

2. If the value of the calculation in (g)1 above is less than zero for a calendar year, then the adjustment factor for the calendar year shall be equal to zero. If the value of that fraction is greater than 1.04 for a calendar year then the adjustment factor for the calendar year shall be equal to 1.04.

3. The adjustment shall be calculated on or about July 1 each calendar year to become effective on January 1 of the subsequent calendar year.

4. Increases in the minimum annual base salary shall be made in multiples of \$100.00, except that any increase, which is not a multiple of \$100.00 will be rounded to the next lowest multiple of \$100.00. Each annual adjustment shall not be more than four percent when compared to the preceding year's minimum annual base salary.

(h) The calculation and any needed adjustment pursuant to (g) above shall be published via a notice of administrative change in the New Jersey Register revising the minimum annual base salary.

As amended, R.1973 d.49, effective February 14, 1973.

See: 5 N.J.R. 20(b), 5 N.J.R. 95(b).

As amended, R.1979 d.205, effective May 22, 1979.

See: 11 N.J.R. 208(a), 11 N.J.R. 359(a).

As amended, R.1980 d.103, effective March 5, 1980.

See: 12 N.J.R. 55(b), 12 N.J.R. 224(e).

As amended, R.1983 d.484, effective November 7, 1983.

See: 15 N.J.R. 1360(b), 15 N.J.R. 1871(a).

Assistant principal added to list of position.

Amended by R.1985 d.658, effective January 6, 1986.

See: 17 N.J.R. 2238(b), 18 N.J.R. 93(c).

(b)1 deleted text "serving under a contract not conditioned by the continuance of Federal funding;"

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 "Eligible positions".

Amended by R.2008 d.94, effective April 21, 2008.

See: 39 N.J.R. 5058(b), 40 N.J.R. 2122(a).

In (a)1, substituted "Examiners, pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.A.C. 6A:9" for "Education"; in (b), substituted "Examiners, pursuant to N.J.S.A. 18A:6-34 et seq. and N.J.A.C. 6A:9," for "Education"; in (e), deleted "of Trustees" following "permits the Board"; and added (f).

Amended by R.2009 d.253, effective August 17, 2009.

See: 41 N.J.R. 1713(a), 41 N.J.R. 3111(a).

In the introductory paragraph of (a), deleted a comma following "education"; in (a)3, substituted "Prior to November 2, 2008, the" for "The"; and added (g) and (h).

Public Notice: August 28, 2009 Increase in the Minimum Annual Base Salary for Participation in the Teachers' Pension and Annuity Fund.

See: 41 N.J.R. 3863(b).

Public Notice: Notice of the Minimum Annual Base Salary for Participation in the Teachers' Pension and Annuity Fund.

See: 42 N.J.R. 3002(a).

Public Notice: Notice of the Minimum Annual Base Salary for Participation in the Teachers' Pension and Annuity Fund.

See: 43 N.J.R. 3052(b).

Amended by R.2015 d.170, effective November 16, 2015.

See: 47 N.J.R. 1242(a), 47 N.J.R. 2876(a).

Rewrote the section.

Case Notes

Substitute teacher was temporary employee within meaning of statutory amendment including temporary public employees in retirement system. *Schulaner v. Board of Trustees*, 92 N.J.A.R.2d (TYP) 55.

Director of Community Adult Education and Principal of Adult High School held not eligible for pension fund membership as positions were not included in statutory definition of teacher (Board's Final Decision). *Carrea v. Bd. of Trustees, Teachers' Pension and Annuity Fund*, 5 N.J.A.R. 419 (1979), reversed per curiam Docket No. A-506-79 (App.Div.1980).

17:3-2.2 Documentation required

If a person is appointed to a position that does not appear to meet the eligibility requirements for membership in the Fund, as specified in N.J.A.C. 17:3-2.1, the position shall be referred to the Board for its determination as to the person's eligibility for participation in the Fund. In order to determine such person's eligibility for enrollment, the employer shall be required to support the enrollment application with a statement setting forth the duties, qualifications, tenure rights, and State Board of Examiners' Certification requirements of the position.

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.

Amended by R.2008 d.94, effective April 21, 2008.

See: 39 N.J.R. 5058(b), 40 N.J.R. 2122(a).

Inserted a comma following the first occurrence of "position", deleted "of Trustees" following "referred to the Board" and inserted "of Examiners".

Amended by R.2015 d.170, effective November 16, 2015.

See: 47 N.J.R. 1242(a), 47 N.J.R. 2876(a).

Substituted "position that does not appear to" for "position, which does not" and "its determination" for "their determination", and inserted a comma following "Fund" and "rights".

Case Notes

Director of Community Adult Education and Principal of Adult High School held not eligible for pension fund membership as positions were not included in statutory definition of teacher (Board's Final Decision). *Carrea v. Bd. of Trustees, Teachers' Pension and Annuity Fund*, 5 N.J.A.R. 419 (1979), reversed per curiam Docket No. A-506-79 (App.Div.1980).

17:3-2.3 Multiple enrollees

(a) A multiple enrollee is a member who is employed by more than one TPAF participating employer at the same time; each of the member's TPAF-participating employers shall report to the Fund about that member. Pursuant to the provisions of N.J.S.A. 18A:66-19.1, multiple enrollments are not permitted for any member who enrolls or enrolled in the Fund after May 21, 2010, and for any member who enrolled in the Fund on or before May 21, 2010, who had a pension reporting period without pay (break in service) after May 21, 2010.

(b) For TPAF enrollments that occurred on or before May 21, 2010, a "teacher" employed in two or more positions that met the eligibility requirements for enrollment in the Fund, as stated in N.J.A.C. 17:3-2.1, was required to enroll in the Fund through each of the positions. If a break in service or termination of employment occurs in either position after May 21, 2010, multiple enrollment is no longer permitted.

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".

Amended by R.2015 d.170, effective November 16, 2015.
See: 47 N.J.R. 1242(a), 47 N.J.R. 2876(a).
Rewrote the section.

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 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.

Amended by R.2008 d.94, effective April 21, 2008.

See: 39 N.J.R. 5058(b), 40 N.J.R. 2122(a).

In (b)1, substituted "Fund" for "fund".

Amended by R.2015 d.170, effective November 16, 2015.

See: 47 N.J.R. 1242(a), 47 N.J.R. 2876(a).

In (a), deleted "or part-time" following "full-time".

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 (Reserved)

Repealed by R.2003 d.438, effective November 3, 2003.

See: 35 N.J.R. 2585(a), 35 N.J.R. 5148(a).

Section was "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)".

17:3-2.7 Enrollment following deferred retirement

(a) For a member enrolled in the retirement system prior to November 2, 2008, who elects a deferred retirement:

1. If the member resumes regular service prior to age 60 and within the two-year period stipulated by N.J.S.A. 18A:66-7(a) or the longer period provided by N.J.S.A. 18A:66-8.a, the membership account under which the member elected a deferred retirement shall be continued.

2. If the member resumes regular service prior to age 60, but after the period for continued membership stipulated by N.J.S.A. 18A:66-7(a) or 8.a has expired, then such member shall be enrolled in the retirement system under a new membership account and shall be subject to such benefits and requirements as shall apply to new members of the retirement system as of the date of such new enrollment.

(b) For a member enrolled in the retirement system on or after November 2, 2008, but prior to June 28, 2011, who elects a deferred retirement:

1. If the member resumes regular service prior to age 62 and within the two-year period stipulated by N.J.S.A. 18A:66-7(a), or the longer period provided by N.J.S.A. 18A:66-8, the membership account under which the member elected a deferred retirement shall be continued.

2. If the member resumes regular service prior to age 62, but after the period for continued membership stipulated by N.J.S.A. 18A:66-7(a) or 8.a has expired, then such member shall be enrolled in the retirement system under a new membership account and shall be subject to such benefits and requirements as shall apply to new members of the retirement system as of the date of such new enrollment.

(c) For a member enrolled in the retirement system on or after June 28, 2011, who elects a deferred retirement:

1. If the member resumes regular service prior to age 65 and within the two-year period stipulated by N.J.S.A. 18A:66-7(a) or the longer period provided by N.J.S.A. 18A:66-8.a, the membership account under which a member elected deferred retirement shall be continued.

2. If the member resumes regular service prior to age 65, but after the period for continued membership stipulated by N.J.S.A. 18A:66-7(a) or 8.a has expired, then such member shall be enrolled in the retirement system under a new membership account and shall be subject to such benefits and requirements as shall apply to new members of the retirement system as of the date of such new enrollment.

(d) In the event that (a)2, (b)2, or (c)2 above applies, the member may elect to transfer all service credit associated with the previously vested membership to the new membership account and such service credit will be subject to the benefits and requirements as shall apply to new members of