

[Third Reprint]

SENATE, No. 758

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

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District 11 (Monmouth)

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District 30 (Monmouth and Ocean)

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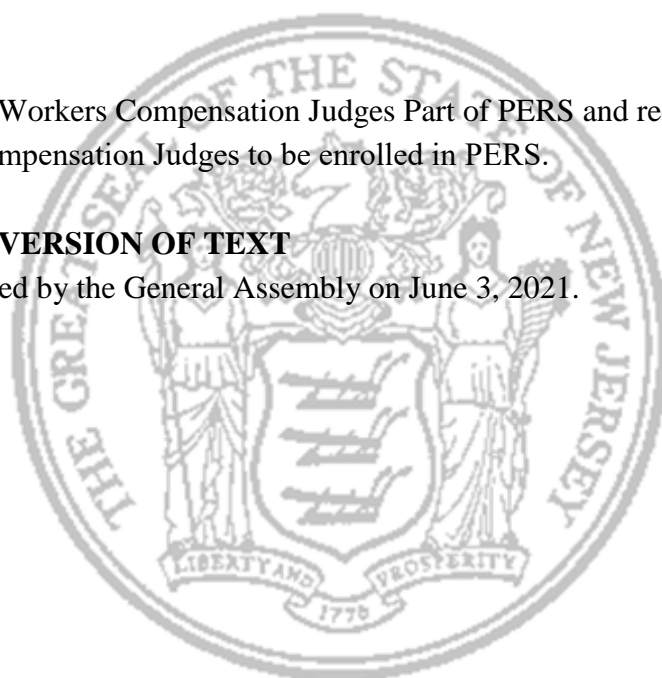
Senator Lagana and Assemblyman Benson

SYNOPSIS

Reopens Workers Compensation Judges Part of PERS and requires Workers' Compensation Judges to be enrolled in PERS.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 3, 2021.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning enrollment of workers' compensation judges in
 2 the Public Employees' Retirement System and amending
 3 ²[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 law².

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 ²], 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)]².

39 (3) A person who commences service on or after the effective
 40 date of this section in an employment, office or position in a
 41 political subdivision of the State, or an agency, board, commission,
 42 authority or instrumentality of a subdivision, pursuant to an

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:

¹Senate SBA committee amendments adopted February 11, 2021.

²Assembly floor amendments adopted May 20, 2021.

³Assembly floor amendments adopted June 3, 2021.

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

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

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

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

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

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

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

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

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

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

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

36 (cf: P.L.2017, c.344, s.3)

37
38 2. Section 7 of P.L.1954, c.84 (C.43:15A-7) is amended to read
39 as follows:

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

44 a. The members of the former "State Employees' Retirement
45 System of New Jersey" enrolled as such as of December 30, 1954,
46 who shall not have claimed for refund their accumulated deductions
47 in said system as provided in this section;

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

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

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

1 contrary, all other persons accepting employment in the service of
2 the State shall be required to enroll in the retirement system as a
3 condition of their employment, regardless of age.

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

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

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

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

45 e. Membership of any person in the retirement system shall
46 cease if he shall discontinue his service for more than two
47 consecutive years.

1 f. The accumulated deductions of the members of the former
2 "State Employees' Retirement System" which have been set aside in
3 a trust fund designated as Fund A as provided in section 5 of this
4 act and which have not been claimed for refund prior to February 1,
5 1955 shall be transferred from said Fund A to the Annuity Savings
6 Fund of the Retirement System, provided for in section 25 of this
7 act. Each member whose accumulated deductions are so transferred
8 shall receive the same prior service credit, pension credit, and
9 membership credit in the retirement system as he previously had in
10 the former "State Employees' Retirement System" and shall have
11 such accumulated deductions credited to his individual account in
12 the Annuity Savings Fund. Any outstanding obligations of such
13 member shall be continued.

14 g. Any school crossing guard electing to terminate his
15 membership in the retirement system pursuant to subsection d. of
16 this section shall, upon his request, receive a refund of his
17 accumulated deductions as of the date of his appointment to the
18 position of school crossing guard. Such refund of contributions
19 shall serve as a waiver of all benefits payable to the employee, to
20 his dependent or dependents, or to any of his beneficiaries under the
21 retirement system.

22 h. A temporary employee who is employed under the federal
23 Workforce Investment Act shall not be eligible for membership in
24 the system. Membership for temporary employees employed under
25 the federal Job Training Partnership Act, Pub.L.97-300
26 (29 U.S.C.s.1501) who are in the system on September 19, 1986
27 shall be terminated, and affected employees shall receive a refund
28 of their accumulated deductions as of the date of commencement of
29 employment in a federal Job Training Partnership Act program.
30 Such refund of contributions shall serve as a waiver of all benefits
31 payable to the employee, to his dependent or dependents, or to any
32 of his beneficiaries under the retirement system.

33 i. Membership in the retirement system shall be optional for a
34 special service employee who is employed under the federal Older
35 American Community Service Employment Act, Pub.L.94-135 (42
36 U.S.C.s.3056). Any special service employee employed under the
37 federal Older American Community Service Employment Act,
38 Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on
39 the effective date of P.L.1996, c.139 may terminate membership in
40 the retirement system by making an application in writing to the
41 board of trustees of the retirement system. Upon receiving the
42 application, the board shall terminate enrollment in the system and
43 the member shall receive a refund of accumulated deductions as of
44 the date of commencement of employment in a federal Older
45 American Community Service Employment Act program. This
46 refund of contributions shall serve as a waiver of all benefits
47 payable to the employee, to any dependent or dependents, or to any
48 beneficiary under the retirement system.

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

11 k. An employee of a renaissance school project established
12 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.) upon
13 commencement of employment.
14 (cf: P.L.2018, c.129, s.2)
15

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

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

35 b. A workers' compensation judge who is a participant in the
36 Defined Contribution Retirement Program, established pursuant to
37 P.L.2007, c.92 (C.43:15C-1 et seq.), on the effective date of
38 P.L. , c. (pending before the Legislature as this bill) or a
39 participant in the Workers' Compensation Judges Part of the Public
40 Employees' Retirement System on the effective date of
41 P.L. , c. (pending before the Legislature as this bill), shall be
42 transferred out of the program or the part within 90 days following
43 that effective date and covered by the provisions of section a. of this
44 section. A judge may elect not to be transferred and covered by the
45 provisions of subsection a. of this section by filing a statement
46 within 30 days following that effective date with the Division of
47 Pensions and Benefits in the Department of the Treasury waiving all

1 rights and benefits which would otherwise be provided in
2 accordance with subsection a. of this section.

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

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

23 ¹The value of the account of a workers' compensation judge who
24 is transferred out of the program shall be transferred from the
25 Defined Contribution Retirement Program to the Public Employees'
26 Retirement System in accordance with the rollover requirements of
27 the federal Internal Revenue Code and relevant regulations as a
28 qualified rollover distribution from one qualified retirement plan to
29 another qualified retirement plan, and shall not be a taxable
30 distribution to the workers' compensation judge. The transfer shall
31 be in accordance with a rule, method, or process that shall not result
32 in the transfer being deemed a distribution includible in federal
33 gross income for the workers' compensation judge.¹²

34
35 ²3. Section 2 of P.L.2001, c.259 (C.43:15A-143) is amended to
36 read as follows:

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

1 a judge of compensation **【**for a judge enrolled in the part prior to
2 the effective date of P.L.2007, c.92 (C.43:15C-1 et al.).

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

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

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

34 The actuary for the Public Employees' Retirement System shall
35 determine the unfunded accrued liability resulting from the transfer
36 and coverage of judges under this subsection a. of this section in the
37 same manner provided for the determination of the unfunded
38 accrued liability of the retirement system by section 24 of P.L.1954,
39 c.84 (C.43:15A-24). This unfunded accrued liability shall be
40 amortized in the manner provided by section 24 over an
41 amortization period of 20 years. Accrued liability and normal
42 contributions for workers compensation judges shall be paid by
43 transfers from the Second Injury Fund as provided by subsection j.
44 of R.S.34:15-94. The Commissioner of Labor and Workforce
45 Development may, with the authorization of and appropriation by
46 the Legislature, pay the unfunded accrued liability in a lump sum or
47 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 ³【rollover requirements】
5 relevant provisions³ of the federal Internal Revenue Code and
6 ³【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.³ 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 ³【enrollment】 enrolled³
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.² ³The 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.³

29 (cf: P.L.2007, c.92, s.22)

30
31 4. This act shall take effect immediately.