



State of New Jersey

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DIVISION OF PENSIONS AND BENEFITS
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TO: Certifying Officers of the Teachers' Pension and Annuity Fund
FROM: New Jersey Division of Pensions & Benefits (NJDPB)
SUBJECT: P.L. 2023, c. 121 (Chapter 121)

Governor Murphy recently signed into law P.L. 2023, c. 121 (Chapter 121), an extension of P.L. 2021, c. 408 (Chapter 408), which waives reenrollment into the Teachers' Pension and Annuity Fund (TPAF) for certain retirees hired by a Board of Education in teaching and professional staff positions of critical need as determined by the State Commissioner of Education for a period of up to two years without reenrollment in the TPAF if employment commences during the 2023-2024 school year.

EMPLOYER RESPONSIBILITIES PRIOR TO HIRING A RETIREE TO A POSITION OF CRITICAL NEED

Boards of Education who have a critical need to hire a retired teacher or professional staff member due to the ongoing shortage of teachers must first apply to the Commissioner of Education and receive approval to do so. Once approved, employers are required to submit a duly completed *Notification of Employment After Retirement* form (attached) to the NJDPB for each retired teacher within 15 calendar days of the retired teacher's hire.

Important Note: A copy of the approval received from the Board of Education's Executive County Superintendent (NJDOE) must accompany the *Notification of Employment After Retirement* form. The employer must also state when the retiree's services will be terminated at their location on line #14b of the form since temporary employment without reenrollment of a retiree must not exceed the period as stipulated by this law.

SPECIAL RULES

To be eligible for temporary employment without reenrollment, retirees must have a complete severance from their employer for at least 30 days from the date of retirement or the date of the Board of Trustees approval of retirement, whichever is later. In the case of a retiree who becomes reemployed with the same employer from which they retired, there must be a complete severance for at least 180 days. **Note:** Teachers who work a 10-month school year and retire on July 1 or August 1 must count the 30- or 180-day severance of employment beginning at the start of the new school year in September.

The retiree and employer must not have engaged in any pre-planning for a return to employment. Pre-planning will deem the retirement non-bona fide.

The period of reemployment may be under a contract for one year, and may be renewed for one additional year with that board of education, provided that the total period of employment with any individual board of education does not exceed a two-year period, unless so approved by the Commissioner of Education as being in the best interests of the school district.

ADDITIONAL INFORMATION

For additional information regarding a retiree returning to employment and the rehiring of retirees under this law, please see the attached fact sheet, *Employment After Retirement Restrictions*. This fact sheet and *Notification of Employment After Retirement* form can also be found on our website at: www.nj.gov/treasury/pensions

If you have questions regarding any of the information provided in this letter, contact the NJDPB's Office of Client Services at (609) 292-7524, or email the NJDPB at: pensions.nj@treas.nj.gov

Enclosures:

Notification of Employment After Retirement form
Employment After Retirement fact sheet