

43:16A-1; 43:16A-62.1

LEGISLATIVE HISTORY CHECKLIST

HJSA 43:16A-1, 43:16A-62.1 (County industrial trade instructors and identification officers -- Police and Firemen's Retirement System)

LAWS OF 1977 CHAPTER 207

Bill No. A1993

Sponsor(s) Codey

Date Introduced May 27, 1976

Committee: Assembly Municipal Government

Senate County & Municipal Government

Amended during passage ~~XXX~~ No

Date of Passage: Assembly April 18, 1977

Senate June 27, 1977

Date of approval September 8, 1977

Following statements are attached if available:

Sponsor statement Yes ~~XXX~~

Committee Statement: Assembly Yes ~~XXX~~

Senate Yes ~~XXX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing ~~XXX~~ No

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

DEPOSITION COPY
Do Not Remove From Library

9/1/78

ASSEMBLY, No. 1993

STATE OF NEW JERSEY

INTRODUCED MAY 27, 1976

By Assemblyman CODEY

Referred to Committee on Municipal Government

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

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

3 1. As used in this act:

4 (1) "Retirement system" shall mean the Police and Firemen's
5 Retirement System of New Jersey as defined in section 2 of this act.
6 (2) "Policeman or fireman" shall mean any permanent and full-
7 time active uniformed employee, and any active permanent and
8 full-time employee who is a detective, lineman, fire alarm operator
9 or inspector of combustibles of any police or fire department. It
10 shall also mean any permanent, active, and full-time officer
11 employee of the State of New Jersey with police powers and
12 holding one of the following titles: motor vehicles officer, motor
13 vehicles sergeant, motor vehicles lieutenant, motor vehicles captain,
14 assistant chief, bureau of enforcement, and chief, bureau of enforce-
15 ment in the Division of Motor Vehicles, inspectors, and investiga-
16 tors, in the Division of Alcoholic Beverage Control, conservation
17 officer, assistant district conservation officer, district conservation
18 officer, and chief conservation officer, in the Division of Fish, Game,
19 and Shell Fisheries, rangers, and chief ranger in the Bureau of
20 Parks, marine patrolman, senior marine patrolman, principal
21 marine patrolman, and chief, bureau of marine law enforcement,
22 correction officer, senior correction officer, correction officer
23 sergeant, correction officer lieutenant, correction officer captain,
24 and deputy keepers in the Division of Correction and Parole,
25 medical security officer, assistant supervising medical security

26 officer, and supervising medical security officer in the Department
27 of Institutions and Agencies, county detective, lieutenant of county
28 detectives, captain of county detectives, chief of county detectives,
29 and county investigator in the office of the county prosecutors,
30 sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer,
31 captain sheriff's officer, chief sheriff's officer, and sheriff's investi-
32 gator in the office of the county sheriffs, county correction officer,
33 county correction sergeant, county correction lieutenant, county
34 correction captain, and county deputy warden in the several county
35 jails, *industrial trade instructor and identification officer in a*
36 *county of the first class having a population of more than 925,000*
37 *inhabitants*, cottage officer, head cottage officer, interstate escort
38 officer, juvenile officer, head juvenile officer, assistant supervising
39 juvenile officer, supervising juvenile officer, patrolman capitol
40 police, patrolman institutions, sergeant patrolman institutions, and
41 supervising patrolman institutions and patrolman or other police
42 officer of the Board of Commissioners of the Palisades Interstate
43 Park appointed pursuant to R. S. 32:14-21.

44 (3) "Member" shall mean any policeman or fireman included
45 in the membership of the retirement system as provided in section
46 3 of this act.

47 (4) "Board of trustees" or "board" shall mean the board pro-
48 vided for in section 13 of this act.

49 (5) "Medical board" shall mean the board of physicians pro-
50 vided for in section 13 of this act.

51 (6) "Employer" shall mean the State of New Jersey, the county,
52 municipality or political subdivision thereof which pays the par-
53 ticular policeman or fireman.

54 (7) "Service" shall mean service as a policeman or fireman paid
55 for by an employer.

56 (8) "Creditable service" shall mean service rendered for which
57 credit is allowed as provided under section 4 of this act.

58 (9) "Regular interest" shall mean interest as determined
59 annually by the State Treasurer after consultation with the
60 Directors of the Divisions of Investment and Pensions and the
61 actuary of the system. It shall bear a reasonable relationship to
62 the percentage rate of earnings on investments but shall not exceed
63 105% of such percentage rate.

64 (10) "Aggregate contributions" shall mean the sum of all the
65 amounts, deducted from the compensation of a member or con-
66 tributed by him or on his behalf, standing to the credit of his in-
67 dividual account in the annuity savings fund.

68 (11) "Annuity" shall mean payments for life derived from the
69 aggregate contributions of a member.

70 (12) "Pension" shall mean payments for life derived from
71 contributions by the employer.

72 (13) "Retirement allowance" shall mean the pension plus the
73 annuity.

74 (14) "Earnable compensation" shall mean the full rate of the
75 salary that would be payable to an employee if he worked the full
76 normal working time for his position. In cases where salary in-
77 cludes maintenance, the retirement system shall fix the value of that
78 part of the salary not paid in money which shall be considered
79 under this act.

80 (15) "Average final compensation" shall mean the average
81 annual salary upon which contributions are made for the 3 years
82 of creditable service immediately preceding his retirement or death,
83 or it shall mean the average annual salary for which contributions
84 are made during any 3 fiscal years of his or her membership pro-
85 viding the largest possible benefit to the member or his beneficiary.

86 (16) "Retirement" shall mean the termination of the member's
87 active service with a retirement allowance granted and paid under
88 the provisions of this act.

89 (17) "Annuity reserve" shall mean the present value of all pay-
90 ments to be made on account of any annuity or benefit in lieu of
91 any annuity computed upon the basis of such mortality tables
92 recommended by the actuary as shall be adopted by the board of
93 trustees, and regular interest.

94 (18) "Pension reserve" shall mean the present value of all pay-
95 ments to be made on account of any pension or benefit in lieu of
96 any pension computed upon the basis of such mortality tables
97 recommended by the actuary as shall be adopted by the board of
98 trustees, and regular interest.

99 (19) "Actuarial equivalent" shall mean a benefit of equal value
100 when computed upon the basis of such mortality tables recom-
101 mended by the actuary as shall be adopted by the board of trustees,
102 and regular interest.

103 (20) "Beneficiary" shall mean any person receiving a retire-
104 ment allowance or other benefit as provided by this act.

105 (21) "Child" shall mean a deceased member's or retirant's
106 unmarried child either (a) under the age of 18 or (b) of any age
107 who, at the time of the member's or retirant's death, is disabled
108 because of mental retardation or physical incapacity, is unable to
109 do any substantial, gainful work because of the impairment and his
110 impairment has lasted or can be expected to last for a continuous

111 period of not less than 12 months, as affirmed by the medical board.

112 (22) "Parent" shall mean the parent of a member who was
113 receiving at least one-half of his support from the member in the
114 12-month period immediately preceding the member's death or the
115 accident which was the direct cause of the member's death. The
116 dependency of such a parent will be considered terminated by
117 marriage of the parent subsequent to the death of the member.

118 (23) "Widower" shall mean the man to whom a member or
119 retirant was married at least 5 years before the date of her death
120 and to whom she continued to be married until the date of her
121 death and who was receiving at least one-half of his support from
122 the member or retirant in the 12-month period immediately preced-
123 ing the member's or retirant's death or the accident which was the
124 direct cause of the member's death. The dependency of such a
125 widower will be considered terminated by marriage of the widower
126 subsequent to the death of the member or retirant. In the event of
127 the payment of an accidental death benefit, the 5-year qualification
128 shall be waived.

129 (24) "Widow" shall mean the woman to whom a member or
130 retirant was married at least 5 years before the date of his death
131 and to whom he continued to be married until the date of his death
132 and who has not remarried. In the event of the payment of an
133 accidental death benefit, the 5-year qualification shall be waived.

134 (25) "Fiscal year" shall mean any year commencing with July 1,
135 and ending with June 30, next following.

136 (26) "Compensation" shall mean the base salary, for services
137 as a member as defined in this act, which is in accordance with
138 established salary policies of the member's employer for all em-
139 ployees in the same position but shall not include individual salary
140 adjustments which are granted primarily in anticipation of the
141 member's retirement or additional remuneration for performing
142 temporary duties beyond the regular work day.

143 (27) "Department" shall mean any police or fire department of
144 a municipality or a fire department of a fire district located in a
145 township or a county police or park police department or the
146 appropriate department of the State or instrumentality thereof.

1 2. a. (New section) Any officer eligible to become a member pur-
2 suant to the amendatory provisions of this act who is enrolled in
3 the Public Employees' Retirement System or the county pension
4 fund created under P. L. 1943, c. 160 (C. 43:10-18.1 et seq.), shall
5 be permitted to transfer his membership from the aforementioned
6 system or fund to the Police and Firemen's Retirement System of
7 New Jersey in accordance with the provisions of P. L. 1973, c. 156
8 (C. 43:16A-62 et seq.).

9 Whenever in P. L. 1973, c. 156 a period of time is set which is to
10 be calculated from the effective date of said act, such time shall be
11 calculated from the effective date of this amendatory and supple-
12 mentary act for the purposes hereof.

13 b. Each new officer who begins employment following the effec-
14 tive date of the amendatory and supplementary act, shall be re-
15 quired to enroll in the Police and Firemen's Retirement System
16 of New Jersey as a condition of employment, provided he is other-
17 wise eligible for membership by meeting the appointment, age, and
18 health requirements prescribed of all members. As of the effective
19 date of the amendatory and supplementary act, the eligibility for
20 membership of such new officers in the Public Employees' Retire-
21 ment System shall be terminated and membership requirements of
22 such other system will be deemed satisfied by enrollment of such
23 employees in the Police and Firemen's Retirement System.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit industrial trade instructors and identification officers employed by Essex County to become members of the Police and Firemen's Retirement System. It provides that eligible officers may transfer their membership from the Public Employees' Retirement System or the Essex County Employees' Pension Fund to the Police and Firemen's Retirement System. The bill further provides that new appointees to the positions of industrial trade instructor and identification officer became members of the Police and Firemen's Retirement System as a condition of employment.

9 Whenever in P. L. 1973, c. 156 a period of time is set which is to
10 be calculated from the effective date of said act, such time shall be
11 calculated from the effective date of this amendatory and supple-
12 mentary act for the purposes hereof.

13 b. Each new officer who begins employment following the effec-
14 tive date of the amendatory and supplementary act, shall be re-
15 quired to enroll in the Police and Firemen's Retirement System
16 of New Jersey as a condition of employment, provided he is other-
17 wise eligible for membership by meeting the appointment, age, and
18 health requirements prescribed of all members. As of the effective
19 date of the amendatory and supplementary act, the eligibility for
20 membership of such new officers in the Public Employees' Retire-
21 ment System shall be terminated and membership requirements of
22 such other system will be deemed satisfied by enrollment of such
23 employees in the Police and Firemen's Retirement System.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit industrial trade instructors and identification officers employed by Essex County to become members of the Police and Firemen's Retirement System. It provides that eligible officers may transfer their membership from the Public Employees' Retirement System or the Essex County Employees' Pension Fund to the Police and Firemen's Retirement System. The bill further provides that new appointees to the positions of industrial trade instructor and identification officer became members of the Police and Firemen's Retirement System as a condition of employment.

REFERENCE USE ONLY

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1993

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1976

Assembly Bill No. 1933 would permit industrial trade instructors and identification officers employed by Essex county to enroll in the Police and Firemen's Retirement System. The bill provides that such officers may transfer their membership from the Public Employees' Retirement System or from the Essex County Employees' Pension Fund to PFRS. The bill also provides that any new appointees to such positions shall be required to become members of PFRS as a condition of employment.

According to the persons requesting this bill, the bill would affect approximately 17 persons now holding the positions of industrial trade instructor or identification officer in Essex county. The positions of industrial trade instructor and identification officer are promotional by examination from the ranks of Essex county correction officers. Essex county correction officers are already members of PFRS. The problem, therefore, is that in taking the promotion to such position from the position of county correction officer such persons would lose their membership and would then be required to enroll in the Essex County Employees' Pension Fund or PFRS at a significant loss of pension benefits.

The committee felt that this bill would address a significant oversight in the law, which should have been addressed at the time that Essex county correction officers were permitted to enroll in the Police and Firemen's Retirement System.

REFERENCE USE ONLY

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1993

STATE OF NEW JERSEY

DATED: JUNE 20, 1977

The Assembly committee statement along with the sponsor's statement adequately set forth the contents and objectives of the bill.

The intent of the Senate committee in reporting this bill favorably is that the provisions of this bill shall apply only to identification officers or industrial trade instructors who are qualified police officers, as is the case in the county of Essex.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 6, 1977

ANNE BURNS

Governor Brendan Byrne today signed A-1993, sponsored by Assemblyman Richard Codey, (D-Essex) which permits industrial trade instructors and identification officers employed by certain counties to become members of the Police and Firemen's Retirement System.

To be eligible the industrial trade instructors and identification officers must be employed in county correctional facilities in counties of the first class having a population of more than 925,000.

The bill specifically applies to Essex County and will affect approximately 17 persons currently holding these positions there.
