

[First Reprint]  
**ASSEMBLY, No. 1627**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman HOLLY T. SCHEPISI**

**District 39 (Bergen and Passaic)**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Assemblyman ROBERT AUTH**

**District 39 (Bergen and Passaic)**

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**District 17 (Middlesex and Somerset)**

**Assemblyman JOHN DIMAIO**

**District 23 (Hunterdon, Somerset and Warren)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Space, Assemblywoman N.Munoz, Assemblyman Johnson, Assemblywoman Chaparro, Assemblymen Harold J. Wirths, Calabrese, Assemblywomen DiMaso, Murphy, Assemblymen Gusciora, Rooney, Tully, Assemblywomen Swain, Pinkin, Senators Corrado, Oroho, Pennacchio, A.R.Bucco and Singleton**

**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 Senate on June 21, 2018.

(Sponsorship Updated As Of: 6/26/2018)

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, c.84 (C.43:15A-  
 12 1 et seq.), who (1) on the date of retirement has attained the service  
 13 retirement age applicable to that member and is a volunteer firefighter  
 14 or first aid worker, rescue squad worker, or emergency medical  
 15 technician serving as a volunteer <sup>1</sup>**【with the same employer from**  
 16 **whose employment the member retires】** in the same jurisdiction<sup>1</sup>; and  
 17 (2) remains a volunteer firefighter or first aid worker, rescue squad  
 18 worker, or emergency medical technician serving as a volunteer after  
 19 the date of retirement <sup>1</sup>as long as the employee's job duties were  
 20 substantially different or, if the employee's job duties were similar, the  
 21 employee has a break in service of at least 30 days after retirement<sup>1</sup>,  
 22 shall be a bona fide severance from employment, notwithstanding that  
 23 the retired employee maintains the relationship of a volunteer  
 24 firefighter or first aid worker, rescue squad worker, or emergency  
 25 medical technician serving as a volunteer with the same employer  
 26 from whose employment the member retired. This act shall be  
 27 effective if the qualified status of the retirement system under federal  
 28 law can be maintained upon its application, and such modifications to  
 29 the system as may be available shall be made to allow for its  
 30 application.

31 Notwithstanding any other provisions of law to the contrary, the  
 32 provisions of this section shall not be construed to permit a paid  
 33 firefighter employed by a part-paid fire department to serve as a  
 34 volunteer with the department from which the paid firefighter retired.

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

**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 floor amendments adopted June 21, 2018.**

1 as a volunteer after the date of retirement as long as the employee's  
2 job duties were substantially different or, if the employee's job duties  
3 were similar, the employee has a break in service of at least 30 days  
4 after retirement<sup>1</sup>, shall be a bona fide severance from employment,  
5 notwithstanding that the retired employee maintains the relationship of  
6 a volunteer firefighter or first aid worker, rescue squad\_worker, or  
7 emergency medical technician serving as a volunteer with the same  
8 employer from whose employment the member retired. This act shall  
9 be effective if the qualified status of the retirement system under  
10 federal law can be maintained upon its application, and such  
11 modifications to the system as may be available shall be made to allow  
12 for its application.

13 Notwithstanding any other provisions of law to the contrary, the  
14 provisions of this section shall not be construed to permit a paid  
15 firefighter employed by a part-paid fire department to serve as a  
16 volunteer with the department from which the paid firefighter retired.

17

18 3. This act shall take effect immediately.