

[Third 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)**

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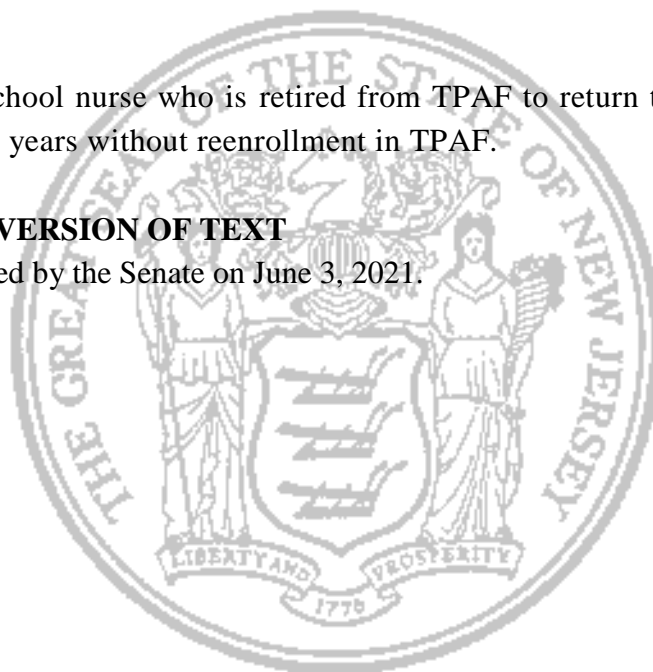
**Senators O'Scanlon and Ruiz**

**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 <sup>3</sup>[<sup>1</sup>during the public health emergency and state of emergency  
 3 for the COVID-19 pandemic<sup>1</sup>]<sup>3</sup> after retirement from the  
 4 Teachers' Pension and Annuity Fund <sup>1</sup>[, and amending  
 5 N.J.S.18A:66-53.2]<sup>1 3</sup>and amending N.J.S.18A:66-53.2<sup>3</sup>.

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

9  
 10 <sup>1</sup>[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

**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:

<sup>1</sup>Assembly ASL committee amendments adopted October 19, 2020.

<sup>2</sup>Senate SSG committee amendments adopted December 14, 2020.

<sup>3</sup>Senate floor amendments adopted June 3, 2021.

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

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

34  
35 <sup>3</sup>[<sup>1</sup>1. Notwithstanding the provisions of N.J.S.18A:66-53.2 to  
36 the contrary, the cancellation, reenrollment, and additional  
37 retirement allowance provisions of subsection a. of N.J.S.18A:66-  
38 53.2 shall not apply to a former member of the Teachers' Pension  
39 and Annuity Fund who is a certified school nurse and who, after  
40 having been granted a retirement allowance, becomes employed by  
41 a board of education as a certified school nurse on a contractual  
42 basis for a term of not more than one year; except that the  
43 cancellation, reenrollment, and additional retirement allowance  
44 provisions shall apply if the former member becomes employed as a  
45 certified school nurse within 60 days of retirement with the  
46 employer from which the member retired. Nothing herein shall  
47 preclude a former member so reemployed with a board of education  
48 from renewing a contract for one additional year; provided that the

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

7 <sup>2</sup>The former member's retirement shall have been a bona fide  
8 retirement and any employment or reemployment under this section  
9 shall not be prearranged before retirement.<sup>2</sup>

10 This section shall apply only with regard to a certified school  
11 nurse whose reemployment with any board of education commences  
12 during the public health emergency and state of emergency declared  
13 by the Governor in Executive Order No. 103 for the COVID-19  
14 pandemic and during any extensions of that public health  
15 emergency and state of emergency.<sup>1</sup><sup>3</sup>

16

17 <sup>3</sup>1. N.J.S.18A:66-53.2 is amended to read as follows:

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

25 Such person shall be reenrolled in the retirement system and  
26 shall contribute thereto at a rate based on his age at the time of  
27 reenrollment. Such person shall be treated as an active member for  
28 determining disability or death benefits while in service and no  
29 benefits pursuant to an optional selection with respect to his former  
30 membership shall be paid if his death shall occur during the period  
31 of such reenrollment.

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

45 b. The cancellation, reenrollment, and additional retirement  
46 allowance provisions of subsection a. of this section shall not apply  
47 to a former member of the retirement system who is a certificated  
48 superintendent or a certificated administrator and who, after having

1 been granted a retirement allowance, becomes employed by the  
2 State Department of Education in a position of critical need as  
3 determined by the State Commissioner of Education, or becomes  
4 employed by a board of education as a certificated superintendent  
5 or a certificated administrator, or who is a certified school nurse  
6 and who, after having been granted a retirement allowance,  
7 becomes employed by a board of education as a certified school  
8 nurse, on a contractual basis for a term of not more than one year;  
9 except that the cancellation, reenrollment, and additional retirement  
10 allowance provisions shall apply if the former member becomes  
11 employed within 120 days of retirement, or if the former member  
12 becomes employed as a certified school nurse within 180 days of  
13 retirement, with the employer from which the member retired.  
14 Nothing herein shall preclude a former member so reemployed with  
15 a board of education from renewing a contract for one additional  
16 year; provided that the total period of employment with any  
17 individual board of education does not exceed a two-year period,  
18 unless so approved by the Commissioner of Education as being in  
19 the best interests of the school district; and provided that no such  
20 renewal shall provide the former member an election regarding  
21 whether or not to be reenrolled.

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

37

38 2. This act shall take effect immediately.