

P.L. 1997, CHAPTER 137, *approved June 27, 1997*  
Assembly, No. 2574 (*Second Reprint*)

1 AN ACT concerning the age of retirement for certain members of the  
2 Police and Firemen's Retirement System of New Jersey <sup>2</sup>[and  
3 amending P.L.1944, c.255]<sup>2</sup>.

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

7  
8 <sup>2</sup>[1. Section 5 of P.L.1944, c.255 (C.43:16A-5) is amended to read  
9 as follows:

10 5. (1) (a) Any member in service who has attained age 55 years  
11 may retire on a service retirement allowance upon filing a written and  
12 duly executed application to the retirement system, setting forth at  
13 what time, not less than 1 month subsequent to the filing thereof, he  
14 desires to be retired.

15 (b) Any member in service who attains age 65 years shall be retired  
16 on a service retirement allowance forthwith on the first day of the next  
17 calendar month.

18 Notwithstanding the foregoing provisions of this paragraph <sup>1</sup>[.] :

19 (i) any member of the retirement system who shall not have  
20 established 25 years of creditable service on the effective date of  
21 P.L. , c. (now pending before the Legislature as this bill) shall  
22 be permitted to continue such membership after attainment of age 65  
23 years until the first day of the calendar month immediately following  
24 the calendar month in which the member establishes 25 years of  
25 creditable service, or until the first day of the calendar month after five  
26 years shall have elapsed following the member's attainment of age 65  
27 years, whichever is earlier, upon which first day the member shall be  
28 retired; and

29 (ii) in the case of policemen,<sup>1</sup> an employer other than the State may  
30 authorize each <sup>1</sup>policeman<sup>1</sup> member in service with that employer at  
31 the time of the reinstatement of the mandatory retirement age of 65

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ASG committee amendments adopted June 12, 1997.

<sup>2</sup> Assembly floor amendments adopted June 23, 1997.

1 years pursuant to section 4(j) of the Age Discrimination in  
 2 Employment Act of 1967, 29 U.S.C. §623(j), reenacted and amended  
 3 by the Age Discrimination in Employment Amendments of 1996,  
 4 Pub.L.104-208, <sup>1</sup>who has established at least 25 years of creditable  
 5 service on or before the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending  
 6 before the Legislature as this bill) and who attains or shall have  
 7 attained the age of 65 years on or before December 31, 1998<sup>1</sup> to  
 8 continue employment with the employer and enrollment in the  
 9 retirement system until <sup>1</sup>[attainment of 70 years of age] January 1,  
 10 1999, whereupon the member shall be retired<sup>1</sup>. Such authorization  
 11 shall become effective upon adoption by the governing body of the  
 12 employer of an appropriate ordinance or resolution, as the case may  
 13 be, and the filing of a certified copy of that ordinance or resolution  
 14 with the board of trustees of the retirement system, and upon such  
 15 filing, the ordinance or resolution shall be irrevocable.

16 (2) Upon retirement for service a member shall receive a service  
 17 retirement allowance which shall consist of:

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

20 (b) A pension in the amount which, when added to the member's  
 21 annuity, will provide a total retirement allowance of one-sixtieth of his  
 22 average final compensation multiplied by the number of years of his  
 23 creditable service, or 2% of his average final compensation multiplied  
 24 by the number of years of his creditable service up to 30 plus 1% of his  
 25 average final compensation multiplied by the number of years of  
 26 creditable service over 30, whichever is greater.

27 (3) Upon the receipt of proper proofs of the death of a member  
 28 who has retired on a service retirement allowance, there shall be paid  
 29 to his beneficiary an amount equal to one-half of the compensation  
 30 upon which contributions by the member to the annuity savings fund  
 31 were based in the last year of creditable service.

32 (cf: P.L.1973, c.109, s.1)]<sup>2</sup>

33

34 <sup>2</sup>1. Notwithstanding the provisions of section 5 of P.L.1944, c.255  
 35 (C.43:16A-5) to the contrary:

36 a. any member of the Police and Firemen's Retirement System of  
 37 New Jersey who shall not have established 25 years of creditable  
 38 service on the effective date of this act shall be permitted to continue  
 39 such membership after attainment of age 65 years until the first day of  
 40 the calendar month immediately following the calendar month in which  
 41 the member establishes 25 years of creditable service, or until the first  
 42 day of the calendar month after five years shall have elapsed following  
 43 the member's attainment of age 65 years, or until January 1, 1998,  
 44 whichever is earliest, upon which first day or date, as the case may be,  
 45 the member shall be retired; and

46 b. in the case of policemen, an employer other than the State may

1 authorize each policeman member in service with that employer at the  
 2 time of the reinstatement of the mandatory retirement age of 65 years  
 3 pursuant to section 4(j) of the Age Discrimination in Employment Act  
 4 of 1967, 29 U.S.C. §623(j), reenacted and amended by the Age  
 5 Discrimination in Employment Amendments of 1996, Pub.L.104-208,  
 6 who has established at least 25 years of creditable service on or before  
 7 the effective date of this act and who attains or shall have attained the  
 8 age of 65 years on or before December 31, 1997 to continue  
 9 employment with the employer and enrollment in the retirement system  
 10 until January 1, 1998, whereupon the member shall be retired. Such  
 11 authorization shall become effective upon adoption by the governing  
 12 body of the employer of an appropriate ordinance or resolution, as the  
 13 case may be, and the filing of a certified copy of that ordinance or  
 14 resolution with the board of trustees of the retirement system, and  
 15 upon such filing, the ordinance or resolution shall be irrevocable.<sup>2</sup>

16  
 17 <sup>1</sup>2. Notwithstanding the provisions of N.J.S.11A:4-4 through  
 18 11A:4-6 or any other law, rule or regulation to the contrary, no  
 19 eligible list established under Title 11A of the New Jersey Statutes in  
 20 a political subdivision whereof the governing body shall have adopted  
 21 an ordinance or resolution under <sup>2</sup>[subparagraph (ii) of paragraph (b)  
 22 of subsection (1) of section 5 of P.L.1944, c.255 (C.43:16A-  
 23 5)]subsection b. of section 1 of this act<sup>2</sup> to fill a vacancy or vacancies  
 24 in a position or positions as a policeman covered by the Police and  
 25 Firemen's Retirement System that is in effect on the effective date of  
 26 this act<sup>2</sup>, P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
 27 Legislature as this bill)]<sup>2</sup> or becomes effective after that date and on  
 28 or before December 31, <sup>2</sup>[1998]1997<sup>2</sup> shall expire or be cancelled or  
 29 otherwise terminated before February 1, <sup>2</sup>[1999] 1998<sup>2</sup>.<sup>1</sup>

30  
 31 <sup>1</sup>[2.] <sup>3</sup>.<sup>1</sup> This act shall take effect immediately <sup>2</sup>and shall expire  
 32 February 1, 1998<sup>2</sup>.

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 37 Permits service in PFRS-covered employment beyond age 65 in certain  
 38 cases.