

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3828

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3828.

A law enacted in 1955 established the law enforcement officer (LEO) category as a special group of the Public Employees' Retirement System (PERS). The members of the LEO group are eligible for enhanced retirement benefits not available to regular PERS members.

Under current law, the category of individuals authorized to participate as LEO members is limited and is specifically defined in the law by the title of the eligible position. An individual who does not meet the age or medical requirements for entry into the Police and Firemen's Retirement System (PFRS) as a result of employment in a title specifically named in that law is eligible to participate in the LEO category or as a regular member of the PERS. An individual employed in an eligible job title who meets the enrollment criteria is enrolled in the LEO category of PERS membership, unless the member specifically signs a waiver. A LEO-eligible individual who signs the waiver is enrolled as a non-law enforcement officer in the regular PERS retirement system; however, any member holding a LEO-eligible title is subject to the mandatory retirement provision of the current law.

This bill provides that a county corrections officer, county corrections sergeant, county corrections lieutenant, county corrections captain, and an investigator in a county department of corrections, and an officer, detective, sergeant, lieutenant, and captain of a county police department, and any permanent and fulltime firefighter employed by the State, a county, fire district, or a municipality, or agency thereof, who is enrolled in the PERS before or after the effective date of this bill will be enrolled in the law enforcement officer category of the PERS, unless the member signs a waiver of participation.

As amended, under the bill, the term "law enforcement officer" would also mean county corrections police officer, county corrections police sergeant, county corrections police lieutenant, county

corrections police captain, and investigator in a county department of corrections, and officer, detective, sergeant, lieutenant, and captain of a county police department, State corrections officer and detective and investigator in the Division of Criminal Justice in the Department of Law and Public Safety, sheriff's corrections police officer, sheriff's corrections police sergeant, sheriff's corrections police lieutenant, and sheriff's corrections police captain, Burlington County Bridge Commission police officer, Burlington County Bridge Commission police sergeant, Burlington County Bridge Commission police lieutenant, and Burlington County Bridge Commission police captain, Cherry Hill campus police officer, and any permanent and fulltime firefighter, emergency medical technician, and public safety dispatcher employed by the State, a county, fire district, or a municipality, or agency thereof.

Upon enrollment in the law enforcement officer category, these members will be eligible for the enhanced benefits provided to LEO group members.

As amended, the bill would prohibit a person who is over the age of 35 years from being appointed by a county or the State to a position that is eligible for enrollment in the Police and Firemen's Retirement System. Nothing contained in the bill, as amended, would affect the employment or continuance in office of any person employed prior to the effective date the bill.

PROPOSED COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

(1) add additional titles to the definition of law enforcement officer in the bill; and

(2) prohibit a person who is over the age of 35 years from being appointed by a county or the State to a position that is eligible for enrollment in the Police and Firemen's Retirement System.