

[Second Reprint]

**SENATE, No. 2107**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED MAY 2, 2016

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**SYNOPSIS**

Provides that PERS or PFRS member who continues to be volunteer firefighter or emergency services worker after retirement with employer from whom member retires has bona fide severance for compliance with State and federal law.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on May 22, 2017.

(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning retirement from employment covered by the  
2 Public Employees' Retirement System and the Police and  
3 Firemen's Retirement System, and supplementing P.L.1954,  
4 c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et  
5 seq.).

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

9  
10 1. The retirement of a member of the Public Employees'  
11 Retirement System, established pursuant to P.L.1954,  
12 c.84 (C.43:15A-1 et seq.), who (1) on the date of retirement has  
13 attained the service retirement age applicable to that member and is  
14 a volunteer firefighter <sup>1</sup>or first aid worker, rescue squad worker, or  
15 emergency medical technician serving as a volunteer<sup>1</sup> with the same  
16 employer from whose employment the member retires; and (2)  
17 remains a volunteer firefighter <sup>1</sup>or first aid worker, rescue squad  
18 worker, or emergency medical technician serving as a volunteer<sup>1</sup>  
19 after the date of retirement, shall be a bona fide severance from  
20 employment, notwithstanding that the retired employee maintains  
21 the relationship of a volunteer firefighter <sup>1</sup>or first aid worker, rescue  
22 squad worker, or emergency medical technician serving as a  
23 volunteer<sup>1</sup> with the same employer from whose employment the  
24 member retired. This act shall be effective if the qualified status of  
25 the retirement system under federal law can be maintained upon its  
26 application, and such modifications to the system as may be  
27 available shall be made to allow for its application.

28 <sup>2</sup>Notwithstanding any other provisions of law to the contrary,  
29 the provisions of this section shall not be construed to permit a paid  
30 firefighter employed by a part-paid fire department to serve as a  
31 volunteer with the department from which the paid firefighter  
32 retired.<sup>2</sup>

33  
34 2. The retirement of a member of the Police and Firemen's  
35 Retirement System, established pursuant to P.L.1944,  
36 c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has  
37 attained the service retirement age applicable to that member and is  
38 a volunteer firefighter <sup>1</sup>or first aid worker, rescue squad worker, or  
39 emergency medical technician serving as a volunteer<sup>1</sup> with the same  
40 employer from whose employment the member retires; and (2)  
41 remains a volunteer firefighter <sup>1</sup>or first aid worker, rescue squad  
42 worker, or emergency medical technician serving as a volunteer<sup>1</sup>  
43 after the date of retirement, shall be a bona fide severance from

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SSG committee amendments adopted June 9, 2016.

<sup>2</sup>Assembly floor amendments adopted May 22, 2017.

1 employment, notwithstanding that the retired employee maintains  
2 the relationship of a volunteer firefighter <sup>1</sup>or first aid worker, rescue  
3 squad worker, or emergency medical technician serving as a  
4 volunteer<sup>1</sup> with the same employer from whose employment the  
5 member retired. This act shall be effective if the qualified status of  
6 the retirement system under federal law can be maintained upon its  
7 application, and such modifications to the system as may be  
8 available shall be made to allow for its application.

9 <sup>2</sup>Notwithstanding any other provisions of law to the contrary, the  
10 provisions of this section shall not be construed to permit a paid  
11 firefighter employed by a part-paid fire department to serve as a  
12 volunteer with the department from which the paid firefighter  
13 retired.<sup>2</sup>

14

15 3. This act shall take effect immediately.