

**SENATE, No. 2376**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED APRIL 9, 2020

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2020)**

1   **AN ACT** concerning the hiring, retention, and benefits of certain  
2   public employees during the public health hazard posed by  
3   coronavirus disease 2019 (COVID-19) and supplementing  
4   P.L.2007, c.92 (C.43:15C-1 et seq.) and P.L.1969, c.242  
5   (C.18A:66-169 et seq.).

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

9  
10    1. Notwithstanding the provisions of section 7 of P.L.1954, c.84  
11 (C.43:15A-7), section 65 of P.L.1954, c.84 (C.43:15A-65), section  
12 27 of P.L.1966, c.217 (C.43:15A-57.2), or any other law or  
13 regulation to the contrary, during the Public Health Emergency or  
14 State of Emergency declared by the Governor in Executive Order No.  
15 103 of 2020, reenrollment in the Public Employees' Retirement  
16 System shall not be a condition of full-time employment with a public  
17 agency or other participating employer for a retired member who  
18 retired for any reason other than disability, has had a bona fide  
19 severance from employment, and is returning to work on a temporary  
20 basis in response to the Public Health Emergency or State of  
21 Emergency. This provision applies to a retired member who retired  
22 for any reason other than disability, has completed at least a 30-day  
23 separation from his or her employer from the date of retirement or  
24 the date of board approval, whichever is later, and returns to work for  
25 an employer in a State-administered retirement system on a  
26 temporary basis in response to the Public Health Emergency or State  
27 of Emergency. A retired member returning to work on a temporary  
28 basis pursuant to this section shall be deemed a temporary  
29 appointment for civil service purposes but shall not be subject to the  
30 limitation on service time set forth in N.J.A.C.4A:4-1.7.

31  
32    2. Notwithstanding the provisions of section 3 of P.L.1944,  
33 c.255 (C.43:16A-3), section 20 of P.L.1971, c.175 (C.43:16A-15.3),  
34 or any other law or regulation to the contrary, during the Public  
35 Health Emergency or State of Emergency declared by the Governor  
36 in Executive Order No. 103 of 2020, reenrollment in the Police and  
37 Firemen's Retirement System of New Jersey shall not be a condition  
38 of employment as a full-time policeman or fireman for a retired  
39 member who retired for any reason other than disability, has had a  
40 bona fide severance from employment, and is returning to work on a  
41 temporary basis in response to the Public Health Emergency or State  
42 of Emergency. This provision applies to a retired member who  
43 retired for any reason other than disability, has completed at least a  
44 30-day separation from his or her employer from the date of  
45 retirement or the date of board approval, whichever is later, and  
46 returns to work for an employer in a State-administered retirement  
47 system on a temporary basis in response to the Public Health  
48 Emergency or State of Emergency. A retired member returning to

1 work on a temporary basis pursuant to this section shall be deemed a  
2 temporary appointment for civil service purposes but shall not be  
3 subject to the limitation on service time set forth in N.J.A.C.4A:4-  
4 1.7.

5  
6 3. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
7 (C.53:5A-5) or any other law or regulation to the contrary, during the  
8 Public Health Emergency or State of Emergency declared by the  
9 Governor in Executive Order No. 103 of 2020, reenrollment in the  
10 State Police Retirement System shall not be a condition of  
11 employment as a full-time officer, non-commissioned officer, or  
12 trooper for a retired member who retired for any reason other than  
13 disability, has had a bona fide severance from employment, and is  
14 returning to work on a temporary basis in response to the Public  
15 Health Emergency or State of Emergency. This provision applies to  
16 a retired member who retired for any reason other than disability, has  
17 completed at least a 30-day separation from his or her employer from  
18 the date of retirement or the date of board approval, whichever is  
19 later, and returns to work for an employer in a State-administered  
20 retirement system on a temporary basis in response to the Public  
21 Health Emergency or State of Emergency. A retired member  
22 returning to work on a temporary basis pursuant to this section shall  
23 be deemed a temporary appointment for civil service purposes but  
24 shall not be subject to the limitation on service time set forth in  
25 N.J.A.C.4A:4-1.7.

26  
27 4. Notwithstanding the provisions of sections 3 and 7 of  
28 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law  
29 or regulation to the contrary, during the Public Health Emergency or  
30 State of Emergency declared by the Governor in Executive Order No.  
31 103 of 2020, immediately upon hire, a person shall be deemed an  
32 employee eligible for participation in the State Health Benefits  
33 Program, provided such person is or was hired as a new employee on  
34 or after February 3, 2020 to provide services needed because of the  
35 coronavirus disease 2019 (COVID-19) pandemic. If a retiree is  
36 returning to work on a temporary basis in response to the Public  
37 Health Emergency or State of Emergency and already enrolled in the  
38 State Health Benefits Program as a retiree, the retiree shall continue  
39 to maintain the same health benefits coverage with the same terms  
40 concerning health benefits coverage, including, but not limited to any  
41 contributions, during the retiree's temporary return to employment.

42  
43 5. Notwithstanding the provisions of section 10 of P.L.1985,  
44 c.439 (C.40A:14-146.17) or any other law or regulation to the  
45 contrary, during the Public Health Emergency or State of Emergency  
46 declared by the Governor in Executive Order No. 103 of 2020, there  
47 shall be no limit on the number of Class Two special law enforcement  
48 officers employed by a local unit.

1       6. Notwithstanding the provisions of section 3 of P.L.1998,  
2 c.146 (C.52:17B-69.2) or any other law or regulation to the contrary,  
3 during the Public Health Emergency or State of Emergency declared  
4 by the Governor in Executive Order No. 103 of 2020, any person who  
5 has completed a training course pursuant to section 2 of P.L.1998,  
6 c.146 (C.52:17B-69.1), commonly referred to as Alternate Route  
7 Training, shall be eligible for appointment as a Class Two special law  
8 enforcement officer by a local unit, in accordance with P.L. 1985,  
9 c.439 (C.40A:14-146.8 et seq.), and based upon conditions set by the  
10 Police Training Commission in accordance with the Police Training  
11 Act, P.L.1961, c.56 (C.52:17B-66 et seq.), for such time as the Public  
12 Health Emergency or State of Emergency remains in effect.

13  
14       7. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
15 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the  
16 contrary, members of the 160th Class of the New Jersey State Police  
17 Academy, which commenced training on February 24, 2020, shall  
18 become eligible for membership in the State Police Retirement  
19 System, P.L.1965, c.89 (C.53:5A-1 et seq.), on August 7, 2020, the  
20 originally scheduled date of their academy graduation which was  
21 extended as a result of the Public Health Emergency and State of  
22 Emergency declared by the Governor in Executive Order No. 103 of  
23 2020. In addition, upon completion of pre-service training and  
24 graduation from the New Jersey State Police Academy, members of  
25 the 160th Class of the New Jersey State Police Academy shall be  
26 eligible for appointment as sworn members of the New Jersey State  
27 Police at that time regardless of age, notwithstanding the provisions  
28 of R.S.53:1-9 relating to the maximum age requirement for  
29 appointment as a member of the State Police.

30  
31       8. Notwithstanding the provisions of subsection c. of section 8  
32 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the  
33 contrary, a member appointed to the State Police who attains the age  
34 of 55 years while in active service on or after the effective date of  
35 this act shall not be required to retire and may continue in active  
36 service during the Public Health Emergency or State of Emergency  
37 declared by the Governor in Executive Order No. 103 of 2020.

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39       9. Notwithstanding the provisions of section 3 of P.L.1955,  
40 c.257 (C.43:15A-99), section 5 of P.L.1944, c.255 (C.43:16A-5), or  
41 any other law or regulation to the contrary, a member of the Police  
42 and Firemen's Retirement System of New Jersey or a law  
43 enforcement officer, as defined in section 1 of P.L.1955, c.257  
44 (C.43:15A-97), who is a member of the Public Employees'  
45 Retirement System, and who attains the mandatory retirement age set  
46 forth in section 3 of P.L.1955, c.257 (C.43:15A-99) or section 5 of  
47 P.L.1944, c.255 (C.43:16A-5) applicable to that officer or member  
48 while in active service on or after the effective date of this act shall

1 not be required to retire and may continue in active service during  
2 the Public Health Emergency or State of Emergency declared by the  
3 Governor in Executive Order No. 103 of 2020.

4  
5 10. Notwithstanding the provisions of section 9 of P.L.1969,  
6 c.242 (C.18A:66-175) or any other law or regulation to the contrary,  
7 a member or participant in the alternate benefit program who elects  
8 to receive a distribution under a federal stimulus program in response  
9 to the coronavirus disease 2019 (COVID-19) pandemic, including,  
10 but not limited to, a “coronavirus-related distribution” under the  
11 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.  
12 116-136 (2020), shall not have his or her membership or participation  
13 terminated and shall not be considered retired.

14  
15 11. Notwithstanding the provisions of section 1 of P.L.2007, c.92  
16 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law or regulation to  
17 the contrary, a participant in the defined contribution retirement  
18 program may elect to receive, prior to the participant's severance  
19 from employment, a distribution under a federal stimulus program in  
20 response to the coronavirus disease 2019 (COVID-19) pandemic,  
21 including, but not limited to, a “coronavirus-related distribution”  
22 under the Coronavirus Aid, Relief, and Economic Security Act, Pub.  
23 L. No. 116-136 (2020).

24  
25 12. This act shall take effect immediately and shall be retroactive  
26 to April 6, 2020. Sections 1 through 9 of this act shall expire when  
27 the Governor declares both the Public Health Emergency and State  
28 of Emergency to be over.

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31 STATEMENT

32  
33 This bill provides for the temporary employment of former public  
34 employees who retired from the Public Employees’ Retirement  
35 System, the Police and Firemen’s Retirement System, or the State  
36 Police Retirement System, during the Public Health Emergency or  
37 State of Emergency declared by the Governor in Executive Order No.  
38 103 of 2020.

39 The bill permits a public employee to be eligible for participation  
40 in the State Health Benefits Program immediately upon hire,  
41 provided such person is or was hired as a new employee on or after  
42 February 3, 2020 to provide services needed because of the  
43 coronavirus disease 2019 (COVID-19) pandemic.

44 This bill removes the limit, during the Public Health Emergency  
45 or State of Emergency declared by the Governor in Executive Order  
46 No. 103 of 2020, on the number of Class Two special law  
47 enforcement officers that may be employed by a local unit.

1       This bill provides that, during the Public Health Emergency or  
2 State of Emergency declared by the Governor in Executive Order No.  
3 103 of 2020, any person who has completed a training course  
4 commonly referred to as Alternate Route Training will be eligible for  
5 appointment as a Class Two special law enforcement officer by a  
6 local unit for such time as the Public Health Emergency or State of  
7 Emergency remains in effect.

8       This bill provides that the members of the 160th Class of the New  
9 Jersey State Police Academy, which commenced training on  
10 February 24, 2020, will become eligible for membership in the State  
11 Police Retirement System on August 7, 2020, the originally  
12 scheduled date of their academy graduation which was extended as a  
13 result of the Public Health Emergency and State of Emergency  
14 declared by the Governor in Executive Order No. 103 of 2020. In  
15 addition, upon completion of pre-service training and graduation  
16 from the New Jersey State Police Academy, members of the 160th  
17 Class of the New Jersey State Police Academy will be eligible for  
18 appointment as sworn members of the New Jersey State Police at that  
19 time regardless of age.

20       This bill provides that a member of the State Police who attains  
21 the age of 55 years while in active service on or after the effective  
22 date of this bill will not be required to retire and may continue in  
23 active service during the Public Health Emergency or State of  
24 Emergency declared by the Governor in Executive Order No. 103 of  
25 2020. Also, a member of the Police and Firemen's Retirement  
26 System of New Jersey or a law enforcement officer who is a member  
27 of the Public Employees' Retirement System who attains the  
28 mandatory retirement age while in active service on or after the  
29 effective date of this bill will not be required to retire and may  
30 continue in active service during the Public Health Emergency or  
31 State of Emergency declared by the Governor in Executive Order No.  
32 103 of 2020.

33       Finally, the bill permits a participant of the alternate benefit  
34 program or the defined contribution retirement program to receive a  
35 distribution under a federal stimulus program in response to the  
36 coronavirus disease 2019 (COVID-19) pandemic, including, but not  
37 limited to, a "coronavirus-related distribution" under the Coronavirus  
38 Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020),  
39 and remain employed.