

ASSEMBLY, No. 3914

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Benson, Zwicker, Assemblywoman Jasey, Assemblyman Tully, Assemblywomen Swain and Reynolds-Jackson

SYNOPSIS

Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/13/2020)

1 AN ACT concerning the hiring, retention, and benefits of certain
2 public employees during the public health hazard posed by
3 coronavirus disease 2019 (COVID-19) and supplementing
4 P.L.2007, c.92 (C.43:15C-1 et seq.) and P.L.1969, c.242
5 (C.18A:66-169 et seq.).
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. Notwithstanding the provisions of section 7 of P.L.1954, c.84
11 (C.43:15A-7), section 65 of P.L.1954, c.84 (C.43:15A-65), section
12 27 of P.L.1966, c.217 (C.43:15A-57.2), or any other law or
13 regulation to the contrary, during the Public Health Emergency or
14 State of Emergency declared by the Governor in Executive Order No.
15 103 of 2020, reenrollment in the Public Employees' Retirement
16 System shall not be a condition of full-time employment with a public
17 agency or other participating employer for a retired member who
18 retired for any reason other than disability, has had a bona fide
19 severance from employment, and is returning to work on a temporary
20 basis in response to the Public Health Emergency or State of
21 Emergency. This provision applies to a retired member who retired
22 for any reason other than disability, has completed at least a 30-day
23 separation from his or her employer from the date of retirement or
24 the date of board approval, whichever is later, and returns to work for
25 an employer in a State-administered retirement system on a
26 temporary basis in response to the Public Health Emergency or State
27 of Emergency. A retired member returning to work on a temporary
28 basis pursuant to this section shall be deemed a temporary
29 appointment for civil service purposes but shall not be subject to the
30 limitation on service time set forth in N.J.A.C.4A:4-1.7.
31

32 2. Notwithstanding the provisions of section 3 of P.L.1944,
33 c.255 (C.43:16A-3), section 20 of P.L.1971, c.175 (C.43:16A-15.3),
34 or any other law or regulation to the contrary, during the Public
35 Health Emergency or State of Emergency declared by the Governor
36 in Executive Order No. 103 of 2020, reenrollment in the Police and
37 Firemen's Retirement System of New Jersey shall not be a condition
38 of employment as a full-time policeman or fireman for a retired
39 member who retired for any reason other than disability, has had a
40 bona fide severance from employment, and is returning to work on a
41 temporary basis in response to the Public Health Emergency or State
42 of Emergency. This provision applies to a retired member who
43 retired for any reason other than disability, has completed at least a
44 30-day separation from his or her employer from the date of
45 retirement or the date of board approval, whichever is later, and
46 returns to work for an employer in a State-administered retirement
47 system on a temporary basis in response to the Public Health
48 Emergency or State of Emergency. A retired member returning to

1 work on a temporary basis pursuant to this section shall be deemed a
2 temporary appointment for civil service purposes but shall not be
3 subject to the limitation on service time set forth in N.J.A.C.4A:4-
4 1.7.

5
6 3. Notwithstanding the provisions of section 5 of P.L.1965, c.89
7 (C.53:5A-5) or any other law or regulation to the contrary, during the
8 Public Health Emergency or State of Emergency declared by the
9 Governor in Executive Order No. 103 of 2020, reenrollment in the
10 State Police Retirement System shall not be a condition of
11 employment as a full-time officer, non-commissioned officer, or
12 trooper for a retired member who retired for any reason other than
13 disability, has had a bona fide severance from employment, and is
14 returning to work on a temporary basis in response to the Public
15 Health Emergency or State of Emergency. This provision applies to
16 a retired member who retired for any reason other than disability, has
17 completed at least a 30-day separation from his or her employer from
18 the date of retirement or the date of board approval, whichever is
19 later, and returns to work for an employer in a State-administered
20 retirement system on a temporary basis in response to the Public
21 Health Emergency or State of Emergency. A retired member
22 returning to work on a temporary basis pursuant to this section shall
23 be deemed a temporary appointment for civil service purposes but
24 shall not be subject to the limitation on service time set forth in
25 N.J.A.C.4A:4-1.7.

26
27 4. Notwithstanding the provisions of sections 3 and 7 of
28 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law
29 or regulation to the contrary, during the Public Health Emergency or
30 State of Emergency declared by the Governor in Executive Order No.
31 103 of 2020, immediately upon hire, a person shall be deemed an
32 employee eligible for participation in the State Health Benefits
33 Program, provided such person is or was hired as a new employee on
34 or after February 3, 2020 to provide services needed because of the
35 coronavirus disease 2019 (COVID-19) pandemic. If a retiree is
36 returning to work on a temporary basis in response to the Public
37 Health Emergency or State of Emergency and already enrolled in the
38 State Health Benefits Program as a retiree, the retiree shall continue
39 to maintain the same health benefits coverage with the same terms
40 concerning health benefits coverage, including, but not limited to any
41 contributions, during the retiree's temporary return to employment.

42
43 5. Notwithstanding the provisions of section 10 of P.L.1985,
44 c.439 (C.40A:14-146.17) or any other law or regulation to the
45 contrary, during the Public Health Emergency or State of Emergency
46 declared by the Governor in Executive Order No. 103 of 2020, there
47 shall be no limit on the number of Class Two special law enforcement
48 officers employed by a local unit.

1 6. Notwithstanding the provisions of section 3 of P.L.1998,
2 c.146 (C.52:17B-69.2) or any other law or regulation to the contrary,
3 during the Public Health Emergency or State of Emergency declared
4 by the Governor in Executive Order No. 103 of 2020, any person who
5 has completed a training course pursuant to section 2 of P.L.1998,
6 c.146 (C.52:17B-69.1), commonly referred to as Alternate Route
7 Training, shall be eligible for appointment as a Class Two special law
8 enforcement officer by a local unit, in accordance with P.L. 1985,
9 c.439 (C.40A:14-146.8 et seq.), and based upon conditions set by the
10 Police Training Commission in accordance with the Police Training
11 Act, P.L.1961, c.56 (C.52:17B-66 et seq.), for such time as the Public
12 Health Emergency or State of Emergency remains in effect.

13
14 7. Notwithstanding the provisions of section 5 of P.L.1965, c.89
15 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the
16 contrary, members of the 160th Class of the New Jersey State Police
17 Academy, which commenced training on February 24, 2020, shall
18 become eligible for membership in the State Police Retirement
19 System, P.L.1965, c.89 (C.53:5A-1 et seq.), on August 7, 2020, the
20 originally scheduled date of their academy graduation which was
21 extended as a result of the Public Health Emergency and State of
22 Emergency declared by the Governor in Executive Order No. 103 of
23 2020. In addition, upon completion of pre-service training and
24 graduation from the New Jersey State Police Academy, members of
25 the 160th Class of the New Jersey State Police Academy shall be
26 eligible for appointment as sworn members of the New Jersey State
27 Police at that time regardless of age, notwithstanding the provisions
28 of R.S.53:1-9 relating to the maximum age requirement for
29 appointment as a member of the State Police.

30
31 8. Notwithstanding the provisions of subsection c. of section 8
32 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the
33 contrary, a member appointed to the State Police who attains the age
34 of 55 years while in active service on or after the effective date of
35 this act shall not be required to retire and may continue in active
36 service during the Public Health Emergency or State of Emergency
37 declared by the Governor in Executive Order No. 103 of 2020.

38
39 9. Notwithstanding the provisions of section 3 of P.L.1955,
40 c.257 (C.43:15A-99), section 5 of P.L.1944, c.255 (C.43:16A-5), or
41 any other law or regulation to the contrary, a member of the Police
42 and Firemen's Retirement System of New Jersey or a law
43 enforcement officer, as defined in section 1 of P.L.1955, c.257
44 (C.43:15A-97), who is a member of the Public Employees'
45 Retirement System, and who attains the mandatory retirement age set
46 forth in section 3 of P.L.1955, c.257 (C.43:15A-99) or section 5 of
47 P.L.1944, c.255 (C.43:16A-5) applicable to that officer or member
48 while in active service on or after the effective date of this act shall

1 not be required to retire and may continue in active service during
2 the Public Health Emergency or State of Emergency declared by the
3 Governor in Executive Order No. 103 of 2020.

4
5 10. Notwithstanding the provisions of section 9 of P.L.1969,
6 c.242 (C.18A:66-175) or any other law or regulation to the contrary,
7 a member or participant in the alternate benefit program who elects
8 to receive a distribution under a federal stimulus program in response
9 to the coronavirus disease 2019 (COVID-19) pandemic, including,
10 but not limited to, a “coronavirus-related distribution” under the
11 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.
12 116-136 (2020), shall not have his or her membership or participation
13 terminated and shall not be considered retired.

14
15 11. Notwithstanding the provisions of section 1 of P.L.2007, c.92
16 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law or regulation to
17 the contrary, a participant in the defined contribution retirement
18 program may elect to receive, prior to the participant's severance
19 from employment, a distribution under a federal stimulus program in
20 response to the coronavirus disease 2019 (COVID-19) pandemic,
21 including, but not limited to, a “coronavirus-related distribution”
22 under the Coronavirus Aid, Relief, and Economic Security Act, Pub.
23 L. No. 116-136 (2020).

24
25 12. This act shall take effect immediately and shall be retroactive
26 to April 6, 2020. Sections 1 through 9 of this act shall expire when
27 the Governor declares both the Public Health Emergency and State
28 of Emergency to be over.

29
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31 STATEMENT

32
33 This bill provides for the temporary employment of former public
34 employees who retired from the Public Employees’ Retirement
35 System, the Police and Firemen’s Retirement System, or the State
36 Police Retirement System, during the Public Health Emergency or
37 State of Emergency declared by the Governor in Executive Order No.
38 103 of 2020.

39 The bill permits a public employee to be eligible for participation
40 in the State Health Benefits Program immediately upon hire,
41 provided such person is or was hired as a new employee on or after
42 February 3, 2020 to provide services needed because of the
43 coronavirus disease 2019 (COVID-19) pandemic.

44 This bill removes the limit, during the Public Health Emergency
45 or State of Emergency declared by the Governor in Executive Order
46 No. 103 of 2020, on the number of Class Two special law
47 enforcement officers that may be employed by a local unit.

1 This bill provides that, during the Public Health Emergency or
2 State of Emergency declared by the Governor in Executive Order No.
3 103 of 2020, any person who has completed a training course
4 commonly referred to as Alternate Route Training will be eligible for
5 appointment as a Class Two special law enforcement officer by a
6 local unit for such time as the Public Health Emergency or State of
7 Emergency remains in effect.

8 This bill provides that the members of the 160th Class of the New
9 Jersey State Police Academy, which commenced training on
10 February 24, 2020, will become eligible for membership in the State
11 Police Retirement System on August 7, 2020, the originally
12 scheduled date of their academy graduation which was extended as a
13 result of the Public Health Emergency and State of Emergency
14 declared by the Governor in Executive Order No. 103 of 2020. In
15 addition, upon completion of pre-service training and graduation
16 from the New Jersey State Police Academy, members of the 160th
17 Class of the New Jersey State Police Academy will be eligible for
18 appointment as sworn members of the New Jersey State Police at that
19 time regardless of age.

20 This bill provides that a member of the State Police who attains
21 the age of 55 years while in active service on or after the effective
22 date of this bill will not be required to retire and may continue in
23 active service during the Public Health Emergency or State of
24 Emergency declared by the Governor in Executive Order No. 103 of
25 2020. Also, a member of the Police and Firemen's Retirement
26 System of New Jersey or a law enforcement officer who is a member
27 of the Public Employees' Retirement System who attains the
28 mandatory retirement age while in active service on or after the
29 effective date of this bill will not be required to retire and may
30 continue in active service during the Public Health Emergency or
31 State of Emergency declared by the Governor in Executive Order No.
32 103 of 2020.

33 Finally, the bill permits a participant of the alternate benefit
34 program or the defined contribution retirement program to receive a
35 distribution under a federal stimulus program in response to the
36 coronavirus disease 2019 (COVID-19) pandemic, including, but not
37 limited to, a "coronavirus-related distribution" under the Coronavirus
38 Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020),
39 and remain employed.