

SENATE, No. 3088

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 29, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Provides for enhanced benefits for certain firefighters, corrections officers, and county police officers enrolled in PERS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/22/2021)

1 **AN ACT** concerning retirement benefits for certain firefighters,
2 corrections officers, and county police officers enrolled in the
3 Public Employees' Retirement System, amending and
4 supplementing P.L.1955, c.257 (C.43:15A-97 et seq.).

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

8
9 1. Section 1 of P.L.1955, c. 257 (C. 43:15A-97) is amended to
10 read as follows:

11 1. "Law enforcement officer" shall mean any permanent and
12 full-time employee of the State of New Jersey holding one of the
13 following titles: motor vehicles officer, motor vehicles sergeant,
14 motor vehicles lieutenant, motor vehicles captain, assistant chief,
15 bureau of enforcement, and chief, bureau of enforcement in the
16 Division of Motor Vehicles, and highway patrol officer, sergeant
17 highway patrol bureau, lieutenant highway patrol bureau, captain
18 highway patrol bureau, assistant chief highway patrol bureau, chief
19 highway patrol bureau in the Division of State Police, and inspector,
20 investigator, and administrative inspector in the Division of
21 Alcoholic Beverage Control, and inspector recruit alcoholic beverage
22 control, inspector alcoholic beverage control, senior inspector
23 alcoholic beverage control, principal inspector alcoholic beverage
24 control, supervising inspector alcoholic beverage control in the
25 Division of State Police, and conservation officer, assistant district
26 conservation officer and district conservation officer in the Division
27 of Fish and Game, and assistant chief marine police and senior
28 marine patrolman in the Division of Resource Development, and
29 marine police officer, senior marine police officer, principal marine
30 police officer in the Division of State Police, and inspector, officer,
31 senior inspector, and principal inspector in the Division of Shell
32 Fisheries, any permanent and full-time active county detective,
33 lieutenant of county detectives, captain of county detectives, chief of
34 county detectives, and county investigator in the offices of the county
35 prosecutors, and sheriff's officer, sergeant sheriff's officer, lieutenant
36 sheriff's officer, captain sheriff's officer, chief sheriff's officer, and
37 sheriff's investigator in the offices of the county sheriffs and any
38 patrolman or other police officer of the Board of Commissioners of
39 the Palisades Interstate Park appointed pursuant to R.S. 32:14-21.
40 The term shall also mean county corrections officer, county
41 corrections sergeant, county corrections lieutenant, county
42 corrections captain, and investigator in a county department of
43 corrections, and officer, detective, sergeant, lieutenant, and captain
44 of a county police department. The term shall also mean 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.

1 permanent and fulltime firefighter employed by the State, a county,
2 fire district, or a municipality, or agency thereof.

3 If the Prison Officers' Pension Fund is terminated as provided in
4 section 10 hereof, "law enforcement officer" shall also mean any
5 permanent and full-time active employee of the State of New Jersey
6 holding the title of correction officer, correction sergeant, correction
7 lieutenant, correction captain or deputy keeper in the Division of
8 Correction and Parole, or any member of the Prison Officers' Pension
9 Fund on the date of such termination.

10 (cf: P.L.1985, c.262, s.1)

11
12 2. (New section) A county corrections officer, county
13 corrections sergeant, county corrections lieutenant, county
14 corrections captain, and an investigator in a county department of
15 corrections, and an officer, detective, sergeant, lieutenant, and
16 captain of a county police department, and a permanent and fulltime
17 firefighter employed on the effective date by the State, a county, fire
18 district, or a municipality, or agency thereof, who was enrolled in the
19 Public Employees' Retirement System before the effective date of
20 P.L. , c. (pending before the Legislature as this bill) shall be
21 enrolled as a participant in the law enforcement officer category of
22 the system within 90 days of that effective date, unless the member
23 signs a waiver of participation within 60 days of receiving the
24 notification of eligibility for participation in that category. A
25 member who signs the waiver shall remain enrolled as a non-law
26 enforcement officer in the regular system and the member shall not
27 be subject to compulsory retirement as provided in section 3 of
28 P.L.1955, c.257 (C.43:15A-99).

29 Any member who is enrolled as a participant of the law
30 enforcement officer category of the system in accordance with this
31 section shall be eligible for all the benefits and shall be subject to all
32 the requirements set forth in P.L.1955, c.257 (C.43:15A-97 et seq.)
33 from the date the member is made a participant. All service credit in
34 the regular system in a position eligible for participation in the
35 category shall be considered service credit as a law enforcement
36 officer in that category when the member is made a participant of the
37 category.

38
39 3. This act shall take effect immediately.
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42 STATEMENT

43
44 A law enacted in 1955 established the law enforcement officer
45 (LEO) category as a special group of the Public Employees'
46 Retirement System (PERS). The members of the LEO group are
47 eligible for enhanced retirement benefits not available to regular
48 PERS members.

1 Under current law, the category of individuals authorized to
2 participate as LEO members is limited and is specifically defined in
3 the law by the title of the eligible position. An individual who does
4 not meet the age or medical requirements for entry into the Police
5 and Firemen's Retirement System (PFRS) as a result of employment
6 in a title specifically named in that law is eligible to participate in the
7 LEO category or as a regular member of the PERS. An individual
8 employed in an eligible job title who meets the enrollment criteria is
9 enrolled in the LEO category of PERS membership, unless the
10 member specifically signs a waiver. A LEO-eligible individual who
11 signs the waiver is enrolled as a non-law enforcement officer in the
12 regular PERS retirement system; however, any member holding a
13 LEO-eligible title is subject to the mandatory retirement provision of
14 the current law.

15 This bill provides that a county corrections officer, county
16 corrections sergeant, county corrections lieutenant, county
17 corrections captain, and an investigator in a county department of
18 corrections, and an officer, detective, sergeant, lieutenant, and
19 captain of a county police department, and any permanent and
20 fulltime firefighter employed by the State, a county, fire district, or a
21 municipality, or agency thereof, who is enrolled in the PERS before
22 or after the effective date of this bill will be enrolled in the law
23 enforcement officer category of the PERS, unless the member signs
24 a waiver of participation. Upon enrollment in the law enforcement
25 officer category, these members will be eligible for the enhanced
26 benefits provided to LEO group members.