

P.L. 2021, CHAPTER 140, *approved June 30, 2021*  
Senate, No. 758 (*Third Reprint*)

1    **AN ACT** concerning enrollment of workers' compensation judges in  
2    the Public Employees' Retirement System and amending  
3    <sup>2</sup>**[P.L.2007, c.92 and amending and supplementing P.L.1954,**  
4    **c.84 (C.43:15A-1 et seq.)]** various parts of the statutory law<sup>2</sup>.

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

8  
9        1. Section 2 of P.L.2007, c.92 (C.43:15C-2) is amended to read  
10    as follows:

11        2. a. The following persons shall be eligible and shall  
12    participate in the Defined Contribution Retirement Program:

13        (1) A person who commences service on or after the effective  
14    date of this section of P.L.2007, c.92 (C.43:15C-1 et al.) in an  
15    elective public office of this State or of a political subdivision  
16    thereof, except that it shall not include a person who holds elective  
17    public office on the effective date of this section and is enrolled in  
18    the Public Employees' Retirement System while that person  
19    continues to hold that elective public office or, for an elected  
20    official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),  
21    another elective public office, without a break in service. Service in  
22    the Legislature shall be considered a single elective public office.

23        (2) A person who commences service on or after the effective  
24    date of this section in an employment, office or position of the State  
25    or of a political subdivision thereof, or an agency, board,  
26    commission, authority or instrumentality of the State or of a  
27    subdivision, pursuant to an appointment by the Governor that  
28    requires the advice and consent of the Senate, or pursuant to an  
29    appointment by the Governor to serve at the pleasure of the  
30    Governor only during his or her term of office. This paragraph  
31    shall not be deemed to include a person otherwise eligible for  
32    membership in the State Police Retirement System or the Judicial  
33    Retirement System. This paragraph shall not include Workers'  
34    Compensation Judges of the Division of Workers' Compensation in  
35    the Department of Labor and Workforce Development <sup>2</sup>**[, except**  
36    such judges who waive transfer to the Public Employees'  
37    Retirement System, pursuant to section 3 of P.L. , c. (pending  
38    before the Legislature as this bill)]<sup>2</sup>.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted February 11, 2021.

<sup>2</sup>Assembly floor amendments adopted May 20, 2021.

<sup>3</sup>Assembly floor amendments adopted June 3, 2021.

1 (3) A person who commences service on or after the effective  
2 date of this section in an employment, office or position in a  
3 political subdivision of the State, or an agency, board, commission,  
4 authority or instrumentality of a subdivision, pursuant to an  
5 appointment by an elected public official or elected governing  
6 body, that requires the specific consent or approval of the elected  
7 governing body of the political subdivision that is substantially  
8 similar in nature to the advice and consent of the Senate for  
9 appointments by the Governor of the State as that similarity is  
10 determined by the elected governing body and set forth in an  
11 adopted ordinance or resolution, pursuant to guidelines or policy  
12 that shall be established by the Local Finance Board in the  
13 Department of Community Affairs or the Department of Education,  
14 as appropriate to the elected governing body. This paragraph shall  
15 not be deemed to include a person otherwise eligible for  
16 membership in the Teachers' Pension and Annuity Fund or the  
17 Police and Firemen's Retirement System, or a person who is  
18 employed or appointed in the regular or normal course of  
19 employment or appointment procedures and consented to or  
20 approved in a general or routine manner appropriate for and  
21 followed by the political subdivision, or the agency, board,  
22 commission, authority or instrumentality of a subdivision, or a  
23 person who holds a professional license or certificate to perform  
24 and is performing as a certified health officer, tax assessor, tax  
25 collector, municipal planner, chief financial officer, registered  
26 municipal clerk, construction code official, licensed uniform  
27 subcode inspector, qualified purchasing agent, or certified public  
28 works manager.

29 (4) A person who is granted a pension or retirement allowance  
30 under any pension fund or retirement system established under the  
31 laws of this State and elects to participate pursuant to section 1 of  
32 P.L.1977, c.171 (C.43:3C-3) upon being elected to public office.

33 (5) A member of the Teachers' Pension and Annuity Fund,  
34 Police and Firemen's Retirement System, State Police Retirement  
35 System, or the Public Employees' Retirement System for whom  
36 compensation is defined as the amount of base or contractual salary  
37 equivalent to the annual maximum wage contribution base for  
38 Social Security, pursuant to the Federal Insurance Contributions  
39 Act, for contribution and benefit purposes of those retirement  
40 systems, for whom participation in this retirement program shall be  
41 with regard to any excess over the maximum compensation only.

42 (6) A person in employment, office or position for which the  
43 annual salary or remuneration is less, or the hours of work per week  
44 are fewer, than that which is required to become a member of the  
45 Teachers' Pension and Annuity Fund or the Public Employees'  
46 Retirement System, or to make contributions to those systems as a  
47 member on the basis of any such employment, office or position,  
48 after November 1, 2008.

1       b. No person shall be eligible to participate in the retirement  
2 program with respect to any public employment, office, or position  
3 if:

4       (1) the base salary for that employment, office, or position is  
5 less than \$5,000 per year;

6       (2) the person is, on the basis of service in that employment,  
7 office, or position, eligible for membership or enrolled as a member  
8 of another State or locally-administered pension fund or retirement  
9 system established under the laws of this State including the  
10 Alternate Benefit Program, except as otherwise specifically  
11 provided in subsection a. of this section;

12       (3) the person is receiving a benefit as a retiree from any other  
13 State or locally-administered pension fund or retirement system  
14 established under the laws of this State, except as provided in  
15 section 1 of P.L.1977, c.171 (C.43:3C-3); or

16       (4) the person is an officer or employee of a political  
17 subdivision of this State or of a board of education, or of any  
18 agency, authority or instrumentality thereof, who is ineligible for  
19 membership in the Public Employees' Retirement System pursuant  
20 to section 20 of P.L.2007, c.92 (C.43:15A-7.2).

21       c. A person eligible and required to participate in the  
22 retirement program pursuant to paragraph (5) of subsection a. of  
23 this section may elect to waive participation with regard to that  
24 employment, office, or position by filing, when first eligible, on a  
25 form required by the division, a written waiver with the Division of  
26 Pensions and Benefits that waives all rights and benefits that would  
27 otherwise be provided by the retirement program. Such a person  
28 may thereafter elect to participate in the retirement program by  
29 filing, on a form required by the division, a written election to  
30 participate in the retirement program and participation in the  
31 retirement program pursuant to such election shall commence on  
32 the January 1 next following the filing of the election to participate.

33       d. Service credited to a participant in the Defined Contribution  
34 Retirement Program shall not be recognized as service credit to  
35 determine eligibility for employer-paid health care benefits in  
36 retirement pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),  
37 N.J.S.40A:10-16 et seq., P.L.1979, c.391 (C.18A:16-12 et al.) or  
38 any other law, rule or regulation.  
39 (cf: P.L.2017, c.344, s.3)

40

41       2. Section 7 of P.L.1954, c.84 (C.43:15A-7) is amended to read  
42 as follows:

43       7. There is hereby established the Public Employees'  
44 Retirement System of New Jersey in the Division of Pensions and  
45 Benefits of the Department of the Treasury. The membership of the  
46 retirement system shall include:

47       a. The members of the former "State Employees' Retirement  
48 System of New Jersey" enrolled as such as of December 30, 1954,

1 who shall not have claimed for refund their accumulated deductions  
2 in said system as provided in this section;

3 b. Any person becoming an employee of the State or other  
4 employer after January 2, 1955 and every veteran, other than a  
5 retired member who returns to service pursuant to subsection b. of  
6 section 27 of P.L.1966, c.217 (C.43:15A-57.2) and other than those  
7 whose appointments are seasonal, becoming an employee of the  
8 State or other employer after such date, including a temporary  
9 employee with at least one year's continuous service. The  
10 membership of the retirement system shall not include those  
11 persons appointed to serve as described in paragraphs (2) and (3) of  
12 subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2), except a  
13 person who was a member of the retirement system prior to the  
14 effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-  
15 1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and  
16 C.43:15A-135) and continuously thereafter. The membership of the  
17 retirement system shall include Workers' Compensation Judges of  
18 the Division of Workers' Compensation in the Department of Labor  
19 and Workforce Development; and

20 c. Every employee veteran in the employ of the State or other  
21 employer on January 2, 1955, who is not a member of any  
22 retirement system supported wholly or partly by the State.

23 d. Membership in the retirement system shall be optional for  
24 elected officials other than veterans, and for school crossing guards,  
25 who having become eligible for benefits under other pension  
26 systems are so employed on a part-time basis. Elected officials  
27 commencing service on or after the effective date of sections 1  
28 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15,  
29 C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not  
30 be eligible for membership in the retirement system based on  
31 service in the elective public office, except that an elected official  
32 enrolled in the retirement system as of that effective date who  
33 continues to hold that elective public office or, for an elected  
34 official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),  
35 another elective public office, without a break in service shall be  
36 eligible to continue membership in the retirement system under the  
37 terms and conditions of enrollment. Service in the Legislature shall  
38 be considered a single elective public office. Any part-time school  
39 crossing guard who is eligible for benefits under any other pension  
40 system and who was hired as a part-time school crossing guard  
41 prior to March 4, 1976, may at any time terminate his membership  
42 in the retirement system by making an application in writing to the  
43 board of trustees of the retirement system. Upon receiving such  
44 application, the board of trustees shall terminate his enrollment in  
45 the system and direct the employer to cease accepting contributions  
46 from the member or deducting from the compensation paid to the  
47 member. State employees who become members of any other  
48 retirement system supported wholly or partly by the State as a

1 condition of employment shall not be eligible for membership in  
2 this retirement system. Notwithstanding any other law to the  
3 contrary, all other persons accepting employment in the service of  
4 the State shall be required to enroll in the retirement system as a  
5 condition of their employment, regardless of age.

6 (1) Before or on November 1, 2008, no person in employment,  
7 office or position, for which the annual salary or remuneration is  
8 fixed at less than \$1,500.00, shall be eligible to become a member  
9 of the retirement system.

10 (2) After November 1, 2008, a person who was a member of the  
11 retirement system on that date and continuously thereafter shall be  
12 eligible to be a member of the retirement system in employment,  
13 office or position, for which the annual salary or remuneration is  
14 fixed at \$1,500 or more.

15 (3) After November 1, 2008 and before or on the effective date  
16 of P.L.2010, c.1, a person who was not a member of the retirement  
17 system on November 1, 2008, or who was a member of the  
18 retirement system on that date but not continuously thereafter, and  
19 who is in employment, office or position, for which the annual  
20 salary or remuneration is certified by the applicable public entity at  
21 \$7,500 or more, shall be eligible to become a member of the  
22 retirement system. The \$7,500 minimum annual salary or  
23 remuneration amount shall be adjusted annually by the Director of  
24 the Division of Pensions and Benefits, by regulation, in accordance  
25 with changes in the Consumer Price Index but by no more than 4  
26 percent. "Consumer Price Index" means the average of the annual  
27 increase, expressed as a percentage, in the consumer price index for  
28 all urban consumers in the New York City and Philadelphia  
29 metropolitan statistical areas during the preceding calendar year as  
30 reported by the United States Department of Labor.

31 (4) After the effective date of P.L.2010, c.1, no person in an  
32 employment, office or position of the State, or an agency, board,  
33 commission, authority or instrumentality of the State, for which the  
34 hours of work are fixed at fewer than 35 per week shall be eligible  
35 to become a member of the retirement system; and no person in  
36 employment, office or position with a political subdivision of the  
37 State, or an agency, board, commission, authority or instrumentality  
38 of a political subdivision of the State, for which the hours of work  
39 are fixed by an ordinance or resolution of the political subdivision,  
40 or agency, board, commission, authority or instrumentality thereof,  
41 at fewer than 32 per week shall be eligible to become a member of  
42 the retirement system. Any hour or part thereof, during which the  
43 person does not work due to the person's participation in a  
44 voluntary or mandatory furlough program shall not be deducted in  
45 determining if a person's hours of work are fixed at fewer than 35 or  
46 32 per week, as appropriate, for the purpose of eligibility.

- 1 e. Membership of any person in the retirement system shall  
2 cease if he shall discontinue his service for more than two  
3 consecutive years.
- 4 f. The accumulated deductions of the members of the former  
5 "State Employees' Retirement System" which have been set aside in  
6 a trust fund designated as Fund A as provided in section 5 of this  
7 act and which have not been claimed for refund prior to February 1,  
8 1955 shall be transferred from said Fund A to the Annuity Savings  
9 Fund of the Retirement System, provided for in section 25 of this  
10 act. Each member whose accumulated deductions are so transferred  
11 shall receive the same prior service credit, pension credit, and  
12 membership credit in the retirement system as he previously had in  
13 the former "State Employees' Retirement System" and shall have  
14 such accumulated deductions credited to his individual account in  
15 the Annuity Savings Fund. Any outstanding obligations of such  
16 member shall be continued.
- 17 g. Any school crossing guard electing to terminate his  
18 membership in the retirement system pursuant to subsection d. of  
19 this section shall, upon his request, receive a refund of his  
20 accumulated deductions as of the date of his appointment to the  
21 position of school crossing guard. Such refund of contributions  
22 shall serve as a waiver of all benefits payable to the employee, to  
23 his dependent or dependents, or to any of his beneficiaries under the  
24 retirement system.
- 25 h. A temporary employee who is employed under the federal  
26 Workforce Investment Act shall not be eligible for membership in  
27 the system. Membership for temporary employees employed under  
28 the federal Job Training Partnership Act, Pub.L.97-300  
29 (29 U.S.C.s.1501) who are in the system on September 19, 1986  
30 shall be terminated, and affected employees shall receive a refund  
31 of their accumulated deductions as of the date of commencement of  
32 employment in a federal Job Training Partnership Act program.  
33 Such refund of contributions shall serve as a waiver of all benefits  
34 payable to the employee, to his dependent or dependents, or to any  
35 of his beneficiaries under the retirement system.
- 36 i. Membership in the retirement system shall be optional for a  
37 special service employee who is employed under the federal Older  
38 American Community Service Employment Act, Pub.L.94-135 (42  
39 U.S.C.s.3056). Any special service employee employed under the  
40 federal Older American Community Service Employment Act,  
41 Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on  
42 the effective date of P.L.1996, c.139 may terminate membership in  
43 the retirement system by making an application in writing to the  
44 board of trustees of the retirement system. Upon receiving the  
45 application, the board shall terminate enrollment in the system and  
46 the member shall receive a refund of accumulated deductions as of  
47 the date of commencement of employment in a federal Older  
48 American Community Service Employment Act program. This

1 refund of contributions shall serve as a waiver of all benefits  
2 payable to the employee, to any dependent or dependents, or to any  
3 beneficiary under the retirement system.

4 j. An employee of the South Jersey Port Corporation who was  
5 employed by the South Jersey Port Corporation as of the effective  
6 date of P.L.1997, c.150 (C.34:1B-144 et al.) and who shall be re-  
7 employed within 365 days of such effective date by a subsidiary  
8 corporation or other corporation, which has been established by the  
9 Delaware River Port Authority pursuant to subdivision (m) of  
10 Article I of the compact creating the Delaware River Port Authority  
11 (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-  
12 146), shall be eligible to continue membership while an employee  
13 of such subsidiary or other corporation.

14 k. An employee of a renaissance school project established  
15 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.) upon  
16 commencement of employment.

17 (cf: P.L.2018, c.129, s.2)

18

19 <sup>2</sup>[3. (New section) a. Notwithstanding the provisions of any  
20 other law to the contrary, Workers' Compensation Judges of the  
21 Division of Workers' Compensation in the Department of Labor and  
22 Workforce Development appointed on or after the effective date of  
23 P.L. , c. (pending before the Legislature as this bill) shall be  
24 enrolled in the Public Employees' Retirement System. Membership  
25 in the Public Employees' Retirement System shall be a condition of  
26 employment for service as a judge of compensation for each judge  
27 enrolled after that effective date.

28 Notwithstanding enrollment in the system, the laws and  
29 regulations governing the system shall not apply to workers'  
30 compensation judges covered by this section. Those judges shall be  
31 subject to and governed by the laws and regulation of the Judicial  
32 Retirement System, established pursuant to P.L.1973, c.140  
33 (C.43:6A1 et seq.), in the same manner as a judge enrolled in the  
34 Judicial Retirement System. For all purposes, those workers'  
35 compensation judges covered by this section shall be deemed  
36 members of the Judicial Retirement System but for enrollment in  
37 the Public Employees' Retirement System.

38 b. A workers' compensation judge who is a participant in the  
39 Defined Contribution Retirement Program, established pursuant to  
40 P.L.2007, c.92 (C.43:15C-1 et seq.), on the effective date of  
41 P.L. , c. (pending before the Legislature as this bill) or a  
42 participant in the Workers' Compensation Judges Part of the Public  
43 Employees' Retirement System on the effective date of  
44 P.L. , c. (pending before the Legislature as this bill), shall be  
45 transferred out of the program or the part within 90 days following  
46 that effective date and covered by the provisions of section a. of this  
47 section. A judge may elect not to be transferred and covered by the  
48 provisions of subsection a. of this section by filing a statement

1 within 30 days following that effective date with the Division of  
2 Pensions and Benefits in the Department of the Treasury waiving all  
3 rights and benefits which would otherwise be provided in  
4 accordance with subsection a. of this section.

5 The account in the program or the part for each judge transferred  
6 and covered by the provisions of subsection a. of this section shall  
7 be adjusted to reflect the transfer and each judge shall be given  
8 service credit for the provisions of subsection a. of this section for  
9 service starting on the judge's date of appointment.

10 The actuary for the Public Employees' Retirement System, in  
11 consultation with the actuary for the Judicial Retirement System,  
12 shall determine the unfunded accrued liability resulting from the  
13 transfer and coverage of judges under subsection a. of this section  
14 in the same manner provided for the determination of the unfunded  
15 accrued liability of the retirement system by section 24 of P.L.1954,  
16 c.84 (C.43:15A-24). This unfunded accrued liability shall be  
17 amortized in the manner provided by section 24 over an  
18 amortization period of 20 years. Accrued liability and normal  
19 contributions for workers compensation judges shall be paid by  
20 transfers from the Second Injury Fund as provided by subsection j.  
21 of R.S.34:15-94. The Commissioner of Labor and Workforce  
22 Development may, with the authorization of and appropriation by  
23 the Legislature, pay the unfunded accrued liability in a lump sum or  
24 over a period of time shorter than 20 years.

25 <sup>1</sup>The value of the account of a workers' compensation judge who  
26 is transferred out of the program shall be transferred from the  
27 Defined Contribution Retirement Program to the Public Employees'  
28 Retirement System in accordance with the rollover requirements of  
29 the federal Internal Revenue Code and relevant regulations as a  
30 qualified rollover distribution from one qualified retirement plan to  
31 another qualified retirement plan, and shall not be a taxable  
32 distribution to the workers' compensation judge. The transfer shall  
33 be in accordance with a rule, method, or process that shall not result  
34 in the transfer being deemed a distribution includible in federal  
35 gross income for the workers' compensation judge.<sup>1</sup><sup>2</sup>

36  
37 <sup>2</sup>3. Section 2 of P.L.2001, c.259 (C.43:15A-143) is amended to  
38 read as follows:

39 2. a. Notwithstanding the provisions of any other law, workers  
40 compensation judges shall be members of the Workers  
41 Compensation Judges Part, established pursuant to this act,  
42 P.L.2001, c.259 (C.43:15A-142 et seq.), of the Public Employees'  
43 Retirement System, established pursuant to P.L.1954, c.84  
44 (C.43:15A-1 et seq.), **【if enrolled in the part prior to the effective**  
45 **date of P.L.2007, c.92 (C.43:15C-1 et al.)】** and shall be subject to  
46 the same membership and benefit provisions as State employees,  
47 except as provided by P.L.2001, c.259. Membership in the



1 retirement system shall be a condition of employment for service as  
2 a judge of compensation **【**for a judge enrolled in the part prior to  
3 the effective date of P.L.2007, c.92 (C.43:15C-1 et al.).

4 A workers compensation judge who becomes a member of the  
5 retirement system on or after the effective date of P.L.2007, c.92  
6 (C.43:15C-1 et al.) shall not be a member of the Workers  
7 Compensation Judges Part and the provisions of P.L.2001, c.259  
8 (C.43:15A-142 et seq.) shall not apply to such judge or the judge's  
9 survivors**】**.

10 b. A Workers' Compensation Judge of the Division of  
11 Workers' Compensation in the Department of Labor and Workforce  
12 Development who is a participant in the Defined Contribution  
13 Retirement Program, established pursuant to P.L.2007, c.92  
14 (C.43:15C-1 et seq.), on the effective date of P.L. , c. (pending  
15 before the Legislature as this bill) shall be transferred and enrolled  
16 in the Workers' Compensation Judges Part of the Public  
17 Employees' Retirement System within 90 days following that  
18 effective date. The account in the Defined Contribution Retirement  
19 Program or the Public Employees' Retirement Program for each  
20 judge transferred and enrolled shall be transferred to the Workers'  
21 Compensation Judges Part of the Public Employees' Retirement  
22 System and each judge shall be given service credit in the Workers'  
23 Compensation Judges Part of the Public Employees' Retirement  
24 System for service starting on the judge's date of appointment. The  
25 unfunded liability for the benefits provided by the transfer and  
26 enrollment of such judges shall be paid by transfers from the  
27 Second Injury Fund as provided by section 13 of P.L.2001, c.259  
28 (C.43:15A-154) to the Workers' Compensation Judges Part of the  
29 Public Employees' Retirement System.

30 Service credit transferred from a participant in the Defined  
31 Contribution Retirement Program under this subsection shall be  
32 recognized as service credit to determine eligibility for employer-  
33 paid health care benefits in retirement pursuant to P.L.1961, c.49  
34 (C.52:14-17.25 et seq.), or any other law, rule or regulation.

35 The actuary for the Public Employees' Retirement System shall  
36 determine the unfunded accrued liability resulting from the transfer  
37 and coverage of judges under this subsection a. of this section in the  
38 same manner provided for the determination of the unfunded  
39 accrued liability of the retirement system by section 24 of P.L.1954,  
40 c.84 (C.43:15A-24). This unfunded accrued liability shall be  
41 amortized in the manner provided by section 24 over an  
42 amortization period of 20 years. Accrued liability and normal  
43 contributions for workers compensation judges shall be paid by  
44 transfers from the Second Injury Fund as provided by subsection j.  
45 of R.S.34:15-94. The Commissioner of Labor and Workforce  
46 Development may, with the authorization of and appropriation by  
47 the Legislature, pay the unfunded accrued liability in a lump sum or  
48 over a period of time shorter than 20 years.

1     c. The value of the account of a workers' compensation judge  
2     who is transferred out of the program shall be transferred from the  
3     Defined Contribution Retirement Program to the Public Employees'  
4     Retirement System in accordance with the <sup>3</sup>[rollover requirements]  
5     relevant provisions<sup>3</sup> of the federal Internal Revenue Code and  
6     <sup>3</sup>[relevant regulations as a qualified rollover distribution from one  
7     qualified retirement plan to another qualified retirement plan, and  
8     shall not be a taxable distribution to the workers' compensation  
9     judge] Internal Revenue Service guidance as a direct trustee-to-  
10    trustee transfer.<sup>3</sup> The transfer shall be in accordance with a rule,  
11    method, or process that shall not result in the transfer being deemed  
12    a distribution includible in federal gross income for the workers'  
13    compensation judge.

14    d. A workers compensation judge who retired on or after May  
15    20, 2021 and who was not transferred and <sup>3</sup>[enrollment] enrolled<sup>3</sup>  
16    pursuant to this subsection shall be retroactively transferred and  
17    enrolled in the Workers Compensation Judges Part of the Public  
18    Employees' Retirement System pursuant to this section and the  
19    retirement allowance calculated and paid from the date of  
20    retirement based on that enrollment in Workers Compensation  
21    Judges Part of the Public Employees' Retirement System, provided  
22    the retiree complies with any terms and conditions for that transfer,  
23    enrollment, and calculation as required by the Division of Pensions  
24    and Benefits and the board of trustees of the Public Employees'  
25    Retirement System.<sup>2</sup> <sup>3</sup>The retroactive provision in this subsection  
26    shall only apply to those workers compensation judges who have  
27    not received a distribution from the judge's Defined Contribution  
28    Retirement Program account.<sup>3</sup>

29    (cf: P.L.2007, c.92, s.22)

30  
31     4. This act shall take effect immediately.  
32  
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36     Reopens Workers Compensation Judges Part of PERS and  
37     requires Workers' Compensation Judges to be enrolled in PERS.