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LEGISLATIVE FISCAL ESTIMATE:	Yes	6/19/2025
		6/27/2025
		7/03/2025

S4402 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	SBA 6/26/25 1R
TECHNICAL REVIEW OF BILL:	No	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes State Government, Wagering, Tourism & Historic Preservation Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	6/19/2025 7/03/2025

VETO MESSAGE:	No
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GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
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LEGISLATOR STATEMENT:	No
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FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/MMcB

P.L. 2025, CHAPTER 117, *approved July 23, 2025*
Assembly, No. 5381 (*First Reprint*)

1 **AN ACT** concerning the accidental disability retirement allowance
2 for certain members of the Public Employees' Retirement
3 System, the Police and Firemen's Retirement System, and the
4 State Police Retirement System, and amending P.L.1954, c.84,
5 P.L.1944, c.255, and P.L.1965, c.89.

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

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

12 43. a. A member who has not attained age 65 shall, upon the
13 application of the head of the department in which he is employed
14 or upon his own application or the application of one acting in his
15 behalf, be retired by the board of trustees, if said employee is
16 permanently and totally disabled as a direct result of a traumatic
17 event occurring during and as a result of the performance of his
18 regular or assigned duties, on an accidental disability allowance. A
19 traumatic event occurring during voluntary performance of regular
20 or assigned duties at a place of employment before or after required
21 hours of employment which is not in violation of any valid work
22 rule of the employer or otherwise prohibited by the employer shall
23 be deemed as occurring during the performance of regular or
24 assigned duties.

25 The application to accomplish such retirement must be filed
26 within five years of the original traumatic event, but the board of
27 trustees may consider an application filed after the five-year period
28 if it can be factually demonstrated to the satisfaction of the board of
29 trustees that the disability is due to the accident and the filing was
30 not accomplished within the five-year period due to a delayed
31 manifestation of the disability or to circumstances beyond the
32 control of the member.

33 Permanent and total disability resulting from a cardiovascular,
34 pulmonary or musculo-skeletal condition which was not a direct
35 result of a traumatic event occurring in the performance of duty
36 shall be deemed an ordinary disability.

37 Before consideration of the application by the board of trustees,
38 the physician or physicians designated by the board shall have first
39 made a medical examination of the member at his residence or at
40 any other place mutually agreed upon and shall have certified to the
41 board that he is physically or mentally incapacitated for the

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:

¹Assembly AAP committee amendments adopted June 19, 2025.

1 performance of duty, and should be retired, and the appointing
2 authority shall have certified to the board that the member is
3 permanently and totally disabled as a direct result of a traumatic
4 event occurring during and as a result of the performance of his
5 regular or assigned duties, the time and place where the duty
6 causing the disability was performed, that the disability was not the
7 result of his willful negligence and that the member should be
8 retired.

9 No person who becomes a member of the retirement system on
10 or after the effective date of P.L.2010, c.3 shall be eligible for
11 retirement pursuant to this section.

12 b. (1) For purposes of this subsection:

13 "Qualifying condition or impairment of health" includes:

14 diseases of the upper respiratory tract and mucosae, including
15 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
16 laryngitis, vocal cord disease, upper airway hyper-reactivity and
17 tracheo-bronchitis, or a combination of such conditions;

18 diseases of the lower respiratory tract, including but not limited
19 to bronchitis, asthma, reactive airway dysfunction syndrome, and
20 different types of pneumonitis, such as hypersensitivity,
21 granulomatous, or eosinophilic;

22 diseases of the gastroesophageal tract, including esophagitis and
23 reflux disease, either acute or chronic, caused by exposure or
24 aggravated by exposure;

25 diseases of the psychological axis, including post-traumatic
26 stress disorder, anxiety, depression, or any combination of such
27 conditions;

28 diseases of the skin such as contact dermatitis or burns, either
29 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
30 non-specific reactive in nature, caused by exposure or aggravated
31 by exposure; and

32 new onset diseases resulting from exposure as such diseases
33 occurring in the future including cancer, chronic obstructive
34 pulmonary disease, asbestos-related disease, heavy metal poisoning,
35 musculoskeletal disease and chronic psychological disease.

36 "World Trade Center rescue, recovery, or cleanup operations"
37 means the rescue, recovery, or cleanup operations at the World
38 Trade Center site between September 11, 2001 and October 11,
39 2001.

40 "World Trade Center site" means any location below a line
41 starting from the Hudson River and Canal Street, east on Canal
42 Street to Pike Street, south on Pike Street to the East River, and
43 extending to the lower tip of Manhattan.

44 (2) Notwithstanding any provision of subsection a. of this
45 section or any other law to the contrary, for a member who
46 participated, whether or not under orders or instruction by an
47 employer to so participate, in World Trade Center rescue, recovery,
48 or cleanup operations for a minimum of eight hours, permanent and

1 total disability resulting from a qualifying condition or impairment
2 of health shall be presumed to have occurred during and as a result
3 of the performance of the member's regular or assigned duties and
4 not the result of the member's willful negligence, unless the
5 contrary can be proved by competent evidence.

6 A member who did not participate in such operations for a
7 minimum of eight hours shall be eligible for the presumption
8 provided that:

9 the member participated in the rescue, recovery, or cleanup
10 operations at the World Trade Center site between September 11,
11 2001 and September 12, 2001;

12 the member sustained a documented physical injury at the World
13 Trade Center site between September 11, 2001 and September 12,
14 2001 that is a qualifying condition or impairment of health resulting
15 in a disability to the member that prevented the member from
16 continuing to participate in World Trade Center rescue, recovery, or
17 cleanup operations for a minimum of eight hours; and

18 the documented physical injury that resulted in a disability to the
19 member that prevented the member from continuing to participate
20 in World Trade Center rescue, recovery, or cleanup operations for a
21 minimum of eight hours is the qualifying condition or impairment
22 of health for which the member seeks a presumption under this
23 subsection.

24 In order to be eligible for the presumption provided under this
25 subsection, a member shall have successfully passed a physical
26 examination for entry into public service, or shall present such
27 sufficient evidence of one or more medical examinations or results
28 performed within a reasonable period of time before or after entry
29 into public service, which failed to disclose evidence of the
30 qualifying condition or impairment of health that formed the basis
31 for the permanent and total disability.

32 (3) A member who participated in the World Trade Center
33 rescue, recovery, or cleanup operations for a minimum of eight
34 hours and subsequently retired on a service retirement, special
35 retirement, accidental disability retirement, or an ordinary disability
36 retirement and thereafter incurred a disability caused by a
37 qualifying condition or impairment of health which the medical
38 board determines to be caused by participation in World Trade
39 Center rescue, recovery, or cleanup operations shall be eligible to
40 apply to the board of trustees to have the retiree's retirement
41 allowance recalculated as an accidental disability retirement
42 allowance for benefit payments on or after the date of the
43 application, provided the retiree filed an application for such
44 recalculation within **[30]** 180 days of the date that the retiree knew
45 or should have known of the existence of such disability and its
46 relation to the rescue, recovery, or cleanup operations. In order to
47 be eligible for such recalculation, the retiree shall have successfully
48 passed a physical examination for entry into public service, or shall

1 present such sufficient evidence of one or more medical
2 examinations or results performed within a reasonable period of
3 time before or after entry into public service, which failed to
4 disclose evidence of the qualifying condition or impairment of
5 health that formed the basis for the disability.

6 If a retiree previously filed an eligibility registration form with
7 the Public Employees' Retirement System and the retiree was
8 denied because the retiree did not file within the required
9 registration period 'in effect prior to the effective date of P.L. , c.
10 (pending before the Legislature as this bill)', the retiree shall be
11 permitted to petition the board of trustees for reconsideration '【or
12 shall be permitted to resubmit the previously submitted eligibility
13 registration form to the board for the presumption or recalculation
14 granted under P.L. , c. (pending before the Legislature as this
15 bill)】'.

16 (4) The board of trustees '【shall】 may' promulgate rules and
17 regulations 'that the board determines are' necessary to implement
18 the provisions of this subsection '【and shall notify all members and
19 retirants in the retirement system of the enactment of】' 【this act,】
20 '【P.L.2019, c.157, and the enactment of P.L. , c. (pending
21 before the Legislature as this bill), within】' 【30】 '【60 days of
22 enactment. The board shall notify all members and retirants
23 enrolled in the retirement system by letter sent via certified mail
24 and shall be required to communicate, in an easily understood
25 manner, the provisions of P.L. , c. (pending before the
26 Legislature as this bill), including the class of members and retirees
27 impacted, the filing requirements, and the prescribed time limits】'.

28 A member or retiree shall not be eligible for the presumption or
29 recalculation under this subsection unless '【within two years of the
30 effective date of】' 【this act,】 '【P.L.2019, c.157, or within two
31 years after the effective date of P.L. , c. (pending before the
32 Legislature as this bill),】' the member or retiree files a written and
33 sworn statement with the retirement system on a form provided by
34 the board of trustees thereof indicating the dates and locations of
35 service. '【The board of trustees may approve filing extensions in
36 two-year increments thereafter.】'

37 (5) This subsection shall apply only to: any member or retiree
38 who is or was enrolled in the Public Employees' Retirement System
39 because the member or retiree did not meet the age or medical
40 requirements for enrollment in the Police and Firemen's Retirement
41 System on the basis of the position held; and to any emergency
42 medical technician who is a member or retiree of the Public
43 Employees' Retirement System. For the purposes of this paragraph,
44 "emergency medical technician" means a person trained in basic life
45 support services as defined in section 1 of P.L.1985, c.351

1 (C.26:2K-21) and who is certified by the Department of Health to
2 perform these services.

3 (6) This subsection shall apply regardless of whether the
4 member or retiree, who is otherwise eligible, was enrolled in the
5 retirement system at the time of participation in World Trade Center
6 rescue, recovery, or cleanup operations as specified herein.
7 (cf: P.L.2019, c.157, s.4)

8
9 2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read
10 as follows:

11 7. a. (1) Upon the written application by a member in service, by
12 one acting in his behalf or by his employer any member may be
13 retired on an accidental disability retirement allowance; provided,
14 that the medical board, after a medical examination of such
15 member, shall certify that the member is permanently and totally
16 disabled as a direct result of a traumatic event occurring during and
17 as a result of the performance of his regular or assigned duties and
18 that such disability was not the result of the member's willful
19 negligence and that such member is mentally or physically
20 incapacitated for the performance of his usual duty and of any other
21 available duty in the department which his employer is willing to
22 assign to him. The application to accomplish such retirement must
23 be filed within five years of the original traumatic event, but the
24 board of trustees may consider an application filed after the five-
25 year period if it can be factually demonstrated to the satisfaction of
26 the board of trustees that the disability is due to the accident and the
27 filing was not accomplished within the five-year period due to a
28 delayed manifestation of the disability or to other circumstances
29 beyond the control of the member.

30 (2) Upon retirement for accidental disability, a member shall
31 receive an accidental disability retirement allowance which shall
32 consist of:

33 (a) An annuity which shall be the actuarial equivalent of his
34 aggregate contributions and

35 (b) A pension in the amount which, when added to the member's
36 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of the
37 member's actual annual compensation for which contributions were
38 being made at the time of the occurrence of the accident or at the
39 time of the member's retirement, whichever provides the largest
40 possible benefit to the member.

41 (3) Upon receipt of proper proofs of the death of a member who
42 has retired on accidental disability retirement allowance, there shall
43 be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$
44 times the compensation upon which contributions by the member to
45 the annuity savings fund were based in the last year of creditable
46 service; provided, however, that if such death shall occur after the
47 member shall have attained 55 years of age the amount payable

1 shall equal 1/2 of such compensation instead of 3 1/2 times such
2 compensation.

3 (4) Permanent and total disability resulting from a
4 cardiovascular, pulmonary or musculoskeletal condition which was
5 not a direct result of a traumatic event occurring in the performance
6 of duty shall be deemed an ordinary disability.

7 b. (1) For purposes of this subsection:

8 "Qualifying condition or impairment of health" includes:

9 diseases of the upper respiratory tract and mucosae, including
10 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
11 laryngitis, vocal cord disease, upper airway hyper-reactivity and
12 tracheo-bronchitis, or a combination of such conditions;

13 diseases of the lower respiratory tract, including but not limited
14 to bronchitis, asthma, reactive airway dysfunction syndrome, and
15 different types of pneumonitis, such as hypersensitivity,
16 granulomatous, or eosinophilic;

17 diseases of the gastroesophageal tract, including esophagitis and
18 reflux disease, either acute or chronic, caused by exposure or
19 aggravated by exposure;

20 diseases of the psychological axis, including post-traumatic
21 stress disorder, anxiety, depression, or any combination of such
22 conditions;

23 diseases of the skin such as contact dermatitis or burns, either
24 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
25 non-specific reactive in nature, caused by exposure or aggravated
26 by exposure; and

27 new onset diseases resulting from exposure as such diseases
28 occurring in the future including cancer, chronic obstructive
29 pulmonary disease, asbestos-related disease, heavy metal poisoning,
30 musculoskeletal disease and chronic psychological disease.

31 "World Trade Center rescue, recovery, or cleanup operations"
32 means the rescue, recovery, or cleanup operations at the World
33 Trade Center site between September 11, 2001 and October 11,
34 2001.

35 "World Trade Center site" means any location below a line
36 starting from the Hudson River and Canal Street, east on Canal
37 Street to Pike Street, south on Pike Street to the East River, and
38 extending to the lower tip of Manhattan.

39 (2) Notwithstanding any provision of subsection a. of this
40 section or any other law to the contrary, for a member who
41 participated, whether or not under orders or instruction by an
42 employer to so participate, in World Trade Center rescue, recovery,
43 or cleanup operations for a minimum of eight hours, permanent and
44 total disability resulting from a qualifying condition or impairment
45 of health shall be presumed to have occurred during and as a result
46 of the performance of the member's regular or assigned duties and
47 not the result of the member's willful negligence, unless the
48 contrary can be proved by competent evidence.

1 A member who did not participate in such operations for a
2 minimum of eight hours shall be eligible for the presumption
3 provided that:

4 the member participated in the rescue, recovery, or cleanup
5 operations at the World Trade Center site between September 11,
6 2001 and September 12, 2001;

7 the member sustained a documented physical injury at the World
8 Trade Center site between September 11, 2001 and September 12,
9 2001 that is a qualifying condition or impairment of health resulting
10 in a disability to the member that prevented the member from
11 continuing to participate in World Trade Center rescue, recovery, or
12 cleanup operations for a minimum of eight hours; and

13 the documented physical injury that resulted in a disability to the
14 member that prevented the member from continuing to participate
15 in World Trade Center rescue, recovery, or cleanup operations for a
16 minimum of eight hours is the qualifying condition or impairment
17 of health for which the member seeks a presumption under this
18 subsection.

19 In order to be eligible for the presumption provided under this
20 subsection, a member shall have successfully passed a physical
21 examination for entry into public service, or shall present such
22 sufficient evidence of one or more medical examinations or results
23 performed within a reasonable period of time before or after entry
24 into public service, which failed to disclose evidence of the
25 qualifying condition or impairment of health that formed the basis
26 for the permanent and total disability.

27 (3) A member who participated in the World Trade Center
28 rescue, recovery, or cleanup operations for a minimum of eight
29 hours and subsequently retired on a service retirement, special
30 retirement, accidental disability retirement, or an ordinary disability
31 retirement and thereafter incurred a disability caused by a
32 qualifying condition or impairment of health which the medical
33 board determines to be caused by participation in World Trade
34 Center rescue, recovery, or cleanup operations shall be eligible to
35 apply to the board of trustees to have the retiree's retirement
36 allowance recalculated as an accidental disability retirement
37 allowance for benefit payments on or after the date of the
38 application, provided the retiree filed an application for such
39 recalculation within **[30]** 180 days of the date that the retiree knew
40 or should have known of the existence of such disability and its
41 relation to the rescue, recovery, or cleanup operations. In order to
42 be eligible for such recalculation, the retiree shall have successfully
43 passed a physical examination for entry into public service, or shall
44 present such sufficient evidence of one or more medical
45 examinations or results performed within a reasonable period of
46 time before or after entry into public service, which failed to
47 disclose evidence of the qualifying condition or impairment of
48 health that formed the basis for the disability.

1 If a retiree previously filed an eligibility registration form with
 2 the Police and Firemen's Retirement System and the retiree was
 3 denied because the retiree did not file within the required
 4 registration period ¹in effect prior to the effective date of P.L. , c.
 5 (pending before the Legislature as this bill)¹, the retiree shall be
 6 permitted to petition the board of trustees for reconsideration ¹[or
 7 shall be permitted to resubmit the previously submitted eligibility
 8 registration form to the board for the presumption or recalculation
 9 granted under P.L. , c. (pending before the Legislature as this
 10 bill)]¹.

11 (4) The board of trustees ¹[shall] may¹ promulgate rules and
 12 regulations ¹that the board determines are¹ necessary to implement
 13 the provisions of this subsection ¹[and shall notify all members and
 14 retirants in the retirement system of the enactment of] ¹[this act,]
 15 ¹[P.L.2019, c.157 and the enactment of P.L. , c. (pending before
 16 the Legislature as this bill), within] ¹[30] ¹[60 days of enactment.
 17 The board shall notify all members and retirants enrolled in the
 18 retirement system by letter sent via certified mail and shall be
 19 required to communicate, in an easily understood manner, the
 20 provisions of P.L. , c. (pending before the Legislature as this
 21 bill), including the class of members and retirees impacted, the
 22 filing requirements, and the prescribed time limits]¹.

23 A member or retiree shall not be eligible for the presumption or
 24 recalculation under this subsection unless ¹[within two years of the
 25 effective date of] ¹[this act,] ¹[P.L.2019, c.157, or within two
 26 years after the effective date of P.L. , c. (pending before the
 27 Legislature as this bill),]¹ the member or retiree files a written and
 28 sworn statement with the retirement system on a form provided by
 29 the board of trustees thereof indicating the dates and locations of
 30 service. ¹[The board of trustees may approve filing extensions in
 31 two-year increments thereafter.]]¹

32 (5) This subsection shall apply regardless of whether the
 33 member or retiree, who is otherwise eligible, was enrolled in the
 34 retirement system at the time of participation in World Trade Center
 35 rescue, recovery, or cleanup operations as specified herein.
 36 (cf: P.L.2019, c.157, s.2)

37
 38 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read
 39 as follows:

40 10. a. Upon the written application by a member in service, by
 41 one acting in his behalf or by the State, any member may be retired,
 42 not less than 1 month next following the date of filing such
 43 application, on an accidental disability retirement allowance,
 44 provided, that the medical board, after a medical examination of
 45 such member, shall certify that the member is permanently and
 46 totally disabled as a direct result of a traumatic event occurring

1 during and as a result of the performance of his regular or assigned
2 duties and that such disability was not the result of the member's
3 willful negligence and that such member is mentally or physically
4 incapacitated for the performance of his usual duties in the Division
5 of State Police which the Superintendent of State Police is willing
6 to assign to him.

7 A member with a preexisting and asymptomatic condition that is
8 rendered symptomatic as a direct result of a traumatic event
9 occurring during and as a result of the performance of the member's
10 regular or assigned duties may be eligible for an accidental
11 disability retirement allowance, provided that the traumatic event is
12 caused by a circumstance external to the member and is the
13 substantial contributing cause of the member's permanent and total
14 disability.

15 The application to accomplish such retirement must be filed
16 within 5 years of the original traumatic event, but the board of
17 trustees may consider an application filed after the 5-year period if
18 it can be factually demonstrated to the satisfaction of the board of
19 trustees that the disability is due to the accident and the filing was
20 not accomplished within the 5-year period due to a delayed
21 manifestation of the disability or to the member's continued
22 employment in a restricted capacity consistent with the nature of his
23 disability in the Division of the State Police upon and at the written
24 request of the superintendent, with the concurrence of the Attorney
25 General, or to other circumstances beyond the control of the
26 member.

27 b. Upon retirement for accidental disability, a member shall
28 receive an accidental disability retirement allowance which shall
29 consist of:

30 (1) An annuity which shall be the actuarial equivalent of his
31 aggregate contributions and

32 (2) A pension in the amount which, when added to the member's
33 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of his final
34 compensation.

35 c. Upon the receipt of proper proofs of the death of a member
36 who has retired on an accidental disability retirement allowance,
37 there shall be paid to the member's beneficiary an amount equal to $3\frac{1}{2}$
38 times the final compensation received by the member in the last
39 year of creditable service; provided, however, that if such death
40 shall occur after the member shall have attained 55 years of age the
41 amount payable shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$
42 times such compensation.

43 d. Permanent and total disability resulting from a
44 cardiovascular, pulmonary or musculoskeletal condition which was
45 not a direct result of a traumatic event occurring in the performance
46 of duty shall be deemed an ordinary disability.

47 e. (1) For purposes of this subsection:

48 "Qualifying condition or impairment of health" includes:

1 diseases of the upper respiratory tract and mucosae, including
2 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
3 laryngitis, vocal cord disease, upper airway hyper-reactivity and
4 tracheo-bronchitis, or a combination of such conditions;

5 diseases of the lower respiratory tract, including but not limited
6 to bronchitis, asthma, reactive airway dysfunction syndrome, and
7 different types of pneumonitis, such as hypersensitivity,
8 granulomatous, or eosinophilic;

9 diseases of the gastroesophageal tract, including esophagitis and
10 reflux disease, either acute or chronic, caused by exposure or
11 aggravated by exposure;

12 diseases of the psychological axis, including post-traumatic
13 stress disorder, anxiety, depression, or any combination of such
14 conditions;

15 diseases of the skin, such as contact dermatitis or burns, either
16 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
17 non-specific reactive in nature, caused by exposure or aggravated
18 by exposure; and

19 new onset diseases resulting from exposure as such diseases
20 occurring in the future including cancer, chronic obstructive
21 pulmonary disease, asbestos-related disease, heavy metal poisoning,
22 musculoskeletal disease and chronic psychological disease.

23 "World Trade Center rescue, recovery, or cleanup operations"
24 means the rescue, recovery, or cleanup operations at the World
25 Trade Center site between September 11, 2001 and October 11,
26 2001.

27 "World Trade Center site" means any location below a line
28 starting from the Hudson River and Canal Street, east on Canal
29 Street to Pike Street, south on Pike Street to the East River, and
30 extending to the lower tip of Manhattan.

31 (2) Notwithstanding any provision of subsection a. of this section
32 or any other law to the contrary, for a member who participated,
33 whether or not under orders or instruction by an employer to so
34 participate, in World Trade Center rescue, recovery, or cleanup
35 operations for a minimum of eight hours, permanent and total
36 disability resulting from a qualifying condition or impairment of
37 health shall be presumed to have occurred during and as a result of
38 the performance of the member's regular or assigned duties and not
39 the result of the member's willful negligence, unless the contrary
40 can be proved by competent evidence.

41 A member who did not participate in such operations for a
42 minimum of eight hours shall be eligible for the presumption
43 provided that:

44 the member participated in the rescue, recovery, or cleanup
45 operations at the World Trade Center site between September 11,
46 2001 and September 12, 2001;

47 the member sustained a documented physical injury at the World
48 Trade Center site between September 11, 2001 and September 12,

1 2001 that is a qualifying condition or impairment of health resulting
2 in a disability to the member that prevented the member from
3 continuing to participate in World Trade Center rescue, recovery, or
4 cleanup operations for a minimum of eight hours; and

5 the documented physical injury that resulted in a disability to the
6 member that prevented the member from continuing to participate
7 in World Trade Center rescue, recovery, or cleanup operations for a
8 minimum of eight hours is the qualifying condition or impairment
9 of health for which the member seeks a presumption under this
10 subsection.

11 In order to be eligible for the presumption provided under this
12 subsection, a member shall have successfully passed a physical
13 examination for entry into public service, or shall present such
14 sufficient evidence of one or more medical examinations or results
15 performed within a reasonable period of time before or after entry
16 into public service, which failed to disclose evidence of the
17 qualifying condition or impairment of health that formed the basis
18 for the permanent and total disability.

19 (3) A member who participated in the World Trade Center
20 rescue, recovery, or cleanup operations for a minimum of eight
21 hours and subsequently retired on a service retirement, special
22 retirement, accidental disability retirement, or an ordinary disability
23 retirement and thereafter incurred a disability caused by a
24 qualifying condition or impairment of health which the medical
25 board determines to be caused by participation in World Trade
26 Center rescue, recovery, or cleanup operations shall be eligible to
27 apply to the board of trustees to have the retiree's retirement
28 allowance recalculated as an accidental disability retirement
29 allowance for benefit payments on or after the date of the
30 application, provided the retiree filed an application for such
31 recalculation within **[30]** 180 days of the date that the retiree knew
32 or should have known of the existence of such disability and its
33 relation to the rescue, recovery, or cleanup operations. In order to
34 be eligible for such recalculation, the retiree shall have successfully
35 passed a physical examination for entry into public service, or shall
36 present such sufficient evidence of one or more medical
37 examinations or results performed within a reasonable period of
38 time before or after entry into public service, which failed to
39 disclose evidence of the qualifying condition or impairment of
40 health that formed the basis for the disability.

41 If a retiree previously filed an eligibility registration form with
42 the State Police Retirement System and the retiree was denied
43 because the retiree did not file within the required registration
44 period ¹in effect prior to the effective date of P.L. , c. (pending
45 before the Legislature as this bill)¹, the retiree shall be permitted to
46 petition the board of trustees for reconsideration ¹[or shall be
47 permitted to resubmit the previously submitted eligibility
48 registration form to the board for the presumption or recalculation

1 granted under P.L. , c. (pending before the Legislature as this
2 bill)]¹.

3 (4) The board of trustees ¹~~shall~~ may¹ promulgate rules and
4 regulations ¹~~that the board determines are~~¹ necessary to implement
5 the provisions of this subsection ¹~~and shall notify all members and~~
6 ~~retirants in the retirement system of the enactment of~~¹ ~~this act,~~
7 ¹~~P.L.2019, c.157, and the enactment of P.L. , c. (pending~~
8 ~~before the Legislature as this bill), within~~¹ ~~30~~¹ ~~60~~ days of
9 enactment. The board shall notify all members and retirants
10 enrolled in the retirement system by letter sent via certified mail
11 and shall be required to communicate, in an easily understood
12 manner, the provisions of P.L. , c. (pending before the
13 Legislature as this bill), including the class of members and retirees
14 impacted, the filing requirements, and the prescribed time limits¹.

15 A member or retiree shall not be eligible for the presumption or
16 recalculation under this subsection unless ¹~~within two years of the~~
17 ~~effective date of~~¹ ~~this act,~~¹ ~~P.L.2019, c.157, or within two~~
18 ~~years after the effective date of P.L. , c. (pending before the~~
19 ~~Legislature as this bill),~~¹ the member or retiree files a written and
20 sworn statement with the retirement system on a form provided by
21 the board of trustees thereof indicating the dates and locations of
22 service. ¹~~The board of trustees may approve filing extensions in~~
23 ~~two-year increments thereafter.~~¹

24 (5) This subsection shall apply regardless of whether the member
25 or retiree, who is otherwise eligible, was enrolled in the retirement
26 system at the time of participation in World Trade Center rescue,
27 recovery, or cleanup operations as specified herein.

28 (cf: P.L.2022, c.77, s.1)

29

30 4. This act shall take effect immediately.

31

32

33

34

35 Provides medical documentation requirement for certain
36 members of PERS, PFRS, and SPRS to receive accidental disability
37 retirement allowance for participation in 9/11 World Trade Center
38 rescue, recovery, or cleanup operations; removes filing deadline.

CHAPTER 117

AN ACT concerning the accidental disability retirement allowance for certain members of the Public Employees' Retirement System, the Police and Firemen's Retirement System, and the State Police Retirement System, and amending P.L.1954, c.84, P.L.1944, c.255, and P.L.1965, c.89.

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

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

C.43:15A-43 Public employees' disability retirement; definitions.

43. a. A member who has not attained age 65 shall, upon the application of the head of the department in which he is employed or upon his own application or the application of one acting in his behalf, be retired by the board of trustees, if said employee is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, on an accidental disability allowance. A traumatic event occurring during voluntary performance of regular or assigned duties at a place of employment before or after required hours of employment which is not in violation of any valid work rule of the employer or otherwise prohibited by the employer shall be deemed as occurring during the performance of regular or assigned duties.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary, or musculoskeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of the application by the board of trustees, the physician or physicians designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty and should be retired, and the appointing authority shall have certified to the board that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence, and that the member should be retired.

No person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.3 shall be eligible for retirement pursuant to this section.

b. (1) For purposes of this subsection:

"Qualifying condition or impairment of health" includes:

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyperreactivity, and tracheobronchitis or a combination of such conditions;

diseases of the lower respiratory tract, including, but not limited to, bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure, or aggravated by exposure;

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;

diseases of the skin, such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure, or aggravated by exposure; and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

(2) Notwithstanding any provision of subsection a. of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence.

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption, provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours; and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection.

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service or shall present such sufficient evidence of one or more medical examinations or results performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability.

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and subsequently retired on a service retirement, special retirement, accidental disability retirement, or an ordinary disability retirement and thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the

retiree's retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 180 days of the date that the retiree knew or should have known of the existence of such disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service or shall present such sufficient evidence of one or more medical examinations or results performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

If a retiree previously filed an eligibility registration form with the Public Employees' Retirement System and the retiree was denied because the retiree did not file within the required registration period in effect prior to the effective date of P.L.2025, c.117, the retiree shall be permitted to petition the board of trustees for reconsideration.

(4) The board of trustees may promulgate rules and regulations that the board determines are necessary to implement the provisions of this subsection.

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service.

(5) This subsection shall apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System. For the purposes of this paragraph, "emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

(6) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein.

2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read as follows:

C.43:16A-7 Accidental disability retirement allowance; definitions.

7. a. (1) Upon the written application by a member in service, by one acting in his behalf or by his employer, any member may be retired on an accidental disability retirement allowance, provided that the medical board, after a medical examination of such member, shall certify that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties and that such disability was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for the performance of his usual duty and of any other available duty in the department which his employer is willing to assign to him. The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to other circumstances beyond the control of the member.

(2) Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance which shall consist of:

- (a) An annuity which shall be the actuarial equivalent of his aggregate contributions; and
- (b) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{2}{3}$ of the member's actual annual compensation for which contributions were being made at the time of the occurrence of the accident or at the time of the member's retirement, whichever provides the largest possible benefit to the member.

(3) Upon receipt of proper proofs of the death of a member who has retired on accidental disability retirement allowance, there shall be paid to such member's beneficiary an amount equal to $3\frac{1}{2}$ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, provided, however, that if such death shall occur after the member shall have attained 55 years of age the amount payable shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$ times such compensation.

(4) Permanent and total disability resulting from a cardiovascular, pulmonary, or musculoskeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

b. (1) For purposes of this subsection:

"Qualifying condition or impairment of health" includes:

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyperreactivity and tracheobronchitis, or a combination of such conditions;

diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure, or aggravated by exposure;

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;

diseases of the skin, such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure, or aggravated by exposure; and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

(2) Notwithstanding any provision of subsection a. of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence.

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours; and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection.

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service or shall present such sufficient evidence of one or more medical examinations or results performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability.

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and subsequently retired on a service retirement, special retirement, accidental disability retirement, or an ordinary disability retirement and thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the retiree's retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 180 days of the date that the retiree knew or should have known of the existence of such disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service or shall present such sufficient evidence of one or more medical examinations or results performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

If a retiree previously filed an eligibility registration form with the Police and Firemen's Retirement System and the retiree was denied because the retiree did not file within the required registration period in effect prior to the effective date of P.L.2025, c.117, the retiree shall be permitted to petition the board of trustees for reconsideration.

(4) The board of trustees may promulgate rules and regulations that the board determines are necessary to implement the provisions of this subsection.

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service.

(5) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein.

3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read as follows:

C.53:5A-10 Accidental disability retirement allowance; definitions.

10. a. Upon the written application by a member in service, by one acting in his behalf or by the State, any member may be retired, not less than one month next following the date of filing such application, on an accidental disability retirement allowance, provided that the medical board, after a medical examination of such member, shall certify that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties and that such disability was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for the performance of his usual duties in the Division of State Police which the Superintendent of State Police is willing to assign to him.

A member with a preexisting and asymptomatic condition that is rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of the member's regular or assigned duties may be eligible for an accidental disability retirement allowance, provided that the traumatic event is caused by a circumstance external to the member and is the substantial contributing cause of the member's permanent and total disability.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to the member's continued employment in a restricted capacity consistent with the nature of his disability in the Division of the State Police upon and at the written request of the superintendent, with the concurrence of the Attorney General, or to other circumstances beyond the control of the member.

b. Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance which shall consist of:

- (1) An annuity which shall be the actuarial equivalent of his aggregate contributions; and
- (2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{2}{3}$ of his final compensation.

c. Upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance, there shall be paid to the member's beneficiary an amount equal to $3\frac{1}{2}$ times the final compensation received by the member in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained 55 years of age the amount payable shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$ times such compensation.

d. Permanent and total disability resulting from a cardiovascular, pulmonary, or musculoskeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

e. (1) For purposes of this subsection:

"Qualifying condition or impairment of health" includes:

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyperreactivity and tracheobronchitis, or a combination of such conditions;

diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure;

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;

diseases of the skin, such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure, or aggravated by exposure; and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

(2) Notwithstanding any provision of subsection a. of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence.

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours; and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection.

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service or shall present such sufficient evidence of one or more medical examinations or results performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability.

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and subsequently retired on a service retirement, special retirement, accidental disability retirement, or an ordinary disability retirement and thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the

retiree's retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 180 days of the date that the retiree knew or should have known of the existence of such disability and its relation to the rescue, recovery, or cleanup operations. In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service or shall present such sufficient evidence of one or more medical examinations or results performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

If a retiree previously filed an eligibility registration form with the State Police Retirement System and the retiree was denied because the retiree did not file within the required registration period in effect prior to the effective date of P.L.2025, c.117, the retiree shall be permitted to petition the board of trustees for reconsideration.

(4) The board of trustees may promulgate rules and regulations that the board determines are necessary to implement the provisions of this subsection.

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service.

(5) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein.

4. This act shall take effect immediately.

Approved July 23, 2025.

ASSEMBLY, No. 5381

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 6, 2025

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Somerset and Union)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblyman MICHAEL VENEZIA

District 34 (Essex)

Co-Sponsored by:

**Assemblymen Scharfenberger, Karabinchak, DeAngelo, Assemblywomen
Flynn and Matsikoudis**

SYNOPSIS

Provides for filing extension and medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2025)

1 **AN ACT** concerning the accidental disability retirement allowance
2 for certain members of the Public Employees' Retirement
3 System, the Police and Firemen's Retirement System, and the
4 State Police Retirement System, and amending P.L.1954, c.84,
5 P.L.1944, c.255, and P.L.1965, c.89.

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

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

12 43. a. A member who has not attained age 65 shall, upon the
13 application of the head of the department in which he is employed
14 or upon his own application or the application of one acting in his
15 behalf, be retired by the board of trustees, if said employee is
16 permanently and totally disabled as a direct result of a traumatic
17 event occurring during and as a result of the performance of his
18 regular or assigned duties, on an accidental disability allowance. A
19 traumatic event occurring during voluntary performance of regular
20 or assigned duties at a place of employment before or after required
21 hours of employment which is not in violation of any valid work
22 rule of the employer or otherwise prohibited by the employer shall
23 be deemed as occurring during the performance of regular or
24 assigned duties.

25 The application to accomplish such retirement must be filed
26 within five years of the original traumatic event, but the board of
27 trustees may consider an application filed after the five-year period
28 if it can be factually demonstrated to the satisfaction of the board of
29 trustees that the disability is due to the accident and the filing was
30 not accomplished within the five-year period due to a delayed
31 manifestation of the disability or to circumstances beyond the
32 control of the member.

33 Permanent and total disability resulting from a cardiovascular,
34 pulmonary or musculo-skeletal condition which was not a direct
35 result of a traumatic event occurring in the performance of duty
36 shall be deemed an ordinary disability.

37 Before consideration of the application by the board of trustees,
38 the physician or physicians designated by the board shall have first
39 made a medical examination of the member at his residence or at
40 any other place mutually agreed upon and shall have certified to the
41 board that he is physically or mentally incapacitated for the
42 performance of duty, and should be retired, and the appointing
43 authority shall have certified to the board that the member is
44 permanently and totally disabled as a direct result of a traumatic
45 event occurring during and as a result of the performance of his

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 regular or assigned duties, the time and place where the duty
2 causing the disability was performed, that the disability was not the
3 result of his willful negligence and that the member should be
4 retired.

5 No person who becomes a member of the retirement system on
6 or after the effective date of P.L.2010, c.3 shall be eligible for
7 retirement pursuant to this section.

8 b. (1) For purposes of this subsection:

9 "Qualifying condition or impairment of health" includes:

10 diseases of the upper respiratory tract and mucosae, including
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and
16 different types of pneumonitis, such as hypersensitivity,
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis and
19 reflux disease, either acute or chronic, caused by exposure or
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic
22 stress disorder, anxiety, depression, or any combination of such
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
26 non-specific reactive in nature, caused by exposure or aggravated
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases
29 occurring in the future including cancer, chronic obstructive
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,
31 musculoskeletal disease and chronic psychological disease.

32 "World Trade Center rescue, recovery, or cleanup operations"
33 means the rescue, recovery, or cleanup operations at the World
34 Trade Center site between September 11, 2001 and October 11,
35 2001.

36 "World Trade Center site" means any location below a line
37 starting from the Hudson River and Canal Street, east on Canal
38 Street to Pike Street, south on Pike Street to the East River, and
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this
41 section or any other law to the contrary, for a member who
42 participated, whether or not under orders or instruction by an
43 employer to so participate, in World Trade Center rescue, recovery,
44 or cleanup operations for a minimum of eight hours, permanent and
45 total disability resulting from a qualifying condition or impairment
46 of health shall be presumed to have occurred during and as a result
47 of the performance of the member's regular or assigned duties and

1 not the result of the member's willful negligence, unless the
2 contrary can be proved by competent evidence.

3 A member who did not participate in such operations for a
4 minimum of eight hours shall be eligible for the presumption
5 provided that:

6 the member participated in the rescue, recovery, or cleanup
7 operations at the World Trade Center site between September 11,
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World
10 Trade Center site between September 11, 2001 and September 12,
11 2001 that is a qualifying condition or impairment of health resulting
12 in a disability to the member that prevented the member from
13 continuing to participate in World Trade Center rescue, recovery, or
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the
16 member that prevented the member from continuing to participate
17 in World Trade Center rescue, recovery, or cleanup operations for a
18 minimum of eight hours is the qualifying condition or impairment
19 of health for which the member seeks a presumption under this
20 subsection.

21 In order to be eligible for the presumption provided under this
22 subsection, a member shall have successfully passed a physical
23 examination for entry into public service, or shall present such
24 sufficient evidence of one or more medical examinations or results
25 performed within a reasonable period of time before or after entry
26 into public service, which failed to disclose evidence of the
27 qualifying condition or impairment of health that formed the basis
28 for the permanent and total disability.

29 (3) A member who participated in the World Trade Center
30 rescue, recovery, or cleanup operations for a minimum of eight
31 hours and subsequently retired on a service retirement, special
32 retirement, accidental disability retirement, or an ordinary disability
33 retirement and thereafter incurred a disability caused by a
34 qualifying condition or impairment of health which the medical
35 board determines to be caused by participation in World Trade
36 Center rescue, recovery, or cleanup operations shall be eligible to
37 apply to the board of trustees to have the retiree's retirement
38 allowance recalculated as an accidental disability retirement
39 allowance for benefit payments on or after the date of the
40 application, provided the retiree filed an application for such
41 recalculation within **[30]** 180 days of the date that the retiree knew
42 or should have known of the existence of such disability and its
43 relation to the rescue, recovery, or cleanup operations. In order to
44 be eligible for such recalculation, the retiree shall have successfully
45 passed a physical examination for entry into public service, or shall
46 present such sufficient evidence of one or more medical
47 examinations or results performed within a reasonable period of
48 time before or after entry into public service, which failed to

1 disclose evidence of the qualifying condition or impairment of
2 health that formed the basis for the disability.

3 If a retiree previously filed an eligibility registration form with
4 the Public Employees' Retirement System and the retiree was
5 denied because the retiree did not file within the required
6 registration period, the retiree shall be permitted to petition the
7 board of trustees for reconsideration or shall be permitted to
8 resubmit the previously submitted eligibility registration form to the
9 board for the presumption or recalculation granted under P.L. , c.
10 (pending before the Legislature as this bill).

11 (4) The board of trustees shall promulgate rules and regulations
12 necessary to implement the provisions of this subsection and shall
13 notify all members and retirants in the retirement system of the
14 enactment of **【this act,】** P.L.2019, c.157, and the enactment of
15 P.L. , c. (pending before the Legislature as this bill), within
16 **【30】** 60 days of enactment. The board shall notify all members and
17 retirants enrolled in the retirement system by letter sent via certified
18 mail and shall be required to communicate, in an easily understood
19 manner, the provisions of P.L. , c. (pending before the
20 Legislature as this bill), including the class of members and retirees
21 impacted, the filing requirements, and the prescribed time limits.

22 A member or retiree shall not be eligible for the presumption or
23 recalculation under this subsection unless within two years of the
24 effective date of **【this act,】** P.L.2019, c.157, or within two years
25 after the effective date of P.L. , c. (pending before the Legislature
26 as this bill), the member or retiree files a written and sworn
27 statement with the retirement system on a form provided by the
28 board of trustees thereof indicating the dates and locations of
29 service. The board of trustees may approve filing extensions in
30 two-year increments thereafter.

31 (5) This subsection shall apply only to: any member or retiree
32 who is or was enrolled in the Public Employees' Retirement System
33 because the member or retiree did not meet the age or medical
34 requirements for enrollment in the Police and Firemen's Retirement
35 System on the basis of the position held; and to any emergency
36 medical technician who is a member or retiree of the Public
37 Employees' Retirement System. For the purposes of this paragraph,
38 "emergency medical technician" means a person trained in basic life
39 support services as defined in section 1 of P.L.1985, c.351
40 (C.26:2K-21) and who is certified by the Department of Health to
41 perform these services.

42 (6) This subsection shall apply regardless of whether the
43 member or retiree, who is otherwise eligible, was enrolled in the
44 retirement system at the time of participation in World Trade Center
45 rescue, recovery, or cleanup operations as specified herein.

46 (cf: P.L.2019, c.157, s.4)

1 2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read
2 as follows:

3 7. a. (1) Upon the written application by a member in service, by
4 one acting in his behalf or by his employer any member may be
5 retired on an accidental disability retirement allowance; provided,
6 that the medical board, after a medical examination of such
7 member, shall certify that the member is permanently and totally
8 disabled as a direct result of a traumatic event occurring during and
9 as a result of the performance of his regular or assigned duties and
10 that such disability was not the result of the member's willful
11 negligence and that such member is mentally or physically
12 incapacitated for the performance of his usual duty and of any other
13 available duty in the department which his employer is willing to
14 assign to him. The application to accomplish such retirement must
15 be filed within five years of the original traumatic event, but the
16 board of trustees may consider an application filed after the five-
17 year period if it can be factually demonstrated to the satisfaction of
18 the board of trustees that the disability is due to the accident and the
19 filing was not accomplished within the five-year period due to a
20 delayed manifestation of the disability or to other circumstances
21 beyond the control of the member.

22 (2) Upon retirement for accidental disability, a member shall
23 receive an accidental disability retirement allowance which shall
24 consist of:

25 (a) An annuity which shall be the actuarial equivalent of his
26 aggregate contributions and

27 (b) A pension in the amount which, when added to the member's
28 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of the
29 member's actual annual compensation for which contributions were
30 being made at the time of the occurrence of the accident or at the
31 time of the member's retirement, whichever provides the largest
32 possible benefit to the member.

33 (3) Upon receipt of proper proofs of the death of a member who
34 has retired on accidental disability retirement allowance, there shall
35 be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$
36 times the compensation upon which contributions by the member to
37 the annuity savings fund were based in the last year of creditable
38 service; provided, however, that if such death shall occur after the
39 member shall have attained 55 years of age the amount payable
40 shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$ times such
41 compensation.

42 (4) Permanent and total disability resulting from a
43 cardiovascular, pulmonary or musculoskeletal condition which was
44 not a direct result of a traumatic event occurring in the performance
45 of duty shall be deemed an ordinary disability.

46 b. (1) For purposes of this subsection:

47 "Qualifying condition or impairment of health" includes:

1 diseases of the upper respiratory tract and mucosae, including
2 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
3 laryngitis, vocal cord disease, upper airway hyper-reactivity and
4 tracheo-bronchitis, or a combination of such conditions;

5 diseases of the lower respiratory tract, including but not limited
6 to bronchitis, asthma, reactive airway dysfunction syndrome, and
7 different types of pneumonitis, such as hypersensitivity,
8 granulomatous, or eosinophilic;

9 diseases of the gastroesophageal tract, including esophagitis and
10 reflux disease, either acute or chronic, caused by exposure or
11 aggravated by exposure;

12 diseases of the psychological axis, including post-traumatic
13 stress disorder, anxiety, depression, or any combination of such
14 conditions;

15 diseases of the skin such as contact dermatitis or burns, either
16 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
17 non-specific reactive in nature, caused by exposure or aggravated
18 by exposure; and

19 new onset diseases resulting from exposure as such diseases
20 occurring in the future including cancer, chronic obstructive
21 pulmonary disease, asbestos-related disease, heavy metal poisoning,
22 musculoskeletal disease and chronic psychological disease.

23 "World Trade Center rescue, recovery, or cleanup operations"
24 means the rescue, recovery, or cleanup operations at the World
25 Trade Center site between September 11, 2001 and October 11,
26 2001.

27 "World Trade Center site" means any location below a line
28 starting from the Hudson River and Canal Street, east on Canal
29 Street to Pike Street, south on Pike Street to the East River, and
30 extending to the lower tip of Manhattan.

31 (2) Notwithstanding any provision of subsection a. of this
32 section or any other law to the contrary, for a member who
33 participated, whether or not under orders or instruction by an
34 employer to so participate, in World Trade Center rescue, recovery,
35 or cleanup operations for a minimum of eight hours, permanent and
36 total disability resulting from a qualifying condition or impairment
37 of health shall be presumed to have occurred during and as a result
38 of the performance of the member's regular or assigned duties and
39 not the result of the member's willful negligence, unless the
40 contrary can be proved by competent evidence.

41 A member who did not participate in such operations for a
42 minimum of eight hours shall be eligible for the presumption
43 provided that:

44 the member participated in the rescue, recovery, or cleanup
45 operations at the World Trade Center site between September 11,
46 2001 and September 12, 2001;

47 the member sustained a documented physical injury at the World
48 Trade Center site between September 11, 2001 and September 12,

1 2001 that is a qualifying condition or impairment of health resulting
2 in a disability to the member that prevented the member from
3 continuing to participate in World Trade Center rescue, recovery, or
4 cleanup operations for a minimum of eight hours; and

5 the documented physical injury that resulted in a disability to the
6 member that prevented the member from continuing to participate
7 in World Trade Center rescue, recovery, or cleanup operations for a
8 minimum of eight hours is the qualifying condition or impairment
9 of health for which the member seeks a presumption under this
10 subsection.

11 In order to be eligible for the presumption provided under this
12 subsection, a member shall have successfully passed a physical
13 examination for entry into public service, or shall present such
14 sufficient evidence of one or more medical examinations or results
15 performed within a reasonable period of time before or after entry
16 into public service, which failed to disclose evidence of the
17 qualifying condition or impairment of health that formed the basis
18 for the permanent and total disability.

19 (3) A member who participated in the World Trade Center
20 rescue, recovery, or cleanup operations for a minimum of eight
21 hours and subsequently retired on a service retirement, special
22 retirement, accidental disability retirement, or an ordinary disability
23 retirement and thereafter incurred a disability caused by a
24 qualifying condition or impairment of health which the medical
25 board determines to be caused by participation in World Trade
26 Center rescue, recovery, or cleanup operations shall be eligible to
27 apply to the board of trustees to have the retiree's retirement
28 allowance recalculated as an accidental disability retirement
29 allowance for benefit payments on or after the date of the
30 application, provided the retiree filed an application for such
31 recalculation within **[30]** 180 days of the date that the retiree knew
32 or should have known of the existence of such disability and its
33 relation to the rescue, recovery, or cleanup operations. In order to
34 be eligible for such recalculation, the retiree shall have successfully
35 passed a physical examination for entry into public service, or shall
36 present such sufficient evidence of one or more medical
37 examinations or results performed within a reasonable period of
38 time before or after entry into public service, which failed to
39 disclose evidence of the qualifying condition or impairment of
40 health that formed the basis for the disability.

41 If a retiree previously filed an eligibility registration form with
42 the Police and Firemen's Retirement System and the retiree was
43 denied because the retiree did not file within the required
44 registration period, the retiree shall be permitted to petition the
45 board of trustees for reconsideration or shall be permitted to
46 resubmit the previously submitted eligibility registration form to the
47 board for the presumption or recalculation granted under P.L. , c.
48 (pending before the Legislature as this bill).

1 (4) The board of trustees shall promulgate rules and regulations
2 necessary to implement the provisions of this subsection and shall
3 notify all members and retirants in the retirement system of the
4 enactment of **【this act,】** P.L.2019, c.157 and the enactment of
5 P.L. , c. (pending before the Legislature as this bill), within
6 **【30】** 60 days of enactment. The board shall notify all members and
7 retirants enrolled in the retirement system by letter sent via certified
8 mail and shall be required to communicate, in an easily understood
9 manner, the provisions of P.L. , c. (pending before the
10 Legislature as this bill), including the class of members and retirees
11 impacted, the filing requirements, and the prescribed time limits.

12 A member or retiree shall not be eligible for the presumption or
13 recalculation under this subsection unless within two years of the
14 effective date of **【this act,】** P.L.2019, c.157, or within two years
15 after the effective date of P.L. , c. (pending before the
16 Legislature as this bill), the member or retiree files a written and
17 sworn statement with the retirement system on a form provided by
18 the board of trustees thereof indicating the dates and locations of
19 service. The board of trustees may approve filing extensions in
20 two-year increments thereafter.

21 (5) This subsection shall apply regardless of whether the
22 member or retiree, who is otherwise eligible, was enrolled in the
23 retirement system at the time of participation in World Trade Center
24 rescue, recovery, or cleanup operations as specified herein.
25 (cf: P.L.2019, c.157, s.2)
26

27 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read
28 as follows:

29 10. a. Upon the written application by a member in service, by
30 one acting in his behalf or by the State, any member may be retired,
31 not less than 1 month next following the date of filing such
32 application, on an accidental disability retirement allowance,
33 provided, that the medical board, after a medical examination of
34 such member, shall certify that the member is permanently and
35 totally disabled as a direct result of a traumatic event occurring
36 during and as a result of the performance of his regular or assigned
37 duties and that such disability was not the result of the member's
38 willful negligence and that such member is mentally or physically
39 incapacitated for the performance of his usual duties in the Division
40 of State Police which the Superintendent of State Police is willing
41 to assign to him.

42 A member with a preexisting and asymptomatic condition that is
43 rendered symptomatic as a direct result of a traumatic event
44 occurring during and as a result of the performance of the member's
45 regular or assigned duties may be eligible for an accidental
46 disability retirement allowance, provided that the traumatic event is
47 caused by a circumstance external to the member and is the

1 substantial contributing cause of the member's permanent and total
2 disability.

3 The application to accomplish such retirement must be filed
4 within 5 years of the original traumatic event, but the board of
5 trustees may consider an application filed after the 5-year period if
6 it can be factually demonstrated to the satisfaction of the board of
7 trustees that the disability is due to the accident and the filing was
8 not accomplished within the 5-year period due to a delayed
9 manifestation of the disability or to the member's continued
10 employment in a restricted capacity consistent with the nature of his
11 disability in the Division of the State Police upon and at the written
12 request of the superintendent, with the concurrence of the Attorney
13 General, or to other circumstances beyond the control of the
14 member.

15 b. Upon retirement for accidental disability, a member shall
16 receive an accidental disability retirement allowance which shall
17 consist of:

18 (1) An annuity which shall be the actuarial equivalent of his
19 aggregate contributions and

20 (2) A pension in the amount which, when added to the member's
21 annuity, will provide a total retirement allowance of 2/3 of his final
22 compensation.

23 c. Upon the receipt of proper proofs of the death of a member
24 who has retired on an accidental disability retirement allowance,
25 there shall be paid to the member's beneficiary an amount equal to 3
26 1/2 times the final compensation received by the member in the last
27 year of creditable service; provided, however, that if such death
28 shall occur after the member shall have attained 55 years of age the
29 amount payable shall equal 1/2 of such compensation instead of 3
30 1/2 times such compensation.

31 d. Permanent and total disability resulting from a
32 cardiovascular, pulmonary or musculoskeletal condition which was
33 not a direct result of a traumatic event occurring in the performance
34 of duty shall be deemed an ordinary disability.

35 e. (1) For purposes of this subsection:

36 "Qualifying condition or impairment of health" includes:

37 diseases of the upper respiratory tract and mucosae, including
38 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
39 laryngitis, vocal cord disease, upper airway hyper-reactivity and
40 tracheo-bronchitis, or a combination of such conditions;

41 diseases of the lower respiratory tract, including but not limited
42 to bronchitis, asthma, reactive airway dysfunction syndrome, and
43 different types of pneumonitis, such as hypersensitivity,
44 granulomatous, or eosinophilic;

45 diseases of the gastroesophageal tract, including esophagitis and
46 reflux disease, either acute or chronic, caused by exposure or
47 aggravated by exposure;

1 diseases of the psychological axis, including post-traumatic
2 stress disorder, anxiety, depression, or any combination of such
3 conditions;

4 diseases of the skin, such as contact dermatitis or burns, either
5 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
6 non-specific reactive in nature, caused by exposure or aggravated
7 by exposure; and

8 new onset diseases resulting from exposure as such diseases
9 occurring in the future including cancer, chronic obstructive
10 pulmonary disease, asbestos-related disease, heavy metal poisoning,
11 musculoskeletal disease and chronic psychological disease.

12 "World Trade Center rescue, recovery, or cleanup operations"
13 means the rescue, recovery, or cleanup operations at the World
14 Trade Center site between September 11, 2001 and October 11,
15 2001.

16 "World Trade Center site" means any location below a line
17 starting from the Hudson River and Canal Street, east on Canal
18 Street to Pike Street, south on Pike Street to the East River, and
19 extending to the lower tip of Manhattan.

20 (2) Notwithstanding any provision of subsection a. of this section
21 or any other law to the contrary, for a member who participated,
22 whether or not under orders or instruction by an employer to so
23 participate, in World Trade Center rescue, recovery, or cleanup
24 operations for a minimum of eight hours, permanent and total
25 disability resulting from a qualifying condition or impairment of
26 health shall be presumed to have occurred during and as a result of
27 the performance of the member's regular or assigned duties and not
28 the result of the member's willful negligence, unless the contrary
29 can be proved by competent evidence.

30 A member who did not participate in such operations for a
31 minimum of eight hours shall be eligible for the presumption
32 provided that:

33 the member participated in the rescue, recovery, or cleanup
34 operations at the World Trade Center site between September 11,
35 2001 and September 12, 2001;

36 the member sustained a documented physical injury at the World
37 Trade Center site between September 11, 2001 and September 12,
38 2001 that is a qualifying condition or impairment of health resulting
39 in a disability to the member that prevented the member from
40 continuing to participate in World Trade Center rescue, recovery, or
41 cleanup operations for a minimum of eight hours; and

42 the documented physical injury that resulted in a disability to the
43 member that prevented the member from continuing to participate
44 in World Trade Center rescue, recovery, or cleanup operations for a
45 minimum of eight hours is the qualifying condition or impairment
46 of health for which the member seeks a presumption under this
47 subsection.

1 In order to be eligible for the presumption provided under this
2 subsection, a member shall have successfully passed a physical
3 examination for entry into public service, or shall present such
4 sufficient evidence of one or more medical examinations or results
5 performed within a reasonable period of time before or after entry
6 into public service, which failed to disclose evidence of the
7 qualifying condition or impairment of health that formed the basis
8 for the permanent and total disability.

9 (3) A member who participated in the World Trade Center
10 rescue, recovery, or cleanup operations for a minimum of eight
11 hours and subsequently retired on a service retirement, special
12 retirement, accidental disability retirement, or an ordinary disability
13 retirement and thereafter incurred a disability caused by a
14 qualifying condition or impairment of health which the medical
15 board determines to be caused by participation in World Trade
16 Center rescue, recovery, or cleanup operations shall be eligible to
17 apply to the board of trustees to have the retiree's retirement
18 allowance recalculated as an accidental disability retirement
19 allowance for benefit payments on or after the date of the
20 application, provided the retiree filed an application for such
21 recalculation within **【30】** 180 days of the date that the retiree knew
22 or should have known of the existence of such disability and its
23 relation to the rescue, recovery, or cleanup operations. In order to
24 be eligible for such recalculation, the retiree shall have successfully
25 passed a physical examination for entry into public service, or shall
26 present such sufficient evidence of one or more medical
27 examinations or results performed within a reasonable period of
28 time before or after entry into public service, which failed to
29 disclose evidence of the qualifying condition or impairment of
30 health that formed the basis for the disability.

31 If a retiree previously filed an eligibility registration form with
32 the State Police Retirement System and the retiree was denied
33 because the retiree did not file within the required registration
34 period, the retiree shall be permitted to petition the board of trustees
35 for reconsideration or shall be permitted to resubmit the previously
36 submitted eligibility registration form to the board for the
37 presumption or recalculation granted under P.L. , c. (pending
38 before the Legislature as this bill).

39 (4) The board of trustees shall promulgate rules and regulations
40 necessary to implement the provisions of this subsection and shall
41 notify all members and retirants in the retirement system of the
42 enactment of **【this act,】** P.L.2019, c.157, and the enactment of
43 P.L. , c. (pending before the Legislature as this bill), within
44 **【30】** 60 days of enactment. The board shall notify all members and
45 retirants enrolled in the retirement system by letter sent via certified
46 mail and shall be required to communicate, in an easily understood
47 manner, the provisions of P.L. , c. (pending before the

1 Legislature as this bill), including the class of members and retirees
2 impacted, the filing requirements, and the prescribed time limits.

3 A member or retiree shall not be eligible for the presumption or
4 recalculation under this subsection unless within two years of the
5 effective date of **【this act,】** P.L.2019, c.157, or within two years
6 after the effective date of P.L. _____, c. _____ (pending before the
7 Legislature as this bill), the member or retiree files a written and
8 sworn statement with the retirement system on a form provided by
9 the board of trustees thereof indicating the dates and locations of
10 service. The board of trustees may approve filing extensions in
11 two-year increments thereafter.

12 (5) This subsection shall apply regardless of whether the member
13 or retiree, who is otherwise eligible, was enrolled in the retirement
14 system at the time of participation in World Trade Center rescue,
15 recovery, or cleanup operations as specified herein.

16 (cf: P.L.2022, c.77, s.1)

17
18 4. This act shall take effect immediately.
19
20

21 STATEMENT

22
23 This bill provides a filing extension and establishes medical
24 documentation requirements for certain members and retirees of the
25 Public Employees' Retirement System (PERS), the Police and
26 Firemen's Retirement System (PFRS), and the State Police
27 Retirement System (SPRS) to receive an accidental disability
28 retirement allowance for participation in 9/11 World Trade Center
29 rescue, recovery, or cleanup operations.

30 Under current law, members and retirees of PFRS and SPRS, and
31 certain members and retirees of PERS are eligible to receive an
32 accidental disability retirement allowance for a permanent and total
33 disability resulting from participation in 9/11 World Trade Center
34 rescue, recovery, or cleanup operations. In order to be eligible, the
35 member or retiree must have filed notice of service during certain
36 dates and at certain locations within two years of enactment of the
37 law in 2019.

38 This bill extends the time period during which a member or
39 retiree must file a written and sworn statement with their respective
40 retirement system to be eligible for the benefit to two years after the
41 effective date of this bill, and permits the board of trustees of the
42 retirement system to approve additional extensions in two-year
43 increments thereafter. The bill also provides retirees who
44 previously filed an eligibility registration form with their respective
45 retirement system and who were denied because they filed outside
46 the registration period the ability to petition the board of trustees of
47 the respective retirement system for reconsideration or to resubmit

1 the previously submitted eligibility registration form to the board
2 for the presumption or recalculation granted under the bill.

3 Under current law, in order to be eligible for the benefit, the
4 member or retiree must have successfully passed a physical
5 examination for entry into public service, which failed to disclose
6 evidence of the qualifying condition or impairment of health that
7 formed the basis for the disability. This bill allows the member or
8 retiree to present sufficient evidence of one or more medical
9 examinations or results, performed within a reasonable period of
10 time before or after entry into public service, which failed to
11 disclose evidence of the qualifying condition or impairment of
12 health that formed the basis for the disability as an alternative for
13 proof of eligibility.

14 This bill also requires the board of trustees of each retirement
15 system to notify all members and retirants in the retirement system
16 of the enactment of this bill within 60 days of enactment by letter
17 via certified mail. The notice must communicate, in an easily
18 understood manner, the provisions of this bill, including the class of
19 members and retirees impacted, the filing requirements, and the
20 prescribed time limits.

[First Reprint]

ASSEMBLY, No. 5381

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MARCH 6, 2025

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Somerset and Union)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblyman MICHAEL VENEZIA

District 34 (Essex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Scharfenberger, Karabinchak, DeAngelo, Assemblywomen Flynn, Matsikoudis, Fantasia, Ramirez, Assemblyman Inganamort, Assemblywomen McCoy, Murphy, Speight, Assemblyman Freiman, Assemblywomen Peterpaul, Donlon, Drulis, Lopez, Senators A.M.Bucco, McKnight, O'Scanlon and Amato

SYNOPSIS

Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 19, 2025, with amendments.

(Sponsorship Updated As Of: 6/30/2025)

1 **AN ACT** concerning the accidental disability retirement allowance
2 for certain members of the Public Employees' Retirement
3 System, the Police and Firemen's Retirement System, and the
4 State Police Retirement System, and amending P.L.1954, c.84,
5 P.L.1944, c.255, and P.L.1965, c.89.

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

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

12 43. a. A member who has not attained age 65 shall, upon the
13 application of the head of the department in which he is employed
14 or upon his own application or the application of one acting in his
15 behalf, be retired by the board of trustees, if said employee is
16 permanently and totally disabled as a direct result of a traumatic
17 event occurring during and as a result of the performance of his
18 regular or assigned duties, on an accidental disability allowance. A
19 traumatic event occurring during voluntary performance of regular
20 or assigned duties at a place of employment before or after required
21 hours of employment which is not in violation of any valid work
22 rule of the employer or otherwise prohibited by the employer shall
23 be deemed as occurring during the performance of regular or
24 assigned duties.

25 The application to accomplish such retirement must be filed
26 within five years of the original traumatic event, but the board of
27 trustees may consider an application filed after the five-year period
28 if it can be factually demonstrated to the satisfaction of the board of
29 trustees that the disability is due to the accident and the filing was
30 not accomplished within the five-year period due to a delayed
31 manifestation of the disability or to circumstances beyond the
32 control of the member.

33 Permanent and total disability resulting from a cardiovascular,
34 pulmonary or musculo-skeletal condition which was not a direct
35 result of a traumatic event occurring in the performance of duty
36 shall be deemed an ordinary disability.

37 Before consideration of the application by the board of trustees,
38 the physician or physicians designated by the board shall have first
39 made a medical examination of the member at his residence or at
40 any other place mutually agreed upon and shall have certified to the
41 board that he is physically or mentally incapacitated for the
42 performance of duty, and should be retired, and the appointing
43 authority shall have certified to the board that the member is
44 permanently and totally disabled as a direct result of a traumatic
45 event occurring during and as a result of the performance of his

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:

¹Assembly AAP committee amendments adopted June 19, 2025.

1 regular or assigned duties, the time and place where the duty
2 causing the disability was performed, that the disability was not the
3 result of his willful negligence and that the member should be
4 retired.

5 No person who becomes a member of the retirement system on
6 or after the effective date of P.L.2010, c.3 shall be eligible for
7 retirement pursuant to this section.

8 b. (1) For purposes of this subsection:

9 "Qualifying condition or impairment of health" includes:

10 diseases of the upper respiratory tract and mucosae, including
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and
16 different types of pneumonitis, such as hypersensitivity,
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis and
19 reflux disease, either acute or chronic, caused by exposure or
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic
22 stress disorder, anxiety, depression, or any combination of such
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
26 non-specific reactive in nature, caused by exposure or aggravated
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases
29 occurring in the future including cancer, chronic obstructive
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,
31 musculoskeletal disease and chronic psychological disease.

32 "World Trade Center rescue, recovery, or cleanup operations"
33 means the rescue, recovery, or cleanup operations at the World
34 Trade Center site between September 11, 2001 and October 11,
35 2001.

36 "World Trade Center site" means any location below a line
37 starting from the Hudson River and Canal Street, east on Canal
38 Street to Pike Street, south on Pike Street to the East River, and
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this
41 section or any other law to the contrary, for a member who
42 participated, whether or not under orders or instruction by an
43 employer to so participate, in World Trade Center rescue, recovery,
44 or cleanup operations for a minimum of eight hours, permanent and
45 total disability resulting from a qualifying condition or impairment
46 of health shall be presumed to have occurred during and as a result
47 of the performance of the member's regular or assigned duties and

1 not the result of the member's willful negligence, unless the
2 contrary can be proved by competent evidence.

3 A member who did not participate in such operations for a
4 minimum of eight hours shall be eligible for the presumption
5 provided that:

6 the member participated in the rescue, recovery, or cleanup
7 operations at the World Trade Center site between September 11,
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World
10 Trade Center site between September 11, 2001 and September 12,
11 2001 that is a qualifying condition or impairment of health resulting
12 in a disability to the member that prevented the member from
13 continuing to participate in World Trade Center rescue, recovery, or
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the
16 member that prevented the member from continuing to participate
17 in World Trade Center rescue, recovery, or cleanup operations for a
18 minimum of eight hours is the qualifying condition or impairment
19 of health for which the member seeks a presumption under this
20 subsection.

21 In order to be eligible for the presumption provided under this
22 subsection, a member shall have successfully passed a physical
23 examination for entry into public service, or shall present such
24 sufficient evidence of one or more medical examinations or results
25 performed within a reasonable period of time before or after entry
26 into public service, which failed to disclose evidence of the
27 qualifying condition or impairment of health that formed the basis
28 for the permanent and total disability.

29 (3) A member who participated in the World Trade Center
30 rescue, recovery, or cleanup operations for a minimum of eight
31 hours and subsequently retired on a service retirement, special
32 retirement, accidental disability retirement, or an ordinary disability
33 retirement and thereafter incurred a disability caused by a
34 qualifying condition or impairment of health which the medical
35 board determines to be caused by participation in World Trade
36 Center rescue, recovery, or cleanup operations shall be eligible to
37 apply to the board of trustees to have the retiree's retirement
38 allowance recalculated as an accidental disability retirement
39 allowance for benefit payments on or after the date of the
40 application, provided the retiree filed an application for such
41 recalculation within **[30]** 180 days of the date that the retiree knew
42 or should have known of the existence of such disability and its
43 relation to the rescue, recovery, or cleanup operations. In order to
44 be eligible for such recalculation, the retiree shall have successfully
45 passed a physical examination for entry into public service, or shall
46 present such sufficient evidence of one or more medical
47 examinations or results performed within a reasonable period of
48 time before or after entry into public service, which failed to

1 disclose evidence of the qualifying condition or impairment of
2 health that formed the basis for the disability.

3 If a retiree previously filed an eligibility registration form with
4 the Public Employees' Retirement System and the retiree was
5 denied because the retiree did not file within the required
6 registration period 'in effect prior to the effective date of P.L. , c.
7 (pending before the Legislature as this bill)', the retiree shall be
8 permitted to petition the board of trustees for reconsideration '【or
9 shall be permitted to resubmit the previously submitted eligibility
10 registration form to the board for the presumption or recalculation
11 granted under P.L. , c. (pending before the Legislature as this
12 bill)】'.

13 (4) The board of trustees '【shall】 may' promulgate rules and
14 regulations 'that the board determines are' necessary to implement
15 the provisions of this subsection '【and shall notify all members and

16 retirants in the retirement system of the enactment of】' 【this act,】
17 '【P.L.2019, c.157, and the enactment of P.L. , c. (pending
18 before the Legislature as this bill), within】' 【30】 '【60 days of
19 enactment. The board shall notify all members and retirants
20 enrolled in the retirement system by letter sent via certified mail
21 and shall be required to communicate, in an easily understood
22 manner, the provisions of P.L. , c. (pending before the
23 Legislature as this bill), including the class of members and retirees
24 impacted, the filing requirements, and the prescribed time limits】'.

25 A member or retiree shall not be eligible for the presumption or
26 recalculation under this subsection unless '【within two years of the
27 effective date of】' 【this act,】 '【P.L.2019, c.157, or within two

28 years after the effective date of P.L. , c. (pending before the
29 Legislature as this bill),】' the member or retiree files a written and
30 sworn statement with the retirement system on a form provided by
31 the board of trustees thereof indicating the dates and locations of
32 service. '【The board of trustees may approve filing extensions in

33 two-year increments thereafter.】'

34 (5) This subsection shall apply only to: any member or retiree
35 who is or was enrolled in the Public Employees' Retirement System
36 because the member or retiree did not meet the age or medical
37 requirements for enrollment in the Police and Firemen's Retirement
38 System on the basis of the position held; and to any emergency
39 medical technician who is a member or retiree of the Public
40 Employees' Retirement System. For the purposes of this paragraph,
41 "emergency medical technician" means a person trained in basic life
42 support services as defined in section 1 of P.L.1985, c.351
43 (C.26:2K-21) and who is certified by the Department of Health to
44 perform these services.

45 (6) This subsection shall apply regardless of whether the
46 member or retiree, who is otherwise eligible, was enrolled in the

1 retirement system at the time of participation in World Trade Center
2 rescue, recovery, or cleanup operations as specified herein.

3 (cf: P.L.2019, c.157, s.4)

4
5 2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read
6 as follows:

7 7. a. (1) Upon the written application by a member in service, by
8 one acting in his behalf or by his employer any member may be
9 retired on an accidental disability retirement allowance; provided,
10 that the medical board, after a medical examination of such
11 member, shall certify that the member is permanently and totally
12 disabled as a direct result of a traumatic event occurring during and
13 as a result of the performance of his regular or assigned duties and
14 that such disability was not the result of the member's willful
15 negligence and that such member is mentally or physically
16 incapacitated for the performance of his usual duty and of any other
17 available duty in the department which his employer is willing to
18 assign to him. The application to accomplish such retirement must
19 be filed within five years of the original traumatic event, but the
20 board of trustees may consider an application filed after the five-
21 year period if it can be factually demonstrated to the satisfaction of
22 the board of trustees that the disability is due to the accident and the
23 filing was not accomplished within the five-year period due to a
24 delayed manifestation of the disability or to other circumstances
25 beyond the control of the member.

26 (2) Upon retirement for accidental disability, a member shall
27 receive an accidental disability retirement allowance which shall
28 consist of:

29 (a) An annuity which shall be the actuarial equivalent of his
30 aggregate contributions and

31 (b) A pension in the amount which, when added to the member's
32 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of the
33 member's actual annual compensation for which contributions were
34 being made at the time of the occurrence of the accident or at the
35 time of the member's retirement, whichever provides the largest
36 possible benefit to the member.

37 (3) Upon receipt of proper proofs of the death of a member who
38 has retired on accidental disability retirement allowance, there shall
39 be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$
40 times the compensation upon which contributions by the member to
41 the annuity savings fund were based in the last year of creditable
42 service; provided, however, that if such death shall occur after the
43 member shall have attained 55 years of age the amount payable
44 shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$ times such
45 compensation.

46 (4) Permanent and total disability resulting from a
47 cardiovascular, pulmonary or musculoskeletal condition which was

1 not a direct result of a traumatic event occurring in the performance
2 of duty shall be deemed an ordinary disability.

3 b. (1) For purposes of this subsection:

4 "Qualifying condition or impairment of health" includes:

5 diseases of the upper respiratory tract and mucosae, including
6 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
7 laryngitis, vocal cord disease, upper airway hyper-reactivity and
8 tracheo-bronchitis, or a combination of such conditions;

9 diseases of the lower respiratory tract, including but not limited
10 to bronchitis, asthma, reactive airway dysfunction syndrome, and
11 different types of pneumonitis, such as hypersensitivity,
12 granulomatous, or eosinophilic;

13 diseases of the gastroesophageal tract, including esophagitis and
14 reflux disease, either acute or chronic, caused by exposure or
15 aggravated by exposure;

16 diseases of the psychological axis, including post-traumatic
17 stress disorder, anxiety, depression, or any combination of such
18 conditions;

19 diseases of the skin such as contact dermatitis or burns, either
20 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
21 non-specific reactive in nature, caused by exposure or aggravated
22 by exposure; and

23 new onset diseases resulting from exposure as such diseases
24 occurring in the future including cancer, chronic obstructive
25 pulmonary disease, asbestos-related disease, heavy metal poisoning,
26 musculoskeletal disease and chronic psychological disease.

27 "World Trade Center rescue, recovery, or cleanup operations"
28 means the rescue, recovery, or cleanup operations at the World
29 Trade Center site between September 11, 2001 and October 11,
30 2001.

31 "World Trade Center site" means any location below a line
32 starting from the Hudson River and Canal Street, east on Canal
33 Street to Pike Street, south on Pike Street to the East River, and
34 extending to the lower tip of Manhattan.

35 (2) Notwithstanding any provision of subsection a. of this
36 section or any other law to the contrary, for a member who
37 participated, whether or not under orders or instruction by an
38 employer to so participate, in World Trade Center rescue, recovery,
39 or cleanup operations for a minimum of eight hours, permanent and
40 total disability resulting from a qualifying condition or impairment
41 of health shall be presumed to have occurred during and as a result
42 of the performance of the member's regular or assigned duties and
43 not the result of the member's willful negligence, unless the
44 contrary can be proved by competent evidence.

45 A member who did not participate in such operations for a
46 minimum of eight hours shall be eligible for the presumption
47 provided that:

1 the member participated in the rescue, recovery, or cleanup
2 operations at the World Trade Center site between September 11,
3 2001 and September 12, 2001;

4 the member sustained a documented physical injury at the World
5 Trade Center site between September 11, 2001 and September 12,
6 2001 that is a qualifying condition or impairment of health resulting
7 in a disability to the member that prevented the member from
8 continuing to participate in World Trade Center rescue, recovery, or
9 cleanup operations for a minimum of eight hours; and

10 the documented physical injury that resulted in a disability to the
11 member that prevented the member from continuing to participate
12 in World Trade Center rescue, recovery, or cleanup operations for a
13 minimum of eight hours is the qualifying condition or impairment
14 of health for which the member seeks a presumption under this
15 subsection.

16 In order to be eligible for the presumption provided under this
17 subsection, a member shall have successfully passed a physical
18 examination for entry into public service, or shall present such
19 sufficient evidence of one or more medical examinations or results
20 performed within a reasonable period of time before or after entry
21 into public service, which failed to disclose evidence of the
22 qualifying condition or impairment of health that formed the basis
23 for the permanent and total disability.

24 (3) A member who participated in the World Trade Center
25 rescue, recovery, or cleanup operations for a minimum of eight
26 hours and subsequently retired on a service retirement, special
27 retirement, accidental disability retirement, or an ordinary disability
28 retirement and thereafter incurred a disability caused by a
29 qualifying condition or impairment of health which the medical
30 board determines to be caused by participation in World Trade
31 Center rescue, recovery, or cleanup operations shall be eligible to
32 apply to the board of trustees to have the retiree's retirement
33 allowance recalculated as an accidental disability retirement
34 allowance for benefit payments on or after the date of the
35 application, provided the retiree filed an application for such
36 recalculation within **[30]** 180 days of the date that the retiree knew
37 or should have known of the existence of such disability and its
38 relation to the rescue, recovery, or cleanup operations. In order to
39 be eligible for such recalculation, the retiree shall have successfully
40 passed a physical examination for entry into public service, or shall
41 present such sufficient evidence of one or more medical
42 examinations or results performed within a reasonable period of
43 time before or after entry into public service, which failed to
44 disclose evidence of the qualifying condition or impairment of
45 health that formed the basis for the disability.

46 If a retiree previously filed an eligibility registration form with
47 the Police and Firemen's Retirement System and the retiree was
48 denied because the retiree did not file within the required

1 registration period ¹in effect prior to the effective date of P.L. , c.
 2 (pending before the Legislature as this bill)¹, the retiree shall be
 3 permitted to petition the board of trustees for reconsideration ¹[or
 4 shall be permitted to resubmit the previously submitted eligibility
 5 registration form to the board for the presumption or recalculation
 6 granted under P.L. , c. (pending before the Legislature as this
 7 bill)]¹.

8 (4) The board of trustees ¹[shall] may¹ promulgate rules and
 9 regulations ¹that the board determines are¹ necessary to implement
 10 the provisions of this subsection ¹[and shall notify all members and
 11 retirants in the retirement system of the enactment of]¹ [this act,]
 12 ¹[P.L.2019, c.157 and the enactment of P.L. , c. (pending before
 13 the Legislature as this bill), within]¹ [30] [60 days of enactment.
 14 The board shall notify all members and retirants enrolled in the
 15 retirement system by letter sent via certified mail and shall be
 16 required to communicate, in an easily understood manner, the
 17 provisions of P.L. , c. (pending before the Legislature as this
 18 bill), including the class of members and retirees impacted, the
 19 filing requirements, and the prescribed time limits]¹.

20 A member or retiree shall not be eligible for the presumption or
 21 recalculation under this subsection unless ¹[within two years of the
 22 effective date of]¹ [this act,] [P.L.2019, c.157, or within two
 23 years after the effective date of P.L. , c. (pending before the
 24 Legislature as this bill),]¹ the member or retiree files a written and
 25 sworn statement with the retirement system on a form provided by
 26 the board of trustees thereof indicating the dates and locations of
 27 service. ¹[The board of trustees may approve filing extensions in
 28 two-year increments thereafter.]]¹

29 (5) This subsection shall apply regardless of whether the
 30 member or retiree, who is otherwise eligible, was enrolled in the
 31 retirement system at the time of participation in World Trade Center
 32 rescue, recovery, or cleanup operations as specified herein.

33 (cf: P.L.2019, c.157, s.2)

34
 35 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read
 36 as follows:

37 10. a. Upon the written application by a member in service, by
 38 one acting in his behalf or by the State, any member may be retired,
 39 not less than 1 month next following the date of filing such
 40 application, on an accidental disability retirement allowance,
 41 provided, that the medical board, after a medical examination of
 42 such member, shall certify that the member is permanently and
 43 totally disabled as a direct result of a traumatic event occurring
 44 during and as a result of the performance of his regular or assigned
 45 duties and that such disability was not the result of the member's
 46 willful negligence and that such member is mentally or physically

1 incapacitated for the performance of his usual duties in the Division
2 of State Police which the Superintendent of State Police is willing
3 to assign to him.

4 A member with a preexisting and asymptomatic condition that is
5 rendered symptomatic as a direct result of a traumatic event
6 occurring during and as a result of the performance of the member's
7 regular or assigned duties may be eligible for an accidental
8 disability retirement allowance, provided that the traumatic event is
9 caused by a circumstance external to the member and is the
10 substantial contributing cause of the member's permanent and total
11 disability.

12 The application to accomplish such retirement must be filed
13 within 5 years of the original traumatic event, but the board of
14 trustees may consider an application filed after the 5-year period if
15 it can be factually demonstrated to the satisfaction of the board of
16 trustees that the disability is due to the accident and the filing was
17 not accomplished within the 5-year period due to a delayed
18 manifestation of the disability or to the member's continued
19 employment in a restricted capacity consistent with the nature of his
20 disability in the Division of the State Police upon and at the written
21 request of the superintendent, with the concurrence of the Attorney
22 General, or to other circumstances beyond the control of the
23 member.

24 b. Upon retirement for accidental disability, a member shall
25 receive an accidental disability retirement allowance which shall
26 consist of:

27 (1) An annuity which shall be the actuarial equivalent of his
28 aggregate contributions and

29 (2) A pension in the amount which, when added to the member's
30 annuity, will provide a total retirement allowance of 2/3 of his final
31 compensation.

32 c. Upon the receipt of proper proofs of the death of a member
33 who has retired on an accidental disability retirement allowance,
34 there shall be paid to the member's beneficiary an amount equal to 3
35 1/2 times the final compensation received by the member in the last
36 year of creditable service; provided, however, that if such death
37 shall occur after the member shall have attained 55 years of age the
38 amount payable shall equal 1/2 of such compensation instead of 3
39 1/2 times such compensation.

40 d. Permanent and total disability resulting from a
41 cardiovascular, pulmonary or musculoskeletal condition which was
42 not a direct result of a traumatic event occurring in the performance
43 of duty shall be deemed an ordinary disability.

44 e. (1) For purposes of this subsection:

45 "Qualifying condition or impairment of health" includes:

46 diseases of the upper respiratory tract and mucosae, including
47 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,

1 laryngitis, vocal cord disease, upper airway hyper-reactivity and
2 tracheo-bronchitis, or a combination of such conditions;

3 diseases of the lower respiratory tract, including but not limited
4 to bronchitis, asthma, reactive airway dysfunction syndrome, and
5 different types of pneumonitis, such as hypersensitivity,
6 granulomatous, or eosinophilic;

7 diseases of the gastroesophageal tract, including esophagitis and
8 reflux disease, either acute or chronic, caused by exposure or
9 aggravated by exposure;

10 diseases of the psychological axis, including post-traumatic
11 stress disorder, anxiety, depression, or any combination of such
12 conditions;

13 diseases of the skin, such as contact dermatitis or burns, either
14 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
15 non-specific reactive in nature, caused by exposure or aggravated
16 by exposure; and

17 new onset diseases resulting from exposure as such diseases
18 occurring in the future including cancer, chronic obstructive
19 pulmonary disease, asbestos-related disease, heavy metal poisoning,
20 musculoskeletal disease and chronic psychological disease.

21 "World Trade Center rescue, recovery, or cleanup operations"
22 means the rescue, recovery, or cleanup operations at the World
23 Trade Center site between September 11, 2001 and October 11,
24 2001.

25 "World Trade Center site" means any location below a line
26 starting from the Hudson River and Canal Street, east on Canal
27 Street to Pike Street, south on Pike Street to the East River, and
28 extending to the lower tip of Manhattan.

29 (2) Notwithstanding any provision of subsection a. of this section
30 or any other law to the contrary, for a member who participated,
31 whether or not under orders or instruction by an employer to so
32 participate, in World Trade Center rescue, recovery, or cleanup
33 operations for a minimum of eight hours, permanent and total
34 disability resulting from a qualifying condition or impairment of
35 health shall be presumed to have occurred during and as a result of
36 the performance of the member's regular or assigned duties and not
37 the result of the member's willful negligence, unless the contrary
38 can be proved by competent evidence.

39 A member who did not participate in such operations for a
40 minimum of eight hours shall be eligible for the presumption
41 provided that:

42 the member participated in the rescue, recovery, or cleanup
43 operations at the World Trade Center site between September 11,
44 2001 and September 12, 2001;

45 the member sustained a documented physical injury at the World
46 Trade Center site between September 11, 2001 and September 12,
47 2001 that is a qualifying condition or impairment of health resulting
48 in a disability to the member that prevented the member from

1 continuing to participate in World Trade Center rescue, recovery, or
2 cleanup operations for a minimum of eight hours; and

3 the documented physical injury that resulted in a disability to the
4 member that prevented the member from continuing to participate
5 in World Trade Center rescue, recovery, or cleanup operations for a
6 minimum of eight hours is the qualifying condition or impairment
7 of health for which the member seeks a presumption under this
8 subsection.

9 In order to be eligible for the presumption provided under this
10 subsection, a member shall have successfully passed a physical
11 examination for entry into public service, or shall present such
12 sufficient evidence of one or more medical examinations or results
13 performed within a reasonable period of time before or after entry
14 into public service, which failed to disclose evidence of the
15 qualifying condition or impairment of health that formed the basis
16 for the permanent and total disability.

17 (3) A member who participated in the World Trade Center
18 rescue, recovery, or cleanup operations for a minimum of eight
19 hours and subsequently retired on a service retirement, special
20 retirement, accidental disability retirement, or an ordinary disability
21 retirement and thereafter incurred a disability caused by a
22 qualifying condition or impairment of health which the medical
23 board determines to be caused by participation in World Trade
24 Center rescue, recovery, or cleanup operations shall be eligible to
25 apply to the board of trustees to have the retiree's retirement
26 allowance recalculated as an accidental disability retirement
27 allowance for benefit payments on or after the date of the
28 application, provided the retiree filed an application for such
29 recalculation within **[30]** 180 days of the date that the retiree knew
30 or should have known of the existence of such disability and its
31 relation to the rescue, recovery, or cleanup operations. In order to
32 be eligible for such recalculation, the retiree shall have successfully
33 passed a physical examination for entry into public service, or shall
34 present such sufficient evidence of one or more medical
35 examinations or results performed within a reasonable period of
36 time before or after entry into public service, which failed to
37 disclose evidence of the qualifying condition or impairment of
38 health that formed the basis for the disability.

39 If a retiree previously filed an eligibility registration form with
40 the State Police Retirement System and the retiree was denied
41 because the retiree did not file within the required registration
42 period ¹in effect prior to the effective date of P.L. , c. (pending
43 before the Legislature as this bill)¹, the retiree shall be permitted to
44 petition the board of trustees for reconsideration ¹[or shall be
45 permitted to resubmit the previously submitted eligibility
46 registration form to the board for the presumption or recalculation

1 granted under P.L. , c. (pending before the Legislature as this
2 bill)]¹.

3 (4) The board of trustees ¹~~shall~~ may¹ promulgate rules and
4 regulations ¹that the board determines are¹ necessary to implement
5 the provisions of this subsection ¹~~and shall notify all members and~~
6 ~~retirants in the retirement system of the enactment of~~¹ ~~this act,~~
7 ¹~~P.L.2019, c.157, and the enactment of P.L. , c. (pending~~
8 ~~before the Legislature as this bill), within~~¹ ~~30~~¹ ~~60~~ days of
9 enactment. The board shall notify all members and retirants
10 enrolled in the retirement system by letter sent via certified mail
11 and shall be required to communicate, in an easily understood
12 manner, the provisions of P.L. , c. (pending before the
13 Legislature as this bill), including the class of members and retirees
14 impacted, the filing requirements, and the prescribed time limits¹.

15 A member or retiree shall not be eligible for the presumption or
16 recalculation under this subsection unless ¹~~within two years of the~~
17 ~~effective date of~~¹ ~~this act,~~¹ ~~P.L.2019, c.157, or within two~~
18 ~~years after the effective date of P.L. , c. (pending before the~~
19 ~~Legislature as this bill),~~¹ the member or retiree files a written and
20 sworn statement with the retirement system on a form provided by
21 the board of trustees thereof indicating the dates and locations of
22 service. ¹~~The board of trustees may approve filing extensions in~~
23 ~~two-year increments thereafter.~~¹

24 (5) This subsection shall apply regardless of whether the member
25 or retiree, who is otherwise eligible, was enrolled in the retirement
26 system at the time of participation in World Trade Center rescue,
27 recovery, or cleanup operations as specified herein.

28 (cf: P.L.2022, c.77, s.1)

29

30 4. This act shall take effect immediately.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5381

STATE OF NEW JERSEY

DATED: APRIL 10, 2025

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 5381.

This bill provides a filing extension and establishes medical documentation requirements for certain members and retirees of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, members and retirees of PFRS and SPRS, and certain members and retirees of PERS are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of the law in 2019.

This bill extends the time period during which a member or retiree must file a written and sworn statement with their respective retirement system to be eligible for the benefit to two years after the effective date of this bill, and permits the board of trustees of the retirement system to approve additional extensions in two-year increments thereafter. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside the registration period the ability to petition the board of trustees of the respective retirement system for reconsideration or to resubmit the previously submitted eligibility registration form to the board for the presumption or recalculation granted under the bill.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of

time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

This bill also requires the board of trustees of each retirement system to notify all members and retirants in the retirement system of the enactment of this bill within 60 days of enactment by letter via certified mail. The notice must communicate, in an easily understood manner, the provisions of this bill, including the class of members and retirees impacted, the filing requirements, and the prescribed time limits.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5381

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2025

As amended by the committee, this bill establishes medical documentation requirements for certain members and retirees of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations and removes the filing deadline.

Under current law, members and retirees of PFRS and SPRS, and certain members and retirees of PERS are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of the law in 2019. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

As amended, this bill removes the filing deadline for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside of the previously required registration period the ability to petition the board of trustees of the respective retirement system for reconsideration.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical

examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) remove the filing deadline and initial two-year extension for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit; the amendments provide, instead, that a retiree who missed the deadline that had been established before the bill's effective date may petition the board of trustees for reconsideration;

(2) remove language concerning additional extensions in two-year increments;

(3) remove language concerning a retiree's resubmission of a previously submitted eligibility registration form to the board for recalculation of benefits; and

(4) remove language that would have required the board of trustees of each respective retirement system to notify all members and retirants enrolled in the retirement system by letter via certified mail of the provisions of the bill.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY, No. 5381

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: JUNE 19, 2025

SUMMARY

- Synopsis:** Provides for filing extension and medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Division of Pensions and Benefits in the Department of the Treasury; certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	\$86,500 to \$159,000
Local Expenditure Increase	\$91,500 to \$300,000

- The Office of Legislative Services (OLS) estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for an accidental disability retirement benefit allowance will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System.
- The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

BILL DESCRIPTION

This bill provides a filing extension and establishes medical documentation requirements for certain members and retirees of the Public Employees’ Retirement System, the Police and

Firemen's Retirement System, and the State Police Retirement System to receive an accidental disability retirement allowance for participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, certain members and retirees of the Police and Firemen's Retirement System, the State Police Retirement System, and the Public Employees' Retirement System are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of P.L.2019, c.157. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

This bill extends the time period during which a member or retiree must file a written and sworn statement with their respective retirement system to be eligible for the benefit to two years after the effective date of this bill, and permits the board of trustees of the retirement system to approve additional extensions in two-year increments thereafter. The bill also grants retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside the registration period the ability to petition the board of trustees of the respective retirement system for reconsideration or to resubmit the previously submitted eligibility registration form to the board for the presumption or recalculation granted under the bill.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

This bill also requires the board of trustees of each retirement system to notify all members and retirants in the retirement system of the enactment of this bill within 60 days of enactment by letter via certified mail. The notice must communicate, in an easily understood manner, the provisions of this bill, including the class of members and retirees impacted, the filing requirements, and the prescribed time limits.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in annual cost increases to the State of \$86,500 to \$159,000 and annual cost increases of \$91,500 to \$300,000 allocated among all municipalities whose employers are enrolled in the Police and Firemen's Retirement System. Some municipalities will have a greater cost than others depending on the number of affected employees.

Annual State and Local Government Cost Increase		
	Minimum	Maximum
State		
Accidental Disability	\$86,507	\$158,929
Local Government		
Accidental Disability	\$91,531	\$299,555
Total	\$178,038	\$458,485

The OLS estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for accidental disability retirement benefits will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System. These amounts are based on the assumption that most applicants who are approved for an accidental disability retirement allowance or a recalculation to an accidental disability retirement allowance will gain a two percentage point increase in their annual pension allowance.

The table below displays the aforementioned annual cost increases for the State and local government portion, which will be allocated among all municipalities, broken out by retirement system. The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

Annual Cost Increase by Retirement System		
	Minimum	Maximum
Police and Firemen’s Retirement System		
Accidental Disability	\$106,431	\$348,320
State Police Retirement System		
Accidental Disability	\$71,607	\$110,164
Total	\$178,038	\$458,485

Additionally, the OLS determines that the Division of Pensions and Benefits will experience an increase in administrative costs due to the required notification to all members and retirants in the retirement systems by letter via certified mail.

Section: State Government
Analyst: Camryn Mathews
Assistant Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5381

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JUNE 27, 2025

SUMMARY

- Synopsis:**

Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.
- Type of Impact:**

Annual State and local expenditure increases.
- Agencies Affected:**

Division of Pensions and Benefits in the Department of the Treasury; certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	\$86,500 to \$159,000
Local Expenditure Increase	\$91,500 to \$300,000

- The Office of Legislative Services (OLS) estimates that requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration for an accidental disability retirement benefit allowance will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System.
- The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.



BILL DESCRIPTION

This bill establishes medical documentation requirements for certain members and retirees of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations and removes the filing deadline.

Under current law, certain members and retirees of the Police and Firemen's Retirement System, the State Police Retirement System, and the Public Employees' Retirement System are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of P.L.2019, c.157. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

This bill removes the filing deadline for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside of the previously required registration period the ability to petition the board of trustees of the respective retirement system for reconsideration.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in annual cost increases to the State of \$86,500 to \$159,000 and annual cost increases of \$91,500 to \$300,000 allocated among all municipalities whose employers are enrolled in the Police and Firemen's Retirement System. Some municipalities will have a greater cost than others depending on the number of affected employees.

Annual State and Local Government Cost Increase		
	Minimum	Maximum
State		
Accidental Disability	\$86,507	\$158,929
Local Government		
Accidental Disability	\$91,531	\$299,555
Total	\$178,038	\$458,485

The OLS estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for accidental disability retirement benefits will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System. These amounts are based on the assumption that most applicants who are approved for an accidental disability retirement allowance or a recalculation to an accidental disability retirement allowance will gain a two percentage point increase in their annual pension allowance.

The table below displays the aforementioned annual cost increases for the State and local government portion, which will be allocated among all municipalities, broken out by retirement system. The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

Annual Cost Increase by Retirement System		
	Minimum	Maximum
Police and Firemen’s Retirement System		
Accidental Disability	\$106,431	\$348,320
State Police Retirement System		
Accidental Disability	\$71,607	\$110,164
Total	\$178,038	\$458,485

Additionally, the OLS determines that the Division of Pensions and Benefits will experience an increase in administrative costs due to the required notification to all members and retirants in the retirement systems by letter via certified mail.

Section: State Government
Analyst: Camryn Mathews
Assistant Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

CORRECTED COPY
LEGISLATIVE FISCAL ESTIMATE
[First Reprint]
ASSEMBLY, No. 5381
STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JULY 3, 2025

SUMMARY

- Synopsis:** Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Division of Pensions and Benefits in the Department of the Treasury; certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	\$86,500 to \$159,000
Local Expenditure Increase	\$91,500 to \$300,000

- The Office of Legislative Services (OLS) estimates that requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration for an accidental disability retirement benefit allowance will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System.
- The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

BILL DESCRIPTION

This bill establishes medical documentation requirements for certain members and retirees of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations and removes the filing deadline.

Under current law, certain members and retirees of the Police and Firemen's Retirement System, the State Police Retirement System, and the Public Employees' Retirement System are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of P.L.2019, c.157. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

This bill removes the filing deadline for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside of the previously required registration period the ability to petition the board of trustees of the respective retirement system for reconsideration.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in annual cost increases to the State of \$86,500 to \$159,000 and annual cost increases of \$91,500 to \$300,000 allocated among all municipalities whose employers are enrolled in the Police and Firemen's Retirement System. Some municipalities will have a greater cost than others depending on the number of affected employees.

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	Minimum	Maximum
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Accidental Disability	\$86,507	\$158,929
Local Government		
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Total	\$178,038	\$458,485

The OLS estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for accidental disability retirement benefits will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System. These amounts are based on the assumption that most applicants who are approved for an accidental disability retirement allowance or a recalculation to an accidental disability retirement allowance will gain a two percentage point increase in their annual pension allowance.

The table below displays the aforementioned annual cost increases for the State and local government portion, which will be allocated among all municipalities, broken out by retirement system. The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

Annual Cost Increase by Retirement System		
	Minimum	Maximum
Police and Firemen’s Retirement System		
Accidental Disability	\$106,431	\$348,320
State Police Retirement System		
Accidental Disability	\$71,607	\$110,164
Total	\$178,038	\$458,485

Section: State Government

Analyst: Camryn Mathews
Assistant Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 4402

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 19, 2025

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators A.M.Bucco, McKnight, O'Scanlon and Amato

SYNOPSIS

Provides for filing extension and medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2025)

1 **AN ACT** concerning the accidental disability retirement allowance
2 for certain members of the Public Employees' Retirement
3 System, the Police and Firemen's Retirement System, and the
4 State Police Retirement System, and amending P.L.1954, c.84,
5 P.L.1944, c.255, and P.L.1965, c.89.

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

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

12 43. a. A member who has not attained age 65 shall, upon the
13 application of the head of the department in which he is employed
14 or upon his own application or the application of one acting in his
15 behalf, be retired by the board of trustees, if said employee is
16 permanently and totally disabled as a direct result of a traumatic
17 event occurring during and as a result of the performance of his
18 regular or assigned duties, on an accidental disability allowance. A
19 traumatic event occurring during voluntary performance of regular
20 or assigned duties at a place of employment before or after required
21 hours of employment which is not in violation of any valid work
22 rule of the employer or otherwise prohibited by the employer shall
23 be deemed as occurring during the performance of regular or
24 assigned duties.

25 The application to accomplish such retirement must be filed
26 within five years of the original traumatic event, but the board of
27 trustees may consider an application filed after the five-year period
28 if it can be factually demonstrated to the satisfaction of the board of
29 trustees that the disability is due to the accident and the filing was
30 not accomplished within the five-year period due to a delayed
31 manifestation of the disability or to circumstances beyond the
32 control of the member.

33 Permanent and total disability resulting from a cardiovascular,
34 pulmonary or musculo-skeletal condition which was not a direct
35 result of a traumatic event occurring in the performance of duty
36 shall be deemed an ordinary disability.

37 Before consideration of the application by the board of trustees,
38 the physician or physicians designated by the board shall have first
39 made a medical examination of the member at his residence or at
40 any other place mutually agreed upon and shall have certified to the
41 board that he is physically or mentally incapacitated for the
42 performance of duty, and should be retired, and the appointing
43 authority shall have certified to the board that the member is
44 permanently and totally disabled as a direct result of a traumatic
45 event occurring during and as a result of the performance of his

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 regular or assigned duties, the time and place where the duty
2 causing the disability was performed, that the disability was not the
3 result of his willful negligence and that the member should be
4 retired.

5 No person who becomes a member of the retirement system on
6 or after the effective date of P.L.2010, c.3 shall be eligible for
7 retirement pursuant to this section.

8 b. (1) For purposes of this subsection:

9 "Qualifying condition or impairment of health" includes:

10 diseases of the upper respiratory tract and mucosae, including
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and
16 different types of pneumonitis, such as hypersensitivity,
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis and
19 reflux disease, either acute or chronic, caused by exposure or
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic
22 stress disorder, anxiety, depression, or any combination of such
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
26 non-specific reactive in nature, caused by exposure or aggravated
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases
29 occurring in the future including cancer, chronic obstructive
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,
31 musculoskeletal disease and chronic psychological disease.

32 "World Trade Center rescue, recovery, or cleanup operations"
33 means the rescue, recovery, or cleanup operations at the World
34 Trade Center site between September 11, 2001 and October 11,
35 2001.

36 "World Trade Center site" means any location below a line
37 starting from the Hudson River and Canal Street, east on Canal
38 Street to Pike Street, south on Pike Street to the East River, and
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this
41 section or any other law to the contrary, for a member who
42 participated, whether or not under orders or instruction by an
43 employer to so participate, in World Trade Center rescue, recovery,
44 or cleanup operations for a minimum of eight hours, permanent and
45 total disability resulting from a qualifying condition or impairment
46 of health shall be presumed to have occurred during and as a result
47 of the performance of the member's regular or assigned duties and

1 not the result of the member's willful negligence, unless the
2 contrary can be proved by competent evidence.

3 A member who did not participate in such operations for a
4 minimum of eight hours shall be eligible for the presumption
5 provided that:

6 the member participated in the rescue, recovery, or cleanup
7 operations at the World Trade Center site between September 11,
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World
10 Trade Center site between September 11, 2001 and September 12,
11 2001 that is a qualifying condition or impairment of health resulting
12 in a disability to the member that prevented the member from
13 continuing to participate in World Trade Center rescue, recovery, or
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the
16 member that prevented the member from continuing to participate
17 in World Trade Center rescue, recovery, or cleanup operations for a
18 minimum of eight hours is the qualifying condition or impairment
19 of health for which the member seeks a presumption under this
20 subsection.

21 In order to be eligible for the presumption provided under this
22 subsection, a member shall have successfully passed a physical
23 examination for entry into public service, or shall present such
24 sufficient evidence of one or more medical examinations or results
25 performed within a reasonable period of time before or after entry
26 into public service, which failed to disclose evidence of the
27 qualifying condition or impairment of health that formed the basis
28 for the permanent and total disability.

29 (3) A member who participated in the World Trade Center
30 rescue, recovery, or cleanup operations for a minimum of eight
31 hours and subsequently retired on a service retirement, special
32 retirement, accidental disability retirement, or an ordinary disability
33 retirement and thereafter incurred a disability caused by a
34 qualifying condition or impairment of health which the medical
35 board determines to be caused by participation in World Trade
36 Center rescue, recovery, or cleanup operations shall be eligible to
37 apply to the board of trustees to have the retiree's retirement
38 allowance recalculated as an accidental disability retirement
39 allowance for benefit payments on or after the date of the
40 application, provided the retiree filed an application for such
41 recalculation within **[30]** 180 days of the date that the retiree knew
42 or should have known of the existence of such disability and its
43 relation to the rescue, recovery, or cleanup operations. In order to
44 be eligible for such recalculation, the retiree shall have successfully
45 passed a physical examination for entry into public service, or shall
46 present such sufficient evidence of one or more medical
47 examinations or results performed within a reasonable period of
48 time before or after entry into public service, which failed to

1 disclose evidence of the qualifying condition or impairment of
2 health that formed the basis for the disability.

3 If a retiree previously filed an eligibility registration form with
4 the Public Employees' Retirement System and the retiree was
5 denied because the retiree did not file within the required
6 registration period, the retiree shall be permitted to petition the
7 board of trustees for reconsideration or shall be permitted to
8 resubmit the previously submitted eligibility registration form to the
9 board for the presumption or recalculation granted under
10 P.L. , c. (pending before the Legislature as this bill).

11 (4) The board of trustees shall promulgate rules and regulations
12 necessary to implement the provisions of this subsection and shall
13 notify all members and retirants in the retirement system of the
14 enactment of **【this act,】** P.L.2019, c.157, and the enactment of
15 P.L. , c. (pending before the Legislature as this bill), within
16 **【30】** 60 days of enactment. The board shall notify all members and
17 retirants enrolled in the retirement system by letter sent via certified
18 mail and shall be required to communicate, in an easily understood
19 manner, the provisions of P.L. , c. (pending before the
20 Legislature as this bill), including the class of members and retirees
21 impacted, the filing requirements, and the prescribed time limits.

22 A member or retiree shall not be eligible for the presumption or
23 recalculation under this subsection unless within two years of the
24 effective date of **【this act,】** P.L.2019, c.157, or within two years
25 after the effective date of P.L. , c. (pending before the Legislature
26 a this bill), the member or retiree files a written and sworn
27 statement with the retirement system on a form provided by the
28 board of trustees thereof indicating the dates and locations of
29 service. The board of trustees may approve filing extensions in
30 two-year increments thereafter.

31 (5) This subsection shall apply only to: any member or retiree
32 who is or was enrolled in the Public Employees' Retirement System
33 because the member or retiree did not meet the age or medical
34 requirements for enrollment in the Police and Firemen's Retirement
35 System on the basis of the position held; and to any emergency
36 medical technician who is a member or retiree of the Public
37 Employees' Retirement System. For the purposes of this paragraph,
38 "emergency medical technician" means a person trained in basic life
39 support services as defined in section 1 of P.L.1985, c.351
40 (C.26:2K-21) and who is certified by the Department of Health to
41 perform these services.

42 (6) This subsection shall apply regardless of whether the
43 member or retiree, who is otherwise eligible, was enrolled in the
44 retirement system at the time of participation in World Trade Center
45 rescue, recovery, or cleanup operations as specified herein.

46 (cf: P.L.2019, c.157, s.4)

1 2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read
2 as follows:

3 7. a. (1) Upon the written application by a member in service, by
4 one acting in his behalf or by his employer any member may be
5 retired on an accidental disability retirement allowance; provided,
6 that the medical board, after a medical examination of such
7 member, shall certify that the member is permanently and totally
8 disabled as a direct result of a traumatic event occurring during and
9 as a result of the performance of his regular or assigned duties and
10 that such disability was not the result of the member's willful
11 negligence and that such member is mentally or physically
12 incapacitated for the performance of his usual duty and of any other
13 available duty in the department which his employer is willing to
14 assign to him. The application to accomplish such retirement must
15 be filed within five years of the original traumatic event, but the
16 board of trustees may consider an application filed after the five-
17 year period if it can be factually demonstrated to the satisfaction of
18 the board of trustees that the disability is due to the accident and the
19 filing was not accomplished within the five-year period due to a
20 delayed manifestation of the disability or to other circumstances
21 beyond the control of the member.

22 (2) Upon retirement for accidental disability, a member shall
23 receive an accidental disability retirement allowance which shall
24 consist of:

25 (a) An annuity which shall be the actuarial equivalent of his
26 aggregate contributions and

27 (b) A pension in the amount which, when added to the member's
28 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of the
29 member's actual annual compensation for which contributions were
30 being made at the time of the occurrence of the accident or at the
31 time of the member's retirement, whichever provides the largest
32 possible benefit to the member.

33 (3) Upon receipt of proper proofs of the death of a member who
34 has retired on accidental disability retirement allowance, there shall
35 be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$
36 times the compensation upon which contributions by the member to
37 the annuity savings fund were based in the last year of creditable
38 service; provided, however, that if such death shall occur after the
39 member shall have attained 55 years of age the amount payable
40 shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$ times such
41 compensation.

42 (4) Permanent and total disability resulting from a
43 cardiovascular, pulmonary or musculoskeletal condition which was
44 not a direct result of a traumatic event occurring in the performance
45 of duty shall be deemed an ordinary disability.

46 b. (1) For purposes of this subsection:

47 "Qualifying condition or impairment of health" includes:

1 diseases of the upper respiratory tract and mucosae, including
2 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
3 laryngitis, vocal cord disease, upper airway hyper-reactivity and
4 tracheo-bronchitis, or a combination of such conditions;

5 diseases of the lower respiratory tract, including but not limited
6 to bronchitis, asthma, reactive airway dysfunction syndrome, and
7 different types of pneumonitis, such as hypersensitivity,
8 granulomatous, or eosinophilic;

9 diseases of the gastroesophageal tract, including esophagitis and
10 reflux disease, either acute or chronic, caused by exposure or
11 aggravated by exposure;

12 diseases of the psychological axis, including post-traumatic
13 stress disorder, anxiety, depression, or any combination of such
14 conditions;

15 diseases of the skin such as contact dermatitis or burns, either
16 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
17 non-specific reactive in nature, caused by exposure or aggravated
18 by exposure; and

19 new onset diseases resulting from exposure as such diseases
20 occurring in the future including cancer, chronic obstructive
21 pulmonary disease, asbestos-related disease, heavy metal poisoning,
22 musculoskeletal disease and chronic psychological disease.

23 "World Trade Center rescue, recovery, or cleanup operations"
24 means the rescue, recovery, or cleanup operations at the World
25 Trade Center site between September 11, 2001 and October 11,
26 2001.

27 "World Trade Center site" means any location below a line
28 starting from the Hudson River and Canal Street, east on Canal
29 Street to Pike Street, south on Pike Street to the East River, and
30 extending to the lower tip of Manhattan.

31 (2) Notwithstanding any provision of subsection a. of this
32 section or any other law to the contrary, for a member who
33 participated, whether or not under orders or instruction by an
34 employer to so participate, in World Trade Center rescue, recovery,
35 or cleanup operations for a minimum of eight hours, permanent and
36 total disability resulting from a qualifying condition or impairment
37 of health shall be presumed to have occurred during and as a result
38 of the performance of the member's regular or assigned duties and
39 not the result of the member's willful negligence, unless the
40 contrary can be proved by competent evidence.

41 A member who did not participate in such operations for a
42 minimum of eight hours shall be eligible for the presumption
43 provided that:

44 the member participated in the rescue, recovery, or cleanup
45 operations at the World Trade Center site between September 11,
46 2001 and September 12, 2001;

47 the member sustained a documented physical injury at the World
48 Trade Center site between September 11, 2001 and September 12,

1 2001 that is a qualifying condition or impairment of health resulting
2 in a disability to the member that prevented the member from
3 continuing to participate in World Trade Center rescue, recovery, or
4 cleanup operations for a minimum of eight hours; and

5 the documented physical injury that resulted in a disability to the
6 member that prevented the member from continuing to participate
7 in World Trade Center rescue, recovery, or cleanup operations for a
8 minimum of eight hours is the qualifying condition or impairment
9 of health for which the member seeks a presumption under this
10 subsection.

11 In order to be eligible for the presumption provided under this
12 subsection, a member shall have successfully passed a physical
13 examination for entry into public service, or shall present such
14 sufficient evidence of one or more medical examinations or results
15 performed within a reasonable period of time before or after entry
16 into public service, which failed to disclose evidence of the
17 qualifying condition or impairment of health that formed the basis
18 for the permanent and total disability.

19 (3) A member who participated in the World Trade Center
20 rescue, recovery, or cleanup operations for a minimum of eight
21 hours and subsequently retired on a service retirement, special
22 retirement, accidental disability retirement, or an ordinary disability
23 retirement and thereafter incurred a disability caused by a
24 qualifying condition or impairment of health which the medical
25 board determines to be caused by participation in World Trade
26 Center rescue, recovery, or cleanup operations shall be eligible to
27 apply to the board of trustees to have the retiree's retirement
28 allowance recalculated as an accidental disability retirement
29 allowance for benefit payments on or after the date of the
30 application, provided the retiree filed an application for such
31 recalculation within ~~30~~ **180** days of the date that the retiree knew
32 or should have known of the existence of such disability and its
33 relation to the rescue, recovery, or cleanup operations. In order to
34 be eligible for such recalculation, the retiree shall have successfully
35 passed a physical examination for entry into public service, or shall
36 present such sufficient evidence of one or more medical
37 examinations or results performed within a reasonable period of
38 time before or after entry into public service, which failed to
39 disclose evidence of the qualifying condition or impairment of
40 health that formed the basis for the disability.

41 If a retiree previously filed an eligibility registration form with
42 the Police and Firemen's Retirement System and the retiree was
43 denied because the retiree did not file within the required
44 registration period, the retiree shall be permitted to petition the
45 board of trustees for reconsideration or shall be permitted to
46 resubmit the previously submitted eligibility registration form to the
47 board for the presumption or recalculation granted under
48 P.L. , c. (pending before the Legislature as this bill).

1 (4) The board of trustees shall promulgate rules and regulations
2 necessary to implement the provisions of this subsection and shall
3 notify all members and retirants in the retirement system of the
4 enactment of **【this act,】** P.L.2019, c.157 and the enactment of
5 P.L. , c. (pending before the Legislature as this bill), within
6 **【30】** 60 days of enactment. The board shall notify all members and
7 retirants enrolled in the retirement system by letter sent via certified
8 mail and shall be required to communicate, in an easily understood
9 manner, the provisions of P.L. , c. (pending before the
10 Legislature as this bill), including the class of members and retirees
11 impacted, the filing requirements, and the prescribed time limits.

12 A member or retiree shall not be eligible for the presumption or
13 recalculation under this subsection unless within two years of the
14 effective date of **【this act,】** P.L.2019, c.157, or within two years
15 after the effective date of P.L. , c. (pending before the
16 Legislature as this bill), the member or retiree files a written and
17 sworn statement with the retirement system on a form provided by
18 the board of trustees thereof indicating the dates and locations of
19 service. The board of trustees may approve filing extensions in
20 two-year increments thereafter.

21 (5) This subsection shall apply regardless of whether the
22 member or retiree, who is otherwise eligible, was enrolled in the
23 retirement system at the time of participation in World Trade Center
24 rescue, recovery, or cleanup operations as specified herein.
25 (cf: P.L.2019, c.157, s.2)
26

27 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read
28 as follows:

29 10. a. Upon the written application by a member in service, by
30 one acting in his behalf or by the State, any member may be retired,
31 not less than 1 month next following the date of filing such
32 application, on an accidental disability retirement allowance,
33 provided, that the medical board, after a medical examination of
34 such member, shall certify that the member is permanently and
35 totally disabled as a direct result of a traumatic event occurring
36 during and as a result of the performance of his regular or assigned
37 duties and that such disability was not the result of the member's
38 willful negligence and that such member is mentally or physically
39 incapacitated for the performance of his usual duties in the Division
40 of State Police which the Superintendent of State Police is willing
41 to assign to him.

42 A member with a preexisting and asymptomatic condition that is
43 rendered symptomatic as a direct result of a traumatic event
44 occurring during and as a result of the performance of the member's
45 regular or assigned duties may be eligible for an accidental
46 disability retirement allowance, provided that the traumatic event is
47 caused by a circumstance external to the member and is the

1 substantial contributing cause of the member's permanent and total
2 disability.

3 The application to accomplish such retirement must be filed
4 within 5 years of the original traumatic event, but the board of
5 trustees may consider an application filed after the 5-year period if
6 it can be factually demonstrated to the satisfaction of the board of
7 trustees that the disability is due to the accident and the filing was
8 not accomplished within the 5-year period due to a delayed
9 manifestation of the disability or to the member's continued
10 employment in a restricted capacity consistent with the nature of his
11 disability in the Division of the State Police upon and at the written
12 request of the superintendent, with the concurrence of the Attorney
13 General, or to other circumstances beyond the control of the
14 member.

15 b. Upon retirement for accidental disability, a member shall
16 receive an accidental disability retirement allowance which shall
17 consist of:

18 (1) An annuity which shall be the actuarial equivalent of his
19 aggregate contributions and

20 (2) A pension in the amount which, when added to the member's
21 annuity, will provide a total retirement allowance of 2/3 of his final
22 compensation.

23 c. Upon the receipt of proper proofs of the death of a member
24 who has retired on an accidental disability retirement allowance,
25 there shall be paid to the member's beneficiary an amount equal to 3
26 1/2 times the final compensation received by the member in the last
27 year of creditable service; provided, however, that if such death
28 shall occur after the member shall have attained 55 years of age the
29 amount payable shall equal 1/2 of such compensation instead of 3
30 1/2 times such compensation.

31 d. Permanent and total disability resulting from a
32 cardiovascular, pulmonary or musculoskeletal condition which was
33 not a direct result of a traumatic event occurring in the performance
34 of duty shall be deemed an ordinary disability.

35 e. (1) For purposes of this subsection:

36 "Qualifying condition or impairment of health" includes:

37 diseases of the upper respiratory tract and mucosae, including
38 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
39 laryngitis, vocal cord disease, upper airway hyper-reactivity and
40 tracheo-bronchitis, or a combination of such conditions;

41 diseases of the lower respiratory tract, including but not limited
42 to bronchitis, asthma, reactive airway dysfunction syndrome, and
43 different types of pneumonitis, such as hypersensitivity,
44 granulomatous, or eosinophilic;

45 diseases of the gastroesophageal tract, including esophagitis and
46 reflux disease, either acute or chronic, caused by exposure or
47 aggravated by exposure;

1 diseases of the psychological axis, including post-traumatic
2 stress disorder, anxiety, depression, or any combination of such
3 conditions;

4 diseases of the skin, such as contact dermatitis or burns, either
5 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
6 non-specific reactive in nature, caused by exposure or aggravated
7 by exposure; and

8 new onset diseases resulting from exposure as such diseases
9 occurring in the future including cancer, chronic obstructive
10 pulmonary disease, asbestos-related disease, heavy metal poisoning,
11 musculoskeletal disease and chronic psychological disease.

12 "World Trade Center rescue, recovery, or cleanup operations"
13 means the rescue, recovery, or cleanup operations at the World
14 Trade Center site between September 11, 2001 and October 11,
15 2001.

16 "World Trade Center site" means any location below a line
17 starting from the Hudson River and Canal Street, east on Canal
18 Street to Pike Street, south on Pike Street to the East River, and
19 extending to the lower tip of Manhattan.

20 (2) Notwithstanding any provision of subsection a. of this section
21 or any other law to the contrary, for a member who participated,
22 whether or not under orders or instruction by an employer to so
23 participate, in World Trade Center rescue, recovery, or cleanup
24 operations for a minimum of eight hours, permanent and total
25 disability resulting from a qualifying condition or impairment of
26 health shall be presumed to have occurred during and as a result of
27 the performance of the member's regular or assigned duties and not
28 the result of the member's willful negligence, unless the contrary
29 can be proved by competent evidence.

30 A member who did not participate in such operations for a
31 minimum of eight hours shall be eligible for the presumption
32 provided that:

33 the member participated in the rescue, recovery, or cleanup
34 operations at the World Trade Center site between September 11,
35 2001 and September 12, 2001;

36 the member sustained a documented physical injury at the World
37 Trade Center site between September 11, 2001 and September 12,
38 2001 that is a qualifying condition or impairment of health resulting
39 in a disability to the member that prevented the member from
40 continuing to participate in World Trade Center rescue, recovery, or
41 cleanup operations for a minimum of eight hours; and

42 the documented physical injury that resulted in a disability to the
43 member that prevented the member from continuing to participate
44 in World Trade Center rescue, recovery, or cleanup operations for a
45 minimum of eight hours is the qualifying condition or impairment
46 of health for which the member seeks a presumption under this
47 subsection.

1 In order to be eligible for the presumption provided under this
2 subsection, a member shall have successfully passed a physical
3 examination for entry into public service, or shall present such
4 sufficient evidence of one or more medical examinations or results
5 performed within a reasonable period of time before or after entry
6 into public service, which failed to disclose evidence of the
7 qualifying condition or impairment of health that formed the basis
8 for the permanent and total disability.

9 (3) A member who participated in the World Trade Center
10 rescue, recovery, or cleanup operations for a minimum of eight
11 hours and subsequently retired on a service retirement, special
12 retirement, accidental disability retirement, or an ordinary disability
13 retirement and thereafter incurred a disability caused by a
14 qualifying condition or impairment of health which the medical
15 board determines to be caused by participation in World Trade
16 Center rescue, recovery, or cleanup operations shall be eligible to
17 apply to the board of trustees to have the retiree's retirement
18 allowance recalculated as an accidental disability retirement
19 allowance for benefit payments on or after the date of the
20 application, provided the retiree filed an application for such
21 recalculation within **【30】** 180 days of the date that the retiree knew
22 or should have known of the existence of such disability and its
23 relation to the rescue, recovery, or cleanup operations. In order to
24 be eligible for such recalculation, the retiree shall have successfully
25 passed a physical examination for entry into public service, or shall
26 present such sufficient evidence of one or more medical
27 examinations or results performed within a reasonable period of
28 time before or after entry into public service, which failed to
29 disclose evidence of the qualifying condition or impairment of
30 health that formed the basis for the disability.

31 If a retiree previously filed an eligibility registration form with
32 the State Police Retirement System and the retiree was denied
33 because the retiree did not file within the required registration
34 period, the retiree shall be permitted to petition the board of trustees
35 for reconsideration or shall be permitted to resubmit the previously
36 submitted eligibility registration form to the board for the
37 presumption or recalculation granted under P.L. , c. (pending
38 before the Legislature as this bill).

39 (4) The board of trustees shall promulgate rules and regulations
40 necessary to implement the provisions of this subsection and shall
41 notify all members and retirants in the retirement system of the
42 enactment of **【this act,】** P.L.2019, c.157, and the enactment of
43 P.L. , c. (pending before the Legislature as this bill), within
44 **【30】** 60 days of enactment. The board shall notify all members and
45 retirants enrolled in the retirement system by letter sent via certified
46 mail and shall be required to communicate, in an easily understood
47 manner, the provisions of P.L. , c. (pending before the

1 Legislature as this bill), including the class of members and retirees
2 impacted, the filing requirements, and the prescribed time limits.

3 A member or retiree shall not be eligible for the presumption or
4 recalculation under this subsection unless within two years of the
5 effective date of **【this act,】** P.L.2019, c.157, or within two years
6 after the effective date of P.L. _____, c. _____ (pending before the
7 Legislature as this bill), the member or retiree files a written and
8 sworn statement with the retirement system on a form provided by
9 the board of trustees thereof indicating the dates and locations of
10 service. The board of trustees may approve filing extensions in
11 two-year increments thereafter.

12 (5) This subsection shall apply regardless of whether the member
13 or retiree, who is otherwise eligible, was enrolled in the retirement
14 system at the time of participation in World Trade Center rescue,
15 recovery, or cleanup operations as specified herein.

16 (cf: P.L.2022, c.77, s.1)

17
18 4. This act shall take effect immediately.
19
20

21 STATEMENT

22
23 This bill provides a filing extension and establishes medical
24 documentation requirements for certain members and retirees of the
25 Public Employees' Retirement System (PERS), the Police and
26 Firemen's Retirement System (PFRS), and the State Police
27 Retirement System (SPRS) to receive an accidental disability
28 retirement allowance for participation in 9/11 World Trade Center
29 rescue, recovery, or cleanup operations.

30 Under current law, members and retirees of PFRS and SPRS, and
31 certain members and retirees of PERS are eligible to receive an
32 accidental disability retirement allowance for a permanent and total
33 disability resulting from participation in 9/11 World Trade Center
34 rescue, recovery, or cleanup operations. In order to be eligible, the
35 member or retiree must have filed notice of service during certain
36 dates and at certain locations within two years of enactment of the
37 law in 2019.

38 This bill extends the time period during which a member or
39 retiree must file a written and sworn statement with their respective
40 retirement system to be eligible for the benefit to two years after the
41 effective date of this bill, and permits the board of trustees of the
42 retirement system to approve additional extensions in two-year
43 increments thereafter. The bill also provides retirees who
44 previously filed an eligibility registration form with their respective
45 retirement system and who were denied because they filed outside
46 the registration period the ability to petition the board of trustees of
47 the respective retirement system for reconsideration or to resubmit

1 the previously submitted eligibility registration form to the board
2 for the presumption or recalculation granted under the bill.

3 Under current law, in order to be eligible for the benefit, the
4 member or retiree must have successfully passed a physical
5 examination for entry into public service, which failed to disclose
6 evidence of the qualifying condition or impairment of health that
7 formed the basis for the disability. This bill allows the member or
8 retiree to present sufficient evidence of one or more medical
9 examinations or results, performed within a reasonable period of
10 time before or after entry into public service, which failed to
11 disclose evidence of the qualifying condition or impairment of
12 health that formed the basis for the disability as an alternative for
13 proof of eligibility.

14 This bill also requires the board of trustees of each retirement
15 system to notify all members and retirants in the retirement system
16 of the enactment of this bill within 60 days of enactment by letter
17 via certified mail. The notice must communicate, in an easily
18 understood manner, the provisions of this bill, including the class of
19 members and retirees impacted, the filing requirements, and the
20 prescribed time limits.

[First Reprint]

SENATE, No. 4402

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MAY 19, 2025

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators A.M.Bucco, McKnight, O'Scanlon and Amato

SYNOPSIS

Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 26, 2025, with amendments.



(Sponsorship Updated As Of: 6/23/2025)

1 **AN ACT** concerning the accidental disability retirement allowance
2 for certain members of the Public Employees' Retirement
3 System, the Police and Firemen's Retirement System, and the
4 State Police Retirement System, and amending P.L.1954, c.84,
5 P.L.1944, c.255, and P.L.1965, c.89.

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

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

12 43. a. A member who has not attained age 65 shall, upon the
13 application of the head of the department in which he is employed
14 or upon his own application or the application of one acting in his
15 behalf, be retired by the board of trustees, if said employee is
16 permanently and totally disabled as a direct result of a traumatic
17 event occurring during and as a result of the performance of his
18 regular or assigned duties, on an accidental disability allowance. A
19 traumatic event occurring during voluntary performance of regular
20 or assigned duties at a place of employment before or after required
21 hours of employment which is not in violation of any valid work
22 rule of the employer or otherwise prohibited by the employer shall
23 be deemed as occurring during the performance of regular or
24 assigned duties.

25 The application to accomplish such retirement must be filed
26 within five years of the original traumatic event, but the board of
27 trustees may consider an application filed after the five-year period
28 if it can be factually demonstrated to the satisfaction of the board of
29 trustees that the disability is due to the accident and the filing was
30 not accomplished within the five-year period due to a delayed
31 manifestation of the disability or to circumstances beyond the
32 control of the member.

33 Permanent and total disability resulting from a cardiovascular,
34 pulmonary or musculo-skeletal condition which was not a direct
35 result of a traumatic event occurring in the performance of duty
36 shall be deemed an ordinary disability.

37 Before consideration of the application by the board of trustees,
38 the physician or physicians designated by the board shall have first
39 made a medical examination of the member at his residence or at
40 any other place mutually agreed upon and shall have certified to the
41 board that he is physically or mentally incapacitated for the
42 performance of duty, and should be retired, and the appointing
43 authority shall have certified to the board that the member is
44 permanently and totally disabled as a direct result of a traumatic
45 event occurring during and as a result of the performance of his

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 June 26, 2025.

1 regular or assigned duties, the time and place where the duty
2 causing the disability was performed, that the disability was not the
3 result of his willful negligence and that the member should be
4 retired.

5 No person who becomes a member of the retirement system on
6 or after the effective date of P.L.2010, c.3 shall be eligible for
7 retirement pursuant to this section.

8 b. (1) For purposes of this subsection:

9 "Qualifying condition or impairment of health" includes:

10 diseases of the upper respiratory tract and mucosae, including
11 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
12 laryngitis, vocal cord disease, upper airway hyper-reactivity and
13 tracheo-bronchitis, or a combination of such conditions;

14 diseases of the lower respiratory tract, including but not limited
15 to bronchitis, asthma, reactive airway dysfunction syndrome, and
16 different types of pneumonitis, such as hypersensitivity,
17 granulomatous, or eosinophilic;

18 diseases of the gastroesophageal tract, including esophagitis and
19 reflux disease, either acute or chronic, caused by exposure or
20 aggravated by exposure;

21 diseases of the psychological axis, including post-traumatic
22 stress disorder, anxiety, depression, or any combination of such
23 conditions;

24 diseases of the skin such as contact dermatitis or burns, either
25 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
26 non-specific reactive in nature, caused by exposure or aggravated
27 by exposure; and

28 new onset diseases resulting from exposure as such diseases
29 occurring in the future including cancer, chronic obstructive
30 pulmonary disease, asbestos-related disease, heavy metal poisoning,
31 musculoskeletal disease and chronic psychological disease.

32 "World Trade Center rescue, recovery, or cleanup operations"
33 means the rescue, recovery, or cleanup operations at the World
34 Trade Center site between September 11, 2001 and October 11,
35 2001.

36 "World Trade Center site" means any location below a line
37 starting from the Hudson River and Canal Street, east on Canal
38 Street to Pike Street, south on Pike Street to the East River, and
39 extending to the lower tip of Manhattan.

40 (2) Notwithstanding any provision of subsection a. of this
41 section or any other law to the contrary, for a member who
42 participated, whether or not under orders or instruction by an
43 employer to so participate, in World Trade Center rescue, recovery,
44 or cleanup operations for a minimum of eight hours, permanent and
45 total disability resulting from a qualifying condition or impairment
46 of health shall be presumed to have occurred during and as a result
47 of the performance of the member's regular or assigned duties and

1 not the result of the member's willful negligence, unless the
2 contrary can be proved by competent evidence.

3 A member who did not participate in such operations for a
4 minimum of eight hours shall be eligible for the presumption
5 provided that:

6 the member participated in the rescue, recovery, or cleanup
7 operations at the World Trade Center site between September 11,
8 2001 and September 12, 2001;

9 the member sustained a documented physical injury at the World
10 Trade Center site between September 11, 2001 and September 12,
11 2001 that is a qualifying condition or impairment of health resulting
12 in a disability to the member that prevented the member from
13 continuing to participate in World Trade Center rescue, recovery, or
14 cleanup operations for a minimum of eight hours; and

15 the documented physical injury that resulted in a disability to the
16 member that prevented the member from continuing to participate
17 in World Trade Center rescue, recovery, or cleanup operations for a
18 minimum of eight hours is the qualifying condition or impairment
19 of health for which the member seeks a presumption under this
20 subsection.

21 In order to be eligible for the presumption provided under this
22 subsection, a member shall have successfully passed a physical
23 examination for entry into public service, or shall present such
24 sufficient evidence of one or more medical examinations or results
25 performed within a reasonable period of time before or after entry
26 into public service, which failed to disclose evidence of the
27 qualifying condition or impairment of health that formed the basis
28 for the permanent and total disability.

29 (3) A member who participated in the World Trade Center
30 rescue, recovery, or cleanup operations for a minimum of eight
31 hours and subsequently retired on a service retirement, special
32 retirement, accidental disability retirement, or an ordinary disability
33 retirement and thereafter incurred a disability caused by a
34 qualifying condition or impairment of health which the medical
35 board determines to be caused by participation in World Trade
36 Center rescue, recovery, or cleanup operations shall be eligible to
37 apply to the board of trustees to have the retiree's retirement
38 allowance recalculated as an accidental disability retirement
39 allowance for benefit payments on or after the date of the
40 application, provided the retiree filed an application for such
41 recalculation within **[30]** 180 days of the date that the retiree knew
42 or should have known of the existence of such disability and its
43 relation to the rescue, recovery, or cleanup operations. In order to
44 be eligible for such recalculation, the retiree shall have successfully
45 passed a physical examination for entry into public service, or shall
46 present such sufficient evidence of one or more medical
47 examinations or results performed within a reasonable period of
48 time before or after entry into public service, which failed to

1 disclose evidence of the qualifying condition or impairment of
2 health that formed the basis for the disability.

3 If a retiree previously filed an eligibility registration form with
4 the Public Employees' Retirement System and the retiree was
5 denied because the retiree did not file within the required
6 registration period 'in effect prior to the effective date of P.L. , c.
7 (pending before the Legislature as this bill)', the retiree shall be
8 permitted to petition the board of trustees for reconsideration '【or
9 shall be permitted to resubmit the previously submitted eligibility
10 registration form to the board for the presumption or recalculation
11 granted under P.L. , c. (pending before the Legislature as this
12 bill)】'.

13 (4) The board of trustees '【shall】 may' promulgate rules and
14 regulations 'that the board determines are' necessary to implement
15 the provisions of this subsection '【and shall notify all members and
16 retirants in the retirement system of the enactment of】' 【this act,】
17 '【P.L.2019, c.157, and the enactment of P.L. , c. (pending
18 before the Legislature as this bill), within】' 【30】 '【60 days of
19 enactment. The board shall notify all members and retirants
20 enrolled in the retirement system by letter sent via certified mail
21 and shall be required to communicate, in an easily understood
22 manner, the provisions of P.L. , c. (pending before the
23 Legislature as this bill), including the class of members and retirees
24 impacted, the filing requirements, and the prescribed time limits】'.

25 A member or retiree shall not be eligible for the presumption or
26 recalculation under this subsection unless '【within two years of the
27 effective date of】' 【this act,】 '【P.L.2019, c.157, or within two
28 years after the effective date of P.L. , c. (pending before the
29 Legislature as this bill),】' the member or retiree files a written and
30 sworn statement with the retirement system on a form provided by
31 the board of trustees thereof indicating the dates and locations of
32 service. '【The board of trustees may approve filing extensions in
33 two-year increments thereafter.】'

34 (5) This subsection shall apply only to: any member or retiree
35 who is or was enrolled in the Public Employees' Retirement System
36 because the member or retiree did not meet the age or medical
37 requirements for enrollment in the Police and Firemen's Retirement
38 System on the basis of the position held; and to any emergency
39 medical technician who is a member or retiree of the Public
40 Employees' Retirement System. For the purposes of this paragraph,
41 "emergency medical technician" means a person trained in basic life
42 support services as defined in section 1 of P.L.1985, c.351
43 (C.26:2K-21) and who is certified by the Department of Health to
44 perform these services.

45 (6) This subsection shall apply regardless of whether the
46 member or retiree, who is otherwise eligible, was enrolled in the

1 retirement system at the time of participation in World Trade Center
2 rescue, recovery, or cleanup operations as specified herein.

3 (cf: P.L.2019, c.157, s.4)

4
5 2. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read
6 as follows:

7 7. a. (1) Upon the written application by a member in service, by
8 one acting in his behalf or by his employer any member may be
9 retired on an accidental disability retirement allowance; provided,
10 that the medical board, after a medical examination of such
11 member, shall certify that the member is permanently and totally
12 disabled as a direct result of a traumatic event occurring during and
13 as a result of the performance of his regular or assigned duties and
14 that such disability was not the result of the member's willful
15 negligence and that such member is mentally or physically
16 incapacitated for the performance of his usual duty and of any other
17 available duty in the department which his employer is willing to
18 assign to him. The application to accomplish such retirement must
19 be filed within five years of the original traumatic event, but the
20 board of trustees may consider an application filed after the five-
21 year period if it can be factually demonstrated to the satisfaction of
22 the board of trustees that the disability is due to the accident and the
23 filing was not accomplished within the five-year period due to a
24 delayed manifestation of the disability or to other circumstances
25 beyond the control of the member.

26 (2) Upon retirement for accidental disability, a member shall
27 receive an accidental disability retirement allowance which shall
28 consist of:

29 (a) An annuity which shall be the actuarial equivalent of his
30 aggregate contributions and

31 (b) A pension in the amount which, when added to the member's
32 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of the
33 member's actual annual compensation for which contributions were
34 being made at the time of the occurrence of the accident or at the
35 time of the member's retirement, whichever provides the largest
36 possible benefit to the member.

37 (3) Upon receipt of proper proofs of the death of a member who
38 has retired on accidental disability retirement allowance, there shall
39 be paid to such member's beneficiary, an amount equal to $3\frac{1}{2}$
40 times the compensation upon which contributions by the member to
41 the annuity savings fund were based in the last year of creditable
42 service; provided, however, that if such death shall occur after the
43 member shall have attained 55 years of age the amount payable
44 shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$ times such
45 compensation.

46 (4) Permanent and total disability resulting from a
47 cardiovascular, pulmonary or musculoskeletal condition which was

1 not a direct result of a traumatic event occurring in the performance
2 of duty shall be deemed an ordinary disability.

3 b. (1) For purposes of this subsection:

4 "Qualifying condition or impairment of health" includes:

5 diseases of the upper respiratory tract and mucosae, including
6 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
7 laryngitis, vocal cord disease, upper airway hyper-reactivity and
8 tracheo-bronchitis, or a combination of such conditions;

9 diseases of the lower respiratory tract, including but not limited
10 to bronchitis, asthma, reactive airway dysfunction syndrome, and
11 different types of pneumonitis, such as hypersensitivity,
12 granulomatous, or eosinophilic;

13 diseases of the gastroesophageal tract, including esophagitis and
14 reflux disease, either acute or chronic, caused by exposure or
15 aggravated by exposure;

16 diseases of the psychological axis, including post-traumatic
17 stress disorder, anxiety, depression, or any combination of such
18 conditions;

19 diseases of the skin such as contact dermatitis or burns, either
20 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
21 non-specific reactive in nature, caused by exposure or aggravated
22 by exposure; and

23 new onset diseases resulting from exposure as such diseases
24 occurring in the future including cancer, chronic obstructive
25 pulmonary disease, asbestos-related disease, heavy metal poisoning,
26 musculoskeletal disease and chronic psychological disease.

27 "World Trade Center rescue, recovery, or cleanup operations"
28 means the rescue, recovery, or cleanup operations at the World
29 Trade Center site between September 11, 2001 and October 11,
30 2001.

31 "World Trade Center site" means any location below a line
32 starting from the Hudson River and Canal Street, east on Canal
33 Street to Pike Street, south on Pike Street to the East River, and
34 extending to the lower tip of Manhattan.

35 (2) Notwithstanding any provision of subsection a. of this
36 section or any other law to the contrary, for a member who
37 participated, whether or not under orders or instruction by an
38 employer to so participate, in World Trade Center rescue, recovery,
39 or cleanup operations for a minimum of eight hours, permanent and
40 total disability resulting from a qualifying condition or impairment
41 of health shall be presumed to have occurred during and as a result
42 of the performance of the member's regular or assigned duties and
43 not the result of the member's willful negligence, unless the
44 contrary can be proved by competent evidence.

45 A member who did not participate in such operations for a
46 minimum of eight hours shall be eligible for the presumption
47 provided that:

1 the member participated in the rescue, recovery, or cleanup
2 operations at the World Trade Center site between September 11,
3 2001 and September 12, 2001;

4 the member sustained a documented physical injury at the World
5 Trade Center site between September 11, 2001 and September 12,
6 2001 that is a qualifying condition or impairment of health resulting
7 in a disability to the member that prevented the member from
8 continuing to participate in World Trade Center rescue, recovery, or
9 cleanup operations for a minimum of eight hours; and

10 the documented physical injury that resulted in a disability to the
11 member that prevented the member from continuing to participate
12 in World Trade Center rescue, recovery, or cleanup operations for a
13 minimum of eight hours is the qualifying condition or impairment
14 of health for which the member seeks a presumption under this
15 subsection.

16 In order to be eligible for the presumption provided under this
17 subsection, a member shall have successfully passed a physical
18 examination for entry into public service, or shall present such
19 sufficient evidence of one or more medical examinations or results
20 performed within a reasonable period of time before or after entry
21 into public service, which failed to disclose evidence of the
22 qualifying condition or impairment of health that formed the basis
23 for the permanent and total disability.

24 (3) A member who participated in the World Trade Center
25 rescue, recovery, or cleanup operations for a minimum of eight
26 hours and subsequently retired on a service retirement, special
27 retirement, accidental disability retirement, or an ordinary disability
28 retirement and thereafter incurred a disability caused by a
29 qualifying condition or impairment of health which the medical
30 board determines to be caused by participation in World Trade
31 Center rescue, recovery, or cleanup operations shall be eligible to
32 apply to the board of trustees to have the retiree's retirement
33 allowance recalculated as an accidental disability retirement
34 allowance for benefit payments on or after the date of the
35 application, provided the retiree filed an application for such
36 recalculation within **[30]** 180 days of the date that the retiree knew
37 or should have known of the existence of such disability and its
38 relation to the rescue, recovery, or cleanup operations. In order to
39 be eligible for such recalculation, the retiree shall have successfully
40 passed a physical examination for entry into public service, or shall
41 present such sufficient evidence of one or more medical
42 examinations or results performed within a reasonable period of
43 time before or after entry into public service, which failed to
44 disclose evidence of the qualifying condition or impairment of
45 health that formed the basis for the disability.

46 If a retiree previously filed an eligibility registration form with
47 the Police and Firemen's Retirement System and the retiree was
48 denied because the retiree did not file within the required

1 registration period ¹in effect prior to the effective date of P.L. , c.
 2 (pending before the Legislature as this bill)¹, the retiree shall be
 3 permitted to petition the board of trustees for reconsideration ¹[or
 4 shall be permitted to resubmit the previously submitted eligibility
 5 registration form to the board for the presumption or recalculation
 6 granted under P.L. , c. (pending before the Legislature as this
 7 bill)]¹.

8 (4) The board of trustees ¹[shall] may¹ promulgate rules and
 9 regulations ¹that the board determines are¹ necessary to implement
 10 the provisions of this subsection ¹[and shall notify all members and
 11 retirants in the retirement system of the enactment of]¹ [this act,]
 12 ¹[P.L.2019, c.157 and the enactment of P.L. , c. (pending before
 13 the Legislature as this bill), within]¹ [30] [60 days of enactment.
 14 The board shall notify all members and retirants enrolled in the
 15 retirement system by letter sent via certified mail and shall be
 16 required to communicate, in an easily understood manner, the
 17 provisions of P.L. , c. (pending before the Legislature as this
 18 bill), including the class of members and retirees impacted, the
 19 filing requirements, and the prescribed time limits]¹.

20 A member or retiree shall not be eligible for the presumption or
 21 recalculation under this subsection unless ¹[within two years of the
 22 effective date of]¹ [this act,] [P.L.2019, c.157, or within two
 23 years after the effective date of P.L. , c. (pending before the
 24 Legislature as this bill),]¹ the member or retiree files a written and
 25 sworn statement with the retirement system on a form provided by
 26 the board of trustees thereof indicating the dates and locations of
 27 service. ¹[The board of trustees may approve filing extensions in
 28 two-year increments thereafter.]]¹

29 (5) This subsection shall apply regardless of whether the
 30 member or retiree, who is otherwise eligible, was enrolled in the
 31 retirement system at the time of participation in World Trade Center
 32 rescue, recovery, or cleanup operations as specified herein.
 33 (cf: P.L.2019, c.157, s.2)
 34

35 3. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read
 36 as follows:

37 10. a. Upon the written application by a member in service, by
 38 one acting in his behalf or by the State, any member may be retired,
 39 not less than 1 month next following the date of filing such
 40 application, on an accidental disability retirement allowance,
 41 provided, that the medical board, after a medical examination of
 42 such member, shall certify that the member is permanently and
 43 totally disabled as a direct result of a traumatic event occurring
 44 during and as a result of the performance of his regular or assigned
 45 duties and that such disability was not the result of the member's
 46 willful negligence and that such member is mentally or physically

1 incapacitated for the performance of his usual duties in the Division
2 of State Police which the Superintendent of State Police is willing
3 to assign to him.

4 A member with a preexisting and asymptomatic condition that is
5 rendered symptomatic as a direct result of a traumatic event
6 occurring during and as a result of the performance of the member's
7 regular or assigned duties may be eligible for an accidental
8 disability retirement allowance, provided that the traumatic event is
9 caused by a circumstance external to the member and is the
10 substantial contributing cause of the member's permanent and total
11 disability.

12 The application to accomplish such retirement must be filed
13 within 5 years of the original traumatic event, but the board of
14 trustees may consider an application filed after the 5-year period if
15 it can be factually demonstrated to the satisfaction of the board of
16 trustees that the disability is due to the accident and the filing was
17 not accomplished within the 5-year period due to a delayed
18 manifestation of the disability or to the member's continued
19 employment in a restricted capacity consistent with the nature of his
20 disability in the Division of the State Police upon and at the written
21 request of the superintendent, with the concurrence of the Attorney
22 General, or to other circumstances beyond the control of the
23 member.

24 b. Upon retirement for accidental disability, a member shall
25 receive an accidental disability retirement allowance which shall
26 consist of:

27 (1) An annuity which shall be the actuarial equivalent of his
28 aggregate contributions and

29 (2) A pension in the amount which, when added to the member's
30 annuity, will provide a total retirement allowance of 2/3 of his final
31 compensation.

32 c. Upon the receipt of proper proofs of the death of a member
33 who has retired on an accidental disability retirement allowance,
34 there shall be paid to the member's beneficiary an amount equal to 3
35 1/2 times the final compensation received by the member in the last
36 year of creditable service; provided, however, that if such death
37 shall occur after the member shall have attained 55 years of age the
38 amount payable shall equal 1/2 of such compensation instead of 3
39 1/2 times such compensation.

40 d. Permanent and total disability resulting from a
41 cardiovascular, pulmonary or musculoskeletal condition which was
42 not a direct result of a traumatic event occurring in the performance
43 of duty shall be deemed an ordinary disability.

44 e. (1) For purposes of this subsection:

45 "Qualifying condition or impairment of health" includes:

46 diseases of the upper respiratory tract and mucosae, including
47 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,

1 laryngitis, vocal cord disease, upper airway hyper-reactivity and
2 tracheo-bronchitis, or a combination of such conditions;

3 diseases of the lower respiratory tract, including but not limited
4 to bronchitis, asthma, reactive airway dysfunction syndrome, and
5 different types of pneumonitis, such as hypersensitivity,
6 granulomatous, or eosinophilic;

7 diseases of the gastroesophageal tract, including esophagitis and
8 reflux disease, either acute or chronic, caused by exposure or
9 aggravated by exposure;

10 diseases of the psychological axis, including post-traumatic
11 stress disorder, anxiety, depression, or any combination of such
12 conditions;

13 diseases of the skin, such as contact dermatitis or burns, either
14 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
15 non-specific reactive in nature, caused by exposure or aggravated
16 by exposure; and

17 new onset diseases resulting from exposure as such diseases
18 occurring in the future including cancer, chronic obstructive
19 pulmonary disease, asbestos-related disease, heavy metal poisoning,
20 musculoskeletal disease and chronic psychological disease.

21 "World Trade Center rescue, recovery, or cleanup operations"
22 means the rescue, recovery, or cleanup operations at the World
23 Trade Center site between September 11, 2001 and October 11,
24 2001.

25 "World Trade Center site" means any location below a line
26 starting from the Hudson River and Canal Street, east on Canal
27 Street to Pike Street, south on Pike Street to the East River, and
28 extending to the lower tip of Manhattan.

29 (2) Notwithstanding any provision of subsection a. of this section
30 or any other law to the contrary, for a member who participated,
31 whether or not under orders or instruction by an employer to so
32 participate, in World Trade Center rescue, recovery, or cleanup
33 operations for a minimum of eight hours, permanent and total
34 disability resulting from a qualifying condition or impairment of
35 health shall be presumed to have occurred during and as a result of
36 the performance of the member's regular or assigned duties and not
37 the result of the member's willful negligence, unless the contrary
38 can be proved by competent evidence.

39 A member who did not participate in such operations for a
40 minimum of eight hours shall be eligible for the presumption
41 provided that:

42 the member participated in the rescue, recovery, or cleanup
43 operations at the World Trade Center site between September 11,
44 2001 and September 12, 2001;

45 the member sustained a documented physical injury at the World
46 Trade Center site between September 11, 2001 and September 12,
47 2001 that is a qualifying condition or impairment of health resulting
48 in a disability to the member that prevented the member from

1 continuing to participate in World Trade Center rescue, recovery, or
2 cleanup operations for a minimum of eight hours; and

3 the documented physical injury that resulted in a disability to the
4 member that prevented the member from continuing to participate
5 in World Trade Center rescue, recovery, or cleanup operations for a
6 minimum of eight hours is the qualifying condition or impairment
7 of health for which the member seeks a presumption under this
8 subsection.

9 In order to be eligible for the presumption provided under this
10 subsection, a member shall have successfully passed a physical
11 examination for entry into public service, or shall present such
12 sufficient evidence of one or more medical examinations or results
13 performed within a reasonable period of time before or after entry
14 into public service, which failed to disclose evidence of the
15 qualifying condition or impairment of health that formed the basis
16 for the permanent and total disability.

17 (3) A member who participated in the World Trade Center
18 rescue, recovery, or cleanup operations for a minimum of eight
19 hours and subsequently retired on a service retirement, special
20 retirement, accidental disability retirement, or an ordinary disability
21 retirement and thereafter incurred a disability caused by a
22 qualifying condition or impairment of health which the medical
23 board determines to be caused by participation in World Trade
24 Center rescue, recovery, or cleanup operations shall be eligible to
25 apply to the board of trustees to have the retiree's retirement
26 allowance recalculated as an accidental disability retirement
27 allowance for benefit payments on or after the date of the
28 application, provided the retiree filed an application for such
29 recalculation within ~~【30】~~ 180 days of the date that the retiree knew
30 or should have known of the existence of such disability and its
31 relation to the rescue, recovery, or cleanup operations. In order to
32 be eligible for such recalculation, the retiree shall have successfully
33 passed a physical examination for entry into public service, or shall
34 present such sufficient evidence of one or more medical
35 examinations or results performed within a reasonable period of
36 time before or after entry into public service, which failed to
37 disclose evidence of the qualifying condition or impairment of
38 health that formed the basis for the disability.

39 If a retiree previously filed an eligibility registration form with
40 the State Police Retirement System and the retiree was denied
41 because the retiree did not file within the required registration
42 period ¹in effect prior to the effective date of P.L. , c. (pending
43 before the Legislature as this bill)¹, the retiree shall be permitted to
44 petition the board of trustees for reconsideration ¹[or shall be
45 permitted to resubmit the previously submitted eligibility
46 registration form to the board for the presumption or recalculation
47 granted under P.L. , c. (pending before the Legislature as this
48 bill)]¹.

1 (4) The board of trustees ¹~~shall~~ may¹ promulgate rules and
2 regulations ¹~~that the board determines are~~¹ necessary to implement
3 the provisions of this subsection ¹~~and shall notify all~~ members and
4 retirants in the retirement system of the enactment of ¹~~this act,~~
5 ¹~~P.L.2019, c.157, and the enactment of P.L. , c. (pending~~
6 ~~before the Legislature as this bill), within~~¹ ~~30~~¹ ~~60~~ days of
7 enactment. The board shall notify all members and retirants
8 enrolled in the retirement system by letter sent via certified mail
9 and shall be required to communicate, in an easily understood
10 manner, the provisions of P.L. , c. (pending before the
11 Legislature as this bill), including the class of members and retirees
12 impacted, the filing requirements, and the prescribed time limits¹.

13 A member or retiree shall not be eligible for the presumption or
14 recalculation under this subsection unless ¹~~within two years of the~~
15 ~~effective date of~~¹ ~~this act,~~ ¹~~P.L.2019, c.157, or within two~~
16 ~~years after the effective date of P.L. , c. (pending before the~~
17 ~~Legislature as this bill),~~¹ the member or retiree files a written and
18 sworn statement with the retirement system on a form provided by
19 the board of trustees thereof indicating the dates and locations of
20 service. ¹~~The board of trustees may approve filing extensions in~~
21 ~~two-year increments thereafter.~~¹

22 (5) This subsection shall apply regardless of whether the member
23 or retiree, who is otherwise eligible, was enrolled in the retirement
24 system at the time of participation in World Trade Center rescue,
25 recovery, or cleanup operations as specified herein.
26 (cf: P.L.2022, c.77, s.1)

27

28 4. This act shall take effect immediately.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 4402

STATE OF NEW JERSEY

DATED: MAY 29, 2025

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably Senate Bill No. 4402.

This bill provides a filing extension and establishes medical documentation requirements for certain members and retirees of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, members and retirees of PFRS and SPRS, and certain members and retirees of PERS are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of the law in 2019.

This bill extends the time period during which a member or retiree must file a written and sworn statement with their respective retirement system to be eligible for the benefit to two years after the effective date of this bill, and permits the board of trustees of the retirement system to approve additional extensions in two-year increments thereafter. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside the registration period the ability to petition the board of trustees of the respective retirement system for reconsideration or to resubmit the previously submitted eligibility registration form to the board for the presumption or recalculation granted under the bill.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of

time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

This bill also requires the board of trustees of each retirement system to notify all members and retirants in the retirement system of the enactment of this bill within 60 days of enactment by letter via certified mail. The notice must communicate, in an easily understood manner, the provisions of this bill, including the class of members and retirees impacted, the filing requirements, and the prescribed time limits.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 4402

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2025

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 4402.

As amended and reported, this bill establishes medical documentation requirements for certain members and retirees of the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations and removes the filing deadline.

Under current law, members and retirees of PFRS and SPRS, and certain members and retirees of PERS are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of the law in 2019. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

As amended, this bill removes the filing deadline for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside of the previously required registration period the ability to petition the board of trustees of the respective retirement system for reconsideration.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that

formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) remove the filing deadline and initial two-year extension for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit; the amendments provide, instead, that a retiree who missed the deadline that had been established before the bill's effective date may petition the board of trustees for reconsideration;

(2) remove language concerning additional extensions in two-year increments;

(3) remove language concerning a retiree's resubmission of a previously submitted eligibility registration form to the board for recalculation of benefits; and

(4) remove language that would have required the board of trustees of each respective retirement system to notify all members and retirants enrolled in the retirement system by letter via certified mail of the provisions of the bill.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 4402

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: JUNE 19, 2025

SUMMARY

- Synopsis:** Provides for filing extension and medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Division of Pensions and Benefits in the Department of the Treasury; certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	\$86,500 to \$159,000
Local Expenditure Increase	\$91,500 to \$300,000

- The Office of Legislative Services (OLS) estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for an accidental disability retirement benefit allowance will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System.
- The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

BILL DESCRIPTION

This bill provides a filing extension and establishes medical documentation requirements for certain members and retirees of the Public Employees’ Retirement System, the Police and

Firemen's Retirement System, and the State Police Retirement System to receive an accidental disability retirement allowance for participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, certain members and retirees of the Police and Firemen's Retirement System, the State Police Retirement System, and the Public Employees' Retirement System are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of P.L.2019, c.157. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

This bill extends the time period during which a member or retiree must file a written and sworn statement with their respective retirement system to be eligible for the benefit to two years after the effective date of this bill, and permits the board of trustees of the retirement system to approve additional extensions in two-year increments thereafter. The bill also grants retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside the registration period the ability to petition the board of trustees of the respective retirement system for reconsideration or to resubmit the previously submitted eligibility registration form to the board for the presumption or recalculation granted under the bill.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

This bill also requires the board of trustees of each retirement system to notify all members and retirants in the retirement system of the enactment of this bill within 60 days of enactment by letter via certified mail. The notice must communicate, in an easily understood manner, the provisions of this bill, including the class of members and retirees impacted, the filing requirements, and the prescribed time limits.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in annual cost increases to the State of \$86,500 to \$159,000 and annual cost increases of \$91,500 to \$300,000 allocated among all municipalities whose employers are enrolled in the Police and Firemen's Retirement System. Some municipalities will have a greater cost than others depending on the number of affected employees.

Annual State and Local Government Cost Increase		
	Minimum	Maximum
State		
Accidental Disability	\$86,507	\$158,929
Local Government		
Accidental Disability	\$91,531	\$299,555
Total	\$178,038	\$458,485

The OLS estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for accidental disability retirement benefits will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System. These amounts are based on the assumption that most applicants who are approved for an accidental disability retirement allowance or a recalculation to an accidental disability retirement allowance will gain a two percentage point increase in their annual pension allowance.

The table below displays the aforementioned annual cost increases for the State and local government portion, which will be allocated among all municipalities, broken out by retirement system. The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

Annual Cost Increase by Retirement System		
	Minimum	Maximum
Police and Firemen’s Retirement System		
Accidental Disability	\$106,431	\$348,320
State Police Retirement System		
Accidental Disability	\$71,607	\$110,164
Total	\$178,038	\$458,485

Additionally, the OLS determines that the Division of Pensions and Benefits will experience an increase in administrative costs due to the required notification to all members and retirants in the retirement systems by letter via certified mail.

Section: State Government

Analyst: Camryn Mathews
Assistant Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 4402

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: JULY 3, 2025

SUMMARY

- Synopsis:** Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Division of Pensions and Benefits in the Department of the Treasury; certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Annual</u>	<u>Year 3</u>
State Expenditure Increase		\$86,500 to \$159,000	
Local Expenditure Increase		\$91,500 to \$300,000	

- The Office of Legislative Services (OLS) estimates that requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration for an accidental disability retirement benefit allowance will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System.
- The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

BILL DESCRIPTION

This bill establishes medical documentation requirements for certain members and retirees of the Public Employees’ Retirement System (PERS), the Police and Firemen’s Retirement System

(PFRS), and the State Police Retirement System (SPRS) to receive an accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations and removes the filing deadline.

Under current law, certain members and retirees of the Police and Firemen's Retirement System, the State Police Retirement System, and the Public Employees' Retirement System are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of P.L.2019, c.157. Retirees must also have retired on a service retirement allowance or an ordinary disability retirement allowance.

This bill removes the filing deadline for a member or retiree to file a written and sworn statement with their respective retirement system to be eligible for the benefit. The bill also provides retirees who previously filed an eligibility registration form with their respective retirement system and who were denied because they filed outside of the previously required registration period the ability to petition the board of trustees of the respective retirement system for reconsideration.

In addition, the bill provides that members who retired with a special retirement allowance or accidental disability retirement allowance may file for a recalculation to an accidental disability retirement allowance in connection with a disability incurred due to participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations.

Under current law, in order to be eligible for the benefit, the member or retiree must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability. This bill allows the member or retiree to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will result in annual cost increases to the State of \$86,500 to \$159,000 and annual cost increases of \$91,500 to \$300,000 allocated among all municipalities whose employers are enrolled in the Police and Firemen's Retirement System. Some municipalities will have a greater cost than others depending on the number of affected employees.

Annual State and Local Government Cost Increase		
	Minimum	Maximum
State		
Accidental Disability	\$86,507	\$158,929
Local Government		
Accidental Disability	\$91,531	\$299,555
Total	\$178,038	\$458,485

The OLS estimates that providing a filing extension, requiring medical documentation, and allowing certain members of the Public Employees’ Retirement System, the Police and Firemen’s Retirement System, and the State Police Retirement System who participated in the 9/11 World Trade Center rescue, recovery, or cleanup operations to petition the respective board of trustees of the retirement systems for reconsideration or to resubmit the eligibility form for the presumption or recalculation granted under the bill for accidental disability retirement benefits will result in annual expenditure increases to the State of \$86,500 to \$159,000 and annual expenditure increases to local governments of \$91,500 to \$300,000 which will be allocated among all municipalities whose employees are enrolled in the Police and Firemen’s Retirement System. These amounts are based on the assumption that most applicants who are approved for an accidental disability retirement allowance or a recalculation to an accidental disability retirement allowance will gain a two percentage point increase in their annual pension allowance.

The table below displays the aforementioned annual cost increases for the State and local government portion, which will be allocated among all municipalities, broken out by retirement system. The OLS does not expect this bill to increase costs for the Public Employees’ Retirement System.

Annual Cost Increase by Retirement System		
	Minimum	Maximum
Police and Firemen’s Retirement System		
Accidental Disability	\$106,431	\$348,320
State Police Retirement System		
Accidental Disability	\$71,607	\$110,164
Total	\$178,038	\$458,485

Section: State Government

Analyst: Anna Harris
Associate Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

Posted on - 07/23/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

A-4178/S-4553 (Swain/Sarlo) - Authorizes State Treasurer to grant temporary deed of easement in Borough of Sea Girt in Monmouth County

A-5381/S-4402 (Kennedy, Atkins, Venezia, Quijano/Greenstein) - Provides medical documentation requirement for certain members of PERS, PFRS, and SPRS to receive accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations; removes filing deadline.