

[Second Reprint]
SENATE, No. 2376

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

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Senator Pou

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 amended by the Senate on July 30, 2020.



(Sponsorship Updated As Of: 8/27/2020)

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted July 28, 2020.

²Senate floor amendments adopted July 30, 2020.

1 reason other than disability, has completed at least a 30-day
2 separation from his or her employer from the date of retirement or
3 the date of board approval, whichever is later, and returns to work
4 for an employer in a State-administered retirement system on a
5 temporary basis in response to the Public Health Emergency or
6 State of Emergency. A retired member returning to work on a
7 temporary basis pursuant to this section shall be deemed a
8 temporary appointment for civil service purposes but shall not be
9 subject to the limitation on service time set forth in N.J.A.C.4A:4-
10 1.7.

11
12 3. Notwithstanding the provisions of section 5 of
13 P.L.1965, c.89 (C.53:5A-5) or any other law or regulation to the
14 contrary, during the Public Health Emergency or State of
15 Emergency declared by the Governor in Executive Order No. 103 of
16 2020, reenrollment in the State Police Retirement System shall not
17 be a condition of employment as a full-time officer, non-
18 commissioned officer, or trooper for a retired member who retired
19 for any reason other than disability, has had a bona fide severance
20 from employment, and is returning to work on a temporary basis in
21 response to the Public Health Emergency or State of Emergency.
22 This provision applies to a retired member who retired for any
23 reason other than disability, has completed at least a 30-day
24 separation from his or her employer from the date of retirement or
25 the date of board approval, whichever is later, and returns to work
26 for an employer in a State-administered retirement system on a
27 temporary basis in response to the Public Health Emergency or
28 State of Emergency. A retired member returning to work on a
29 temporary basis pursuant to this section shall be deemed a
30 temporary appointment for civil service purposes but shall not be
31 subject to the limitation on service time set forth in N.J.A.C.4A:4-
32 1.7.

33
34 4. Notwithstanding the provisions of sections 3 and 7 of
35 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law
36 or regulation to the contrary, during the Public Health Emergency
37 ²**【or State of Emergency】²** declared by the Governor in Executive
38 Order No. 103 of 2020, ²including any extension thereof,²
39 immediately upon hire, a person shall be deemed an employee
40 eligible for participation in the State Health Benefits Program,
41 provided such person is or was hired as a new employee on or after
42 February 3, 2020 ²**【to provide services needed because of the**
43 **coronavirus disease 2019 (COVID-19) pandemic】²**. If a retiree is
44 returning to work on a temporary basis in response to the Public
45 Health Emergency or State of Emergency and already enrolled in
46 the State Health Benefits Program as a retiree, the retiree shall
47 continue to maintain the same health benefits coverage with the

1 same terms concerning health benefits coverage, including, but not
2 limited to any contributions, during the retiree's temporary return to
3 employment.

4
5 5. Notwithstanding the provisions of section 10 of
6 P.L.1985, c.439 (C.40A:14-146.17) or any other law or regulation
7 to the contrary, during the Public Health Emergency or State of
8 Emergency declared by the Governor in Executive Order No. 103 of
9 2020, there shall be no limit on the number of Class Two special
10 law enforcement officers employed by a local unit.

11
12 6. Notwithstanding the provisions of section 3 of
13 P.L.1998, c.146 (C.52:17B-69.2) or any other law or regulation to
14 the contrary, during the Public Health Emergency or State of
15 Emergency declared by the Governor in Executive Order No. 103 of
16 2020, any person who has completed a training course pursuant to
17 section 2 of P.L.1998, c.146 (C.52:17B-69.1), commonly referred to
18 as Alternate Route Training, shall be eligible for appointment as a
19 Class Two special law enforcement officer by a local unit, in
20 accordance with P.L. 1985, c.439 (C.40A:14-146.8 et seq.), and
21 based upon conditions set by the Police Training Commission in
22 accordance with the Police Training Act, P.L.1961, c.56 (C.52:17B-
23 66 et seq.), for such time as the Public Health Emergency or State
24 of Emergency remains in effect.

25
26 7. Notwithstanding the provisions of section 5 of
27 P.L.1965, c.89 of P.L.1983, c.403 (C.53:5A-5) or any other law or
28 regulation to the contrary, members of the 160th Class of the New
29 Jersey State Police Academy, which commenced training on
30 February 24, 2020, shall **'[become eligible for membership] be**
31 **enrolled**¹ in the State Police Retirement System, P.L.1965, c.89
32 (C.53:5A-1 et seq.), **'and contributions by the State and the member**
33 **shall commence,**¹ on August 7, 2020, the originally scheduled date
34 of their academy graduation which was extended as a result of the
35 Public Health Emergency and State of Emergency declared by the
36 Governor in Executive Order No. 103 of 2020. **'The period of**
37 **membership commencing August 7, 2020 and thereafter shall be**
38 **deemed creditable service as a member of the system for purposes**
39 **of section 6 of P.L.1965, c.89 (C.53:5A-6).**¹ In addition, upon
40 completion of pre-service training and graduation from the New
41 Jersey State Police Academy, members of the 160th Class of the
42 New Jersey State Police Academy shall be eligible for appointment
43 as sworn members of the New Jersey State Police at that time
44 regardless of age, notwithstanding the provisions of R.S.53:1-9
45 relating to the maximum age requirement for appointment as a
46 member of the State Police.

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

8
9 9. Notwithstanding the provisions of section 3 of
10 P.L.1955, c.257 (C.43:15A-99), section 5 of P.L.1944, c.255
11 (C.43:16A-5), or any other law or regulation to the contrary, a
12 member of the Police and Firemen's Retirement System of New
13 Jersey or a law enforcement officer, as defined in section 1 of
14 P.L.1955, c.257 (C.43:15A-97), who is a member of the Public
15 Employees' Retirement System, and who attains the mandatory
16 retirement age set forth in section 3 of P.L.1955, c.257 (C.43:15A-
17 99) or section 5 of P.L.1944, c.255 (C.43:16A-5) applicable to that
18 officer or member while in active service on or after the effective
19 date of this act shall not be required to retire and may continue in
20 active service during the Public Health Emergency or State of
21 Emergency declared by the Governor in Executive Order No. 103 of
22 2020.

23
24 10. Notwithstanding the provisions of section 9 of
25 P.L.1969, c.242 (C.18A:66-175) or any other law or regulation to
26 the contrary, a member or participant in the alternate benefit
27 program who elects to receive a distribution under a federal
28 stimulus program in response to the coronavirus disease 2019
29 (COVID-19) pandemic, including, but not limited to, a
30 "coronavirus-related distribution" under the Coronavirus Aid,
31 Relief, and Economic Security Act, Pub. L. No. 116-136 (2020),
32 shall not have his or her membership or participation terminated
33 and shall not be considered retired.

34
35 11. Notwithstanding the provisions of section 1 of
36 P.L.2007, c.92 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law
37 or regulation to the contrary, a participant in the defined
38 contribution retirement program may elect to receive, prior to the
39 participant's severance from employment, a distribution under a
40 federal stimulus program in response to the coronavirus disease
41 2019 (COVID-19) pandemic, including, but not limited to, a
42 "coronavirus-related distribution" under the Coronavirus Aid,
43 Relief, and Economic Security Act, Pub. L. No. 116-136 (2020).

44
45 12. This act shall take effect immediately and shall be
46 retroactive to April 6, 2020. Sections 1 through 9 of this act shall
47 expire when the Governor declares both the Public Health
48 Emergency and State of Emergency to be over.