

# ASSEMBLY, No. 3828

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Provides for enhanced benefits for certain firefighters, corrections officers, and county police officers enrolled in PERS.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 10/29/2020)

1   **AN ACT** concerning retirement benefits for certain firefighters,  
2       corrections officers, and county police officers enrolled in the  
3       Public Employees' Retirement System, amending and  
4       supplementing P.L.1955, c.257 (C.43:15A-97 et seq.).

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

8  
9       1. Section 1 of P.L1955, c. 257 (C. 43:15A-97) is amended to  
10 read as follows:

11       1. "Law enforcement officer" shall mean any permanent and  
12 full-time employee of the State of New Jersey holding one of the  
13 following titles: motor vehicles officer, motor vehicles sergeant,  
14 motor vehicles lieutenant, motor vehicles captain, assistant chief,  
15 bureau of enforcement, and chief, bureau of enforcement in the  
16 Division of Motor Vehicles, and highway patrol officer, sergeant  
17 highway patrol bureau, lieutenant highway patrol bureau, captain  
18 highway patrol bureau, assistant chief highway patrol bureau, chief  
19 highway patrol bureau in the Division of State Police, and  
20 inspector, investigator, and administrative inspector in the Division  
21 of Alcoholic Beverage Control, and inspector recruit alcoholic  
22 beverage control, inspector alcoholic beverage control, senior  
23 inspector alcoholic beverage control, principal inspector alcoholic  
24 beverage control, supervising inspector alcoholic beverage control  
25 in the Division of State Police, and conservation officer, assistant  
26 district conservation officer and district conservation officer in the  
27 Division of Fish and Game, and assistant chief marine police and  
28 senior marine patrolman in the Division of Resource Development,  
29 and marine police officer, senior marine police officer, principal  
30 marine police officer in the Division of State Police, and inspector,  
31 officer, senior inspector, and principal inspector in the Division of  
32 Shell Fisheries, any permanent and full-time active county  
33 detective, lieutenant of county detectives, captain of county  
34 detectives, chief of county detectives, and county investigator in the  
35 offices of the county prosecutors, and sheriff's officer, sergeant  
36 sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer,  
37 chief sheriff's officer, and sheriff's investigator in the offices of the  
38 county sheriffs and any patrolman or other police officer of the  
39 Board of Commissioners of the Palisades Interstate Park appointed  
40 pursuant to R.S. 32:14-21. The term shall also mean county  
41 corrections officer, county corrections sergeant, county corrections  
42 lieutenant, county corrections captain, and investigator in a county  
43 department of corrections, and officer, detective, sergeant,  
44 lieutenant, and captain of a county police department. The term  
45 shall also mean any permanent and fulltime firefighter employed by

**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.

1 the State, a county, fire district, or a municipality, or agency  
2 thereof.

3 If the Prison Officers' Pension Fund is terminated as provided in  
4 section 10 hereof, "law enforcement officer" shall also mean any  
5 permanent and full-time active employee of the State of New Jersey  
6 holding the title of correction officer, correction sergeant,  
7 correction lieutenant, correction captain or deputy keeper in the  
8 Division of Correction and Parole, or any member of the Prison  
9 Officers' Pension Fund on the date of such termination.

10 (cf: P.L.1985, c.262, s.1)

11  
12 2. (New section) A county corrections officer, county  
13 corrections sergeant, county corrections lieutenant, county  
14 corrections captain, and an investigator in a county department of  
15 corrections, and an officer, detective, sergeant, lieutenant, and  
16 captain of a county police department, and a permanent and fulltime  
17 firefighter employed on the effective date by the State, a county,  
18 fire district, or a municipality, or agency thereof, who was enrolled  
19 in the Public Employees' Retirement System before the effective  
20 date of P.L. , c. (pending before the Legislature as this bill) shall  
21 be enrolled as a participant in the law enforcement officer category  
22 of the system within 90 days of that effective date, unless the  
23 member signs a waiver of participation within 60 days of receiving  
24 the notification of eligibility for participation in that category. A  
25 member who signs the waiver shall remain enrolled as a non-law  
26 enforcement officer in the regular system and the member shall not  
27 be subject to compulsory retirement as provided in section 3 of  
28 P.L.1955, c.257 (C.43:15A-99).

29 Any member who is enrolled as a participant of the law  
30 enforcement officer category of the system in accordance with this  
31 section shall be eligible for all the benefits and shall be subject to  
32 all the requirements set forth in P.L.1955, c.257 (C.43:15A-97 et  
33 seq.) from the date the member is made a participant. All service  
34 credit in the regular system in a position eligible for participation in  
35 the category shall be considered service credit as a law enforcement  
36 officer in that category when the member is made a participant of  
37 the category.

38  
39 3. This act shall take effect immediately.  
40  
41

#### 42 STATEMENT

43  
44 A law enacted in 1955 established the law enforcement officer  
45 (LEO) category as a special group of the Public Employees'  
46 Retirement System (PERS). The members of the LEO group are  
47 eligible for enhanced retirement benefits not available to regular  
48 PERS members.

1 Under current law, the category of individuals authorized to  
2 participate as LEO members is limited and is specifically defined in  
3 the law by the title of the eligible position. An individual who does  
4 not meet the age or medical requirements for entry into the Police  
5 and Firemen's Retirement System (PFRS) as a result of  
6 employment in a title specifically named in that law is eligible to  
7 participate in the LEO category or as a regular member of the  
8 PERS. An individual employed in an eligible job title who meets  
9 the enrollment criteria is enrolled in the LEO category of PERS  
10 membership, unless the member specifically signs a waiver. A  
11 LEO-eligible individual who signs the waiver is enrolled as a non-  
12 law enforcement officer in the regular PERS retirement system;  
13 however, any member holding a LEO-eligible title is subject to the  
14 mandatory retirement provision of the current law.

15 This bill provides that a county corrections officer, county  
16 corrections sergeant, county corrections lieutenant, county  
17 corrections captain, and an investigator in a county department of  
18 corrections, and an officer, detective, sergeant, lieutenant, and  
19 captain of a county police department, and any permanent and  
20 fulltime firefighter employed by the State, a county, fire district, or  
21 a municipality, or agency thereof, who is enrolled in the PERS  
22 before or after the effective date of this bill will be enrolled in the  
23 law enforcement officer category of the PERS, unless the member  
24 signs a waiver of participation. Upon enrollment in the law  
25 enforcement officer category, these members will be eligible for the  
26 enhanced benefits provided to LEO group members.