

ASSEMBLY, No. 5576

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblyman Verrelli

SYNOPSIS

Permits school teacher 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 introduced.



(Sponsorship Updated As Of: 5/5/2021)

1 **AN ACT** concerning a return to employment by a school teacher
2 during the public health emergency and state of emergency for
3 the COVID-19 pandemic after retirement from the Teachers'
4 Pension and Annuity Fund.

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

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9 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 certificated teacher and who, after having been
14 granted a retirement allowance, becomes employed by a board of
15 education in a position of critical need as determined by the State
16 Commissioner of Education on a contractual basis for a term of not
17 more than one year; except that the cancellation, reenrollment, and
18 additional retirement allowance provisions shall apply if the former
19 member becomes employed within 180 days with the employer
20 from which the member retired. Nothing herein shall preclude a
21 former member so reemployed with a board of education from
22 renewing a contract for one additional year; provided that the total
23 period of employment with any individual board of education does
24 not exceed a two-year period, unless so approved by the
25 Commissioner of Education as being in the best interests of the
26 school district; and provided that no such renewal shall provide the
27 former member an election regarding whether or not to be
28 reenrolled.

29 The former member's retirement shall have been a bona fide
30 retirement and any employment or reemployment under this section
31 shall not be prearranged before retirement.

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

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill would permit a certificated teacher who retired from the
45 Teachers' Pension and Annuity Fund (TPAF) to return to work full
46 time with a board of education in a position of critical need, as
47 determined by the State Commissioner of Education, without being
48 reenrolled in the TPAF if reemployment commences during the

1 period of the public health emergency and state of emergency
2 declared due to the COVID-19 pandemic. If the retired teacher
3 returns to work with the former employer, it must occur more than
4 180 days after the retirement. This bill will permit the teacher to
5 receive the TPAF retirement allowance as well as a salary. The bill
6 permits the return to work under a contract for one year, which may
7 be renewed only for one additional year. The total period of
8 reemployment with any individual board of education must not
9 exceed a two-year period, unless so approved by the Commissioner
10 of Education as being in the best interests of the school district.
11 Under the bill, the former member's retirement must have been a
12 bona fide retirement and any employment or reemployment under
13 the bill must not be prearranged before retirement.

14 Current law has a substantially similar provision to permit
15 certain TPAF retirees to return to work with a board of education in
16 a TPAF position as a certificated superintendent or certificated
17 administrator for a limited period of time, without reenrollment in
18 the TPAF.

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

22 This bill seeks to address the anticipated need for teachers due to
23 an expected shortage during the fall 2021 academic year.