[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)
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District 25 (Morris and Somerset)

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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)

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

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

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

2. Notwithstanding the provisions of section 3 of P.L.1944, c.255 (C.43:16A-3), section 20 of P.L.1971, c.175 (C.43:16A-15.3), or any other law or regulation to the contrary, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020, reenrollment in the Police and Firemen's Retirement System of New Jersey shall not be a condition of employment as a full-time policeman or fireman for a retired member who retired for any reason other than disability, has had a bona fide severance from employment, and is returning to work on a temporary basis in response to the Public Health Emergency or State of Emergency. 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:
[1]Senate SBA committee amendments adopted July 28, 2020.
[2]Senate floor amendments adopted July 30, 2020.

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

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

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

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

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

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

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

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

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

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

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

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