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P.L. 1999, CHAPTER 398, *approved January 18, 2000*
Senate, No. 1634

1 **AN ACT** concerning membership in the Police and Firemen's
2 Retirement System and supplementing P.L.1944, c.255 (C.43:16A-
3 1 et seq.).
4

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

8 1. a. As used in this act, "jail warden" means any paid, permanent,
9 uniformed, full-time employee of a county correctional facility who is
10 engaged in the protection, custody, and discipline of facility inmates
11 and who is subject to the training and physical and mental fitness
12 requirements established by the employer. "Jail warden" also means
13 any administrative or supervisory employee of a county correctional
14 facility whose duties include general or direct supervision or training
15 of employees engaged in the protection, custody, and discipline of
16 facility inmates.

17 b. Notwithstanding any law, rule or regulation to the contrary, any
18 corrections officer who is enrolled and vested in the Police and
19 Firemen's Retirement System on or after the effective date of this act
20 may, at the election of the officer, remain in the Police and Firemen's
21 Retirement System if the officer is promoted or transferred to the
22 position of jail warden.
23

24 2. This act shall take effect immediately.
25
26

27 **STATEMENT**
28

29 This bill provides that any corrections officer who is enrolled and
30 vested in the Police and Firemen's Retirement System on or after the
31 effective date of this bill may, at the election of the officer, remain in
32 the Police and Firemen's Retirement System if the officer is promoted
33 or transferred to the position of jail warden.
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36 _____
37
38 Allows certain jail wardens to be in PFRS.

SENATE, No. 1634

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 12, 1999

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Co-Sponsored by:

Assemblymen Carroll and Merkt

SYNOPSIS

Allows certain jail wardens to be in PFRS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2000)

1 AN ACT concerning membership in the Police and Firemen's
2 Retirement System and supplementing P.L.1944, c.255 (C.43:16A-
3 1 et seq.).

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31 effective date of this bill may, at the election of the officer, remain in
32 the Police and Firemen's Retirement System if the officer is promoted
33 or transferred to the position of jail warden.

SENATE STATE GOVERNMENT, BANKING AND
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 1634

STATE OF NEW JERSEY

DATED: JUNE 3, 1999

The Senate State Government, Banking and Financial Institutions Committee reports favorably Senate Bill No. 1634.

This bill provides that any corrections officer who is enrolled and vested in the Police and Firemen's Retirement System (PFRS) on or after the effective date of this bill may, at the election of the officer, remain in PFRS if the officer is promoted or transferred to the position of jail warden.

At its May 21, 1999 meeting, the Pension and Health Benefits Review Commission recommend that "the Legislature enact S1634 because it removed an impediment to career mobility."

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1634

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1999

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1634.

This bill provides that any corrections officer who is enrolled and vested in the Police and Firemen's Retirement System (PFRS) on or after the effective date of this bill may, at the election of the officer, remain in PFRS if the officer is promoted or transferred to the position of jail warden. Currently, the officer would be required, upon such transfer or promotion, to transfer pension fund membership to the Public Employees' Retirement System (PERS).

At its May 21, 1999 meeting, the Pension and Health Benefits Review Commission recommended that "the Legislature enact S1634 because it removes an impediment to career mobility."

FISCAL IMPACT

The Office of Legislative Services (OLS) notes that there is no information available to indicate the number of corrections officers who would qualify for continuation of PFRS enrollment upon promotion or transfer to the position of jail warden. OLS believes that the number would be small. There would be no additional cost to the State as a result of such elections on the part of corrections officers. However, there would be an additional cost to the retirement system because of the higher PFRS benefit levels and the increased retirement allowance these individuals would receive based upon their continued service in PFRS. This additional cost is met by a higher contribution rate for the employer and the employee. In FY 2000, the PFRS general contribution rate for employers is 14.97% of salary, as compared to a rate of 4.07% of salary for PERS employers; the PFRS employee contribution rate is 8.5% of salary, as compared to the current rate of 4.5% of salary for PERS members.

There would be no additional Social Security cost or savings to the employer because the employer would be required continue the employee in that program. Once a position is covered by Social Security (as are all PERS positions, including the position of jail warden), the employer cannot stop the Social Security coverage for any person in that position.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 1634

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: NOVEMBER 5, 1999

BILL SUMMARY

Senate Bill No. 1634 of 1999 provides that any corrections officer who is enrolled and vested in the Police and Firemen's Retirement System (PFRS) on or after the effective date provided in this bill may, at the election of the officer, remain in PFRS instead of enrolling in the Public Employees' Retirement System (PERS) if the officer is promoted or transferred to the position of jail warden. The bill defines jail wardens as paid, permanent, uniformed, full-time employees of a county correctional facility.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

The Office of Legislative Services (OLS) notes that there is no information available to indicate the number of corrections officers who would qualify for continuation of PFRS enrollment upon promotion or transfer to the position of jail warden. OLS believes that the number would be small. There would be no additional cost to the State as a result of such elections on the part of corrections officers. However, there would be an additional cost to the retirement system because of the higher PFRS benefit levels and the increased retirement allowance these individuals would receive based upon their continued service in PFRS. This additional cost is met by a higher contribution rate for the employer. The PFRS employer contribution rate is higher than the PERS employer contribution rate: in FY 2000, the PFRS general contribution rate for employers is 14.97% of salary as opposed to 4.07% of salary for PERS. The PFRS employee contribution rate is also higher than the PERS employee contribution rate: 8.5% of salary for PFRS members as opposed to the current 4.5% of salary for PERS members.

There would be no additional Social Security cost or savings to the employer because the employer would be required continue the employee in that program. Once a position is covered by Social Security (as are all PERS positions including the position of jail warden), the employer cannot stop the Social Security coverage for

any person in that position.

It should be noted that to the extent a bill imposes costs upon local public employers (in this case counties) without providing resources, other than the property tax, to offset the required additional direct expenditure, it may constitute an unfunded mandate under the provisions of the State Constitution, Article VIII, Section II, paragraph 5, unless enacted in compliance with the procedures set forth in that paragraph.

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.

ASSEMBLY, No. 3352

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 28, 1999

Sponsored by:

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Assemblyman RICHARD A. MERKT

District 25 (Morris)

SYNOPSIS

Allows certain jail wardens to be in PFRS.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning membership in the Police and Firemen's
2 Retirement System and supplementing P.L.1944, c.255 (C.43:16A-
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12 requirements established by the employer. "Jail warden" also means
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14 facility whose duties include general or direct supervision or training
15 of employees engaged in the protection, custody, and discipline of
16 facility inmates.

17 b. Notwithstanding any law, rule or regulation to the contrary, any
18 corrections officer who is enrolled and vested in the Police and
19 Firemen's Retirement System on or after the effective date of this act
20 may, at the election of the officer, remain in the Police and Firemen's
21 Retirement System if the officer is promoted or transferred to the
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30 vested in the Police and Firemen's Retirement System on or after the
31 effective date of this bill may, at the election of the officer, remain in
32 the Police and Firemen's Retirement System if the officer is promoted
33 or transferred to the position of jail warden.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3352

STATE OF NEW JERSEY

DATED: JANUARY 6, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3352.

Assembly Bill No. 3352 provides that any corrections officer who is enrolled and vested in the Police and Firemen's Retirement System (PFRS) on or after the effective date provided in this bill may, at the election of the officer, remain in PFRS instead of enrolling in the Public Employees' Retirement System (PERS) if the officer is promoted or transferred to the position of jail warden. The bill defines jail wardens as paid, permanent, uniformed, full-time employees of a county correctional facility.

The Pension and Health Benefits Review Commission has recommended the enactment of this bill because the bill removes an impediment to career mobility.

FISCAL IMPACT:

The Office of Legislative Services (OLS) has noted that there is no information available to indicate the number of corrections officers who would qualify for continuation of PFRS enrollment upon promotion or transfer to the position of jail warden, although OLS believes that the number would be small. There would be no additional cost to the State as a result of such elections on the part of corrections officers.

However, there would be an additional cost to the retirement system because of the higher PFRS benefit levels and the increased retirement allowance these individuals would receive based upon their continued service in PFRS. This additional cost is met by a higher contribution rate for the employer. The PFRS employer contribution rate is higher than the PERS employer contribution rate: in FY 2000, the PFRS general contribution rate for employers is 14.97% of salary as opposed to 4.07% of salary for PERS. The PFRS employee contribution rate is also higher than the PERS employee contribution rate: 8.5% of salary for PFRS members as opposed to the current 4.5% of salary for PERS members.

There would be no additional Social Security cost or savings to the employer because the employer would be required continue the employee in that program. Once a position is covered by Social

Security (as are all PERS positions including the position of jail warden), the employer cannot stop the Social Security coverage for any person in that position.

OLS has noted that, to the extent the bill imposes costs upon local public employers (in this case counties) without providing resources, other than the property tax, to offset the required additional direct expenditure, it may constitute an unfunded mandate under the provisions of the State Constitution, Article VIII, Section II, paragraph 5, unless enacted in compliance with the procedures set forth in that paragraph.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY, No. 3352

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: NOVEMBER 5, 1999

BILL SUMMARY

Assembly Bill No. 3352 of 1999 provides that any corrections officer who is enrolled and vested in the Police and Firemen's Retirement System (PFRS) on or after the effective date provided in this bill may, at the election of the officer, remain in PFRS instead of enrolling in the Public Employees' Retirement System (PERS) if the officer is promoted or transferred to the position of jail warden. The bill defines jail wardens as paid, permanent, uniformed, full-time employees of a county correctional facility.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

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It should be noted that to the extent a bill imposes costs upon local public employers (in this case counties) without providing resources, other than the property tax, to offset the required additional direct expenditure, it may constitute an unfunded mandate under the provisions of the State Constitution, Article VIII, Section II, paragraph 5, unless enacted in compliance with the procedures set forth in that paragraph.

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