

ASSEMBLY, No. 2531

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblyman JON M. BRAMNICK
District 21 (Morris, Somerset and Union)

SYNOPSIS

Raises mandatory retirement age for SPRS members from 55 to 60.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the mandatory retirement age for members of
2 the State Police Retirement System and amending P.L.1965,
3 c.89.

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

7
8 1. Section 8 of P.L.1965, c.89 (C.53:5A-8) is amended to read
9 as follows:

10 8. a. The Legislature finds and declares that the public health,
11 safety and welfare require the ongoing health and fitness of all
12 members of the New Jersey State Police so that they may safely and
13 efficiently protect the public. The Legislature further finds and
14 declares that such continued health and fitness cannot be
15 determined except with reference to age, and therefore finds and
16 concludes that retirement of all members of the State Police at age
17 55, except as provided for in subsection c. of this section, and that,
18 after the effective date of P.L. , c. (pending before the
19 Legislature as this bill), retirement of all members of the State
20 Police at age 60, shall constitute a bona fide occupational
21 qualification which is reasonably necessary to the normal operation
22 of the State Police, which qualification the Legislature hereby
23 promulgates and establishes.

24 b. Any member of the retirement system may retire on a
25 service retirement allowance upon having established at least 20
26 years of creditable service in the retirement system, which includes
27 the creditable service of those members appointed to the Division of
28 State Police under section 3 of P.L.1983, c.403 (C.39:2-9.3) and the
29 creditable service of those members appointed to the Division of
30 State Police under section 1 of P.L.1997, c.19 (C.53:1-8.2). Upon
31 the filing of a written and duly executed application with the
32 retirement system, setting forth at what time, not less than one
33 month subsequent to the filing thereof, he desires to be retired, any
34 such member retiring for service shall receive a service retirement
35 allowance which shall consist of:

36 (1) An annuity which shall be the actuarial equivalent of his
37 aggregate contributions; and

38 (2) A pension in the amount which, when added to the member's
39 annuity, will provide a total retirement allowance of 50% of his
40 final compensation.

41 c. Except for the Superintendent of State Police, any member
42 of the retirement system, including a member appointed to the State
43 Police under section 3 of P.L.1983, c.403 (C.39:2-9.3) and a
44 member appointed to the State Police under section 1 of P.L.1997,
45 c.19 (C.53:1-8.2), who has attained the age of 55 years, shall be

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 retired forthwith on the first day of the next calendar month
2 following the effective date of this 1985 amendatory act. Any
3 member of the retirement system so retired shall receive a service
4 retirement allowance pursuant to this section or section 27 of
5 P.L.1965, c.89 (C.53:5A-27), as appropriate.

6 d. Any member of the retirement system who is required to
7 retire pursuant to subsection c. of this section and who has more
8 than 20 but fewer than 25 years of creditable service at the time of
9 retirement shall be entitled to continued health benefits coverage
10 during retirement as provided in the "New Jersey State Health
11 Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.).
12 Notwithstanding the provisions of section 8 of P.L.1961, c.49
13 (C.52:14-17.32), or any other law enacted prior to the effective date
14 of P.L.2018, c.63 requiring persons who have retired from public
15 employment to make contributions toward the cost of health care
16 benefits coverage in retirement, to the contrary, the State shall pay
17 in full the premium or periodic charge for the benefits provided
18 under this subsection to a member retiring under subsection c. of
19 this section with fewer than 25 years of service credited in the
20 retirement system, and the member's dependents covered under the
21 program, but not including survivors. This provision shall be the
22 sole provision applicable to these specified members of the
23 retirement system with regard to the obligations of the State for the
24 payment of premiums and periodic charges and any contributions
25 toward the cost of health care benefits coverage during retirement
26 for a retired member and the member's dependents.

27 e. Any member of the retirement system as of the effective date
28 of P.L.1985, c.175 who is required to retire pursuant to subsection
29 c. of this section shall be entitled to the retirement allowance
30 provided for by subsection b. of this section, notwithstanding that
31 the member shall have fewer than 20 years' creditable service.

32 f. Any member of the retirement system as of the effective date
33 of P.L.1985, c.175 who is required to retire pursuant to subsection
34 c. of this section and who has more than 20 but less than 25 years of
35 creditable service at the time of retirement shall be entitled to the
36 retirement allowance provided for by subsection b. of this section
37 plus 3% of his final compensation multiplied by the number of
38 years of creditable service over 20 but not over 25.

39 g. Upon the receipt of proper proofs of the death of a member
40 who has retired on a service retirement allowance, there shall be
41 paid to the member's beneficiary an amount equal to one-half of the
42 final compensation received by the member.

43 (cf: P.L.2019, c.251, s.2)

44

45 2. Section 9 of P.L.1965, c.89 (C.53:5A-9) is amended to read
46 as follows:

47 9. a. Upon the written application by a member in service, by
48 one acting in his behalf or by the State, any member, under 55 years

1 of age, or under 60 years of age for an application submitted after
2 the effective date of P.L. , c. (pending before the Legislature as
3 this bill), who has had four or more years of creditable service as a
4 State policeman, or four or more years of creditable service as a
5 person formerly employed by the Division of Motor Vehicles or the
6 Division of State Police prior to appointment as provided in section
7 3 of P.L.1983, c.403 (C.39:2-9.3), or four or more years of
8 creditable service as a person formerly employed by the Alcoholic
9 Beverage Control Enforcement Bureau, the State Capitol Police
10 Force, or the Bureau of Marine Law Enforcement prior to
11 appointment as provided in section 1 of P.L.1997, c.19 (C.53:1-
12 8.2), may be retired, not less than one month next following the
13 date of filing such application with the retirement system, on an
14 ordinary disability retirement allowance; provided, that the medical
15 board, after a medical examination of such member, shall certify
16 that such member is mentally or physically incapacitated for the
17 performance of his usual duty and of any other available duty in the
18 Division of State Police which the Superintendent of State Police is
19 willing to assign to him and that such incapacity is likely to be
20 permanent and of such an extent that he should be retired.

21 b. Upon retirement for ordinary disability, a member shall
22 receive an ordinary disability retirement allowance which shall
23 consist of:

24 (1) An annuity which shall be the actuarial equivalent of his
25 aggregate contributions; and

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

31 c. Notwithstanding the provisions of subsection b. of this
32 section, a member of the retirement system who has more than 20
33 but less than 25 years of creditable service and who is required to
34 retire pursuant to subsection a. of this section upon application by
35 the State made on or after October 1, 1988, shall receive an
36 ordinary disability retirement allowance which shall consist of:

37 (1) An annuity which shall be the actuarial equivalent of the
38 member's aggregate contributions; and

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

43 Any increase in the disability retirement allowance of a member
44 who was required to retire on or after October 1, 1988 and prior to
45 the effective date of this amendatory and supplementary act,
46 P.L.1989, c.308, shall be retroactive to the date of retirement.

47 d. Upon the receipt of proper proofs of the death of a member
48 who has retired on an ordinary disability retirement allowance,

1 there shall be paid to the member's beneficiary an amount equal to
2 three and one-half times the final compensation received by the
3 member in the last year of creditable service; provided, however,
4 that if such death shall occur after the member shall have attained
5 55 years of age, or attained 60 years of age for a member who
6 retired after the effective date of P.L. , c. (pending before the
7 Legislature as this bill), the amount payable shall equal one-half of
8 such compensation instead of three and one-half times such
9 compensation.

10 (cf: P.L.1997, c.19, s.10)

11
12 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to
13 read as follows:

14 10. a. Upon the written application by a member in service, by
15 one acting in his behalf or by the State, any member may be retired,
16 not less than 1 month next following the date of filing such
17 application, on an accidental disability retirement allowance,
18 provided, that the medical board, after a medical examination of
19 such member, shall certify that the member is permanently and
20 totally disabled as a direct result of a traumatic event occurring
21 during and as a result of the performance of his regular or assigned
22 duties and that such disability was not the result of the member's
23 willful negligence and that such member is mentally or physically
24 incapacitated for the performance of his usual duties in the Division
25 of State Police which the Superintendent of State Police is willing
26 to assign to him. The application to accomplish such retirement
27 must be filed within 5 years of the original traumatic event, but the
28 board of trustees may consider an application filed after the 5-year
29 period if it can be factually demonstrated to the satisfaction of the
30 board of trustees that the disability is due to the accident and the
31 filing was not accomplished within the 5-year period due to a
32 delayed manifestation of the disability or to the member's continued
33 employment in a restricted capacity consistent with the nature of his
34 disability in the Division of the State Police upon and at the written
35 request of the superintendent, with the concurrence of the Attorney
36 General, or to other circumstances beyond the control of the
37 member.

38 b. Upon retirement for accidental disability, a member shall
39 receive an accidental disability retirement allowance which shall
40 consist of:

41 (1) An annuity which shall be the actuarial equivalent of his
42 aggregate contributions and

43 (2) A pension in the amount which, when added to the member's
44 annuity, will provide a total retirement allowance of 2/3 of his final
45 compensation.

46 c. Upon the receipt of proper proofs of the death of a member
47 who has retired on an accidental disability retirement allowance,

1 there shall be paid to the member's beneficiary, an amount equal to
2 3 1/2 times the final compensation received by the member in the
3 last year of creditable service; provided, however, that if such death
4 shall occur after the member shall have attained 55 years of age, or
5 attained 60 years of age for a member who retired after the effective
6 date of P.L. , c. (pending before the Legislature as this bill), the
7 amount payable shall equal 1/2 of such compensation instead of 3
8 1/2 times such compensation.

9 d. Permanent and total disability resulting from a
10 cardiovascular, pulmonary or musculoskeletal condition which was
11 not a direct result of a traumatic event occurring in the performance
12 of duty shall be deemed an ordinary disability.

13 e. (1) For purposes of this subsection:

14 "Qualifying condition or impairment of health" includes:

15 diseases of the upper respiratory tract and mucosae, including
16 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
17 laryngitis, vocal cord disease, upper airway hyper-reactivity and
18 tracheo-bronchitis, or a combination of such conditions;

19 diseases of the lower respiratory tract, including but not limited
20 to bronchitis, asthma, reactive airway dysfunction syndrome, and
21 different types of pneumonitis, such as hypersensitivity,
22 granulomatous, or eosinophilic;

23 diseases of the gastroesophageal tract, including esophagitis and
24 reflux disease, either acute or chronic, caused by exposure or
25 aggravated by exposure;

26 diseases of the psychological axis, including post-traumatic
27 stress disorder, anxiety, depression, or any combination of such
28 conditions;

29 diseases of the skin such as contact dermatitis or burns, either
30 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
31 non-specific reactive in nature, caused by exposure or aggravated
32 by exposure; and

33 new onset diseases resulting from exposure as such diseases
34 occurring in the future including cancer, chronic obstructive
35 pulmonary disease, asbestos-related disease, heavy metal poisoning,
36 musculoskeletal disease and chronic psychological disease.

37 "World Trade Center rescue, recovery, or cleanup operations"
38 means the rescue, recovery, or cleanup operations at the World
39 Trade Center site between September 11, 2001 and October 11,
40 2001.

41 "World Trade Center site" means any location below a line
42 starting from the Hudson River and Canal Street, east on Canal
43 Street to Pike Street, south on Pike Street to the East River, and
44 extending to the lower tip of Manhattan.

45 (2) Notwithstanding any provision of subsection a. of this
46 section or any other law to the contrary, for a member who
47 participated, whether or not under orders or instruction by an
48 employer to so participate, in World Trade Center rescue, recovery,

1 or cleanup operations for a minimum of eight hours, permanent and
2 total disability resulting from a qualifying condition or impairment
3 of health shall be presumed to have occurred during and as a result
4 of the performance of the member's regular or assigned duties and
5 not the result of the member's willful negligence, unless the
6 contrary can be proved by competent evidence.

7 A member who did not participate in such operations for a
8 minimum of eight hours shall be eligible for the presumption
9 provided that:

10 the member participated in the rescue, recovery, or cleanup
11 operations at the World Trade Center site between September 11,
12 2001 and September 12, 2001;

13 the member sustained a documented physical injury at the World
14 Trade Center site between September 11, 2001 and September 12,
15 2001 that is a qualifying condition or impairment of health resulting
16 in a disability to the member that prevented the member from
17 continuing to participate in World Trade Center rescue, recovery, or
18 cleanup operations for a minimum of eight hours; and

19 the documented physical injury that resulted in a disability to the
20 member that prevented the member from continuing to participate
21 in World Trade Center rescue, recovery, or cleanup operations for a
22 minimum of eight hours is the qualifying condition or impairment
23 of health for which the member seeks a presumption under this
24 subsection.

25 In order to be eligible for the presumption provided under this
26 subsection, a member shall have successfully passed a physical
27 examination for entry into public service which failed to disclose
28 evidence of the qualifying condition or impairment of health that
29 formed the basis for the permanent and total disability.

30 (3) A member who participated in the World Trade Center
31 rescue, recovery, or cleanup operations for a minimum of eight
32 hours and subsequently retired on a service retirement or an
33 ordinary disability retirement and thereafter incurred a disability
34 caused by a qualifying condition or impairment of health which the
35 medical board determines to be caused by participation in World
36 Trade Center rescue, recovery, or cleanup operations shall be
37 eligible to apply to the board of trustees to have the retiree's
38 retirement allowance recalculated as an accidental disability
39 retirement allowance for benefit payments on or after the date of the
40 application, provided the retiree filed an application for such
41 recalculation within 30 days of the date that the retiree knew or
42 should have known of the existence of such disability and its
43 relation to the rescue, recovery, or cleanup operations. In order to
44 be eligible for such recalculation, the retiree shall have successfully
45 passed a physical examination for entry into public service which
46 failed to disclose evidence of the qualifying condition or
47 impairment of health that formed the basis for the disability.

1 (4) The board of trustees shall promulgate rules and regulations
2 necessary to implement the provisions of this subsection and shall
3 notify members and retirants in the retirement system of the
4 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

5 A member or retiree shall not be eligible for the presumption or
6 recalculation under this subsection unless within two years of the
7 effective date of this act, P.L.2019, c.157, the member or retiree
8 files a written and sworn statement with the retirement system on a
9 form provided by the board of trustees thereof indicating the dates
10 and locations of service.

11 (5) This subsection shall apply regardless of whether the
12 member or retiree, who is otherwise eligible, was enrolled in the
13 retirement system at the time of participation in World Trade Center
14 rescue, recovery, or cleanup operations as specified herein
15 (cf: P.L.2019, c.157, s.3)

16
17 4. Section 28 of P.L.1965, c. 89 (C.53:5A-28) is amended to
18 read as follows:

19 28 a. Should a member, after having established 10 years of
20 creditable service as a full time commissioned officer,
21 noncommissioned officer or trooper of the Division of State Police,
22 be separated voluntarily or involuntarily from the service, before
23 reaching age 55, or before reaching age 60 for a member who is
24 separated voluntarily or involuntarily from the service after the
25 effective date of P.L. , c. (pending before the Legislature as this
26 bill), and not by removal for cause on charges of misconduct or
27 delinquency, such person may elect to receive the payments
28 provided for in section 26 or 27 or a deferred retirement allowance,
29 beginning on the first day of the month following his attainment of
30 age 55, or age 60 as appropriate, and the filing of an application
31 therefor, which shall consist of:

32 (1) An annuity which shall be the actuarial equivalent of his
33 aggregate contributions at the time of his severance from the
34 service, and

35 (2) A pension in the amount which, when added to the member's
36 annuity, will provide a total retirement allowance of 2% of his final
37 compensation multiplied by his number of years of creditable
38 service up to 25 plus 1% of his final compensation multiplied by
39 his number of years of creditable service over 25, provided that
40 such inactive member may elect to receive payments provided
41 under section 26 or 27 if he had qualified under that latter section
42 at the time of leaving service, except that in order to avail himself
43 of the option, he must exercise such option at least 1 month before
44 the effective date of his retirement. If such inactive member shall
45 die before attaining age 55, or age 60 as appropriate, his aggregate
46 contributions shall be paid in accordance with section 26 and, in
47 addition if such inactive member shall die after attaining age 55, or
48 age 60 as appropriate, but before filing an application for

1 retirement benefits pursuant to this section or section 27 and for
2 which benefits he would have qualified and has not withdrawn his
3 aggregate contributions, or in the event of death after retirement, an
4 amount equal to one-half of the final compensation received by the
5 member shall be paid to such member's beneficiary.

6 b. (Deleted by amendment.)

7 c. Any member who, having elected to receive a deferred
8 retirement allowance, again becomes an employee covered by the
9 retirement system while under the age of 55, under age 60 as
10 appropriate, shall thereupon be reenrolled. He shall be credited
11 with all service as a member standing to his credit at the time of his
12 election to receive a deferred retirement allowance.

13 (cf: P.L.1981, c.177, s.6)

14
15 5. This act shall take effect immediately.

16
17
18 STATEMENT

19
20 This bill raises the mandatory retirement age for members of the
21 State Police Retirement System from 55 to 60.