P.L. 2021, CHAPTER 428, ***approved January 18, 2022***
Senate, No. 4252

AN ACT concerning mandatory retirement from the State Police Retirement System and amending P.L.2020, c.46.

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

1. Section 1 of P.L.2020, c.46 (C.53:5A-8.3) is amended to read as follows:

1. When a member of the State Police Retirement System is required to retire upon attaining the age of 55 years and the retirement date for that member will occur after the date of the declaration of a public health emergency or state of emergency, or both, by the Governor <u>as to which the Federal Emergency Management Agency has established an incident period</u> but before the end date of the period identified by the Federal Emergency Management Agency as the time interval during which the incident that caused the emergency occurs, the retirement date shall be extended, upon the request of the member, <u>if the Superintendent determines, based on a need to supplement available staffing or in consideration of the member's specific assignment or expertise, that the member's extended service is warranted in order to assist the Division of State Police in responding to the public health emergency or state of emergency,</u> to <u>no later than</u> the first day of the second calendar month that follows the calendar month in which the end date of the incident period for the public health emergency or state of emergency, whichever is later, occurs. <u>A member may make only one request for an extension, which shall include any request made prior to the effective date of P.L. , c. (pending before the Legislature as this bill). An extension requested pursuant to this section shall not exceed 90 days in duration, and may be terminated at any time if the Superintendent determines that there is no longer a need to supplement available staffing or for the member's specific assignment or expertise that would warrant the member's extended service in order to assist the Division of State Police in responding to the public health emergency or state of emergency.</u>

<u>This section shall be applicable to requests submitted by members prior to, or on, or after the effective date of this act, P.L. , c. (pending before the Legislature as this bill).</u>

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 <u>thus</u> is new matter.

This section shall not be deemed to alter or impair the entitlement and obligation set forth in subsection d. of section 8 of P.L.1965, c.89 (C.53:5A-8).
(cf: P.L.2020, c.46, s.1)

2. This act shall take effect on the 30th day after the date of enactment, and shall apply with respect to any declaration of a public health emergency or state of emergency declared or in effect on or after the effective date of this act.

STATEMENT

This bill limits to 90 days the period during which members of the State Police Retirement System can be kept on past their scheduled retirement dates. The bill also gives the Superintendent of the State Police discretion in permitting these extensions of service based on a need to supplement available staffing or in consideration of the member's specific assignment or expertise.

Under current law, the retirement may be extended for an indefinite period. At the beginning of the COVID-19 pandemic, the law was changed to allow members of the State Police Retirement System, at their request, to delay their mandatory retirement at age 55 until the end of the emergency. The change did not apply only to the COVID-19 pandemic, but to all future emergency periods. The change was meant to address the concerns of a reduction in members through retirement when their expertise and services were urgently needed.

Members have been able to stay on past their retirement, blocking promotional opportunities as more individuals continue to be added to the extended retirement list.

This bill will help ensure the emergency relief aspect of the law is better implemented and not solely based on a member's own discretion, but on the needed response to an emergency.

Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies.