

[Second Reprint]

ASSEMBLY, No. 4544

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman CAROL A. MURPHY

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 Senate State Government, Wagering, Tourism & Historic Preservation Committee on December 14, 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.

²Senate SSG committee amendments adopted December 14, 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
37 not apply to a former member of the Teachers' Pension and Annuity
38 Fund who is a certified school nurse and who, after having been
39 granted a retirement allowance, becomes employed by a board of
40 education as a certified school nurse on a contractual basis for a
41 term of not more than one year; except that the cancellation,
42 reenrollment, and additional retirement allowance provisions shall
43 apply if the former member becomes employed as a certified school
44 nurse within 60 days of retirement with the employer from which
45 the member retired. Nothing herein shall preclude a former
46 member so reemployed with a board of education from renewing a
47 contract for one additional year; provided that the total period of
48 employment with any individual board of education does not exceed

1 a two-year period, unless so approved by the Commissioner of
2 Education as being in the best interests of the school district; and
3 provided that no such renewal shall provide the former member an
4 election regarding whether or not to be reenrolled.

5 ²The former member's retirement shall have been a bona fide
6 retirement and any employment or reemployment under this section
7 shall not be prearranged before retirement.²

8 This section shall apply only with regard to a certified school
9 nurse whose reemployment with any board of education commences
10 during the public health emergency and state of emergency declared
11 by the Governor in Executive Order No. 103 for the COVID-19
12 pandemic and during any extensions of that public health
13 emergency and state of emergency.¹

14

15 2. This act shall take effect immediately.