

§§1-9 -T&E
§10 –
C.18A:66-175.1
§11 –
C.43:15C-5.1
§12 - Note

P.L. 2020, CHAPTER 115, *approved October 30, 2020*
Assembly, No. 3914 (*First Reprint*)

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

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 Firemen's Retirement System of New Jersey shall not be a condition
2 of employment as a full-time policeman or fireman for a retired
3 member who retired for any reason other than disability, has had a
4 bona fide severance from employment, and is returning to work on
5 a temporary basis in response to the Public Health Emergency or
6 State of Emergency. This provision applies to a retired member
7 who retired for any reason other than disability, has completed at
8 least a 30-day separation from his or her employer from the date of
9 retirement or the date of board approval, whichever is later, and
10 returns to work for an employer in a State-administered retirement
11 system on a temporary basis in response to the Public Health
12 Emergency or State of Emergency. A retired member returning to
13 work on a temporary basis pursuant to this section shall be deemed
14 a temporary appointment for civil service purposes but shall not be
15 subject to the limitation on service time set forth in N.J.A.C.4A:4-
16 1.7.

17

18 3. Notwithstanding the provisions of section 5 of P.L.1965,
19 c.89 (C.53:5A-5) or any other law or regulation to the contrary,
20 during the Public Health Emergency or State of Emergency
21 declared by the Governor in Executive Order No. 103 of 2020,
22 reenrollment in the State Police Retirement System shall not be a
23 condition of employment as a full-time officer, non-commissioned
24 officer, or trooper for a retired member who retired for any reason
25 other than disability, has had a bona fide severance from
26 employment, and is returning to work on a temporary basis in
27 response to the Public Health Emergency or State of Emergency.
28 This provision applies to a retired member who retired for any
29 reason other than disability, has completed at least a 30-day
30 separation from his or her employer from the date of retirement or
31 the date of board approval, whichever is later, and returns to work
32 for an employer in a State-administered retirement system on a
33 temporary basis in response to the Public Health Emergency or
34 State of Emergency. A retired member returning to work on a
35 temporary basis pursuant to this section shall be deemed a
36 temporary appointment for civil service purposes but shall not be
37 subject to the limitation on service time set forth in N.J.A.C.4A:4-
38 1.7.

39

40 4. Notwithstanding the provisions of sections 3 and 7 of
41 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law
42 or regulation to the contrary, during the Public Health Emergency
43 or State of Emergency declared by the Governor in Executive Order
44 No. 103 of 2020, immediately upon hire, a person shall be deemed
45 an employee eligible for participation in the State Health Benefits
46 Program, provided such person is or was hired as a new employee
47 on or after February 3, 2020 to provide services needed because of
48 the coronavirus disease 2019 (COVID-19) pandemic. If a retiree is

1 returning to work on a temporary basis in response to the Public
2 Health Emergency or State of Emergency and already enrolled in
3 the State Health Benefits Program as a retiree, the retiree shall
4 continue to maintain the same health benefits coverage with the
5 same terms concerning health benefits coverage, including, but not
6 limited to any contributions, during the retiree's temporary return to
7 employment.

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9 5. Notwithstanding the provisions of section 10 of P.L.1985,
10 c.439 (C.40A:14-146.17) or any other law or regulation to the
11 contrary, during the Public Health Emergency or State of
12 Emergency declared by the Governor in Executive Order No. 103 of
13 2020, there shall be no limit on the number of Class Two special
14 law enforcement officers employed by a local unit.

15
16 6. Notwithstanding the provisions of section 3 of P.L.1998,
17 c.146 (C.52:17B-69.2) or any other law or regulation to the
18 contrary, during the Public Health Emergency or State of
19 Emergency declared by the Governor in Executive Order No. 103 of
20 2020, any person who has completed a training course pursuant to
21 section 2 of P.L.1998, c.146 (C.52:17B-69.1), commonly referred to
22 as Alternate Route Training, shall be eligible for appointment as a
23 Class Two special law enforcement officer by a local unit, in
24 accordance with P.L. 1985, c.439 (C.40A:14-146.8 et seq.), and
25 based upon conditions set by the Police Training Commission in
26 accordance with the Police Training Act, P.L.1961, c.56 (C.52:17B-
27 66 et seq.), for such time as the Public Health Emergency or State
28 of Emergency remains in effect.

29
30 7. Notwithstanding the provisions of section 5 of P.L.1965, c.89
31 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the
32 contrary, members of the 160th Class of the New Jersey State
33 Police Academy, which commenced training on February 24, 2020,
34 shall ¹~~become eligible for membership~~ be enrolled¹ in the State
35 Police Retirement System, P.L.1965, c.89 (C.53:5A-1 et seq.), ¹and
36 contributions by the State and the member shall commence,¹ on
37 August 7, 2020, the originally scheduled date of their academy
38 graduation which was extended as a result of the Public Health
39 Emergency and State of Emergency declared by the Governor in
40 Executive Order No. 103 of 2020. ¹The period of membership
41 commencing August 7, 2020 and thereafter shall be deemed
42 creditable service as a member of the system for purposes of section
43 6 of P.L.1965, c.89 (C.53:5A-6).¹ In addition, upon completion of
44 pre-service training and graduation from the New Jersey State
45 Police Academy, members of the 160th Class of the New Jersey
46 State Police Academy shall be eligible for appointment as sworn
47 members of the New Jersey State Police at that time regardless of

1 age, notwithstanding the provisions of R.S.53:1-9 relating to the
2 maximum age requirement for appointment as a member of the
3 State Police.

4
5 8. Notwithstanding the provisions of subsection c. of section 8
6 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the
7 contrary, a member appointed to the State Police who attains the
8 age of 55 years while in active service on or after the effective date
9 of this act shall not be required to retire and may continue in active
10 service during the Public Health Emergency or State of Emergency
11 declared by the Governor in Executive Order No. 103 of 2020.

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

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

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

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47 12. This act shall take effect immediately and shall be
48 retroactive to April 6, 2020. Sections 1 through 9 of this act shall

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1 expire when the Governor declares both the Public Health
2 Emergency and State of Emergency to be over.

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