

# SENATE, No. 3798

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 8, 2023

**Sponsored by:**

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**District 40 (Bergen, Essex, Morris and Passaic)**

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**District 6 (Burlington and Camden)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

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**Senators Diegnan, O'Scanlon, Pou, Assemblymen Umba, Stanley, Assemblywomen Carter, Reynolds-Jackson, Lopez, Eulner, Piperno, Assemblymen Wimberly and Freiman**

**SYNOPSIS**

Permits teacher, and professional staff member who provides special services, who retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during the 2023-2024 school year.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 5/25/2023)

1 AN ACT concerning a return to employment by a teacher, or a  
2 professional staff member who provides special services, during  
3 the 2023-2024 school year after retirement from the Teachers'  
4 Pension and Annuity Fund.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. The Legislature finds and declares that:

10 a. On January 18, 2022, P.L.2021, c.408 was enacted  
11 permitting the return to employment of teachers and professional  
12 staff members who provide special services during the 2021-2022  
13 and 2022-2023 school years after retirement from the Teachers'  
14 Pension and Annuity Fund.

15 b. This statute was intended to assist schools and school  
16 districts throughout the State by allowing the hiring of recently  
17 retired teachers to fill significant gaps in staffing caused in part by  
18 the Covid-19 pandemic.

19 c. While this law took effect immediately upon enactment,  
20 various delays prevented many schools and school districts from  
21 receiving the benefits of this statute for significant periods of time,  
22 resulting in a reduction of the benefit this statute was intended to  
23 provide.

24 d. An ongoing teacher shortage continues to challenge schools  
25 and school districts in this State and the need for this statute  
26 remains.

27 e. It is the obligation of the Legislature to ensure that schools  
28 and school districts have the ability to ensure that they have the  
29 staffing necessary to achieve their mission of educating the youth of  
30 this State.

31 f. Therefore, it is necessary to continue the provisions of  
32 P.L.2021, c.408 to apply to the 2023-2024 school year.

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34 2. a. Notwithstanding the provisions of N.J.S.18A:66-53.2 to  
35 the contrary, the cancellation, reenrollment, and additional  
36 retirement allowance provisions of subsection a. of N.J.S.18A:66-  
37 53.2 shall not apply to a former member of the Teachers' Pension  
38 and Annuity Fund who is a teacher or who is a professional staff  
39 member providing special services, including but not limited to a  
40 speech language specialist or a therapist, and who, after having  
41 been granted a retirement allowance, becomes employed by a board  
42 of education in a position of critical need as determined by the State  
43 Commissioner of Education on a contractual basis for a term of not  
44 more than one year; except that the cancellation, reenrollment, and  
45 additional retirement allowance provisions shall apply if the former  
46 member becomes employed within 180 days with the employer  
47 from which the member retired. Nothing herein shall preclude a  
48 former member so reemployed with a board of education from

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

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

11 b. A school district of a board of education in a position of  
12 critical need, as determined by the Commissioner of Education,  
13 seeking to reemploy a former member pursuant to the provisions of  
14 subsection a. of this section shall demonstrate to the board of  
15 education the need for reemploying such members prior to  
16 reemployment by the board of education.

17 This section shall apply only with regard to a teacher or a  
18 professional staff member who provides special services whose  
19 reemployment with any board of education commences during the  
20 2023-2024 school year.

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22 3. This act shall take effect immediately.

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#### STATEMENT

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27 This bill extends P.L.2021, c. 408, permitting a teacher or a  
28 professional staff member providing special services, including but  
29 not limited to a speech language specialist or a therapist, who  
30 retired from the Teachers' Pension and Annuity Fund (TPAF) to  
31 return to work full time with a board of education in a position of  
32 critical need, as determined by the State Commissioner of  
33 Education, without being reenrolled in the TPAF if reemployment  
34 commences during the 2023-2024 school year.

35 If the retired teacher or the retired professional staff member  
36 returns to work with the former employer, it must occur more than  
37 180 days after the retirement. This bill will permit the teacher or  
38 professional staff member to receive the TPAF retirement  
39 allowance as well as a salary. The bill permits the return to work  
40 under a contract for one year, which may be renewed only for one  
41 additional year. The total period of reemployment with any  
42 individual board of education must not exceed a two-year period,  
43 unless so approved by the Commissioner of Education as being in  
44 the best interests of the school district. Under the bill, the former  
45 member's retirement must have been a bona fide retirement and any  
46 employment or reemployment under the bill must not be  
47 prearranged before retirement.