

[First Reprint]

SENATE, No. 2376

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

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: 6/11/2020)

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

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

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 separation from his or her employer from the date of retirement or
2 the date of board approval, whichever is later, and returns to work
3 for an employer in a State-administered retirement system on a
4 temporary basis in response to the Public Health Emergency or
5 State of Emergency. A retired member returning to work on a
6 temporary basis pursuant to this section shall be deemed a
7 temporary appointment for civil service purposes but shall not be
8 subject to the limitation on service time set forth in N.J.A.C.4A:4-
9 1.7.

10
11 3. Notwithstanding the provisions of section 5 of
12 P.L.1965, c.89 (C.53:5A-5) or any other law or regulation to the
13 contrary, during the Public Health Emergency or State of
14 Emergency declared by the Governor in Executive Order No. 103 of
15 2020, reenrollment in the State Police Retirement System shall not
16 be a condition of employment as a full-time officer, non-
17 commissioned officer, or trooper for a retired member who retired
18 for any reason other than disability, has had a bona fide severance
19 from employment, and is returning to work on a temporary basis in
20 response to the Public Health Emergency or State of Emergency.
21 This provision applies to a retired member who retired for any
22 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
25 for an employer in a State-administered retirement system on a
26 temporary basis in response to the Public Health Emergency or
27 State of Emergency. A retired member returning to work on a
28 temporary basis pursuant to this section shall be deemed a
29 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 4. Notwithstanding the provisions of sections 3 and 7 of
34 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law
35 or regulation to the contrary, during the Public Health Emergency
36 or State of Emergency declared by the Governor in Executive Order
37 No. 103 of 2020, immediately upon hire, a person shall be deemed
38 an employee eligible for participation in the State Health Benefits
39 Program, provided such person is or was hired as a new employee
40 on or after February 3, 2020 to provide services needed because of
41 the coronavirus disease 2019 (COVID-19) pandemic. If a retiree is
42 returning to work on a temporary basis in response to the Public
43 Health Emergency or State of Emergency and already enrolled in
44 the State Health Benefits Program as a retiree, the retiree shall
45 continue to maintain the same health benefits coverage with the
46 same terms concerning health benefits coverage, including, but not
47 limited to any contributions, during the retiree's temporary return to
48 employment.

1 5. Notwithstanding the provisions of section 10 of
2 P.L.1985, c.439 (C.40A:14-146.17) or any other law or regulation
3 to the 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
9 P.L.1998, c.146 (C.52:17B-69.2) or any other law or regulation to
10 the 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
23 P.L.1965, c.89 of P.L.1983, c.403 (C.53:5A-5) or any other law or
24 regulation to the contrary, members of the 160th Class of the New
25 Jersey State Police Academy, which commenced training on
26 February 24, 2020, shall **'[become eligible for membership] be**
27 **enrolled**¹ in the State Police Retirement System, P.L.1965, c.89
28 (C.53:5A-1 et seq.), ¹**and contributions by the State and the member**
29 **shall commence,**¹ on August 7, 2020, the originally scheduled date
30 of their academy graduation which was extended as a result of the
31 Public Health Emergency and State of Emergency declared by the
32 Governor in Executive Order No. 103 of 2020. ¹**The period of**
33 **membership commencing August 7, 2020 and thereafter shall be**
34 **deemed creditable service as a member of the system for purposes**
35 **of section 6 of P.L.1965, c.89 (C.53:5A-6).**¹ In addition, upon
36 completion of pre-service training and graduation from the New
37 Jersey State Police Academy, members of the 160th Class of the
38 New Jersey State Police Academy shall be eligible for appointment
39 as sworn members of the New Jersey State Police at that time
40 regardless of age, notwithstanding the provisions of R.S.53:1-9
41 relating to the maximum age requirement for appointment as a
42 member of the 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
48 of this act shall not be required to retire and may continue in active

1 service during the Public Health Emergency or State of Emergency
2 declared by the Governor in Executive Order No. 103 of 2020.

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

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

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

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