

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)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

**Assemblyman Space, Assemblywoman N.Munoz, Assemblyman Johnson,
Assemblywoman Chaparro, Assemblymen Harold J. Wirths, Calabrese,
Assemblywomen DiMaso, Murphy, Assemblymen Gusciora and Rooney**

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 reported by the Assembly Law and Public Safety Committee with technical review.

(Sponsorship Updated As Of: 4/13/2018)

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 a
14 volunteer firefighter or first aid worker, rescue squad worker, or
15 emergency medical technician serving as a volunteer with the same
16 employer from whose employment the member retires; and (2)
17 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, shall be a bona fide severance from
20 employment, notwithstanding that the retired employee maintains the
21 relationship of a volunteer firefighter or first aid worker, rescue squad
22 worker, or emergency medical technician serving as a volunteer with
23 the same employer from whose employment the member retired. This
24 act shall be effective if the qualified status of the retirement system
25 under federal law can be maintained upon its application, and such
26 modifications to the system as may be available shall be made to allow
27 for its application.

28 Notwithstanding any other provisions of law to the contrary, the
29 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 retired.

32

33 2. The retirement of a member of the Police and Firemen's
34 Retirement System, established pursuant to P.L.1944,
35 c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has
36 attained the service retirement age applicable to that member and is a
37 volunteer firefighter or first aid worker, rescue squad worker, or
38 emergency medical technician serving as a volunteer with the same
39 employer from whose employment the member retires; and (2)
40 remains a volunteer firefighter or first aid worker, rescue squad
41 worker, or emergency medical technician serving as a volunteer after
42 the date of retirement, shall be a bona fide severance from
43 employment, notwithstanding that the retired employee maintains the
44 relationship of a volunteer firefighter or first aid worker, rescue squad
45 worker, or emergency medical technician serving as a volunteer with
46 the same employer from whose employment the member retired. This
47 act shall be effective if the qualified status of the retirement system
48 under federal law can be maintained upon its application, and such

1 modifications to the system as may be available shall be made to allow
2 for its application.

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

7

8 3. This act shall take effect immediately.