

Return to Employment – Teachers and other Professionals

Governor Murphy signed into law a bill that permits certain staff members who have had a bona fide retirement to return to employment during the 2021-22 and 2022-23 school years under certain conditions.

WHO DOES THE NEW LAW APPLY TO?

Teachers and other certificated professionals providing a special service.

WHAT ARE THE CONDITIONS?

1. The law only applies to reemployment of a retiree that commences in the 2021-22 and 2022-23 school years.
2. The district must prove, and the Commissioner of Education must find there is, critical need to employ a retiree collecting a pension.
3. The retiree must have had a bona fide severance of employment. Please see the end of this advisory for a review on what constitutes on a bona fide severance of employment.
4. The contract can be for one year with a possible extension for one additional year. Reemployment beyond the two-year period would need to be approved by the Commissioner of Education.

WHAT IS A BONA FIDE RETIREMENT?

For a retirement to be deemed bona fide, there must be a complete severance of the employee's relationship with the employer.

1. For re-employment in the district the member retired from:
 - There can be no employment including part-time, volunteer or sub-contracted work for a period of 180 days from the date of retirement or the date the pension board approves the retirement, whichever is later.
 - The 180-day count begins September 1st for July 1st retirees who were 10-month employees.
 - No pre-arrangement of re-employment until the 180-day count has been completed.
2. For re-employment in a NJ public school district other than the one the member retired from:
 - No employment including part-time, volunteer or sub-contracted work for a period of 30 days after the pension is due and payable.
 - No pre-arrangement of re-employment until 30 days after the pension is due and payable.

Note: Due and payable means the retirement has been approved by the board of trustees and no changes were made in the beneficiary or option after the retirement date.

If any arrangement to return to the former employer in any capacity, including as a volunteer, is made between the employer and the employee prior to establishing a bona fide break in service, the employer/employee relationship is not completely severed, and the retirement is invalid.