

ASSEMBLY, No. 245

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

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District 29 (Essex)

SYNOPSIS

Provides PFRS member in federal or State military service who is injured or killed with disability or death benefits.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning death and disability benefits for certain
2 members of the Police and Firemen's Retirement System of New
3 Jersey and amending P.L.1944, c.255.

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

7
8 1. Section 9 of P.L.1944, c.255 (C.43:16A-9) is amended to
9 read as follows:

10 9. (1) Upon the receipt of proper proof of the death of a
11 member in active service on account of which no accidental death
12 benefit is payable under section 10 there shall be paid to such
13 member's widow or widower a pension of 50% of final
14 compensation for the use of himself or herself and children of the
15 deceased member, to continue during his or her widowhood; if there
16 is no surviving widow or widower or in the case the widow or
17 widower dies or remarries, 20% of final compensation will be
18 payable to one surviving child, 35% of final compensation to two
19 surviving children in equal shares and if there be three or more
20 children, 50% of final compensation will be payable to such
21 children in equal shares.

22 In the event of death occurring in the first year of creditable
23 service, the benefits, payable pursuant to this subsection, shall be
24 computed at the annual rate of compensation.

25 If there is no widow or widower or child, 25% of final
26 compensation will be payable to one surviving parent or 40% of
27 final compensation will be payable to two surviving parents in
28 equal shares.

29 (2) If there is no widow or widower, child or parent, there shall
30 be paid to any other beneficiary of the deceased member his or her
31 aggregate contributions at the time of death.

32 (3) In no case shall the death benefit provided in subsection (1)
33 be less than that provided under subsection (2).

34 (4) In addition to the foregoing benefits payable under
35 subsection (1) or (2), there shall also be paid in one sum to the
36 member's beneficiary, an amount equal to 3 1/2 times final
37 compensation.

38 (5) a. For the purposes of this section and section 10 (5), a
39 member of the Police and Firemen's Retirement System shall be
40 deemed to be an active member for a period of no more than 93
41 days while on official leave of absence without pay when such
42 leave is due to any reason other than illness, and for a period of not
43 more than one year in the event of an official leave (a) due to the
44 member's maternity, or (b) to fulfill a residency requirement for an
45 advanced degree, or (c) as a full-time student at an institution of

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 higher education, and (1) while he is disabled due to sickness or
2 injury arising out of or in the course of his employment as a
3 member to whom this act applies, is not engaged in any gainful
4 occupation, and is receiving or entitled to receive periodic benefits
5 (including any commutation of, or substitute for, such benefits) for
6 loss of time on account of such disability under or by reason of
7 workmen's compensation law, occupational disease law or similar
8 legislation and has not retired or terminated his membership; or (2)
9 for a period of no more than two years while on official leave of
10 absence without pay if satisfactory evidence is presented to the
11 retirement system that such leave of absence without pay is due to
12 the member's personal illness other than an illness to which (1)
13 above applies.

14 b. If a member dies within 30 days after the date of retirement
15 or the date of board approval, whichever is later, a death benefit
16 shall be payable only if he is deemed to be an active member in
17 accordance with this section; provided, however, a member
18 applying for disability benefits shall be deemed an active member if
19 he was covered by the death benefit provisions of the act at the
20 termination of employment, filed the application for disability
21 retirement with the retirement system within 30 days following such
22 termination of employment and dies within 30 days after the date of
23 retirement or the date of board approval, whichever is later. If a
24 member files an application for disability retirement while in
25 service and otherwise meets the requirements for disability
26 retirement, but dies before the retirement takes effect, the retirement
27 shall be considered effective.

28 c. For the purposes of this section, a member of the Police and
29 Firemen's Retirement System shall be deemed to be an active
30 member while on official leave of absence with or without pay if
31 the leave is due to federal or State active duty or active duty for
32 training as defined in N.J.S.38A:1-1 in the reserve component of the
33 Armed Forces of the United States when the federal active duty has
34 been ordered by the President of the United States or in the
35 organized militia of this State when the State active duty has been
36 ordered by the Governor.
37 (cf: P.L.1999, c.428, s.5)
38

39 2. Section 6 of P.L.1944, c.255 (C.43:16A-6) is amended to
40 read as follows:

41 6. (1) Upon the written application by a member in service, by
42 one acting in his behalf or by his employer, any member, under 55
43 years of age, who has had four or more years of creditable service
44 may be retired on an ordinary disability retirement allowance;
45 provided, that the medical board, after a medical examination of
46 such member, shall certify that such member is mentally or
47 physically incapacitated for the performance of his usual duty and
48 of any other available duty in the department which his employer is

1 willing to assign to him and that such incapacity is likely to be
2 permanent and to such an extent that he should be retired.

3 (2) Upon retirement for ordinary disability, a member shall
4 receive an ordinary disability retirement allowance which shall
5 consist of:

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

8 (b) A pension in the amount which, when added to the member's
9 annuity, will provide a total retirement allowance of 1 1/2% of final
10 compensation multiplied by his number of years of creditable
11 service but in no event shall the total allowance be less than 40% of
12 the member's final compensation.

13 (3) Notwithstanding the provisions of subsection (2) of this
14 section, a member who has more than 20 but less than 25 years of
15 creditable service and who is required to retire upon application by
16 the employer on or after the effective date of P.L.1999, c.428, shall
17 receive an ordinary disability retirement allowance which shall
18 consist of:

19 (a) An annuity which shall be the actuarial equivalent of the
20 member's aggregate contributions; and

21 (b) A pension in the amount which, when added to the member's
22 annuity, will provide a total retirement allowance of 50% of final
23 compensation plus 3% of final compensation multiplied by the
24 number of years of creditable service over 20 but not over 25.

25 (4) Upon the receipt of proper proofs of the death of a member
26 who has retired on an ordinary disability retirement allowance,
27 there shall be paid to such member's beneficiary, an amount equal
28 to 3 1/2 times the compensation upon which contributions by the
29 member to the annuity savings fund were based in the last year of
30 creditable service; provided, however, that if such death shall occur
31 after the member shall have attained 55 years of age the amount
32 payable shall equal 1/2 of such compensation instead of 3 1/2 times
33 such compensation.

34 (5) For the purposes of this section, a member of the Police and
35 Firemen's Retirement System shall be deemed to be an active
36 member while on official leave of absence with or without pay if
37 the leave is due to federal or State active duty or active duty for
38 training as defined in N.J.S.38A:1-1 in the reserve component of the
39 Armed Forces of the United States when the federal active duty has
40 been ordered by the President of the United States or in the
41 organized militia of this State when the State active duty has been
42 ordered by the Governor.

43 (cf: P.L.1999, c.428, s.3)

44

45 3. This act shall take effect immediately.

STATEMENT

3 This bill provides that a member of the Police and Firemen's
4 Retirement System (PFRS) on official leave of absence with or
5 without pay due to federal or State active duty or active duty for
6 training in the reserve component of the Armed Forces of the
7 United States, when the federal active duty has been ordered by the
8 President of the United States, or in the organized militia of this
9 State, when the State active duty has been ordered by the Governor,
10 will be considered to be an active PFRS member. Active member
11 status ensures that police officers and firefighters called to active
12 duty or active duty for training in the military service who are killed
13 or injured remain eligible for PFRS death or disability benefits.