

SENATE, No. 922

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 21, 1970

By Senators SCHIAFFO, HAGEDORN, WOODCOCK
and DICKINSON

Referred to Committee on County and Municipal Government

AN ACT to amend "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 8 of P. L. 1944, c. 255 (C. 43:16A-8) is amended to
2 read as follows:

3 8. (1) Upon the receipt by the retirement system of a written
4 application for a disability retirement allowance, the system shall
5 refer the application to the medical board, which shall designate a
6 physician or physicians to examine the applicant and the report of
7 the medical board shall be considered by the board of trustees in
8 acting upon such application.

9 (2) Any beneficiary under the age of 55 years who has been
10 retired on a disability retirement allowance under this act, on his
11 request or upon the request of the board of trustees shall be given
12 a medical examination and he shall submit to an examination by a
13 physician or physicians designated by the medical board at such
14 place to be mutually agreed upon, twice a year for a period of 3
15 years and once a year thereafter in order to determine whether or
16 not the disability which existed at the time he was retired has
17 vanished or has materially diminished. If the report of the medical
18 board shall show that such beneficiary is able to perform either his
19 former duty or any other available duty in the department which
20 his employer is willing to assign to him, the beneficiary shall report
21 for duty within 10 days. If the beneficiary fails to submit to any
22 such medical examination or fails to return to duty within 10 days
23 after being ordered so to do, or within such further time as may be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

24 allowed by the board of trustees for valid reason, as the case may
25 be, the pension shall be discontinued during such default.

26 (3) [If such beneficiary is engaged in an occupation paying more
27 than the difference between (a) his retirement allowance and (b)
28 the salary now attributable to his former position in the police or
29 fire department plus 25% in excess of such salary, the amount of his
30 pension shall be reduced to an amount which, together with his
31 annuity and the amount of his earnings, shall equal the amount of
32 the salary now attributable to his former position in the police and
33 fire department plus 25% in excess of such salary. Should his earn-
34 ings be later changed, the amount of his pension shall be further
35 modified; provided, that the new position shall not exceed the
36 amount of the pension originally granted.] (*Deleted by amend-*
37 *ment.*)

38 (4) A beneficiary restored to active service at a salary not less
39 than the salary he received at the time he was retired shall become
40 a member of the retirement system and shall be entitled to his
41 previous total service credit, but on his subsequent retirement, he
42 shall not receive a greater pension on account of his service
43 rendered before his previous retirement than he was entitled to
44 receive at the time of his restoration, anything to the contrary
45 notwithstanding.

1 2. This act shall take effect immediately.