

SENATE, No. 2650

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 30, 2020

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Extends certain PERS benefits to veterans of “Operation Uphold Democracy”.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** providing Public Employees' Retirement System pension
2 benefits to veterans of "Operation Uphold Democracy" and
3 amending P.L.1954, c.84.

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

7
8 1. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read
9 as follows:

10 6. As used in this act:

11 a. "Accumulated deductions" means the sum of all the
12 amounts, deducted from the compensation of a member or
13 contributed by or on behalf of the member, standing to the credit of
14 the member's individual account in the annuity savings fund.

15 b. "Annuity" means payments for life derived from the
16 accumulated deductions of a member as provided in this act.

17 c. "Annuity reserve" means the present value of all payments
18 to be made on account of any annuity or benefit in lieu of an
19 annuity, granted under the provisions of this act, computed on the
20 basis of such mortality tables recommended by the actuary as the
21 board of trustees adopts, with regular interest.

22 d. "Beneficiary" means any person receiving a retirement
23 allowance or other benefit as provided in this act.

24 e. "Child" means a deceased member's unmarried child either
25 (1) under the age of 18 or (2) of any age who, at the time of the
26 member's death, is disabled because of an intellectual disability or
27 physical incapacity, is unable to do any substantial, gainful work
28 because of the impairment and the impairment has lasted or can be
29 expected to last for a continuous period of not less than 12 months,
30 as affirmed by the medical board.

31 f. "Parent" shall mean the parent of a member who was
32 receiving at least 1/2 of the parent's support from the member in the
33 12-month period immediately preceding the member's death or the
34 accident which was the direct cause of the member's death. The
35 dependency of such a parent will be considered terminated by
36 marriage of the parent subsequent to the death of the member.

37 g. (1) "Widower," for employees of the State, means the man
38 to whom a member was married, or a domestic partner as defined in
39 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
40 the date of her death and to whom she continued to be married or a
41 domestic partner until the date of her death and who was receiving
42 at least 1/2 of his support from the member in the 12-month period
43 immediately preceding the member's death or the accident which
44 was the direct cause of the member's death. The dependency of
45 such a widower will be considered terminated by marriage of, or

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 establishment of a domestic partnership by, the widower subsequent
2 to the death of the member. In the event of the payment of an
3 accidental death benefit, the five-year qualification shall be waived.

4 (2) Subject to the provisions of paragraph (3) of this subsection,
5 "widower," for employees of public employers other than the State,
6 means the man to whom a member was married at least five years
7 before the date of her death and to whom she continued to be
8 married until the date of her death and who was receiving at least
9 1/2 of his support from the member in the 12-month period
10 immediately preceding the member's death or the accident which
11 was the direct cause of the member's death. The dependency of
12 such a widower shall be considered terminated by marriage of the
13 widower subsequent to the death of the member. In the event of the
14 payment of an accidental death benefit, the five-year qualification
15 shall be waived.

16 (3) A public employer other than the State may adopt a
17 resolution providing that the term "widower" as defined in
18 paragraph (2) of this subsection shall include domestic partners as
19 provided in paragraph (1) of this subsection.

20 h. (1) "Final compensation" means the average annual
21 compensation for which contributions are made for the three years
22 of creditable service in New Jersey immediately preceding the
23 member's retirement or death, or it shall mean the average annual
24 compensation for New Jersey service for which contributions are
25 made during any three fiscal years of his or her membership
26 providing the largest possible benefit to the member or the
27 member's beneficiary.

28 (2) In the case of a person who becomes a member of the
29 retirement system on or after the effective date of P.L.2010, c.1,
30 "final compensation" means the average annual compensation for
31 which contributions are made for the five years of creditable service
32 in New Jersey immediately preceding the member's retirement or
33 death, or it shall mean the average annual compensation for New
34 Jersey service for which contributions are made during any five
35 fiscal years of his or her membership providing the largest possible
36 benefit to the member or the member's beneficiary.

37 i. "Fiscal year" means any year commencing with July 1 and
38 ending with June 30 next following.

39 j. "Medical board" shall mean the board of physicians
40 provided for in section 17 of P.L.1954, c.84 (C.43:15A-17).

41 k. "Pension" means payments for life derived from
42 appropriations made by the employer as provided in this act.

43 l. "Pension reserve" means the present value of all payments to
44 be made on account of any pension or benefit in lieu of a pension
45 granted under the provisions of this act, computed on the basis of
46 such mortality tables recommended by the actuary as the board of
47 trustees adopts, with regular interest.

1 m. "Public Employees' Retirement System of New Jersey,"
2 hereinafter referred to as the "retirement system" or "system," is the
3 corporate name of the arrangement for the payment of retirement
4 allowances and other benefits under the provisions of this act
5 including the several funds placed under said system. By that name
6 all of its business shall be transacted, its funds invested, warrants
7 for money drawn, and payments made and all of its cash and
8 securities and other property held.

9 n. "Regular interest" shall mean interest as determined by the
10 State Treasurer, after consultation with the Directors of the
11 Divisions of Investment and Pensions, the board of trustees and the
12 actuary. It shall bear a reasonable relationship to the percentage
13 rate of earnings on investments based on the market value of the
14 assets but shall not exceed the assumed percentage rate of increase
15 applied to salaries plus 3%, provided however that the board of
16 trustees shall not set the average percentage rate of increase applied
17 to salaries below 6%.

18 o. "Retirement allowance" means the pension plus the annuity.

19 p. "Veteran" means any honorably discharged officer, soldier,
20 sailor, airman, marine or nurse who served in any Army, Air Force
21 or Navy of the Allies of the United States in World War I, between
22 July 14, 1914, and November 11, 1918, or who served in any Army,
23 Air Force or Navy of the Allies of the United States in World War
24 II, between September 1, 1939, and September 2, 1945, and who
25 was inducted into such service through voluntary enlistment, and
26 was a citizen of the United States at the time of such enlistment, and
27 who did not, during or by reason of such service, renounce or lose
28 United States citizenship, and any officer, soldier, sailor, marine,
29 airman, nurse or army field clerk, who has served in the active
30 military or naval service of the United States and has or shall be
31 discharged or released therefrom under conditions other than
32 dishonorable, in any of the following wars, uprisings, insurrections,
33 expeditions, or emergencies, and who has presented to the
34 retirement system evidence of such record of service in form and
35 content satisfactory to said retirement system:

36 (1) The Indian wars and uprisings during any of the periods
37 recognized by the War Department of the United States as periods
38 of active hostility;

39 (2) The Spanish-American War between April 20, 1898, and
40 April 11, 1899;

41 (3) The Philippine insurrections and expeditions during the
42 periods recognized by the War Department of the United States as
43 of active hostility from February 4, 1899, to the end of 1913;

44 (4) The Peking relief expedition between June 20, 1900, and
45 May 27, 1902;

46 (5) The army of Cuban occupation between July 18, 1898, and
47 May 20, 1902;

1 (6) The army of Cuban pacification between October 6, 1906,
2 and April 1, 1909;

3 (7) The Mexican punitive expedition between March 14, 1916,
4 and February 7, 1917;

5 (8) The Mexican border patrol, having actually participated in
6 engagements against Mexicans between April 12, 1911, and June
7 16, 1919;

8 (9) World War I, between April 6, 1917, and November 11,
9 1918;

10 (10) World War II, between September 16, 1940, and December
11 31, 1946, who shall have served at least 90 days in such active
12 service, exclusive of any period of assignment (1) for a course of
13 education or training under the Army Specialized Training Program
14 or the Navy College Training Program which course was a
15 continuation of a civilian course and was pursued to completion, or
16 (2) as a cadet or midshipman at one of the service academies any
17 part of which 90 days was served between said dates; provided, that
18 any person receiving an actual service-incurred injury or disability
19 shall be classed as a veteran whether or not that person has
20 completed the 90-day service as herein provided;

21 (11) Korean conflict on or after June 23, 1950, and on or prior to
22 January 31, 1955, who shall have served at least 90 days in such
23 active service, exclusive of any period of assignment (1) for a
24 course of education or training under the Army Specialized
25 Training Program or the Navy College Training Program which
26 course was a continuation of a civilian course and was pursued to
27 completion, or (2) as a cadet or midshipman at one of the service
28 academies, any part of which 90 days was served between said
29 dates; provided, that any person receiving an actual service-incurred
30 injury or disability shall be classed as a veteran whether or not that
31 person has completed the 90-day service as herein provided; and
32 provided further, that any member classed as a veteran pursuant to
33 this paragraph prior to August 1, 1966, shall continue to be classed
34 as a veteran whether or not that person completed the 90-day
35 service between said dates as herein provided;

36 (12) Lebanon crisis, on or after July 1, 1958, who has served in
37 Lebanon or on board any ship actively engaged in patrolling the
38 territorial waters of that nation for a period, continuous or in the
39 aggregate, of at least 14 days commencing on or before November
40 1, 1958 or the date of termination of that conflict, as proclaimed by
41 the President of the United States or Congress, whichever date of
42 termination is the latest, in such active service; provided, that any
43 person receiving an actual service-incurred injury or disability shall
44 be classed as a veteran whether or not that person has completed the
45 14 days' service as herein provided;

46 (13) Vietnam conflict on or after December 31, 1960, and on or
47 prior to May 7, 1975, who shall have served at least 90 days in such
48 active service, exclusive of any period of assignment (1) for a

1 course of education or training under the Army Specialized
2 Training Program or the Navy College Training Program which
3 course was a continuation of a civilian course and was pursued to
4 completion, or (2) as a cadet or midshipman at one of the service
5 academies, any part of which 90 days was served between said
6 dates; and exclusive of any service performed pursuant to the
7 provisions of section 511(d) of Title 10, United States Code,
8 pursuant to an enlistment in the Army National Guard or as a
9 reserve for service in the Army Reserve, Naval Reserve, Air Force
10 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided,
11 that any person receiving an actual service-incurred injury or
12 disability shall be classed as a veteran whether or not that person
13 has completed the 90 days' service as herein provided;

14 (14) Lebanon peacekeeping mission, on or after September 26,
15 1982, who has served in Lebanon or on board any ship actively
16 engaged in patrolling the territorial waters of that nation for a
17 period, continuous or in the aggregate, of at least 14 days
18 commencing on or before December 1, 1987 or the date of
19 termination of that mission, as proclaimed by the President of the
20 United States or Congress, whichever date of termination is the
21 latest, in such active service; provided, that any person receiving an
22 actual service-incurred injury or disability shall be classed as a
23 veteran whether or not that person has completed the 14 days'
24 service as herein provided;

25 (15) Grenada peacekeeping mission, on or after October 23,
26 1983, who has served in Grenada or on board any ship actively
27 engaged in patrolling the territorial waters of that nation for a
28 period, continuous or in the aggregate, of at least 14 days
29 commencing on or before November 21, 1983 or the date of
30 termination of that mission, as proclaimed by the President of the
31 United States or Congress, whichever date of termination is the
32 latest, in such active service; provided, that any person receiving an
33 actual service-incurred injury or disability shall be classed as a
34 veteran whether or not that person has completed the 14 days'
35 service as herein provided;

36 (16) Panama peacekeeping mission, on or after December 20,
37 1989 or the date of inception of that mission, as proclaimed by the
38 President of the United States or Congress, whichever date of
39 inception is earliest, who has served in Panama or on board any ship
40 actively engaged in patrolling the territorial waters of that nation for
41 a period, continuous or in the aggregate, of at least 14 days
42 commencing on or before January 31, 1990 or the date of
43 termination of that mission, as proclaimed by the President of the
44 United States or Congress, whichever date of termination is the
45 latest, in such active service; provided, that any person receiving an
46 actual service-incurred injury or disability shall be classed as a
47 veteran whether or not that person has completed the 14 days'
48 service as herein provided;

1 (17) Operation "Desert Shield/Desert Storm" mission in the
2 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
3 or the date of inception of that operation, as proclaimed by the
4 President of the United States or Congress, whichever date of
5 inception is earliest, who has served in the Arabian peninsula or on
6 board any ship actively engaged in patrolling the Persian Gulf for a
7 period, continuous or in the aggregate, of at least 14 days
8 commencing on or before the date of termination of that mission, as
9 proclaimed by the President of the United States or Congress,
10 whichever date of termination is the latest, in such active service;
11 provided, that any person receiving an actual service-incurred injury
12 or disability shall be classed as a veteran whether or not that person
13 has completed the 14 days' service as herein provided;

14 (18) Operation Northern Watch and Operation Southern Watch,
15 on or after August 27, 1992, or the date of inception of that
16 operation, as proclaimed by the President of the United States,
17 Congress or United States Secretary of Defense, whichever date of
18 inception is earliest, who served in the theater of operation,
19 including in the Arabian peninsula and the Persian Gulf, and in
20 direct support of that operation for a period, continuously or in the
21 aggregate, of at least 14 days in such active service, commencing on
22 or before the date of termination of that operation, as proclaimed by
23 the President of the United States, Congress or United States
24 Secretary of Defense, whichever date of termination is the latest;
25 provided, that any person receiving an actual service-incurred injury
26 or disability while engaged in such service shall be classed as a
27 veteran whether or not that person has completed the 14 days'
28 service as herein provided;

29 (19) Operation "Restore Hope" in Somalia, on or after December
30 5, 1992, or the date of inception of that operation as proclaimed by
31 the President of the United States or Congress, whichever date is
32 earliest, who has served in Somalia or on board any ship actively
33 engaged in patrolling the territorial waters of that nation for a
34 period, continuously or in the aggregate, of at least 14 days in such
35 active service commencing on or before March 31, 1994; provided
36 that any person receiving an actual service-incurred injury or
37 disability shall be classed as a veteran whether or not that person
38 has completed the 14-day service as herein provided;

39 (20) Operations "Joint Endeavor" and "Joint Guard" in the
40 Republic of Bosnia and Herzegovina, on or after November 20,
41 1995, who served in such active service in direct support of one or
42 both of the operations for at least 14 days, continuously or in the
43 aggregate, commencing on or before June 20, 1998 and (1) was
44 deployed in that nation or in another area in the region, or (2) was
45 on board a United States naval vessel operating in the Adriatic Sea,
46 or (3) operated in airspace above the Republic of Bosnia and
47 Herzegovina; provided that any person receiving an actual service-

1 incurred injury or disability shall be classed as a veteran whether or
2 not that person completed the 14-day service requirement;

3 (21) Operation "Uphold Democracy" in Haiti, on or after
4 September 19, 1994, who served in Haiti or on board any ship
5 actively engaged in patrolling the territorial waters of that nation for
6 a period, continuously or in the aggregate, of at least 14 days in
7 such active service commencing on or before March 31, 1995, and
8 who received an Armed Forces Expeditionary Medal for such
9 service; provided, that any person receiving an actual service-
10 incurred injury or disability shall be classed as a veteran whether or
11 not that person has completed the 14 days' service as herein
12 provided or received an Armed Forces Expeditionary Medal;

13 **[(21)]** (22) Operation "Enduring Freedom", on or after
14 September 11, 2001, who served in a theater of operation and in
15 direct support of that operation for a period, continuously or in the
16 aggregate, of at least 14 days in such active service commencing on
17 or before the date the President of the United States or the United
18 States Secretary of Defense designates as the termination date of
19 that operation; provided, that any person receiving an actual
20 service-incurred injury or disability while engaged in such service
21 shall be classed as a veteran whether or not that person has
22 completed the 14 days' service as herein provided; and

23 **[(22)]** (23) Operation "Iraqi Freedom", on or after the date the
24 President of the United States or the United States Secretary of
25 Defense designates as the inception date of that operation, who
26 served in Iraq or in another area in the region in direct support of
27 that operation for a period, continuously or in the aggregate, of at
28 least 14 days in such active service commencing on or before the
29 date the President of the United States or the United States
30 Secretary of Defense designates as the termination date of that
31 operation; provided, that any person receiving an actual service-
32 incurred injury or disability while engaged in such service shall be
33 classed as a veteran whether or not that person has completed the 14
34 days' service as herein provided.

35 "Veteran" also means any honorably discharged member of the
36 American Merchant Marine who served during World War II and is
37 declared by the United States Department of Defense to be eligible
38 for federal veterans' benefits.

39 q. (1) "Widow," for employees of the State, means the woman
40 to whom a member was married, or a domestic partner as defined in
41 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
42 the date of his death and to whom he continued to be married or a
43 domestic partner until the date of his death and who was receiving
44 at least 1/2 of her support from the member in the 12-month period
45 immediately preceding the member's death or the accident which
46 was the direct cause of the member's death. The dependency of
47 such a widow will be considered terminated by the marriage of, or
48 establishment of a domestic partnership by, the widow subsequent

1 to the member's death. In the event of the payment of an accidental
2 death benefit, the five-year qualification shall be waived.

3 (2) Subject to the provisions of paragraph (3) of this subsection,
4 "widow," for employees of public employers other than the State,
5 means the woman to whom a member was married at least five
6 years before the date of his death and to whom he continued to be
7 married until the date of his death and who was receiving at least
8 1/2 of her support from the member in the 12-month period
9 immediately preceding the member's death or the accident which
10 was the direct cause of the member's death. The dependency of
11 such a widow shall be considered terminated by the marriage of the
12 widow subsequent to the member's death. In the event of the
13 payment of an accidental death benefit, the five-year qualification
14 shall be waived.

15 (3) A public employer other than the State may adopt a
16 resolution providing that the term "widow" as defined in paragraph
17 (2) of this subsection shall include domestic partners as provided in
18 paragraph (1) of this subsection.

19 r. (1) "Compensation" means the base or contractual salary, for
20 services as an employee, which is in accordance with established
21 salary policies of the member's employer for all employees in the
22 same position but shall not include individual salary adjustments
23 which are granted primarily in anticipation of the member's
24 retirement or additional remuneration for performing temporary or
25 extracurricular duties beyond the regular workday or the regular
26 work year.

27 (2) In the case of a person who becomes a member of the
28 retirement system on or after July 1, 2007, "compensation" means
29 the amount of base or contractual salary equivalent to the annual
30 maximum wage contribution base for Social Security, pursuant to
31 the Federal Insurance Contributions Act, for services as an
32 employee, which is in accordance with established salary policies of
33 the member's employer for all employees in the same position but
34 shall not include individual salary adjustments which are granted
35 primarily in anticipation of the member's retirement or additional
36 remuneration for performing temporary or extracurricular duties
37 beyond the regular workday or the regular work year. This
38 paragraph shall not apply to a person who at the time of enrollment
39 in the retirement system on or after July 1, 2007 transfers service
40 credit from another State-administered retirement system pursuant
41 to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a
42 former member of the retirement system who has been granted a
43 retirement allowance and is reenrolled in the retirement system on
44 or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217
45 (C.43:15A-57.2) after becoming employed again in a position that
46 makes the person eligible to be a member of the retirement system.

1 In cases where salary includes maintenance, the retirement
2 system shall fix the value of that part of the salary not paid in
3 money which shall be considered under this act.

4 For the period of July 1, 2009 through June 30, 2011,
5 "contractual salary" for State employees shall include across the
6 board negotiated wage increases under a collective negotiations
7 agreement that were payable to all State employees covered by that
8 agreement notwithstanding that, by amendment to that collective
9 negotiations agreement, the effective date of the contractual
10 increase has been deferred. For the purpose of this paragraph,
11 "State employee" means an employee in the Executive Branch or
12 the Judicial Branch of State government of New Jersey or an
13 employee of the State University authorized to participate in the
14 system under subsection b. of section 73 of P.L.1954, c.84
15 (C.43:15A-73), but shall not include employees of agencies
16 authorized to participate in the system under subsections a., c., d.,
17 e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or under
18 P.L.1990, c.25 (C.43:15A-73.2 et al.).

19 For the period of July 1, 2009 through June 30, 2011,
20 "contractual salary" for county and municipal employees shall
21 include across the board negotiated wage increases under a
22 collective negotiations agreement that were payable to all county or
23 all municipal employees covered by that agreement notwithstanding
24 that, by amendment to that collective negotiations agreement which
25 has been filed with the Division of Pensions and Benefits, the
26 effective date of the contractual increase has been deferred. For the
27 purpose of this paragraph, "county and municipal employees"
28 means all persons employed by a county or municipality in this
29 State.

30 (cf: P.L.2010, c.50, s.71)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill amends existing law to include veterans of Operation
38 Uphold Democracy in Haiti as veterans for purposes of the purchase
39 of service credit and the calculation of retirement benefits in the
40 Public Employees' Retirement System (PERS).