

SENATE, No. 4098

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Permits deferred retirement from JRS for member appointed as Administrative Director of the Courts by Chief Justice of Supreme Court.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning deferred retirement by certain members of the
2 Judicial Retirement System and amending P.L.2019, c.287.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.2019, c.287 (C.43:6A-11.1) is amended to
8 read as follows:

9 1. Notwithstanding the provisions of any law or regulation to
10 the contrary, a member of the Judicial Retirement System who has
11 been appointed by the Governor, with the advice and consent of the
12 Senate, to the position of county prosecutor in accordance with
13 N.J.S.2A:158-1 or who has been appointed by the Chief Justice of
14 the Supreme Court to the position of Administrative Director of the
15 Courts in accordance with Article VI, Section VII, paragraph 1 of
16 the New Jersey Constitution may file, prior to commencing service
17 as the county prosecutor or as the Administrative Director of the
18 Courts, a written and duly executed application for retirement for
19 any reason other than disability if the member has attained the age
20 of 65 years, has the necessary judicial service credit for a full
21 judicial retirement, and has served for **[25]** 20 years as a judge for
22 any court in New Jersey. The approval process shall be expedited.
23 If the application is approved, the effective date of retirement for
24 that member shall be deferred to the first day of the month
25 following the termination of the member's service in the position of
26 county prosecutor or of Administrative Director of the Courts. The
27 application for retirement shall be accompanied by a copy of the
28 member's written resignation from the judicial office effective as of
29 the date of the approval of the retirement application.

30 If such a person attains the age of 70 years while serving as a
31 county prosecutor or as the Administrative Director of the Courts
32 and has an approved application for the member's retirement the
33 effective date of which has been deferred, this section shall
34 specifically override the JRS mandatory retirement age of 70
35 enacted in section 7 of P.L.1973, c.140 (C.43:6A-7) and in the
36 administrative code, and shall allow for the deferment of the
37 mandatory retirement for JRS to the first day of the month
38 following the termination of the member's service in the position of
39 county prosecutor or of Administrative Director of the Courts.

40 If such a person dies while in service as a county prosecutor or
41 as the Administrative Director of the Courts, the death shall not be
42 considered a death in active service. The beneficiary shall be
43 eligible for a pension or survivor's benefit, and for any death
44 benefits, based on the approved retirement application and the
45 retirement shall be effective as of the date of death. The election by
46 the member of an option in accordance with section 1 of P.L.2002,
47 c.54 (C.43:6A-16.1) shall become effective and payable.

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 Notwithstanding any other provision of law to the contrary, a
2 person who files an application for retirement pursuant to this
3 section and serves in the position of county prosecutor or of
4 Administrative Director of the Courts shall not be eligible to
5 participate in the Defined Contribution Retirement System, enroll in
6 any other State-administered retirement system, or receive any other
7 payments from the county or State deemed to be payments for
8 retirement accounts, funds, pensions, or annuities. The person and
9 the person's dependents shall be eligible for health care benefits
10 coverage provided for the position of county prosecutor or of
11 Administrative Director of the Courts during service in that
12 position.

13 This section shall be effective if the qualified status of the
14 retirement system under federal law can be maintained upon its
15 application, and such modifications to the system as may be
16 available shall be made to allow for its application.

17 (cf: P.L.2021, c.105, s.1)

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19 2. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to
20 read as follows:

21 2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-
22 17.26 et seq.) to the contrary, from funds appropriated therefor, the
23 State shall pay the premium or periodic charges for the benefits
24 provided to a retired State employee and any dependents under the
25 program, but not including survivors, if the employee: (a) submitted
26 an application for retirement with the Judicial Retirement System
27 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b)
28 subsequently served in the position of county prosecutor or of
29 Administrative Director of the Courts; (c) was covered by the
30 program at the time of terminating full-time employment as a judge
31 with the State, and (d) was eligible for health care benefits coverage
32 in retirement under the program paid in full or in part by the State at
33 the time of terminating full-time employment as a judge with the
34 State.

35 The health care benefits coverage in retirement under the
36 program to which the former State employee is entitled shall be
37 deferred. The former State employee shall notify the program of
38 the date on which employment as a county prosecutor or as the
39 Administrative Director of the Courts is terminated and the deferred
40 retirement is to commence pursuant to section 1 of P.L.2019, c.287
41 (C.43:6A-11.1). The former State employee and the employee's
42 dependents shall be enrolled in the program as soon as feasible after
43 that termination date and shall be entitled to such health care
44 benefits coverage and payments for such coverage as the former
45 State employee was eligible on the date terminating full-time
46 employment as a judge with the State.

47 (cf: P.L.2019, c.287, s.2)

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill changes the eligibility criteria for a deferred retirement for
7 a member of the Judicial Retirement System (JRS) who has been
8 appointed by the Chief Justice of the Supreme Court to serve as the
9 Administrative Director of the Courts.

10 The bill amends the relevant statute, N.J.S.A.43:6A-11.1, to provide
11 a deferred retirement to such a JRS member who is at least 65 years of
12 age, has the necessary judicial service credit for a full judicial
13 retirement, and has served for 20 years as a judge for any court in New
14 Jersey. Current law requires 25 years as a judge for any court in New
15 Jersey; this bill reduces 25 to 20 years.

16 If such a person attains the age of 70 years while still serving as the
17 Administrative Director of the Courts, the current law (N.J.S.A.43:6A-
18 11.1) overrides the mandatory retirement age of 70 set forth in the JRS
19 law and regulations and allows for the deferment of the mandatory
20 retirement for JRS to the first day of the month following the
21 termination of the member's service as the Administrative Director of
22 the Courts.

23 The bill also amends current law, N.J.S.A.52:14-17.32o, to
24 provide post-retirement health care benefits through the State
25 Health Benefits Program (SHBP) to the JRS member who deferred
26 retirement to serve as the Administrative Director of the Courts if
27 the person was eligible for such benefits at the time of terminating
28 employment as a judge.