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RWH/CL

P.L.2016, CHAPTER 76, *approved December 5, 2016*
Assembly, No. 1878

1 AN ACT concerning the reemployment of a retired member of the
2 Teachers' Pension and Annuity Fund as a coach 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:
7

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
43 employed by a board of education as a certificated superintendent

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.

1 or a certificated administrator on a contractual basis for a term of
2 not more than one year; except that the cancellation, reenrollment,
3 and additional retirement allowance provisions shall apply if the
4 former member becomes employed within 120 days of retirement
5 with the employer from which the member retired. Nothing herein
6 shall preclude a former member so reemployed with a board of
7 education from renewing a contract for one additional year,
8 provided that the total period of employment with any individual
9 board of education does not exceed a two-year period.

10 c. A former member of the retirement system who has been
11 granted a retirement allowance, for any cause other than disability,
12 may become employed again with the former employer in a position
13 as a coach of an athletics activity if: (1) the employment
14 commences after the retirement allowance becomes due and
15 payable; (2) the former member had attained the service retirement
16 age, applicable to that member, as of the date of retirement; and (3)
17 the compensation for the employment is less than **[\$10,000]**
18 \$15,000 per year. This subsection shall be effective if the qualified
19 status of the retirement system under federal law can be maintained
20 upon its application, and such modifications to the system as may
21 be available shall be made to allow for its application. As used in
22 this section, "former employer" means the employer with which the
23 former member held employment immediately prior to retirement.
24 (cf: P.L.2014, c.21, s.1)

25

26 2. This act shall take effect immediately.

27

28

29

30

31 Increases to under \$15,000 from under \$10,000 amount of
32 permitted annual compensation paid to TPAF retiree reemployed as
33 athletic coach by former school district within 180 days of
34 retirement.

ASSEMBLY, No. 1878

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Increases to under \$15,000 from under \$10,000 amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of retirement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the reemployment of a retired member of the
2 Teachers' Pension and Annuity Fund as a coach and amending
3 N.J.S.18A:66-53.2.
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11 granted a retirement allowance for any cause other than disability,
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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
43 employed by a board of education as a certificated superintendent
44 or a certificated administrator on a contractual basis for a term of
45 not more than one year; except that the cancellation, reenrollment,

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.

1 and additional retirement allowance provisions shall apply if the
2 former member becomes employed within 120 days of retirement
3 with the employer from which the member retired. Nothing herein
4 shall preclude a former member so reemployed with a board of
5 education from renewing a contract for one additional year,
6 provided that the total period of employment with any individual
7 board of education does not exceed a two-year period.

8 c. A former member of the retirement system who has been
9 granted a retirement allowance, for any cause other than disability,
10 may become employed again with the former employer in a position
11 as a coach of an athletics activity if: (1) the employment
12 commences after the retirement allowance becomes due and
13 payable; (2) the former member had attained the service retirement
14 age, applicable to that member, as of the date of retirement; and (3)
15 the compensation for the employment is less than **[\$10,000]**
16 \$15,000 per year. This subsection shall be effective if the qualified
17 status of the retirement system under federal law can be maintained
18 upon its application, and such modifications to the system as may
19 be available shall be made to allow for its application. As used in
20 this section, "former employer" means the employer with which the
21 former member held employment immediately prior to retirement.

22 (cf: P.L.2014, c.21, s.1)

23
24 2. This act shall take effect immediately.

25 26 27 STATEMENT

28
29 P.L.2014, c.21 created an exception to current regulations to
30 allow a retired member of the Teachers' Pension and Annuity Fund
31 (TPAF) to become employed again with the former employer in a
32 position as a coach of an athletics activity if the employment begins
33 after the retirement allowance becomes due and payable; the retired
34 member had attained service retirement age as of the date of
35 retirement, which for most current members of the TPAF is age 60;
36 and the compensation for the employment is less than \$10,000 per
37 year. This bill increases the amount of annual compensation to less
38 than \$15,000 for TPAF retirees who are reemployed under this
39 exception.

40 The TPAF regulations require a "bona fide" severance from
41 employment before a retiree can return to any employment with the
42 former employer. A "bona fide" severance from employment
43 means a complete termination of the employee's employment
44 relationship with the employer for a period of at least 180 days.
45 These regulations were promulgated to maintain the qualified status
46 of the retirement system under federal law.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1878

STATE OF NEW JERSEY

DATED: MARCH 7, 2016

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 1878.

P.L.2014, c.21 created an exception to current regulations to allow a retired member of the Teachers' Pension and Annuity Fund (TPAF) to become employed again with the former employer in a position as a coach of an athletics activity if the employment begins after the retirement allowance becomes due and payable; the retired member had attained service retirement age as of the date of retirement, which for most current members of the TPAF is age 60; and the compensation for the employment is less than \$10,000 per year. This bill increases the amount of annual compensation to less than \$15,000 for TPAF retirees who are reemployed under this exception.

The TPAF regulations require a "bona fide" severance from employment before a retiree can return to any employment with the former employer. A "bona fide" severance from employment means a complete termination of the employee's employment relationship with the employer for a period of at least 180 days. These regulations were promulgated to maintain the qualified status of the retirement system under federal law.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill contains the changes required by technical review, which has been performed.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1878

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2016

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Assembly Bill No. 1878.

P.L.2014, c.21 created an exception to current regulations to allow a retired member of the Teachers' Pension and Annuity Fund (TPAF) to become employed again with the former employer in a position as a coach of an athletics activity if the employment begins after the retirement allowance becomes due and payable; the retired member had attained service retirement age as of the date of retirement, which for most current members of the TPAF is age 60; and the compensation for the employment is less than \$10,000 per year. This bill increases the amount of annual compensation to less than \$15,000 for TPAF retirees who are reemployed under this exception.

The TPAF regulations require a "bona fide" severance from employment before a retiree can return to any employment with the former employer. A "bona fide" severance from employment means a complete termination of the employee's employment relationship with the employer for a period of at least 180 days. These regulations were promulgated to maintain the qualified status of the retirement system under federal law.

As reported by the committee, Assembly Bill No. 1878 is identical to Senate Bill No. 2404 which was also reported by the committee on this date.

SENATE, No. 2404

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 23, 2016

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Increases to under \$15,000 from under \$10,000 amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of retirement.

CURRENT VERSION OF TEXT

As introduced.



S2404 RICE

2

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2 Teachers' Pension and Annuity Fund as a coach and amending
3 N.J.S.18A:66-53.2.

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25 selection, based on his former membership. In addition, he shall
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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
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36 b. The cancellation, reenrollment, and additional retirement
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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
43 employed by a board of education as a certificated superintendent
44 or a certificated administrator on a contractual basis for a term of
45 not more than one year; except that the cancellation, reenrollment,

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S2404 RICE

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2 former member becomes employed within 120 days of retirement
3 with the employer from which the member retired. Nothing herein
4 shall preclude a former member so reemployed with a board of
5 education from renewing a contract for one additional year,
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22 (cf: P.L.2014, c.21, s.1)

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32 position as a coach of an athletics activity if the employment begins
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45 regulations were promulgated to maintain the qualified status of the
46 retirement system under federal law.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 2404

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2016

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 2404.

P.L.2014, c.21 created an exception to current regulations to allow a retired member of the Teachers' Pension and Annuity Fund (TPAF) to become employed again with the former employer in a position as a coach of an athletics activity if the employment begins after the retirement allowance becomes due and payable; the retired member had attained service retirement age as of the date of retirement, which for most current members of the TPAF is age 60; and the compensation for the employment is less than \$10,000 per year. This bill increases the amount of annual compensation to less than \$15,000 for TPAF retirees who are reemployed under this exception.

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As reported by the committee, Senate Bill No. 2404 is identical to Assembly Bill No. 1878 which was also reported by the committee on this date.

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Governor Chris Christie Signs Legislation Strengthening New Jersey Residents' Security

Monday, December 5, 2016

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Takes Action on Pending Legislation

Trenton, NJ – Governor Chris Christie today signed a package of legislation designed to make New Jerseyans safer. The measures include requirements for schools to conduct yearly security training alongside first responders (A-3349/S-2438) and that existing and any new school architectural plans include certain security measures (A-3348/S-2439). Additionally, A-1946/S-1257 expands domestic violence statutes to include cyber-harassment.

"We must make every effort to ensure New Jersey citizens are safe and secure whether they are in their school buildings or online," said Governor Christie. "These new laws will require safety measures to be built into new school construction and all school personnel to be trained annually on safety and security. Additionally, I have signed a bill to address one of the fastest growing threats we face in the 21st century, cyber-harassment. This new law will help victims of domestic violence whose abusers choose to attack through the web and social media outlets."

Governor Chris Christie also took action on the following legislation:

BILL SIGNINGS:

S-384/A-3470 (Greenstein/Johnson) - Requires correctional facilities to provide inmates with prescription medication that was prescribed for chronic conditions existing prior to incarceration

S-743/ACS for A-2761 (Beach, Sarlo, Ruiz/Mazzeo, Zwicker, Jasey, Vainieri Huttle, Schaer, Jones, Eustace, Land, Gusciora, Andrzejczak, Downey, Houghtaling, Benson, Mukherji, McKeon, Lampitt) - Directs Higher Education Student Assistance Authority to forgive certain student loans in the event of student borrower's death or total and permanent disability and grant deferment for temporary total disability

S-1041/A-1449 (Weinberg, Gordon/Lampitt, Benson, Vainieri Huttle, Tucker, Wimberly, Downey) - Requires DHS to develop timeline for use by individuals with developmental disabilities to gain benefit of State and federal programs; requires posting timeline on DHS, DCF, and DOE websites

S-2024/A-3793 (Madden, Oroho/Eustace, Peterson, Conaway, Mukherji, Benson, McKnight) - Clarifies that product approval from U.S. Food and Drug Administration is not required for drug manufacturer to file registration statement, and specifies timeframe by which DOH must review registration statements

S-2337/A-3985 (Sacco, Allen/Jimenez, O'Scanlon, Mukherji, Benson, Peterson) - Permits law enforcement agencies to buy firearms directly from manufacturers; clarifies permits and identification cards not required

S-2338/A-3914 (Whelan, Stack/Mazzeo) - Allows existing rural development areas zoned for industrial use under pinelands comprehensive management plan to be included as eligible areas under certain business incentive programs

A-1878/S-2404 (Wimberly/Rice) - Increases to under \$15,000 from under \$10,000 amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of

retirement

A-2519/S-1152 (DeAngelo, Holley, Mazzeo, Downey, McKnight/Greenstein, Beach) - Directs Attorney General to develop plan to disseminate Amber and Silver Alert information through social media

A-3662/S-2374 (Schaer, Caride, Vainieri Huttie, Mukherji, McKnight, Chiaravalloti, Quijano/Weinberg, Pou) – "Rosa-Bonilla Family Act"; concerns development of carbon monoxide poisoning educational program for drivers

A-3748/S-2115 (DeAngelo, Eustace, Mukherji, Holley, Benson, Beach/Cruz-Perez) - Requires DMVA to create registry for organizations providing services to veterans

AJR-23/SJR-30 (Andrzejczak, Land, Wimberly, Taliaferro/Van Drew) - Designates third weekend in October each year as "Shuck, Sip, and Slurp Weekend" to promote NJ oysters, wine, and beer

AJR-24/SJR-36 (Andrzejczak, Houghtaling/Van Drew, Connors) - Declares aquaculture an important State economic driver and urges State to include aquaculture industry in its economic development plans

AJR-25/SJR-14 (Land, Andrzejczak/Van Drew) - Recognizes Delaware Bayshore as region of special significance in NJ

AJR-98 (Space, Taliaferro) - Designates June of each year as "Native Plant Appreciation Month"

BILLS VETOED:

S-51/A-547 (Lesniak, Cunningham/Pinkin, Sumter, Vainieri Huttie, Gusciora, Muolo) – **ABSOLUTE** - Restricts use of isolated confinement in correctional facilities

S-92/A-2815 (Whelan/Mosquera, Jones, DeAngelo, Mazzeo, Johnson, Houghtaling) – **CONDITIONAL** - Revises "Overseas Residents Absentee Voting Law" to mirror federal law; permits overseas voters to vote in any election; permits use of federal write-in absentee ballot to vote, register or request ballot for all elections

Press Contact:

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