

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.

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

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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)

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42 2. This act shall take effect immediately.

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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.