

ASSEMBLY, No. 422

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KELLY

1 AN ACT concerning accidental disability retirement for certain  
2 members of the Police and Firemen's Retirement System and  
3 amending P.L.1944, c.255.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read  
9 as follows:

10 7. (1) Upon the written application by a member in service, by one  
11 acting in his behalf or by his employer any member may be retired on  
12 an accidental disability retirement allowance; provided, that the  
13 medical board, after a medical examination of such member, shall  
14 certify that the member is permanently and totally disabled as a direct  
15 result of a traumatic event occurring during and as a result of the  
16 performance of his regular or assigned duties and that such disability  
17 was not the result of the member's willful negligence and that such  
18 member is mentally or physically incapacitated for the performance of  
19 his usual duty and of any other available duty in the department which  
20 his employer is willing to assign to him. The application to accomplish  
21 such retirement must be filed within five years of the original traumatic  
22 event, but the board of trustees may consider an application filed after  
23 the five-year period if it can be factually demonstrated to the  
24 satisfaction of the board of trustees that the disability is due to the  
25 accident and the filing was not accomplished within the five-year  
26 period due to a delayed manifestation of the disability or to other  
27 circumstances beyond the control of the member.

28 The provisions of this subsection shall also apply to a member who  
29 is a fireman and who is permanently and totally disabled as a direct  
30 result of a traumatic event occurring during and as a result of  
31 participating in off-duty firefighting activities in a municipality other  
32 than the municipality in which the fireman is employed, provided that

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the member's disability was not the result of the member's willful  
2 negligence and that the member is mentally or physically incapacitated  
3 for the performance of the member's usual duty or any other available  
4 duty in the department which the employer is willing to assign to the  
5 member.

6 (2) Upon retirement for accidental disability, a member shall  
7 receive an accidental disability retirement allowance which shall  
8 consist of:

9 (a) An annuity which shall be the actuarial equivalent of his  
10 aggregate contributions and

11 (b) A pension in the amount which, when added to the member's  
12 annuity, will provide a total retirement allowance of 2/3 of the  
13 member's actual annual compensation for which contributions were  
14 being made at the time of the occurrence of the accident.

15 (3) Upon receipt of proper proofs of the death of a member who  
16 has retired on accidental disability retirement allowance, there shall be  
17 paid to such member's beneficiary, an amount equal to 3 1/2 times the  
18 compensation upon which contributions by the member to the annuity  
19 savings fund were based in the last year of creditable service;  
20 provided, however, that if such death shall occur after the member  
21 shall have attained 55 years of age the amount payable shall equal 1/2  
22 of such compensation instead of 3 1/2 times such compensation.

23 (4) Permanent and total disability resulting from a cardiovascular,  
24 pulmonary or musculo-skeletal condition which was not a direct result  
25 of a traumatic event occurring in the performance of duty shall be  
26 deemed an ordinary disability.

27 (cf: P.L.1989, c.204, s.3)

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29 2. This act shall take effect immediately.

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## STATEMENT

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34 This bill provides that a fireman who is a member of the Police and  
35 Firemen's Retirement System (PFRS) and who is permanently and  
36 totally disabled as a direct result of a traumatic event occurring during  
37 and as a result of participating in off-duty firefighting activities in a  
38 municipality other than the municipality in which the fireman is  
39 employed may be retired on an accidental disability retirement  
40 allowance. An accidental disability retirement allowance provides the  
41 member with 2/3 of the member's actual annual compensation for  
42 which contributions were being made at the time of the occurrence of  
43 the accident. An ordinary disability retirement allowance would  
44 provide the member with 1.5% of the average final compensation  
45 multiplied by the number of years of creditable service but not less  
46 than 40% of average final compensation.

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3 Provides for accidental disability retirement for certain PFRS members

4 who participate in off-duty firefighting activities in a municipality other

5 than the one in which they are employed.