

17:3-2.3 Multiple enrollees

A "teacher" employed in two or more positions that meet the eligibility requirements for enrollment in the Fund as stated in N.J.A.C. 17:3-2.1 must enroll in the Fund through each of the positions.

Repeal and New Rule, R.2002 d.352, effective November 4, 2002.
See: 34 N.J.R. 1997(a), 34 N.J.R. 3782(c).
Section was "Full-Time".

Case Notes

Part-time (three days per week) school social worker performing all duties of position while at work, with another part-time employee performing duties at other times, held not eligible for pension fund membership, in furtherance of the Fund's establishment to benefit "career" rather than part-time teachers. *Caplan v. Bd. of Trustees, Teachers' Pension and Annuity Fund*, 3 N.J.A.R. 129 (1981).

17:3-2.4 Emergency or provisional certificate

(a) Any teacher employed under an emergency or provisional certificate, who is appointed to a regular full-time or part-time position under contract, shall be eligible for enrollment as of the date of employment.

(b) In the event a teacher does not qualify for a regular teaching certificate before the emergency or provisional certificate expires and such teacher is continued in employment as a substitute or temporary employee, such member:

1. Will not be permitted to make contributions to the fund while employed in a substitute or temporary status;
2. Will be permitted to retain inactive membership for a period not in excess of two years;
3. Will be permitted to purchase credit for the period of substitute service as may be provided by statute.
4. Will not be covered for either the non-contributory or contributory insurance during the period of substitute service, in which event such member may exercise group life insurance conversion rights.

As amended, R.1973 d.49, effective February 14, 1973.
See: 5 N.J.R. 20(b), 5 N.J.R. 95(b).
Amended by R.2002 d.352, effective November 4, 2002.
See: 34 N.J.R. 1997(a), 34 N.J.R. 3782(c).

In (a), added "or part-time" following "full-time"; in (b), deleted gender references throughout.

17:3-2.5 Janitors

Any janitorial employee who was enrolled prior to August 1, 1966 shall be eligible to continue membership until such membership terminates.

17:3-2.6 Ineligible positions; interim appointment to Boards of Education for those not covered by the provisions of P.L. 2001, c.355 (N.J.S.A. 18A:66-53.2b)

(a) Any person, who is not covered by the provisions of P.L. 2001, c.355 (N.J.S.A. 18A:66-53.2b), whose benefit has become due and payable as provided by N.J.A.C. 17:3-6.3

from the Teachers' Pension and Annuity Fund who is temporarily appointed to any position listed in N.J.A.C. 17:3-2.1 or the functional equivalent thereof shall be ineligible for enrollment in the retirement system if the total time for all interim appointments with one board of education does not exceed six months. If the total time for all the interim appointments with one board of education exceeds six months, the individual shall be declared an employee for pension purposes and shall be enrolled in the Fund effective the first day of the seventh month of service.

(b) At the TPAF Board's discretion, an extension of no more than six months of service with one board of education may be granted on a case-by-case basis. The retired member must submit the request for an extension. Factors to be considered by the TPAF Board when considering an extension include, but are not limited to, the following:

1. The availability of an on-site replacement;
2. External factors such as:
 - i. Pending litigation;
 - ii. Medical leaves/death;
 - iii. Construction/reconstruction;
 - iv. Disasters; and
 - v. Rapid turnover of interims in the position;
3. The degree of student contact;
4. Whether a contract has been issued for the position (interim to fill gap until new hire is able to start position);
5. The time of year; and
6. The board of education's policy on hiring including:
 - i. Quality of search;
 - ii. Length of search; and
 - iii. Rejection factors.

New Rule, R.1999 d.430, effective December 20, 1999.
See: 31 N.J.R. 2708(a), 31 N.J.R. 4293(a).
Amended by R.2001 d.373, effective October 15, 2001.
See: 33 N.J.R. 2400(a), 33 N.J.R. 3669(b).

In (a), added the designation and substituted "whose benefit has become due and payable as provided by N.J.A.C. 17:3-6.3" for "retired"; added (b).

Amended by R.2002 d.352, effective November 4, 2002.
See: 34 N.J.R. 1997(a), 34 N.J.R. 3782(c).

In (a), inserted "who is not covered by the provisions of P.L. 2001, c.355 (N.J.S.A. 18A:66-53.2b)" in the first sentence.

17:3-2.7 Enrollment following deferred retirement

(a) The membership account under which a member elected deferred retirement, who resumes regular service prior to age 60, shall be reinstated.

(b) If the member returned to employment prior to July 1, 1995, the member shall be assigned the original rate of contribution if the member resumes service before a period of two years has elapsed since the member last made a contribution to the account.

(c) If there has been a lapse of more than two years, a commuted rate shall be assigned. Such commuted rate of contribution shall be determined by adding the lapsed period to the member's age as of the date of original enrollment.

(d) Members who return to employment after July 1, 1995 shall be assigned the flat contribution rate in effect at the time of their return to employment.

As amended, R.1980 d.103, effective March 5, 1980.
See: 12 N.J.R. 55(b), 12 N.J.R. 224(e).
Amended by R.2002 d.352, effective November 4, 2002.
See: 34 N.J.R. 1997(a), 34 N.J.R. 3782(c).
Rewrote the section.

17:3-2.8 Enrollment date

(a) New employees in the classified service shall be considered as beginning their service on the date of their regular appointments.

1. For employers who report on a monthly basis, the compulsory enrollment date shall be fixed as the first of the month for an employee whose regular appointment date falls between the first through the 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an employee whose regular appointment date falls between the 17th and the end of the month.

2. For employers who report on a biweekly basis, the compulsory enrollment date shall be fixed as the first day of the pay period for an employee whose appointment date falls on the first through seventh day of the biweekly pay period. The compulsory enrollment date shall be fixed as the first day of the following biweekly pay period for an employee whose appointment date falls on any subsequent date within that pay period.

(b) The compulsory enrollment of "teachers" was not in effect until January 1, 1956. Any employee, other than a veteran, who was employed prior to January 1, 1956 was given the option to enroll or not enroll and that employee continues to retain this option provided there has been no change in employer since January 1, 1956. If an employee is an optional enrollee, and wishes to enroll in the Fund, the employee shall be enrolled as of the first of the month following the receipt of the enrollment application for those whose employers report on a monthly basis or the first day of the next biweekly pay period for those whose employers report on a biweekly basis.

(c) An employee in the unclassified service shall be considered as beginning service on the date of the original appointment.

1. For local employers not covered by Civil Service, a regular appointment shall constitute the first day of work after the date the employee originally accepted employment in a regular budgeted position.

2. For employers who report on a monthly basis, the compulsory enrollment date shall be fixed as the first of the month for an employee whose beginning employment date falls between the first through 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an employee whose beginning employment date falls between the 17th and the end of the month.

3. For employers who report on a biweekly basis, the compulsory enrollment date shall be fixed as the first day of the pay period for an employee whose date of hire falls on the first through seventh day of the biweekly pay period. The compulsory enrollment date shall be fixed as the first day of the following biweekly pay period for an employee whose date of hire falls on any subsequent date within that pay period.

New Rule, R.2002 d.352, effective November 4, 2002.
See: 34 N.J.R. 1997(a), 34 N.J.R. 3782(c).

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:3-3.1 Compulsory and optional enrollment

(a) For the purpose of contributory insurance, all compulsory enrollees, including veterans, under age 60 at the time their enrollment application is filed, shall be required to participate in the contributory insurance program for one year (12 calendar months) from the date of enrollment, or the effective date of insurance premium deduction, whichever is later. Proof of insurability shall be required for all compulsory and optional enrollees, age 60 or older, in order to qualify for noncontributory and contributory insurance coverage.

(b) Optional enrollees under age 60 may qualify for noncontributory and contributory insurance coverage only if they were actively at work performing all of the duties that the position requires at the time they made application for enrollment, and such application was filed within one year from the date they first became eligible for enrollment in the Fund. If an application for an optional enrollee is not received within one year after the optional enrollee became eligible for enrollment, evidence of insurability will be required for the noncontributory and contributory coverage.

(c) When proof of insurability is required, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising the member that the member must prove insurability by taking a medical examination and meeting the eligibility requirements of the Fund underwriter.