

P.L. 2019, CHAPTER 184, *approved July 19, 2019*
Senate, No. 3899 (*First Reprint*)

1 AN ACT concerning the reenrollment of certain retired members of
2 the Teachers' Pension and Annuity Fund and amending
3 N.J.S.18A:66-53.2.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. N.J.S.18A:66-53.2 is amended to read as follows:

9 18A:66-53.2. a. Except as provided in subsection b. of this
10 section, if a former member of the retirement system who has been
11 granted a retirement allowance for any cause other than disability,
12 becomes employed again in a position which makes him eligible to
13 be a member of the retirement system, his retirement allowance and
14 the right to any death benefit as a result of his former membership,
15 shall be canceled until he again retires.

16 Such person shall be reenrolled in the retirement system and
17 shall contribute thereto at a rate based on his age at the time of
18 reenrollment. Such person shall be treated as an active member for
19 determining disability or death benefits while in service and no
20 benefits pursuant to an optional selection with respect to his former
21 membership shall be paid if his death shall occur during the period
22 of such reenrollment.

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

36 b. The cancellation, reenrollment, and additional retirement
37 allowance provisions of subsection a. of this section shall not apply
38 to a former member of the retirement system who is a certificated
39 superintendent or a certificated administrator and who, after having
40 been granted a retirement allowance, becomes employed by the
41 State Department of Education in a position of critical need as
42 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:

¹Assembly floor amendments adopted June 20, 2019.

1 employed by a board of education as a certificated superintendent
2 or a certificated administrator on a contractual basis for a term of
3 not more than one year; except that the cancellation, reenrollment,
4 and additional retirement allowance provisions shall apply if the
5 former member becomes employed within 120 days of retirement
6 with the employer from which the member retired. Nothing herein
7 shall preclude a former member so reemployed with a board of
8 education from renewing a contract for one additional year~~[,]~~;
9 provided that the total period of employment with any individual
10 board of education does not exceed a two-year period, unless so
11 approved by the Commissioner of Education as being in the best
12 interests of the school district¹; and provided that no such renewal
13 shall provide the former member an election regarding whether or
14 not to be reenrolled¹.

15 c. A former member of the retirement system who has been
16 granted a retirement allowance, for any cause other than disability,
17 may become employed again with the former employer in a position
18 as a coach of an athletics activity if: (1) the employment
19 commences after the retirement allowance becomes due and
20 payable; (2) the former member had attained the service retirement
21 age, applicable to that member, as of the date of retirement; and (3)
22 the compensation for the employment is less than \$15,000 per year.
23 This subsection shall be effective if the qualified status of the
24 retirement system under federal law can be maintained upon its
25 application, and such modifications to the system as may be
26 available shall be made to allow for its application. As used in this
27 section, "former employer" means the employer with which the
28 former member held employment immediately prior to retirement.
29 (cf: P.L.2016, c.76, s.1)

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31 2. This act shall take effect immediately.

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36 Allows TPAF retiree to be employed, without TPAF
37 reenrollment, by school district as certificated superintendent or
38 administrator for more than two years when in best interests of
39 school district.