

P.L. 2021, CHAPTER 296, *approved November 8, 2021*
 Assembly, No. 4544 (*Third Reprint*)

1 AN ACT concerning a return to employment by a school nurse
 2 ³[¹during the public health emergency and state of emergency
 3 for the COVID-19 pandemic¹]³ after retirement from the
 4 Teachers' Pension and Annuity Fund ¹[, and amending
 5 N.J.S.18A:66-53.2]^{1 3}and amending N.J.S.18A:66-53.2³.

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

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.

³Senate floor amendments adopted June 3, 2021.

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

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

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39 ³[¹1. Notwithstanding the provisions of N.J.S.18A:66-53.2 to
40 the contrary, the cancellation, reenrollment, and additional
41 retirement allowance provisions of subsection a. of N.J.S.18A:66-
42 53.2 shall not apply to a former member of the Teachers' Pension
43 and Annuity Fund who is a certified school nurse and who, after
44 having been granted a retirement allowance, becomes employed by
45 a board of education as a certified school nurse on a contractual
46 basis for a term of not more than one year; except that the
47 cancellation, reenrollment, and additional retirement allowance
48 provisions shall apply if the former member becomes employed as a

1 certified school nurse within 60 days of retirement with the
2 employer from which the member retired. Nothing herein shall
3 preclude a former member so reemployed with a board of education
4 from renewing a contract for one additional year; provided that the
5 total period of employment with any individual board of education
6 does not exceed a two-year period, unless so approved by the
7 Commissioner of Education as being in the best interests of the
8 school district; and provided that no such renewal shall provide the
9 former member an election regarding whether or not to be
10 reenrolled.

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

14 This section shall apply only with regard to a certified school
15 nurse whose reemployment with any board of education commences
16 during the public health emergency and state of emergency declared
17 by the Governor in Executive Order No. 103 for the COVID-19
18 pandemic and during any extensions of that public health
19 emergency and state of emergency.¹³

20
21 ³1. N.J.S.18A:66-53.2 is amended to read as follows:

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

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

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

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

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

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42 2. This act shall take effect immediately.

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47 Permits school nurse who is retired from TPAF to return to
48 employment for up to two years without reenrollment in TPAF.