

P.L. 2023, CHAPTER 249, *approved January 8, 2024*
Assembly, No. 5208

1 **AN ACT** concerning a temporary return to employment by a former
2 employee of the Legislature after retirement from the Public
3 Employees' Retirement System, and amending P.L.2021, c.498.

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

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8 1. Section 1 of P.L.2021, c.498 shall be amended to read as
9 follows:

10 1. Notwithstanding any provision of P.L.1954, c.84 (C.43:15A-1
11 et seq.) to the contrary, a former member of the Public Employees'
12 Retirement System who is a former employee of the Legislature and
13 who has been granted a retirement allowance prior to the effective date
14 of **[this act,]** P.L.2021, c.498, or during calendar **[year]** years 2022,
15 2023, or 2024, for any cause other than disability, may return to
16 employment in the Legislature, without cancellation of the retirement
17 and reenrollment in the system, for a term of not more than **[two]** four
18 years if: (1) the return commences no less than 30 days after the
19 retirement allowance becomes due and payable; (2) the former member
20 had attained the service retirement age, applicable to that member, as of
21 the date of retirement; and (3) the former member is re-employed as a
22 part-time employee and works no more than 20 hours per week.

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

26 This section shall be effective if the qualified status of the retirement
27 system under federal law can be maintained upon its application, and
28 such notifications to the system as may be available shall be made to
29 allow for its application.

30 A former member of the Legislature shall not be eligible to return to
31 employment or office with the Legislature under this section.

32 A former member of the retirement system who returned to
33 employment pursuant to this section prior to the effective date of
34 P.L. , c. (pending before the Legislature as this bill) shall be
35 permitted to extend the term of the return to employment from two years
36 to four years from the date of return.

37 (cf: P.L.2021, c.498, s.1)

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39 2. This act shall take effect immediately.

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.

STATEMENT

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This bill extends the provision of current law that permits a retired member of the Public Employees' Retirement System (PERS) to return to employment with the Legislature under certain circumstances.

Under current law, a retired member of the PERS who was employed with the Legislature and who was granted a retirement allowance prior to or on January 18, 2021, or during calendar year 2022, for any cause other than disability, may return to employment with the Legislature, without cancellation of the retirement and reenrollment in the PERS, for a term of not more than two years. This return is permitted if:

- (1) the return commences no less than 30 days after the retirement allowance becomes due and payable;
- (2) the retired member had attained the service retirement age, applicable to that member, as of the date of retirement; and
- (3) the retired member is re-employed as a part-time employee and works no more than 20 hours per week.

The retirement has to be a bona fide retirement and any return to employment under this law cannot be prearranged before retirement. The law does not apply to a former member of the Legislature itself.

Under this bill, the current law is extended to any PERS member who retires during 2023 and 2024, and the term of the return to employment is extended to four years from two years. A retired member who returned to employment under the current law is permitted to extend the employment from two years to four years from the date of return.

Extends provisions of P.L.2021, c.498 in certain circumstances.