

SENATE, No. 1964

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Permits participation in law enforcement officer category of PERS by members who were not eligible for enrollment in PFRS due to age or medical restrictions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning participation in the law enforcement officer
2 category of the Public Employees' Retirement System and
3 supplementing P.L.1955, c.257.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. Any member who is enrolled in the Public Employees'
9 Retirement System on or after the effective date of P.L. ,
10 c. (pending before the Legislature as this bill) because the
11 member does not meet the age or medical requirement for
12 enrollment in the Police and Firemen's Retirement System on the
13 basis of the position held shall be enrolled in the law enforcement
14 officer category of the system, unless the member signs a waiver of
15 participation within 90 days of receiving the notification of
16 eligibility for participation in that category. A member who signs
17 the waiver shall be enrolled as a non-law enforcement officer in the
18 regular system, except that the member shall be subject to
19 compulsory retirement as provided in section 3 of P.L.1955, c. 257
20 (C.43:15A-99).

21 b. Any member who was enrolled in the Public Employees'
22 Retirement System before the effective date of P.L. , c. (pending
23 before the Legislature as this bill) because the member did not meet
24 the age or medical requirement for enrollment in the Police and
25 Firemen's Retirement System on the basis of the position held shall
26 be enrolled as a participant in the law enforcement officer category
27 of the system within 90 days following the effective of P.L. , c.
28 (pending before the Legislature as this bill), unless the member
29 signs a waiver of participation within 60 days of receiving the
30 notification of eligibility for participation in that category. A
31 member who signs the waiver shall remain enrolled as a non-law
32 enforcement officer in the regular system and the member shall not
33 be subject to compulsory retirement as provided in section 3 of
34 P.L.1955, c. 257 (C.43:15A-99).

35 c. Any member who is enrolled as a participant of the law
36 enforcement officer category of the Public Employees' Retirement
37 System in accordance with subsection a. or b. of this section shall
38 be eligible for all the benefits and shall be subject to all the
39 requirements set forth in P.L.1955, c.257 (C.43:15A-97 et seq.)
40 from the date the member is made a participant. All service credit
41 in the regular Public Employees' Retirement System in a position
42 eligible for participation in the category under subsection b. of this
43 section shall be considered service credit as a law enforcement
44 officer in that category when the member is made a participant of
45 the category.

46 d. This section shall apply to any person who meets the
47 eligibility requirement set forth herein, notwithstanding the

1 definition of law enforcement officer in section 1 of P.L.1955,
2 c.257 (C.43:15A-97).

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4 2. This act shall take effect immediately.

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STATEMENT

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9 A law enacted in 1955 established the law enforcement officer
10 (LEO) category as a special group of the Public Employees'
11 Retirement System (PERS). The LEO group is eligible for
12 enhanced retirement benefits not available to regular PERS
13 members. The category of individuals authorized to participate as
14 LEO members is limited and is specifically defined in the law by
15 the title of the eligible position. An individual who does not meet
16 the age or medical requirements for entry into the Police and
17 Firemen's Retirement System (PFRS) as a result of employment in
18 a title specifically named in that law is eligible to participate in the
19 LEO category or as a regular member of the PERS. An individual
20 employed in an eligible job title who meets the enrollment criteria
21 will be enrolled in the LEO category of PERS membership, unless
22 the member specifically signs a waiver. A LEO-eligible individual
23 who signs the waiver will be enrolled as a non-law enforcement
24 officer in the regular PERS retirement system; however, any
25 member holding a LEO-eligible title is subject to the mandatory
26 retirement provision of the current law.

27 This bill provides that any individual who is enrolled in the
28 PERS before or after the effective date of this bill because the
29 individual does not meet the age or medical requirement for
30 enrollment in the PFRS, even if the individual's job title is not
31 listed in the current law, will be enrolled in the law enforcement
32 officer category of the PERS, unless the member signs a waiver of
33 participation. Upon enrollment in the law enforcement officer
34 category, these members will also be eligible for enhanced benefits.