43:15A-47.3 and 43:16A-5.2

LEGISLATIVE HISTORY CHECKLIST

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| LAWS OF: | 2018 | СНАРТ | ER: | 96 | | | | | |
|----------------------------|--|--|---------------------------|------------------|------------------|-----------------------|--|--|--|
| NJSA: | firefighter | A-47.3 and 43:16A-5.2 (Provides that PERS or PFRS member who continues to be volunteer hter or emergency services worker after retirement with employer from whom member retires has bona everance for compliance with State and federal law.) | | | | | | | |
| BILL NO: | A1627 | (Identic | al Bill N | umber: S1873, A3 | 3611) | | | | |
| SPONSOR(S) | Schepisi | and others | | | | | | | |
| DATE INTROD | DUCED: 1/9/2018 | | | | | | | | |
| COMMITTEE: | A | ASSEMBLY: | Law & | Public Safety | | | | | |
| | S | SENATE: | State C | Government, Wag | ering, Tourism & | Historic Preservation | | | |
| AMENDED DU | NDED DURING PASSAGE: Yes | | | | | | | | |
| DATE OF PAS | DF PASSAGE: ASSEMBLY: 6/25/2018 | | | | | | | | |
| | | SENAT | E: | 6/25/2018 | | | | | |
| DATE OF APP | F APPROVAL: 8/17/2018 | | | | | | | | |
| | ING ARE ATTACHED IF AVAILABLE: | | | | | | | | |
| FINAL | TEXT OF | BILL (First Rep | irst Reprint enacted) Yes | | | | | | |
| A1627 | | | | | | | | | |
| | SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes | | | | | | | | |
| COMMITTEE STATEMENT: | | | | | ASSEMBLY: | Yes | | | |
| | | | | | SENATE: | Yes | | | |
| | ved recordings of the committee meetings, corresponding to the date of the committee statement, <i>may possibly</i> vww.njleg.state.nj.us) | | | | | | | | |
| FLOOR AMENDMENT STATEMENT: | | | | | | Yes | | | |
| | LEGISLA | TIVE FISCAL | ESTIM | ATE: | | No | | | |
| S1873 | | | | | | | | | |

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: No SENATE: Yes

(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)

(continued)

FLOOR AMENDMENT STATEMENT: Y

Yes

No

LEGISLATIVE FISCAL ESTIMATE:

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

| COMMITTEE STATEMENT: | ASSEMBLY: | No |
|----------------------|-----------|----|
| | SENATE: | No |

(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: | No | | |
| VETO MESSAGE: | | | |
| GOVERNOR'S PRESS RELEASE ON SIGNING: | | | |

FOLLOWING WERE PRINTED:

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HEARINGS:

NEWSPAPER ARTICLES:

RH/CL

P.L. 2018, CHAPTER 96, approved August 17, 2018 Assembly, No. 1627 (First Reprint)

AN ACT concerning retirement from employment covered by the
 Public Employees' Retirement System and the Police and
 Firemen's Retirement System, and supplementing P.L.1954,
 c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et seq.).

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

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10 1. The retirement of a member of the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-11 12 1 et seq.), who (1) on the date of retirement has attained the service 13 retirement age applicable to that member and is a volunteer firefighter 14 or first aid worker, rescue squad worker, or emergency medical technician serving as a volunteer ¹[with the same employer from 15 whose employment the member retires **]** in the same jurisdiction¹; and 16 17 (2) remains a volunteer firefighter or first aid worker, rescue squad 18 worker, or emergency medical technician serving as a volunteer after the date of retirement ¹as long as the employee's job duties were 19 20 substantially different or, if the employee's job duties were similar, the employee has a break in service of at least 30 days after retirement¹, 21 22 shall be a bona fide severance from employment, notwithstanding that 23 the retired employee maintains the relationship of a volunteer 24 firefighter or first aid worker, rescue squad worker, or emergency medical technician serving as a volunteer with the same employer 25 26 from whose employment the member retired. This act shall be 27 effective if the qualified status of the retirement system under federal 28 law can be maintained upon its application, and such modifications to 29 the system as may be available shall be made to allow for its 30 application.

Notwithstanding any other provisions of law to the contrary, the provisions of this section shall not be construed to permit a paid firefighter employed by a part-paid fire department to serve as a volunteer with the department from which the paid firefighter retired.

2. The retirement of a member of the Police and Firemen's
Retirement System, established pursuant to P.L.1944,
c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has
attained the service retirement age applicable to that member and is a
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 <u>thus</u> is new matter.

Matter enclosed in superscript numerals has been adopted as follows: ¹Senate floor amendments adopted June 21, 2018.

2

volunteer firefighter or first aid worker, rescue squad worker, or 1 2 emergency medical technician serving as a volunteer ¹[with the same employer from whose employment the member retires in the same 3 jurisdiction¹; and (2) remains a volunteer firefighter or first aid 4 5 worker, rescue squad worker, or emergency medical technician serving 6 as a volunteer after the date of retirement 1as long as the employee's7 job duties were substantially different or, if the employee's job duties 8 were similar, the employee has a break in service of at least 30 days after retirement¹, shall be a bona fide severance from employment, 9 10 notwithstanding that the retired employee maintains the relationship of 11 a volunteer firefighter or first aid worker, rescue squad_worker, or 12 emergency medical technician serving as a volunteer with the same employer from whose employment the member retired. This act shall 13 14 be effective if the qualified status of the retirement system under 15 federal law can be maintained upon its application, and such 16 modifications to the system as may be available shall be made to allow 17 for its application. 18 Notwithstanding any other provisions of law to the contrary, the 19 provisions of this section shall not be construed to permit a paid 20 firefighter employed by a part-paid fire department to serve as a 21 volunteer with the department from which the paid firefighter retired. 22 23 3. This act shall take effect immediately. 24 25 26 27 28 Provides that PERS or PFRS member who continues to be 29 volunteer firefighter or emergency services worker after retirement 30 with employer from whom member retires has bona fide severance

for compliance with State and federal law.

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ASSEMBLY, No. 1627 STATE OF NEW JERSEY 218th LEGISLATURE

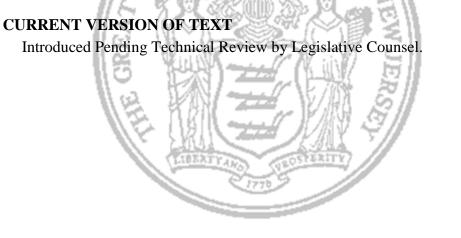
PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by: Assemblywoman HOLLY T. SCHEPISI District 39 (Bergen and Passaic) Assemblyman ANTHONY M. BUCCO District 25 (Morris and Somerset) Assemblyman ROBERT AUTH District 39 (Bergen and Passaic) Assemblyman JOE DANIELSEN District 17 (Middlesex and Somerset) Assemblyman JOHN DIMAIO District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by: Assemblyman Space, Assemblywoman N.Munoz, Assemblyman Johnson and Assemblywoman Chaparro

SYNOPSIS

Provides that PERS or PFRS member who continues to be volunteer firefighter or emergency services worker after retirement with employer from whom member retires has bona fide severance for compliance with State and federal law.



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AN ACT concerning retirement from employment covered by the
Public Employees' Retirement System and the Police and
Firemen's Retirement System, and supplementing P.L.1954,
c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et seq.).

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

8 9

1. The retirement of a member of the Public Employees' 10 11 established pursuant Retirement System, to P.L.1954, 12 c.84 (C.43:15A-1 et seq.), who (1) on the date of retirement has 13 attained the service retirement age applicable to that member and is a volunteer firefighter or first aid worker, rescue squad worker, or 14 15 emergency medical technician serving as a volunteer with the same 16 employer from whose employment the member retires; and (2) 17 remains a volunteer firefighter or first aid worker, rescue squad 18 worker, or emergency medical technician serving as a volunteer after 19 the date of retirement, shall be a bona fide severance from employment, notwithstanding that the retired employee maintains the 20 21 relationship of a volunteer firefighter or first aid worker, rescue squad 22 worker, or emergency medical technician serving as a volunteer with 23 the same employer from whose employment the member retired. This 24 act shall be effective if the qualified status of the retirement system 25 under federal law can be maintained upon its application, and such 26 modifications to the system as may be available shall be made to allow 27 for its application.

Notwithstanding any other provisions of law to the contrary, the provisions of this section shall not be construed to permit a paid firefighter employed by a part-paid fire department to serve as a volunteer with the department from which the paid firefighter retired.

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33 2. The retirement of a member of the Police and Firemen's 34 Retirement System, established pursuant to P.L.1944, 35 c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has 36 attained the service retirement age applicable to that member and is a 37 volunteer firefighter or first aid worker, rescue squad worker, or 38 emergency medical technician serving as a volunteer with the same 39 employer from whose employment the member retires; and (2) 40 remains a volunteer firefighter or first aid worker, rescue squad 41 worker, or emergency medical technician serving as a volunteer after 42 the date of retirement, shall be a bona fide severance from 43 employment, notwithstanding that the retired employee maintains the 44 relationship of a volunteer firefighter or first aid worker, rescue squad 45 worker, or emergency medical technician serving as a volunteer with 46 the same employer from whose employment the member retired. This 47 act shall be effective if the qualified status of the retirement system 48 under federal law can be maintained upon its application, and such

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modifications to the system as may be available shall be made to allow 1 2 for its application. 3 Notwithstanding any other provisions of law to the contrary, the 4 provisions of this section shall not be construed to permit a paid 5 firefighter employed by a part-paid fire department to serve as a 6 volunteer with the department from which the paid firefighter retired. 7 8 3. This act shall take effect immediately. 9 10 11 **STATEMENT** 12 13 This bill allows certain retiring members of the Public Employees' 14 Retirement System (PERS) and the Police and Firemen's Retirement 15 System (PFRS) to retain emergency management volunteer status with 16 the employer from whom they retire. Specifically, the bill allows 17 retiring members to retain volunteer firefighter, first aid worker, rescue 18 squad worker, or emergency medical technician positions. 19 Under the bill, the retirement of a member of PERS or PFRS, who (1) on the date of retirement has attained the service retirement age 20 applicable to that member and is a volunteer firefighter, first aid 21 22 worker, rescue squad worker, or emergency medical technician with 23 the same employer from whose employment the member retires; and 24 (2) remains a volunteer firefighter, first aid worker, rescue squad 25 worker, or emergency medical technician after retirement, will be 26 considered a bona fide severance from employment. Service 27 retirement age for PERS members enrolled before November 1, 2008 28 is age 60. It is age 62 for those enrolled on or after November 1, 2008 29 and age 65 for those enrolled on or after June 28, 2011. Service 30 retirement age for PFRS members is age 55. 31 A regulation of the Division of Pensions and Benefits in the 32 Department of the Treasury, in compliance with the federal Internal Revenue Code, provides, "Bona fide severance from employment' 33 34 means a complete termination of the employee's employment 35 relationship with the employer for a period of at least 180 days." 36 N.J.A.C.17:1-17.14(a)2. The division has advised local governments 37 that a retired employee's return to the same employer in any capacity, 38 including as a volunteer, will invalidate the retirement because the 39 employer/employee relationship has not been completely severed. 40 The bill allows persons with a pre-existing volunteer relationship 41 as a firefighter, first aid worker, rescue squad worker, or emergency 42 medical technician with their employer to retire from service 43 covered by PERS or PFRS and continue to serve that employer as a 44 volunteer. 45 The bill also provides that it will be effective if the qualified status 46 of PERS and PFRS under federal law can be maintained upon its 47 application. The bill directs the division to make modifications to the

A1627 SCHEPISI, A.M.BUCCO

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system to allow for the bill's application while maintaining the
 qualified status of the plans.

- 3 The bill also prohibits paid firefighters employed by part-paid fire
- 4 departments which utilize both career and volunteer firefighters from
- 5 volunteering with the department from which they retired.

STATEMENT TO

ASSEMBLY, No. 1627

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1627.

Assembly Bill No. 1627 allows certain retiring members of the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS) to retain emergency management volunteer status with the employer from whom they retire. Specifically, the bill allows retiring members to retain volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician positions.

Under the bill, the retirement of a member of PERS or PFRS, who: (1) on the date of retirement has attained the service retirement age applicable to that member and is a volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician with the same employer from whose employment the member retires; and (2) remains a volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician after retirement, will be considered a bona fide severance from employment. Service retirement age for PERS members enrolled before November 1, 2008 is age 60. It is age 62 for those enrolled on or after November 1, 2008 and age 65 for those enrolled on or after June 28, 2011. Service retirement age for PFRS members is age 55.

A regulation of the Division of Pensions and Benefits in the Department of the Treasury, in compliance with the federal Internal Revenue Code, provides, "Bona fide severance from employment' means a complete termination of the employee's employment relationship with the employer for a period of at least 180 days." N.J.A.C.17:1-17.14(a)2. The division has advised local governments that a retired employee's return to the same employer in any capacity, including as a volunteer, will invalidate the retirement because the employer/employee relationship has not been completely severed.

The bill allows persons with a pre-existing volunteer relationship as a firefighter, first aid worker, rescue squad worker, or emergency medical technician with their employer to retire from service covered by PERS or PFRS and continue to serve that employer as a volunteer.

The bill also provides that it will be effective if the qualified status of PERS and PFRS under federal law can be maintained upon its application. The bill directs the division to make modifications to the system to allow for the bill's application while maintaining the qualified status of the plans.

The bill also prohibits paid firefighters employed by part-paid fire departments which utilize both career and volunteer firefighters from volunteering with the department from which they retired.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE STATE GOVERNMENT, WAGERING, TOURISM & HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1627

STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Assembly Bill No. 1627.

This bill allows certain retiring members of the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS) to retain emergency management volunteer status with the employer from whom they retire. Specifically, the bill allows retiring members to retain volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician positions.

Under the bill, the retirement of a member of PERS or PFRS, who (1) on the date of retirement has attained the service retirement age applicable to that member and is a volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician with the same employer from whose employment the member retires; and (2) remains a volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician after retirement, will be considered a bona fide severance from employment. Service retirement age for PERS members enrolled before November 1, 2008 is age 60. It is age 62 for those enrolled on or after November 1, 2008 and age 65 for those enrolled on or after June 28, 2011. Service retirement age for PFRS members is age 55.

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The bill allows persons with a pre-existing volunteer relationship as a firefighter, first aid worker, rescue squad worker, or emergency medical technician with their employer to retire from service covered by PERS or PFRS and continue to serve that employer as a volunteer.

The bill also provides that it will be effective if the qualified status of PERS and PFRS under federal law can be maintained upon its application. The bill directs the division to make modifications to the system to allow for the bill's application while maintaining the qualified status of the plans.

The bill also prohibits paid firefighters employed by part-paid fire departments which utilize both career and volunteer firefighters from volunteering with the department from which they retired.

STATEMENT TO

ASSEMBLY, No. 1627

with Senate Floor Amendments (Proposed by Senator SARLO)

ADOPTED: JUNE 21, 2018

These Senate amendments require a member of the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS) to have a break in service of at least 30 days after retirement before resuming volunteer service if the retiree's job duties before retirement were similar to the volunteer duties.

SENATE, No. 1873 **STATE OF NEW JERSEY** 218th LEGISLATURE

INTRODUCED FEBRUARY 15, 2018

Sponsored by: Senator PAUL A. SARLO District 36 (Bergen and Passaic) Senator THOMAS H. KEAN, JR. District 21 (Morris, Somerset and Union)

Co-Sponsored by: Senators Corrado, Oroho, Pennacchio and A.R.Bucco

SYNOPSIS

Provides that PERS or PFRS member who continues to be volunteer firefighter or emergency services worker after retirement with employer from whom member retires has bona fide severance for compliance with State and federal law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/15/2018)

S1873 SARLO, T.KEAN 2

2

AN ACT concerning retirement from employment covered by the
Public Employees' Retirement System and the Police and
Firemen's Retirement System, and supplementing P.L.1954,
c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et seq.).

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

10 1. The retirement of a member of the Public Employees' 11 System, established Retirement pursuant to P.L.1954, 12 c.84 (C.43:15A-1 et seq.), who (1) on the date of retirement has 13 attained the service retirement age applicable to that member and is a 14 volunteer firefighter or first aid worker, rescue squad worker, or 15 emergency medical technician serving as a volunteer with the same 16 employer from whose employment the member retires; and (2) 17 remains a volunteer firefighter or first aid worker, rescue squad 18 worker, or emergency medical technician serving as a volunteer after 19 the date of retirement, shall be a bona fide severance from 20 employment, notwithstanding that the retired employee maintains the 21 relationship of a volunteer firefighter or first aid worker, rescue squad 22 worker, or emergency medical technician serving as a volunteer with 23 the same employer from whose employment the member retired. This 24 act shall be effective if the qualified status of the retirement system 25 under federal law can be maintained upon its application, and such 26 modifications to the system as may be available shall be made to allow 27 for its application.

Notwithstanding any other provisions of law to the contrary, the provisions of this section shall not be construed to permit a paid firefighter employed by a part-paid fire department to serve as a volunteer with the department from which the paid firefighter retired.

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33 2. The retirement of a member of the Police and Firemen's 34 Retirement System, established pursuant to P.L.1944, 35 c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has 36 attained the service retirement age applicable to that member and is a 37 volunteer firefighter or first aid worker, rescue squad worker, or 38 emergency medical technician serving as a volunteer with the same 39 employer from whose employment the member retires; and (2) 40 remains a volunteer firefighter or first aid worker, rescue squad 41 worker, or emergency medical technician serving as a volunteer after 42 the date of retirement, shall be a bona fide severance from 43 employment, notwithstanding that the retired employee maintains the 44 relationship of a volunteer firefighter or first aid worker, rescue squad 45 worker, or emergency medical technician serving as a volunteer with 46 the same employer from whose employment the member retired. This 47 act shall be effective if the qualified status of the retirement system 48 under federal law can be maintained upon its application, and such

3

1 modifications to the system as may be available shall be made to allow 2 for its application. 3 Notwithstanding any other provisions of law to the contrary, the 4 provisions of this section shall not be construed to permit a paid 5 firefighter employed by a part-paid fire department to serve as a volunteer with the department from which the paid firefighter retired. 6 7 8 3. This act shall take effect immediately. 9 10 **STATEMENT** 11 12 13 This bill allows certain retiring members of the Public Employees' 14 Retirement System (PERS) and the Police and Firemen's Retirement 15 System (PFRS) to retain emergency management volunteer status with 16 the employer from whom they retire. Specifically, the bill allows 17 retiring members to retain volunteer firefighter, first aid worker, rescue 18 squad worker, or emergency medical technician positions. 19 Under the bill, the retirement of a member of PERS or PFRS, who 20 (1) on the date of retirement has attained the service retirement age 21 applicable to that member and is a volunteer firefighter, first aid 22 worker, rescue squad worker, or emergency medical technician with 23 the same employer from whose employment the member retires; and 24 (2) remains a volunteer firefighter, first aid worker, rescue squad 25 worker, or emergency medical technician after retirement, will be 26 considered a bona fide severance from employment. Service 27 retirement age for PERS members enrolled before November 1, 2008 is age 60. It is age 62 for those enrolled on or after November 1, 2008 28 29 and age 65 for those enrolled on or after June 28, 2011. Service 30 retirement age for PFRS members is age 55. 31 A regulation of the Division of Pensions and Benefits in the Department of the Treasury, in compliance with the federal Internal 32 Revenue Code, provides, "Bona fide severance from employment' 33 34 means a complete termination of the employee's employment 35 relationship with the employer for a period of at least 180 days." 36 N.J.A.C.17:1-17.14(a)2. The division has advised local governments 37 that a retired employee's return to the same employer in any capacity, including as a volunteer, will invalidate the retirement because the 38 39 employer/employee relationship has not been completely severed. 40 The bill allows persons with a pre-existing volunteer relationship 41 as a firefighter, first aid worker, rescue squad worker, or emergency 42 medical technician with their employer to retire from service 43 covered by PERS or PFRS and continue to serve that employer as a 44 volunteer. 45 The bill also provides that it will be effective if the qualified status 46 of PERS and PFRS under federal law can be maintained upon its application. The bill directs the division to make modifications to the 47

- system to allow for the bill's application while maintaining the
 qualified status of the plans.
- 3 The bill also prohibits paid firefighters employed by part-paid fire
- 4 departments which utilize both career and volunteer firefighters from
- 5 volunteering with the department from which they retired.

SENATE STATE GOVERNMENT, WAGERING, TOURISM & HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 1873

STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 1873.

This bill allows certain retiring members of the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS) to retain emergency management volunteer status with the employer from whom they retire. Specifically, the bill allows retiring members to retain volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician positions.

Under the bill, the retirement of a member of PERS or PFRS, who (1) on the date of retirement has attained the service retirement age applicable to that member and is a volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician with the same employer from whose employment the member retires; and (2) remains a volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician after retirement, will be considered a bona fide severance from employment. Service retirement age for PERS members enrolled before November 1, 2008 is age 60. It is age 62 for those enrolled on or after November 1, 2008 and age 65 for those enrolled on or after June 28, 2011. Service retirement age for PFRS members is age 55.

A regulation of the Division of Pensions and Benefits in the Department of the Treasury, in compliance with the federal Internal Revenue Code, provides, "Bona fide severance from employment' means a complete termination of the employee's employment relationship with the employer for a period of at least 180 days." N.J.A.C.17:1-17.14(a)2. The division has advised local governments that a retired employee's return to the same employer in any capacity, including as a volunteer, will invalidate the retirement because the employer/employee relationship has not been completely severed.

The bill allows persons with a pre-existing volunteer relationship as a firefighter, first aid worker, rescue squad worker, or emergency medical technician with their employer to retire from service covered by PERS or PFRS and continue to serve that employer as a volunteer.

The bill also provides that it will be effective if the qualified status of PERS and PFRS under federal law can be maintained upon its application. The bill directs the division to make modifications to the system to allow for the bill's application while maintaining the qualified status of the plans.

The bill also prohibits paid firefighters employed by part-paid fire departments which utilize both career and volunteer firefighters from volunteering with the department from which they retired.

STATEMENT TO

SENATE, No. 1873

with Senate Floor Amendments (Proposed by Senator SARLO)

ADOPTED: JUNE 21, 2018

These Senate amendments require a member of the Public Employees' Retirement System (PERS) and the Police and Firemen's Retirement System (PFRS) to have a break in service of at least 30 days after retirement before resuming volunteer service if the retiree's job duties before retirement were similar to the volunteer duties.

ASSEMBLY, No. 3611 STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 12, 2018

Sponsored by: Assemblyman CLINTON CALABRESE District 36 (Bergen and Passaic)

SYNOPSIS

Provides that PERS or PFRS member who continues to be volunteer firefighter or emergency services worker after retirement with employer from whom member retires has bona fide severance for compliance with State and federal law.

CURRENT VERSION OF TEXT

As introduced.



A3611 CALABRESE

2

AN ACT concerning retirement from employment covered by the
Public Employees' Retirement System and the Police and
Firemen's Retirement System, and supplementing P.L.1954,
c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et seq.).

6 7

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

8 9

10 1. The retirement of a member of the Public Employees' 11 System, established Retirement pursuant to P.L.1954, 12 c.84 (C.43:15A-1 et seq.), who (1) on the date of retirement has 13 attained the service retirement age applicable to that member and is a 14 volunteer firefighter or first aid worker, rescue squad worker, or 15 emergency medical technician serving as a volunteer with the same 16 employer from whose employment the member retires; and (2) 17 remains a volunteer firefighter or first aid worker, rescue squad 18 worker, or emergency medical technician serving as a volunteer after 19 the date of retirement, shall be a bona fide severance from 20 employment, notwithstanding that the retired employee maintains the 21 relationship of a volunteer firefighter or first aid worker, rescue squad 22 worker, or emergency medical technician serving as a volunteer with 23 the same employer from whose employment the member retired. This 24 act shall be effective if the qualified status of the retirement system 25 under federal law can be maintained upon its application, and such 26 modifications to the system as may be available shall be made to allow 27 for its application.

Notwithstanding any other provisions of law to the contrary, the provisions of this section shall not be construed to permit a paid firefighter employed by a part-paid fire department to serve as a volunteer with the department from which the paid firefighter retired.

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33 2. The retirement of a member of the Police and Firemen's 34 Retirement System, established pursuant to P.L.1944, 35 c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has 36 attained the service retirement age applicable to that member and is a 37 volunteer firefighter or first aid worker, rescue squad worker, or 38 emergency medical technician serving as a volunteer with the same 39 employer from whose employment the member retires; and (2) 40 remains a volunteer firefighter or first aid worker, rescue squad 41 worker, or emergency medical technician serving as a volunteer after 42 the date of retirement, shall be a bona fide severance from 43 employment, notwithstanding that the retired employee maintains the 44 relationship of a volunteer firefighter or first aid worker, rescue squad 45 worker, or emergency medical technician serving as a volunteer with 46 the same employer from whose employment the member retired. This 47 act shall be effective if the qualified status of the retirement system 48 under federal law can be maintained upon its application, and such

A3611 CALABRESE

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1 modifications to the system as may be available shall be made to allow 2 for its application. 3 Notwithstanding any other provisions of law to the contrary, the 4 provisions of this section shall not be construed to permit a paid 5 firefighter employed by a part-paid fire department to serve as a volunteer with the department from which the paid firefighter retired. 6 7 8 3. This act shall take effect immediately. 9 10 **STATEMENT** 11 12 This bill allows certain retiring members of the Public Employees' 13 14 Retirement System (PERS) and the Police and Firemen's Retirement 15 System (PFRS) to retain emergency management volunteer status with 16 the employer from whom they retire. Specifically, the bill allows 17 retiring members to retain volunteer firefighter, first aid worker, rescue 18 squad worker, or emergency medical technician positions. 19 Under the bill, the retirement of a member of PERS or PFRS, who 20 (1) on the date of retirement has attained the service retirement age 21 applicable to that member and is a volunteer firefighter, first aid 22 worker, rescue squad worker, or emergency medical technician with 23 the same employer from whose employment the member retires; and 24 (2) remains a volunteer firefighter, first aid worker, rescue squad 25 worker, or emergency medical technician after retirement, will be 26 considered a bona fide severance from employment. Service 27 retirement age for PERS members enrolled before November 1, 2008 is age 60. It is age 62 for those enrolled on or after November 1, 2008 28 29 and age 65 for those enrolled on or after June 28, 2011. Service 30 retirement age for PFRS members is age 55. 31 A regulation of the Division of Pensions and Benefits in the Department of the Treasury, in compliance with the federal Internal 32 Revenue Code, provides, "Bona fide severance from employment' 33 34 means a complete termination of the employee's employment 35 relationship with the employer for a period of at least 180 days." 36 N.J.A.C.17:1-17.14(a)2. The division has advised local governments 37 that a retired employee's return to the same employer in any capacity, including as a volunteer, will invalidate the retirement because the 38 39 employer/employee relationship has not been completely severed. 40 The bill allows persons with a pre-existing volunteer relationship 41 as a firefighter, first aid worker, rescue squad worker, or emergency 42 medical technician with their employer to retire from service 43 covered by PERS or PFRS and continue to serve that employer as a 44 volunteer. 45 The bill also provides that it will be effective if the qualified status 46 of PERS and PFRS under federal law can be maintained upon its application. The bill directs the division to make modifications to the 47

A3611 CALABRESE 4

- system to allow for the bill's application while maintaining the
 qualified status of the plans.
- 3 The bill also prohibits paid firefighters employed by part-paid fire
- 4 departments which utilize both career and volunteer firefighters from
- 5 volunteering with the department from which they retired.



Governor Murphy Takes Action on Legislation

08/17/2018

TRENTON – Governor Phil Murphy earlier today signed the following bills into law:

AJR-125/SJR-85 (Quijano, Jimenez/Pou, Cruz-Perez) - Designates June 20th annually as "World Refugee Day" in New Jersey.

ACS for A-538/S-2257 (Mazzeo, Murphy, Mukherji/Beach) - Permits county governing body, with approval of county board of taxation, to revise real property assessment calendar.

A-1033/S-1760 (Johnson, Vainieri Huttle/Weinberg) - Makes Palisades Interstate Park Commission eligible for certain open space and historic preservation funding.

A-1627/S-1873 (Schepisi, A.M. Bucco, Auth, Danielsen, DiMaio/Sarlo, T. Kean) - Provides that PERS or PFRS member who continues to be volunteer firefighter or emergency services worker after retirement with employer from whom member retires has bona fide severance for compliance with State and federal law.

A-2041/S-1840 (Coughlin, Holley, Pintor Marin/Vitale, Gopal) - Establishes "Economic Redevelopment and Growth Grant Bond Financing Act," authorizing issuance of bonds secured by pledge of Economic Redevelopment and Growth Grant proceeds, municipal liens, and special assessment; expands "Redevelopment Area Bond Financing Law;" extends time to complete certain projects under "Long Term Tax Exemption Law".

ACS for A-2747, 880/S-1532 (Houghtaling, Downey, Munoz, Danielsen/Bateman) - Limits time continuing care retirement communities may retain refundable entrance fee after resident vacates facility; provides for disposition of certain personal property.

A-3704/S-2550 (DeAngelo, Space, Quijano/Cryan, Sweeney) - Clarifies training requirements of certain HVACR contractors.

A-3765/S-2456 (Houghtaling, Downey, Jones, Wimberly/Gopal, Oroho) - Permits school district superintendent to designate school employee with certain expertise as school safety specialist.

A-3888/S-2498 (Houghtaling, Downey, Egan/Gopal, Scutari) - Allows issuance of additional alcoholic beverage licenses within boundaries of formerly federally owned or operated military installations.

A-4065/S-2724 (Lopez, Mukherji/Vitale) - Authorizes State Treasurer to sell surplus real property located in Township of Woodbridge, Middlesex County.

A-4194/S-2738 (Coughlin/Weinberg, Beach) - Requires NJ Historical Commission to establish program for commemorations and observance of 250th anniversary of United States; permits commission to enter into public-private partnership agreement in preparation of anniversary; appropriates \$500,000.

S-767/A-3829 (Cunningham, Sweeney, T. Kean/Jasey) - Directs Secretary of Higher Education to establish

communication campaign to encourage students to enroll in 30 credits per year and institutions to report to secretary on strategies and incentives to accomplish this goal.

S-1265/A-3634 (Turner, Cruz-Perez, Singer/Jasey, Pinkin) - Provides that no more than 120 credits will be required for baccalaureate degree awarded by a public institution and no more than 60 credits for associate degree.

| Governor Phil M | Statewide | | |
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| Opportunities | Statements on | | |
| Governor's Residence | Legislation | | |
| - Drumthwacket | Administration Reports | | |
| | ÷ | | |
| | Transition Reports | | |

Back to Top

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