

43:7-9

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:7-9 (Correction officers - pensions)

Laws of 1973 Chapter 155

Bill No. S2309

Sponsor(s) Schiaffo

Date Introduced April 26, 1973

Committee: Assembly -

Senate -

Amended during passage Yes No

Date of passage: Assembly April 30

Senate April 26

Date of approval June 1, 1973

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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SENATE, No. 2309

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1973

By Senator SCHLAFFO

(Without Reference)

AN ACT to amend and supplement "An act providing for the retirement of certain persons holding office, position or employment in State penal institutions and providing a pension for such persons and their dependents," passed June 24, 1941 (P. L. 1941, c. 220), as said Title was amended by P. L. 1943, c. 193.

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

1 1. Section 1 of P. L. 1941, c. 220 (C. 43:7-7) is amended to read  
2 as follows:

3 1. *a.* Hereafter, any such prison officer, as hereinafter set forth,  
4 who shall have served in the employ of the State of New Jersey  
5 continuously, or in the aggregate, for a period of 20 years, and  
6 who shall have attained the age of 55 years, shall, upon his own  
7 application, be retired on one-half pay, or 2% of his average final  
8 compensation multiplied by the number of years of his creditable  
9 service up to **[25]** 30 plus 1% of his average final compensation  
10 multiplied by the number of years of creditable service in excess  
11 of **[25]** 30 years rendered prior to his reaching age 65, whichever  
12 is greater.

13 *b.* A prison officer who is an active member of the pension fund  
14 and who has established credit in the pension fund for 15 or more  
15 years of service, but shall not have attained the age of 55 years,  
16 may, on his own application, be retired and apply for a deferred  
17 pension. Upon attainment of 55 years of age, he shall be entitled  
18 to a pension in the amount of 2% of his average final compensation  
19 multiplied by the number of years of his creditable service up to  
20 30 plus 1% of his average final compensation multiplied by the  
21 number of years of creditable service in excess of 30 years.

1 2. Section 3 of P. L. 1941, c. 220 (C. 43:7-9) is amended to read  
2 as follows:

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

3 3. [In the event that such prison officer, who, having paid into  
4 the fund the full amount of his annual assessments or contribu-  
5 tions, shall die as a result of injuries or illness received or in-  
6 curred in the performance of his duties; or in the event that any  
7 such prison officer shall have served in the employ of the State in  
8 the aggregate for 5 years, and has paid into the fund the full  
9 amount of his annual assessments or contributions, has died or  
10 shall die from causes other than injuries or illness received or  
11 incurred in the performance of his duties; or in the event that any  
12 prison officer shall have been retired and pensioned under the pro-  
13 visions of this act and shall die; then and in each of such events,  
14 but subject to the limitations hereinafter provided, a pension in  
15 an amount of \$1,600.00 annually shall be paid to the widow, children  
16 under the age of 18 years, or dependent parents, as the case may  
17 be; provided, however, that no pension shall be paid to any widow  
18 if she married her deceased husband after the date of his retire-  
19 ment or after he shall have arrived at the age of 55 years. The  
20 pension as aforesaid shall be paid to the widow during her natural  
21 life unless she remarries. In the event that there shall be no widow  
22 surviving said employee, or no widow qualified to take under this  
23 act, or in the event that the said widow shall subsequently die, or  
24 remarry, and said employee shall have left him surviving children  
25 under the age of 18 years, then and in such event, the payments  
26 to said children under the age of 18 years shall be made as follows:  
27 If there be but one child the sum of \$80.00 shall be paid to such  
28 child monthly until he or she shall arrive at the age of 18 years;  
29 if there are two children or more, \$1,600.00 annually shall be paid  
30 to such children who have not attained the age of 18 years, in equal  
31 shares. In the event that there is no widow and no children under  
32 the age of 18 years, at the time of the death of such prison officer,  
33 then such pension shall be paid to the dependent parent, or parents,  
34 if any, of such deceased prison officer.]

35 a. *Upon the receipt of proper proofs of the death of a member*  
36 *who shall have lost his life, there shall be paid to his widow or*  
37 *widower a pension of 25% of the member's average final compensa-*  
38 *tion, for the use of herself or himself, to continue during her or his*  
39 *widowhood, plus 15% of such salary payable to one surviving child*  
40 *or plus 25% of such salary to two or more surviving children; if*  
41 *there is no surviving widow or widower or in case the widow or*  
42 *widower dies or remarries, 20% of the member's average final com-*  
43 *ensation will be payable to one surviving child, 35% of such*  
44 *compensation to two surviving children in equal shares and if there*  
45 *be three or more children, 50% of such compensation will be pay-*

46 able to such children in equal shares; if there is no surviving  
47 widow, widower or child, 25% of the member's average final com-  
48 pensation will be payable to one surviving parent or 40% of such  
48A compensation will be payable to two surviving parents in equal  
48B shares.

49 b. Upon the receipt of proper proofs of the death after retire-  
50 ment of a former member of the pension fund, there shall be paid  
51 to his widow or widower a pension of 25% of the member's average  
52 final compensation for the use of herself or himself, to continue  
53 during her or his widowhood, plus 15% of such compensation  
54 payable to one surviving child or plus 25% of such compensation  
55 to two or more surviving children; if there is no surviving widow  
56 or widower or in case the widow or widower dies or remarries, 20%  
57 of the member's average final compensation will be payable to one  
58 surviving child, 35% of such compensation to two surviving  
59 children in equal shares and if there be three or more children, 50%  
60 of such compensation will be payable to such children in equal  
61 shares.

61A c. The changes in benefits provided by subsections a. and b. of  
62 this section shall apply only to pensions hereafter granted; pro-  
63 vided, however, that pensions granted prior to the effective date  
64 of this amendatory and supplementary act shall be increased to  
65 the schedule of payments stipulated by subsection a. on the first  
66 of the month following the commission's approval of those cases  
67 where proper evidence is submitted to the satisfaction of the pen-  
68 sion commission that the death of the member in active service was  
69 the result of an accident met in the actual performance of duty at  
70 some definite time and place, that such death was not the result of  
71 the member's willful negligence, and that the death occurred within  
72 5 years of the accident; provided, further, that any pension in an  
73 amount less than \$1,600.00 per annum, presently paid or to be paid  
74 in the future to a widow or widower of a prison officer, shall be  
75 increased to \$1,600.00 per annum.

76 d. For purposes of this section:

77 (1) "Child" shall mean a deceased member's unmarried child  
78 either (a) under the age of 18 or (b) of any age who, at the time  
79 of the member's death, is disabled because of mental retardation  
80 or physical incapacity, is unable to do any substantial, gainful work  
81 because of the impairment and his impairment has lasted or can  
82 be expected to last for a continuous period of not less than 12  
83 months, as affirmed by the examining physicians of the fund.

84 (2) "Widower" shall mean the man to whom a member was  
85 married before the date of her retirement or at least 5 years before

86 *the date of her death and to whom she continued to be married*  
 87 *until the date of her death and who was receiving at least one-half*  
 88 *of his support from the member in the 12-month period immediately*  
 89 *preceding the member's death or the accident which was the direct*  
 90 *cause of the member's death. The dependency of such a widower*  
 91 *will be considered terminated by marriage of the widower subse-*  
 92 *quent to the death of the member.*

93 (3) *"Widow" shall mean the woman to whom a member was*  
 94 *married before the date of his retirement or at least 5 years before*  
 95 *the date of his death and to whom he continued to be married until*  
 96 *the date of his death and who has not remarried.*

97 (4) *"Parent" shall mean the parent of a member who was re-*  
 98 *ceiving at least one-half of his support from the member in the 12-*  
 99 *month period immediately preceding the member's death or the*  
 100 *accident which was the direct cause of the member's death. The*  
 101 *dependency of such a parent will be considered terminated by mar-*  
 102 *riage of the parent subsequent to the death of the member.*

1 3. Should a prison officer member resign after having established  
 2 25 years of creditable service, he may elect "special retirement,"  
 3 provided, that such election is communicated by such member to  
 4 the retirement system by filing a written application, duly attested,  
 5 stating at what time subsequent to the execution and filing thereof  
 6 he desires to be retired. He shall receive a pension in the amount  
 7 of 2% of his average final compensation, multiplied by the number  
 8 of years of his creditable service up to 30 plus 1% of his average  
 9 final compensation multiplied by the number of years of creditable  
 10 service in excess of 30 years.

1 4. The pension commission shall have the general responsibility  
 2 for the proper operation of the pension fund, subject to the pro-  
 3 visions of P. L. 1955, c. 70 (C. 52:18A-95 et seq.).

4 The commission may make all necessary rules and regulations.  
 5 Such rules and regulations shall be consistent with those adopted  
 6 by the other pension funds within the Division of Pensions in  
 7 order to permit the most economical and uniform administration of  
 8 all such retirement systems.

1 5. The State Treasurer shall designate a medical board after  
 2 consultation with the Director of the Division of Pensions, subject  
 3 to veto by the commission for valid reason. It shall be composed  
 4 of three physicians who are not eligible to participate in the pension  
 5 fund. The medical board shall pass upon all medical examinations  
 6 required under the provisions of the act, shall investigate all essen-  
 7 tial statements and certificates by or on behalf of a member in  
 8 connection with an application for disability retirement, and shall

9 report in writing to the pension fund its conclusions and recom-  
10 mendations upon all matters referred to it.

1 6. A pension granted under the provisions of the act to which  
2 this act is amendatory and supplementary, shall be effective only  
3 on the first day of a month, shall be paid in equal monthly install-  
4 ments, and shall not be decreased, increased, revoked or repealed,  
5 except as otherwise provided by the statutory law. No pension  
6 shall be due to a member or beneficiary unless it constitutes a pay-  
7 ment for an entire month.

1 7. This act shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

JUNE 1, 1973

FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill today signed into law three bills providing benefits for policemen, correction officers and other law enforcement officers.

In signing the measures, two of which apply to pensions, and the third to time spent on police matters in municipal courts, the Governor said:

"Policemen, correction officers and other law enforcement officers provide an invaluable service which benefits each and every citizen of our State. In the past, there has been a great disparity in the benefits to which these dedicated men and women are entitled under the law. This legislation will provide equal benefits and treatment for all members of the various law enforcement groups who serve our State."

The three bills signed by the Governor were:

✓ Senate bill 2309, sponsored by Senator Alfred Schiaffo (R., Bergen), applying to correction officers who are members of the Prison Officer's Pension Fund. This bill provides a vested pension right for those having 15 or more years of service. It also provides survivor death benefits and other pension benefits which are presently available to other law enforcement officer groups.

Senate bill 2310, sponsored by Senator Schiaffo, which transfers all the various law enforcement officers and groups presently in the Public Employees' Retirement System to the Police and Firemen's Retirement System.

Assembly bill 246, sponsored by Assemblyman James J. Florio (D., Camden), which authorizes on a permissive basis compensation or compensatory time off for municipal police, county police and county park police for time they spend appearing on matters in the municipal court. Presently these officers are credited with compensation or time off for time involved in appearances in the county, superior or supreme court or before grand juries.

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