
 4 Pension and Annuity Fund ²and amending N.J.S.18A:66-53.2².
 5

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

9 ²**【**1. Notwithstanding the provisions of N.J.S.18A:66-53.2 to the
 10 contrary, the cancellation, reenrollment, and additional retirement
 11 allowance provisions of subsection a. of N.J.S.18A:66-53.2 shall
 12 not apply to a former member of the Teachers’ Pension and Annuity
 13 Fund who is a certified school nurse and who, after having been
 14 granted a retirement allowance, becomes employed by a board of
 15 education as a certified school nurse on a contractual basis for a
 16 term of not more than one year; except that the cancellation,
 17 reenrollment, and additional retirement allowance provisions shall
 18 apply if the former member becomes employed as a certified school
 19 nurse within 60 days of retirement with the employer from which
 20 the member retired. Nothing herein shall preclude a former
 21 member so reemployed with a board of education from renewing a
 22 contract for one additional year; provided that the total period of
 23 employment with any individual board of education does not exceed
 24 a two-year period, unless so approved by the Commissioner of
 25 Education as being in the best interests of the school district; and
 26 provided that no such renewal shall provide the former member an
 27 election regarding whether or not to be reenrolled. ¹The former
 28 member’s retirement shall have been a bona fide retirement and any
 29 employment or reemployment under this section shall not be
 30 prearranged before retirement.¹

31 This section shall apply only with regard to a certified school
 32 nurse whose reemployment with any board of education commences
 33 during the public health emergency and state of emergency declared
 34 by the Governor in Executive Order No. 103 for the COVID-19
 35 pandemic and during any extensions of that public health
 36 emergency and state of emergency.**】**²
 37

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

39 18A:66-53.2. a. Except as provided in subsection b. of this
 40 section, if a former member of the retirement system who has been
 41 granted a retirement allowance for any cause other than disability,
 42 becomes employed again in a position which makes him eligible to
 43 be a member of the retirement system, his retirement allowance and

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:

¹Senate SSG committee amendments adopted December 14, 2020.

²Senate floor amendments adopted June 3, 2021.

1 the right to any death benefit as a result of his former membership,
2 shall be canceled until he again retires.

3 Such person shall be reenrolled in the retirement system and
4 shall contribute thereto at a rate based on his age at the time of
5 reenrollment. Such person shall be treated as an active member for
6 determining disability or death benefits while in service and no
7 benefits pursuant to an optional selection with respect to his former
8 membership shall be paid if his death shall occur during the period
9 of such reenrollment.

10 Upon subsequent retirement of such member, his former
11 retirement allowance shall be reinstated together with any optional
12 selection, based on his former membership. In addition, he shall
13 receive an additional retirement allowance based on his subsequent
14 service as a member computed in accordance with applicable
15 provisions of this article; provided, however, that his total
16 retirement allowance upon such subsequent retirement shall not be a
17 greater proportion of his final compensation than the proportion to
18 which he would have been entitled had he remained in service
19 during the period of his prior retirement. Any death benefit to
20 which such member shall be eligible shall be based on his latest
21 retirement, but shall not be less than the death benefit that was
22 applicable to his former retirement.

23 b. The cancellation, reenrollment, and additional retirement
24 allowance provisions of subsection a. of this section shall not apply
25 to a former member of the retirement system who is a certificated
26 superintendent or a certificated administrator and who, after having
27 been granted a retirement allowance, becomes employed by the
28 State Department of Education in a position of critical need as
29 determined by the State Commissioner of Education, or becomes
30 employed by a board of education as a certificated superintendent
31 or a certificated administrator, or who is a certified school nurse
32 and who, after having been granted a retirement allowance,
33 becomes employed by a board of education as a certified school
34 nurse, on a contractual basis for a term of not more than one year;
35 except that the cancellation, reenrollment, and additional retirement
36 allowance provisions shall apply if the former member becomes
37 employed within 120 days of retirement, or if the former member
38 becomes employed as a certified school nurse within 180 days of
39 retirement, with the employer from which the member retired.
40 Nothing herein shall preclude a former member so reemployed with
41 a board of education from renewing a contract for one additional
42 year; provided that the total period of employment with any
43 individual board of education does not exceed a two-year period,
44 unless so approved by the Commissioner of Education as being in
45 the best interests of the school district; and provided that no such
46 renewal shall provide the former member an election regarding
47 whether or not to be reenrolled.

1 c. A former member of the retirement system who has been
2 granted a retirement allowance, for any cause other than disability,
3 may become employed again with the former employer in a position
4 as a coach of an athletics activity if: (1) the employment
5 commences after the retirement allowance becomes due and
6 payable; (2) the former member had attained the service retirement
7 age, applicable to that member, as of the date of retirement; and (3)
8 the compensation for the employment is less than \$15,000 per year.
9 This subsection shall be effective if the qualified status of the
10 retirement system under federal law can be maintained upon its
11 application, and such modifications to the system as may be
12 available shall be made to allow for its application. As used in this
13 section, "former employer" means the employer with which the
14 former member held employment immediately prior to retirement.²
15 (cf: P.L.2019, c.184, s.1)
16

17 2. This act shall take effect immediately.