

ASSEMBLY, No. 2620

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblywoman MURPHY, Assemblymen WEINGARTEN,  
Augustine and Bagger

1 AN ACT concerning membership in the Police and Firemen's  
2 Retirement System of New Jersey and amending P.L.1944, c.255.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to read  
8 as follows:

9 1. As used in this act:

10 (1) "Retirement system" or "system" shall mean the Police and  
11 Firemen's Retirement System of New Jersey as defined in section 2 of  
12 this act.

13 (2) (a) "Policeman" shall mean a permanent, full-time employee of  
14 a law enforcement unit as defined in section 2 of P.L.1961, c.56  
15 (C.52:17B-67) or the State, other than an officer or trooper of the  
16 Division of State Police whose position is covered by the State Police  
17 Retirement System, whose primary duties include the investigation,  
18 apprehension or detention of persons suspected or convicted of  
19 violating the criminal laws of the State and who:

20 (i) is authorized to carry a firearm while engaged in the actual  
21 performance of his official duties;

22 (ii) has police powers;

23 (iii) is required to complete successfully the training requirements  
24 prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or comparable  
25 training requirements as determined by the board of trustees; and

26 (iv) is subject to the physical and mental fitness requirements  
27 applicable to the position of municipal police officer established by an  
28 agency authorized to establish these requirements on a Statewide  
29 basis, or comparable physical and mental fitness requirements as  
30 determined by the board of trustees.

31 The term shall also include an administrative or supervisory  
32 employee of a law enforcement unit or the State whose duties include  
33 general or direct supervision of employees engaged in investigation,

**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 apprehension or detention activities or training responsibility for these  
2 employees and a requirement for engagement in investigation,  
3 apprehension or detention activities if necessary, and who is  
4 authorized to carry a firearm while in the actual performance of his  
5 official duties and has police powers. The term shall not include a  
6 county prosecutor, first assistant county prosecutor or assistant county  
7 prosecutor.

8 (b) "Fireman" shall mean a permanent, full-time employee of a  
9 firefighting unit whose primary duties include the control and  
10 extinguishment of fires and who is subject to the training and physical  
11 and mental fitness requirements applicable to the position of municipal  
12 firefighter established by an agency authorized to establish these  
13 requirements on a Statewide basis, or comparable training and physical  
14 and mental fitness requirements as determined by the board of trustees.  
15 The term shall also include an administrative or supervisory employee  
16 of a firefighting unit whose duties include general or direct supervision  
17 of employees engaged in fire control and extinguishment activities or  
18 training responsibility for these employees and a requirement for  
19 engagement in fire control and extinguishment activities if necessary.  
20 As used in this paragraph, "firefighting unit" shall mean a municipal  
21 fire department, a fire district, or an agency of a county or the State  
22 which is responsible for control and extinguishment of fires.

23 (3) "Member" shall mean any policeman or fireman included in the  
24 membership of the retirement system pursuant to this amendatory and  
25 supplementary act, P.L.1989, c.204 (C.43:16A-15.6 et al.).

26 (4) "Board of trustees" or "board" shall mean the board provided  
27 for in section 13 of this act.

28 (5) "Medical board" shall mean the board of physicians provided  
29 for in section 13 of this act.

30 (6) "Employer" shall mean the State of New Jersey, the county,  
31 municipality or political subdivision thereof which pays the particular  
32 policeman or fireman.

33 (7) "Service" shall mean service as a policeman or fireman paid for  
34 by an employer.

35 (8) "Creditable service" shall mean service rendered for which  
36 credit is allowed as provided under section 4 of this act.

37 (9) "Regular interest" shall mean interest as determined by the  
38 State Treasurer, after consultation with the Directors of the Divisions  
39 of Investment and Pensions, the board of trustees and the actuary. It  
40 shall bear a reasonable relationship to the percentage rate of earnings  
41 on investments based on the market value of assets but shall not  
42 exceed the assumed percentage rate of increase applied to salaries plus  
43 3%, provided however that the board of trustees shall not set the  
44 average percentage rate of increase applied to salaries below 6%.

45 (10) "Aggregate contributions" shall mean the sum of all the  
46 amounts, deducted from the compensation of a member or contributed

1 by him or on his behalf, standing to the credit of his individual account  
2 in the annuity savings fund.

3 (11) "Annuity" shall mean payments for life derived from the  
4 aggregate contributions of a member.

5 (12) "Pension" shall mean payments for life derived from  
6 contributions by the employer.

7 (13) "Retirement allowance" shall mean the pension plus the  
8 annuity.

9 (14) "Earnable compensation" shall mean the full rate of the salary  
10 that would be payable to an employee if he worked the full normal  
11 working time for his position. In cases where salary includes  
12 maintenance, the retirement system shall fix the value of that part of  
13 the salary not paid in money which shall be considered under this act.

14 (15) "Average final compensation" shall mean the average annual  
15 salary upon which contributions are made for the three years of  
16 creditable service immediately preceding his retirement or death, or it  
17 shall mean the average annual salary for which contributions are made  
18 during any three fiscal years of his or her membership providing the  
19 largest possible benefit to the member or his beneficiary.

20 (16) "Retirement" shall mean the termination of the member's  
21 active service with a retirement allowance granted and paid under the  
22 provisions of this act.

23 (17) "Annuity reserve" shall mean the present value of all payments  
24 to be made on account of any annuity or benefit in lieu of any annuity  
25 computed upon the basis of such mortality tables recommended by the  
26 actuary as shall be adopted by the board of trustees, and regular  
27 interest.

28 (18) "Pension reserve" shall mean the present value of all payments  
29 to be made on account of any pension or benefit in lieu of any pension  
30 computed upon the basis of such mortality tables recommended by the  
31 actuary as shall be adopted by the board of trustees, and regular  
32 interest.

33 (19) "Actuarial equivalent" shall mean a benefit of equal value  
34 when computed upon the basis of such mortality tables recommended  
35 by the actuary as shall be adopted by the board of trustees, and regular  
36 interest.

37 (20) "Beneficiary" shall mean any person receiving a retirement  
38 allowance or other benefit as provided by this act.

39 (21) "Child" shall mean a deceased member's or retirant's  
40 unmarried child (a) under the age of 18, or (b) 18 years of age or older  
41 and enrolled in a secondary school, or (c) under the age of 24 and  
42 enrolled in a degree program in an institution of higher education for  
43 at least 12 credit hours in each semester, provided that the member  
44 died in active service as a result of an accident met in the actual  
45 performance of duty at some definite time and place, and the death  
46 was not the result of the member's willful misconduct, or (d) of any

1 age who, at the time of the member's or retirant's death, is disabled  
2 because of mental retardation or physical incapacity, is unable to do  
3 any substantial, gainful work because of the impairment and his  
4 impairment has lasted or can be expected to last for a continuous  
5 period of not less than 12 months, as affirmed by the medical board.

6 (22) "Parent" shall mean the parent of a member who was receiving  
7 at least one-half of his support from the member in the 12-month  
8 period immediately preceding the member's death or the accident  
9 which was the direct cause of the member's death. The dependency of  
10 such a parent will be considered terminated by marriage of the parent  
11 subsequent to the death of the member.

12 (23) "Widower" shall mean the man to whom a member or retirant  
13 was married at least one year before the date of her death and to  
14 whom she continued to be married until the date of her death and who  
15 has not remarried. In the event of the payment of an accidental death  
16 benefit, the one-year qualification shall be waived.

17 (24) "Widow" shall mean the woman to whom a member or retirant  
18 was married at least one-year before the date of his death and to  
19 whom he continued to be married until the date of his death and who  
20 has not remarried. In the event of the payment of an accidental death  
21 benefit, the one year qualification shall be waived.

22 (25) "Fiscal year" shall mean any year commencing with July 1, and  
23 ending with June 30, next following.

24 (26) "Compensation" shall mean the base salary, for services as a  
25 member as defined in this act, which is in accordance with established  
26 salary policies of the member's employer for all employees in the same  
27 position but shall not include individual salary adjustments which are  
28 granted primarily in anticipation of the member's retirement or  
29 additional remuneration for performing temporary duties beyond the  
30 regular workday.

31 (27) "Department" shall mean any police or fire department of a  
32 municipality or a fire department of a fire district located in a township  
33 or a county police or park police department or the appropriate  
34 department of the State or instrumentality thereof.

35 (28) "Final compensation" means the compensation received by the  
36 member in the last 12 months of creditable service preceding his  
37 retirement.

38 (29) (Deleted by amendment, P.L.1992, c.78).

39 (30) (Deleted by amendment, P.L.1992, c.78).

40 (cf: P.L.1996, c.89, s.1)

41

42 2. This act shall take effect immediately.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

STATEMENT

This bill provides that the positions of county prosecutor, first assistant county prosecutor and assistant county prosecutor shall not be included within the meaning of the term "policeman" for purposes of establishing eligibility for enrollment in the Police and Firemen's Retirement System.

---

Clarifies that county prosecutors, first assistant county prosecutors, and assistant county prosecutors are not included within term "policeman" for purpose of establishing PFRS membership eligibility.