

SENATE, No. 2138

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator NIA H. GILL
District 34 (Essex and Passaic)

SYNOPSIS

Increases mandatory retirement age for Administrative Law Judges, Workers' Compensation Judges and county prosecutors from 70 to 75.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the mandatory retirement age for certain public
2 officials and amending various parts of the statutory law.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.34:15-49 is amended to read as follows:

8 34:15-49. a. The Division of Workers' Compensation shall
9 have the exclusive original jurisdiction of all claims for workers'
10 compensation benefits under this chapter. The judges of the
11 Division of Workers' Compensation shall hereinafter be appointed
12 on a bipartisan basis by the Governor, with the advice and consent
13 of the Senate, to initial terms of three years at an annual salary, for
14 the first year, in an amount equal to **【75%】** 75 percent of the annual
15 salary of a Judge of the Superior Court. During the initial three-
16 year term, each judge shall be subject to a program of evaluation
17 developed by the Director of the Division of Workers'
18 Compensation. Upon receipt of a satisfactory annual evaluation
19 from the director, the annual salary of a nontenured judge shall be
20 increased to **【78 2/3%】** 78 2/3 percent of the annual salary of a
21 Judge of the Superior Court after one year; **【81 2/3%】** 81 2/3
22 percent of the annual salary of a Judge of the Superior Court after
23 two years; and, after three years and upon tenure as provided
24 pursuant to the provisions of this section, the annual salary of a
25 tenured judge of compensation shall be **【85%】** 85 percent of the
26 annual salary of a Judge of the Superior Court. Reappointment of a
27 judge shall be by the Governor, with the advice and consent of the
28 Senate. The director's evaluations shall be made available to the
29 Senate Judiciary Committee if the candidate has been renominated
30 by the Governor. Upon confirmation after the initial three-year
31 term, a judge of the Division of Workers' Compensation shall have
32 tenure, and shall serve during good behavior. All judges of
33 compensation appointed prior to the effective date of
34 P.L.1991, c.513 shall continue to have tenure and shall continue to
35 serve during good behavior. The annual salary of the director shall
36 be **【89%】** 89 percent of the annual salary of a Judge of the Superior
37 Court. The Chief Judge of Compensation shall be the Director of
38 the Division of Workers' Compensation and may be known as the
39 Director/Chief Judge of the division.

40 In addition to salary, a judge of compensation regularly assigned
41 as an administrative supervisory judge of compensation by the
42 director shall receive additional compensation of \$2,500 per annum
43 during the period of such assignment; and a judge of compensation
44 regularly assigned as a supervising judge of compensation by the
45 director shall receive additional compensation of \$1,500 per annum

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 during the period of such assignment.

2 Judges of compensation shall not engage in the practice of law,
3 shall devote full time to their judicial duties, and shall have been
4 licensed attorneys in the State of New Jersey for 10 years prior to
5 their appointments. The director of the division shall have the same
6 qualifications for appointment and be subject to the same
7 restrictions as a judge of compensation.

8 All judges of compensation shall be retired upon attaining the
9 age of **【70】** 75 years, except that any judge of compensation who
10 has retired on pension or retirement allowance may, with the judge's
11 consent, be recalled by the Director /Chief Judge of the Division of
12 Workers' Compensation for service as a recalled judge in the
13 Division of Workers' Compensation. No recalled judge shall serve
14 beyond his 80th birthday.

15 Upon such recall the retired judge shall have all the powers of a
16 judge of compensation and shall be paid a per diem allowance fixed
17 by the Director/Chief Judge of the Division of Workers'
18 Compensation. In addition the recalled judge shall be reimbursed
19 for reasonable expenses actually incurred by him in connection with
20 his assignment and shall be provided with such facilities as may be
21 required in the performance of his duties. Such per diem
22 compensation and expenses shall be paid by the State. Payment for
23 services and expenses shall be made in the same manner as payment
24 is made to the judges of the Division of Workers' Compensation
25 from which he retired.

26 b. An increase in an annual salary of a judge or the director
27 under subsection a. of this section that results due to the increase in
28 the salary of a Judge of the Superior Court provided in N.J.S.2B:2-4
29 as amended in section 1 of P.L.1995, c.424 (N.J.S.2B:2-4) shall not
30 be granted until July 1, 1996.

31 (cf: P.L.2005, c.6, s.3)

32

33 2. Section 4 of P.L.2001, c.259 (C.43:15A-145) is amended to
34 read as follows:

35 4. a. Any **【workers】** workers' compensation judge who has
36 reached the age of **【70】** 75 years shall be retired forthwith on the
37 first day of the next calendar month. Any other eligible **【workers】**
38 workers' compensation judge may be retired on the first day of the
39 next calendar month subsequent to the filing of a written and duly
40 executed application with the retirement system. Such application
41 shall be accompanied by a copy of the member's resignation which
42 has been filed in the office of the Director of the Division of
43 Workers' Compensation.

44 b. Notwithstanding the provisions of subsection a. of this
45 section or any other law to the contrary, a **【workers】** workers'
46 compensation judge who is 60 years of age or older on the effective
47 date of P.L.1999, c.380 shall be permitted to continue service as a

1 judge until attaining 10 years of service credit under the **Workers**
2 Workers' Compensation Judges Part of the retirement system.
3 (cf: P.L.2001, c.259, s.4)
4

5 3. Section 5 of P.L.2001, c.259 (C.43:15A-146) is amended to
6 read as follows:

7 5. Any **workers** workers' compensation judge who has
8 served at least 10 years as a judge of compensation and attained at
9 least the age of 70 years **shall be retired** may retire and shall
10 receive the retirement allowance prescribed by this section.

11 Any **workers** workers' compensation judge who has served at
12 least 15 years as a judge of compensation and attained the age of 65
13 years, or served at least 20 years as a judge of compensation and
14 attained the age of 60 years, may retire and receive the retirement
15 allowance prescribed by this section. The retirement allowance
16 shall consist of an annuity that shall be the actuarial equivalent of
17 the member's accumulated deductions together with regular interest,
18 and a pension that, when added to the member's annuity, shall
19 provide a retirement allowance during the remainder of the
20 member's life in the amount equal to three-quarters of the member's
21 final salary.

22 (cf: P.L.2001, c.259, s.5)
23

24 4. Section 4 of P.L.2001, c.366 (C.43:15A-158) is amended to
25 read as follows:

26 4. a. Any member of the Prosecutors Part who has attained age
27 55 years may retire on a service retirement allowance by filing with
28 the retirement system a written application, duly attested, stating at
29 what time subsequent to the execution and filing thereof the
30 member desires to be retired. The board of trustees shall retire the
31 member at the time specified or at such other time within one month
32 after the date so specified as the board finds advisable. Any
33 prosecutor in service who attains age **70** 75 years shall be retired
34 by the board of trustees on a service retirement allowance forthwith
35 on the first day of the next calendar month or at such time within
36 one month thereafter as it finds advisable, except that a prosecutor
37 attaining age **70** 75 years may be continued in service on an
38 annual basis upon written notice to the retirement system by the
39 Attorney General or the Board of Chosen Freeholders of the county
40 employing the prosecutor.

41 b. Upon retirement for service a prosecutor shall receive a
42 service retirement allowance which shall consist of:

43 (1) An annuity which shall be the actuarial equivalent of the
44 prosecutor's aggregate contributions; and

45 (2) A pension in the amount which, when added to the
46 prosecutor's annuity, will provide a total retirement allowance of
47 one-sixtieth of average final compensation multiplied by the
48 number of years of creditable service, or **2%** two percent of

1 average final compensation multiplied by the number of years of
2 creditable service up to 30 plus **【1%】** one percent of average final
3 compensation multiplied by the number of years of creditable
4 service over 30, or **【50%】** 50 percent of final compensation if the
5 prosecutor has established 20 or more years of creditable service,
6 whichever is greater.

7 c. Any prosecutor as of the effective date of P.L.2001, c.366
8 (C.43:15A-155 et seq.) who has 20 or more years of creditable
9 service at the time of retirement shall be entitled to receive a
10 retirement allowance equal to **【50%】** 50 percent of final
11 compensation plus, in the case of a prosecutor required to retire
12 pursuant to the provisions of subsection a. of this section, **【3%】**
13 three percent of final compensation multiplied by the number of
14 years of creditable service over 20 but not over 25.

15 d. Upon the receipt of proper proofs of the death of a
16 prosecutor who has retired on a service retirement allowance, there
17 shall be paid to the prosecutor's beneficiary an amount equal to one-
18 half of the compensation upon which contributions by the
19 prosecutor to the annuity savings fund were based in the last year of
20 creditable service.

21 (cf: P.L.2001, c.366, s.4)

22
23 5. Section 4 of P.L.1978, c.67 (C.52:14F-4) is amended to read
24 as follows:

25 4. Permanent administrative law judges shall be appointed by
26 the Governor with the advice and consent of the Senate to initial
27 terms of one year. During this initial term, each judge shall be
28 subject to a program of evaluation as delineated in section 5 of
29 P.L.1978, c.67 (C.52:14F-5). First reappointment of a judge after
30 this initial term shall be by the Governor for a term of four years
31 and until the appointment and qualification of the judge's successor.

32 Administrative law judges nominated by the Governor before
33 July 1, 1981 shall, upon their confirmation by the Senate, serve for
34 terms of five years and until the appointment and qualification of
35 their successors.

36 Subsequent reappointments of a judge shall be by the Governor
37 with the advice and consent of the Senate to terms of five years and
38 until the appointment and qualification of the judge's successor.
39 The advice and consent of the Senate, as provided in this section,
40 shall be exercised within 45 days after a nomination for
41 appointment has been submitted to the Senate, and if no action has
42 been taken within the 45-day period, the nomination shall be
43 deemed confirmed. This 45-day period shall not apply to any
44 person nominated by the Governor for the position of administrative
45 law judge prior to July 1, 1981.

46 The annual salary for an administrative law judge during the
47 initial term of one year shall be equal to **【75%】** 75 percent of the
48 annual salary of a Judge of the Superior Court. The annual salary

1 for a judge during the first year of the first reappointment shall be
2 increased to **【78 2/3 %】** 78 2/3 percent of the annual salary of a
3 Judge of the Superior Court. Upon receipt of satisfactory annual
4 evaluations, the annual salary for a judge shall be increased to **【81**
5 2/3 %】 81 2/3 percent of the annual salary of a Judge of the
6 Superior Court for the second year of the first reappointment and to
7 **【85%】** 85 percent of the annual salary of a Judge of the Superior
8 Court for the third year of the first reappointment. The annual
9 salary shall be **【85%】** 85 percent of the annual salary of a Judge of
10 the Superior Court for the fourth year of the first reappointment and
11 for each year of subsequent reappointments thereafter.

12 In addition to salary, an administrative law judge regularly
13 assigned as an assignment judge shall receive \$2,500 annually as
14 additional compensation, and a judge regularly assigned other
15 administrative or supervisory duties shall receive \$1,500 annually
16 as additional compensation.

17 All administrative law judges, including the Chief
18 Administrative Law Judge, shall be retired upon attaining the age of
19 **【70】** 75 years, except that any administrative law judge who has
20 retired on pension or retirement allowance may, with the judge's
21 consent, be recalled by the Director/Chief Administrative Law
22 Judge of the Office of Administrative Law for service as a recalled
23 judge in the Office of Administrative Law. No recalled judge shall
24 serve beyond his 80th birthday.

25 Upon such recall the retired judge shall have all the powers of an
26 administrative law judge and shall be paid a per diem allowance
27 fixed by the Director/ Chief Administrative Law Judge. In addition
28 the recalled judge shall be reimbursed for reasonable expenses
29 actually incurred by him in connection with his assignment and
30 shall be provided with such facilities as may be required in the
31 performance of his duties. Such per diem compensation and
32 expenses shall be paid by the State. Payment for services and
33 expenses shall be made in the same manner as payment is made to
34 the judges of the Office of Administrative Law from which he
35 retired.

36 (cf: P.L.2005, c.6, s.1)

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38 6. This act shall take effect immediately.

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STATEMENT

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43 This bill would increase the mandatory retirement age for
44 Administrative Law Judges, Judges of the Division of Workers'
45 Compensation, and county prosecutors from 70 to 75.