

[First Reprint]

ASSEMBLY, No. 3914

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 9, 2020

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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 reported by the Senate Budget and Appropriations Committee on July 28, 2020, with amendments.

(Sponsorship Updated As Of: 9/24/2020)

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

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

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:

¹Senate SBA committee amendments adopted July 28, 2020.

1 retirement or the date of board approval, whichever is later, and
2 returns to work for an employer in a State-administered retirement
3 system on a temporary basis in response to the Public Health
4 Emergency or State of Emergency. A retired member returning to
5 work on a temporary basis pursuant to this section shall be deemed
6 a temporary appointment for civil service purposes but shall not be
7 subject to the limitation on service time set forth in N.J.A.C.4A:4-
8 1.7.

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

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

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

7
8 6. Notwithstanding the provisions of section 3 of P.L.1998,
9 c.146 (C.52:17B-69.2) or any other law or regulation to the
10 contrary, during the Public Health Emergency or State of
11 Emergency declared by the Governor in Executive Order No. 103 of
12 2020, any person who has completed a training course pursuant to
13 section 2 of P.L.1998, c.146 (C.52:17B-69.1), commonly referred to
14 as Alternate Route Training, shall be eligible for appointment as a
15 Class Two special law enforcement officer by a local unit, in
16 accordance with P.L. 1985, c.439 (C.40A:14-146.8 et seq.), and
17 based upon conditions set by the Police Training Commission in
18 accordance with the Police Training Act, P.L.1961, c.56 (C.52:17B-
19 66 et seq.), for such time as the Public Health Emergency or State
20 of Emergency remains in effect.

21
22 7. Notwithstanding the provisions of section 5 of P.L.1965, c.89
23 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the
24 contrary, members of the 160th Class of the New Jersey State
25 Police Academy, which commenced training on February 24, 2020,
26 shall **'[become eligible for membership] be enrolled'**¹ in the State
27 Police Retirement System, P.L.1965, c.89 (C.53:5A-1 et seq.), ¹**and**
28 **contributions by the State and the member shall commence,**¹ on
29 August 7, 2020, the originally scheduled date of their academy
30 graduation which was extended as a result of the Public Health
31 Emergency and State of Emergency declared by the Governor in
32 Executive Order No. 103 of 2020. ¹**The period of membership**
33 **commencing August 7, 2020 and thereafter shall be deemed**
34 **creditable service as a member of the system for purposes of section**
35 **6 of P.L.1965, c.89 (C.53:5A-6).**¹ In addition, upon completion of
36 pre-service training and graduation from the New Jersey State
37 Police Academy, members of the 160th Class of the New Jersey
38 State Police Academy shall be eligible for appointment as sworn
39 members of the New Jersey State Police at that time regardless of
40 age, notwithstanding the provisions of R.S.53:1-9 relating to the
41 maximum age requirement for appointment as a member of the
42 State Police.

43
44 8. Notwithstanding the provisions of subsection c. of section 8
45 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the
46 contrary, a member appointed to the State Police who attains the
47 age of 55 years while in active service on or after the effective date

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

4
5 9. Notwithstanding the provisions of section 3 of P.L.1955,
6 c.257 (C.43:15A-99), section 5 of P.L.1944, c.255 (C.43:16A-5), or
7 any other law or regulation to the contrary, a member of the Police
8 and Firemen's Retirement System of New Jersey or a law
9 enforcement officer, as defined in section 1 of P.L.1955, c.257
10 (C.43:15A-97), who is a member of the Public Employees'
11 Retirement System, and who attains the mandatory retirement age
12 set forth in section 3 of P.L.1955, c.257 (C.43:15A-99) or section 5
13 of P.L.1944, c.255 (C.43:16A-5) applicable to that officer or
14 member while in active service on or after the effective date of this
15 act shall not be required to retire and may continue in active service
16 during the Public Health Emergency or State of Emergency
17 declared by the Governor in Executive Order No. 103 of 2020.

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

28
29 11. Notwithstanding the provisions of section 1 of P.L.2007,
30 c.92 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law or
31 regulation to the contrary, a participant in the defined contribution
32 retirement program may elect to receive, prior to the participant's
33 severance from employment, a distribution under a federal stimulus
34 program in response to the coronavirus disease 2019 (COVID-19)
35 pandemic, including, but not limited to, a "coronavirus-related
36 distribution" under the Coronavirus Aid, Relief, and Economic
37 Security Act, Pub. L. No. 116-136 (2020).

38
39 12. This act shall take effect immediately and shall be
40 retroactive to April 6, 2020. Sections 1 through 9 of this act shall
41 expire when the Governor declares both the Public Health
42 Emergency and State of Emergency to be over.