

52:14F-4

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 6

NJSA: 52:14F-4 (Permits recall of retired administrative law judges)

BILL NO: A3088 (Substituted for S1671)

SPONSOR(S): Cohen

DATE INTRODUCED: June 21, 2004

COMMITTEE: **ASSEMBLY:** Budget
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 24, 2004
SENATE: December 13, 2004

DATE OF APPROVAL: January 19, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) 1st reprint enacted

A3088

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1671

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 2/26/07

P.L. 2005, CHAPTER 6, *approved January 19, 2005*
Assembly, No. 3088 (*First Reprint*)

1 AN ACT concerning the retirement of administrative law judges ¹and
2 judges of compensation¹, amending P.L.1978, c.67 ¹and R.S.34:15-
3 49¹.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 4 of P.L.1978, c.67 (C.52:14F-4) is amended to read as
9 follows:

10 4. Permanent administrative law judges shall be appointed by the
11 Governor with the advice and consent of the Senate to initial terms of
12 one year. During this initial term, each judge shall be subject to a
13 program of evaluation as delineated in section 5 of P.L.1978, c.67
14 (C.52:14F-5). First reappointment of a judge after this initial term
15 shall be by the Governor for a term of four years and until the
16 appointment and qualification of the judge's successor.

17 Administrative law judges nominated by the Governor before July
18 1, 1981 shall, upon their confirmation by the Senate, serve for terms
19 of five years and until the appointment and qualification of their
20 successors.

21 Subsequent reappointments of a judge shall be by the Governor
22 with the advice and consent of the Senate to terms of five years and
23 until the appointment and qualification of the judge's successor. The
24 advice and consent of the Senate, as provided in this section, shall be
25 exercised within 45 days after a nomination for appointment has been
26 submitted to the Senate, and if no action has been taken within the
27 45-day period, the nomination shall be deemed confirmed. This
28 45-day period shall not apply to any person nominated by the
29 Governor for the position of administrative law judge prior to July 1,
30 1981.

31 The annual salary for an administrative law judge during the initial
32 term of one year shall be equal to 75% of the annual salary of a Judge
33 of the Superior Court. The annual salary for a judge during the first
34 year of the first reappointment shall be increased to 78 2/3 % of the
35 annual salary of a Judge of the Superior Court. Upon receipt of
36 satisfactory annual evaluations, the annual salary for a judge shall be
37 increased to 81 2/3 % of the annual salary of a Judge of the Superior
38 Court for the second year of the first reappointment and to 85% of the
39 annual salary of a Judge of the Superior Court for the third year of the
40 first reappointment. The annual salary shall be 85% of the annual

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 thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ABU committee amendments adopted June 21, 2004.

1 salary of a Judge of the Superior Court for the fourth year of the first
2 reappointment and for each year of subsequent reappointments
3 thereafter.

4 In addition to salary, an administrative law judge regularly assigned
5 as an assignment judge shall receive \$2,500 annually as additional
6 compensation, and a judge regularly assigned other administrative or
7 supervisory duties shall receive \$1,500 annually as additional
8 compensation.

9 All administrative law judges, including the Chief Administrative
10 Law Judge, shall be retired upon attaining the age of 70 years , except
11 that any administrative law judge who has retired on pension or
12 retirement allowance may, with the judge's consent, be recalled by the
13 Director/Chief Administrative Law Judge of the Office of
14 Administrative Law for service as a recalled judge in the Office of
15 Administrative Law. ¹No recalled judge shall serve beyond his 80th
16 birthday.

17 Upon such recall the retired judge shall have all the powers of an
18 administrative law judge and shall be paid a per diem allowance fixed
19 by the Director/ Chief Administrative Law Judge. In addition the
20 recalled judge shall be reimbursed for reasonable expenses actually
21 incurred by him in connection with his assignment and shall be
22 provided with such facilities as may be required in the performance of
23 his duties. Such per diem compensation and expenses shall be paid by
24 the State. Payment for services and expenses shall be made in the
25 same manner as payment is made to the judges of the Office of
26 Administrative Law from which he retired.¹

27 (cf: P.L.1999, c.380, s.9)

28

29 ¹2. Section 5 of P.L.1978, c.67 (C.52:14F-5) is amended to read as
30 follows:

31 5. The Director and Chief Administrative Law Judge of the Office
32 of Administrative Law shall:

33 a. Administer and cause the work of the office to be performed in
34 such manner and pursuant to such program as may be required or
35 appropriate;

36 b. Organize and reorganize the office, and establish such bureaus
37 as may be required or appropriate;

38 c. Except as otherwise provided in subsections l. and t., below,
39 appoint, pursuant to the provisions of Title 11A of the New Jersey
40 Statutes, such clerical assistants and other personnel as may be
41 required for the conduct of the office;

42 d. Assign and reassign personnel to employment within the office;

43 e. Develop uniform standards, rules of evidence, and procedures,
44 including but not limited to standards for determining whether a
45 summary or plenary hearing should be held to regulate the conduct of
46 contested cases and the rendering of administrative adjudications;

- 1 f. Promulgate and enforce such rules for the prompt implementation
2 and coordinated administration of the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.) as may be required or
4 appropriate;
- 5 g. Administer and supervise the procedures relating to the conduct
6 of contested cases and the making of administrative adjudications, as
7 defined by section 2 of P.L.1968, c.410 (C.52:14B-2);
- 8 h. Advise agencies concerning their obligations under the
9 Administrative Procedure Act, subject to the provisions of subsections
10 b. and e. of section 4 of P.L.1944, c.20 (C.52:17A-4);
- 11 i. Assist agencies in the preparation, consideration, publication and
12 interpretation of administrative rules required or appropriate pursuant
13 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
14 et seq.);
- 15 j. Employ the services of the several agencies and of the employees
16 thereof in such manner and to such extent as may be agreed upon by
17 the director and the chief executive officer of such agency;
- 18 k. Have access to information concerning the several agencies to
19 assure that they properly promulgate all rules required by law;
- 20 l. Assign permanent administrative law judges at supervisory and
21 other levels who are qualified in the field of administrative law or in
22 subject matter relating to the hearing functions of a State agency.
23 Administrative law judges shall receive such salaries as provided by
24 section 4 of P.L.1978, c.67 (C.52:14F-4), as amended by P.L.1999,
25 c.380, shall not engage in the practice of law and shall devote full time
26 to their judicial duties.
- 27 Administrative law judges appointed after the effective date of this
28 amendatory act shall have been attorneys-at-law of this State for a
29 minimum of five years. An administrative law judge appointed prior
30 to the effective date of this amendatory act shall not be required to be
31 an attorney or, if an attorney, shall not be required to have been an
32 attorney-at-law for five years in order to be reappointed;
- 33 m. Appoint additional administrative law judges, qualified in the
34 field of administrative law or in a subject matter relating to the hearing
35 functions of a State agency, on a temporary or case basis as may be
36 necessary during emergency or unusual situations for the proper
37 performance of the duties of the office , pursuant to a reasonable fee
38 schedule established in advance by the director. Administrative law
39 judges appointed pursuant to this procedure shall have the same
40 qualifications for appointment as permanent administrative law judges;
- 41 n. Assign administrative law judges to conduct contested cases as
42 required by sections 9 and 10 of P.L.1968, c.410 (C.52:14B-9 and
43 52:14B-10). Proceedings shall be scheduled for suitable locations,
44 either at the offices of the Office of Administrative Law or elsewhere
45 in the State, taking into consideration the convenience of the witnesses
46 and parties, as well as the nature of the cases and proceedings;

- 1 o. Assign an administrative law judge or other personnel, if so
2 requested by the head of an agency and if the director deems
3 appropriate, to any agency to conduct or assist in administrative duties
4 and proceedings other than those related to contested cases or
5 administrative adjudications, including but not limited to rule-making
6 and investigative hearings;
- 7 p. Assign an administrative law judge not engaged in the conduct
8 of contested cases to perform other duties vested in or required of the
9 office;
- 10 q. Secure, compile and maintain all reports of administrative law
11 judges issued pursuant to this act, and such reference materials and
12 supporting information as may be appropriate;
- 13 r. Develop and maintain a program for the continuing training and
14 education of administrative law judges and agencies in regard to their
15 responsibilities under this act;
- 16 s. Develop and implement a program of judicial evaluation to aid
17 himself in the performance of his duties, and to assist in the making of
18 reappointments under section 4 of P.L.1978, c.67 (C.52:14F-4). This
19 program of evaluation shall focus on three areas of judicial
20 performance: competence, productivity, and demeanor. It shall
21 include consideration of: industry and promptness in adhering to
22 schedules, making rulings and rendering decisions; tolerance, courtesy,
23 patience, attentiveness, and self-control in dealing with litigants,
24 witnesses and counsel, and in presiding over contested cases; legal
25 skills and knowledge of the law and new legal developments; analytical
26 talents and writing abilities; settlement skills; quantity, nature and
27 quality of caseload disposition; impartiality and conscientiousness.
28 The director shall develop standards and procedures for this program,
29 which shall include taking comments from selected litigants and
30 lawyers who have appeared before a judge. The methods used by the
31 judge but not the result arrived at by the judge in any case may be used
32 in evaluating a judge. Before implementing any action based on the
33 findings of the evaluation program, the director shall discuss the
34 findings and the proposed action with the affected judge. The
35 evaluation by the director and supporting data shall be submitted to
36 the Governor at least 90 days before the expiration of any term. These
37 documents shall remain confidential and shall be exempted from the
38 requirements of P.L.1963, c.73 (C.47:1A-1 et seq.);
- 39 t. Promulgate and enforce rules for reasonable sanctions, including
40 assessments of costs and attorneys' fees which may be imposed on a
41 party, and attorney or other representative of a party who, without just
42 excuse, fails to comply with any procedural order or with any standard
43 or rule applying to a contested case and including the imposition of a
44 fine not to exceed \$1,000.00 for misconduct which obstructs or tends
45 to obstruct the conduct of contested cases; and
- 46 u. Have power in connection with contested case hearings (1) to

1 administer oaths to any and all persons, (2) to compel by subpoena the
2 attendance of witnesses and the production of books, records,
3 accounts, papers, and documents of any person or persons, (3) to
4 entertain objections to subpoenas, and (4) to rule upon objections to
5 subpoenas except, that any orders of administrative law judges
6 regarding these objections may be reviewed by the agency head before
7 the completion of the contested case in accordance with procedural
8 rules, adopted by the Director and Chief Administrative Law Judge of
9 the Office of Administrative Law. Misconduct by any party, attorney
10 or representative of a party or witness which obstructs or tends to
11 obstruct the conduct of a contested case or the failure of any witness,
12 when duly subpoenaed to attend, give testimony or produce any
13 record, or the failure to pay any sanction assessed pursuant to
14 subsection t. of this section, shall be punishable by the Superior Court
15 in the same manner as such failure is punishable by such court in a case
16 pending therein.

17 v. Assign any judge recalled pursuant to section 4 of P.L.1978,
18 c.67 (C.52:14F-4) and fix the per diem allowance.¹
19 (cf: P.L.1999, c.380, s.10)

20

21 ^{13.} R.S.34:15-49 is amended to read as follows:

22 34:15-49. a. The Division of Workers' Compensation shall have the
23 exclusive original jurisdiction of all claims for workers' compensation
24 benefits under this chapter. The judges of the Division of Workers'
25 Compensation shall hereinafter be appointed on a bipartisan basis by
26 the Governor, with the advice and consent of the Senate, to initial
27 terms of three years at an annual salary, for the first year, in an amount
28 equal to 75% of the annual salary of a Judge of the Superior Court.
29 During the initial three-year term, each judge shall be subject to a
30 program of evaluation developed by the Director of the Division of
31 Workers' Compensation. Upon receipt of a satisfactory annual
32 evaluation from the director, the annual salary of a nontenured judge
33 shall be increased to 78 2/3% of the annual salary of a Judge of the
34 Superior Court after one year; 81 2/3% of the annual salary of a Judge
35 of the Superior Court after two years; and, after three years and upon
36 tenure as provided pursuant to the provisions of this section, the
37 annual salary of a tenured judge of compensation shall be 85% of the
38 annual salary of a Judge of the Superior Court. Reappointment of a
39 judge shall be by the Governor, with the advice and consent of the
40 Senate. The director's evaluations shall be made available to the
41 Senate Judiciary Committee if the candidate has been renominated by
42 the Governor. Upon confirmation after the initial three-year term, a
43 judge of the Division of Workers' Compensation shall have tenure, and
44 shall serve during good behavior. All judges of compensation
45 appointed prior to the effective date of P.L.1991, c.513 shall continue
46 to have tenure and shall continue to serve during good behavior. The

1 annual salary of the director shall be 89% of the annual salary of a
2 Judge of the Superior Court. The Chief Judge of Compensation shall
3 be the Director of the Division of Workers' Compensation and may be
4 known as the Director/Chief Judge of the division.

5 In addition to salary, a judge of compensation regularly assigned as
6 an administrative supervisory judge of compensation by the director
7 shall receive additional compensation of \$2,500 per annum during the
8 period of such assignment; and a judge of compensation regularly
9 assigned as a supervising judge of compensation by the director shall
10 receive additional compensation of \$1,500 per annum during the
11 period of such assignment.

12 Judges of compensation shall not engage in the practice of law,
13 shall devote full time to their judicial duties, and shall have been
14 licensed attorneys in the State of New Jersey for 10 years prior to their
15 appointments. The director of the division shall have the same
16 qualifications for appointment and be subject to the same restrictions
17 as a judge of compensation.

18 All judges of compensation shall be retired upon attaining the age
19 of 70 years, except that any judge of compensation who has retired on
20 pension or retirement allowance may, with the judge's consent, be
21 recalled by the Director /Chief Judge of the Division of Workers'
22 Compensation for service as a recalled judge in the Division of
23 Workers' Compensation. No recalled judge shall serve beyond his 80th
24 birthday.

25 Upon such recall the retired judge shall have all the powers of a
26 judge of compensation and shall be paid a per diem allowance fixed by
27 the Director/Chief Judge of the Division of Workers' Compensation.
28 In addition the recalled judge shall be reimbursed for reasonable
29 expenses actually incurred by him in connection with his assignment
30 and shall be provided with such facilities as may be required in the
31 performance of his duties. Such per diem compensation and expenses
32 shall be paid by the State. Payment for services and expenses shall be
33 made in the same manner as payment is made to the judges of the
34 Division of Workers' Compensation from which he retired.

35 b. A increase in an annual salary of a judge or the director under
36 subsection a. of this section that results due to the increase in the
37 salary of a Judge of the Superior Court provided in N.J.S.2B:2-4 as
38 amended in section 1 of P.L.1995, c.424 (N.J.S.2B:2-4) shall not be
39 granted until July 1, 1996.¹

40 (cf: P.L.1999, c.380, s.7)

41
42 ¹[2.] 4.¹ This act shall take effect immediately.

43
44
45
46 Permits recall of retired administrative law judges and retired judges
47 of compensation.

ASSEMBLY, No. 3088

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 21, 2004

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Permits recall of retired administrative law judges.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the retirement of administrative law judges,
2 amending P.L.1978, c.67.

3

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

6

7 1. Section 4 of P.L. 1978, c.67 (C.52:14F-4) is amended to read
8 as follows:

9 4. Permanent administrative law judges shall be appointed by the
10 Governor with the advice and consent of the Senate to initial terms of
11 one year. During this initial term, each judge shall be subject to a
12 program of evaluation as delineated in section 5 of P.L.1978, c. 67
13 (C.52:14F-5). First reappointment of a judge after this initial term
14 shall be by the Governor for a term of four years and until the
15 appointment and qualification of the judge's successor.

16 Administrative law judges nominated by the Governor before July
17 1, 1981 shall, upon their confirmation by the Senate, serve for terms
18 of five years and until the appointment and qualification of their
19 successors.

20 Subsequent reappointments of a judge shall be by the Governor
21 with the advice and consent of the Senate to terms of five years and
22 until the appointment and qualification of the judge's successor. The
23 advice and consent of the Senate, as provided in this section, shall be
24 exercised within 45 days after a nomination for appointment has been
25 submitted to the Senate, and if no action has been taken within the
26 45-day period, the nomination shall be deemed confirmed. This
27 45-day period shall not apply to any person nominated by the
28 Governor for the position of administrative law judge prior to July 1,
29 1981.

30 The annual salary for an administrative law judge during the initial
31 term of one year shall be equal to 75% of the annual salary of a Judge
32 of the Superior Court. The annual salary for a judge during the first
33 year of the first reappointment shall be increased to 78 2/3 % of the
34 annual salary of a Judge of the Superior Court. Upon receipt of
35 satisfactory annual evaluations, the annual salary for a judge shall be
36 increased to 81 2/3 % of the annual salary of a Judge of the Superior
37 Court for the second year of the first reappointment and to 85% of the
38 annual salary of a Judge of the Superior Court for the third year of the
39 first reappointment. The annual salary shall be 85% of the annual
40 salary of a Judge of the Superior Court for the fourth year of the first
41 reappointment and for each year of subsequent reappointments
42 thereafter.

43 In addition to salary, an administrative law judge regularly assigned

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 thus is new matter.

1 as an assignment judge shall receive \$2,500 annually as additional
2 compensation, and a judge regularly assigned other administrative or
3 supervisory duties shall receive \$1,500 annually as additional
4 compensation.

5 All administrative law judges, including the Chief Administrative
6 Law Judge, shall be retired upon attaining the age of 70 years except
7 that any administrative law judge who has retired on pension or
8 retirement allowance may, with the judge's consent, be recalled by the
9 Director and Chief Administrative Law Judge of the Office of
10 Administrative Law for temporary service in the Office of
11 Administrative Law.

12 (cf: P.L. 1999, c.380, s.9)

13

14 2. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill allows retired administrative law judges who are 70 years
20 or older to be recalled for temporary service in the Office of
21 Administrative Law. It is the sponsor's intent to ensure that a roster
22 of experienced administrative law judges are available at all times for
23 active duty in the event that the need arises. Retired administrative
24 law judges have a wealth of experience and knowledge in both
25 substantive law and administrative procedures.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3088

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2004

The Assembly Budget Committee reports favorably Assembly Bill No. 3088 with committee amendments

Assembly Bill No. 3088, as amended, allows retired administrative law judges and workers' compensation judges to be recalled for service, with the judge's consent.

The bill amends N.J.S.A.52:14F-4 and N.J.S.A.34:15-49 to provide that upon such recall the retired administrative law judge or judge of compensation will have all the powers of such a judge and will be paid a per diem allowance to be fixed by the Director/ Chief Administrative Law Judge or the Director/Chief Judge of the Division of Workers' Compensation, as applicable. The recalled judge will be reimbursed for reasonable expenses actually incurred in connection with the assignment and will be provided with such facilities as may be required in the performance of the judge's duties. Those per diem compensation and expenses will be paid by the State. Payment for services and expenses will be made in the same manner as payment is made to the judges of the Office of Administrative Law or Division of Workers' Compensation, as applicable, from which the judge retired.

FISCAL IMPACT:

At this time, the Executive branch has not provided any information concerning the fiscal impact of the provisions of this bill. This bill was not certified as requiring fiscal note.

COMMITTEE AMENDMENTS:

The amendments provide that a recalled judge shall not serve beyond the judge's 80th birthday, and extend the recall to workers' compensation judges as well as administrative law judges.

The amendments specify that upon recall:

- * the judge will have all the powers of a judge of that office;
- * the judge will be paid a per diem allowance;
- * the judge will be reimbursed for reasonable expenses in connection with the assignment;
- * the judge will be provided with such facilities as may be required in the performance of the judge's duties; and
- * payments for services will be made in the same manner as payment is made to the judges of that office.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3088

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2004

The Senate Judiciary Committee reports favorably Assembly Bill No. 3088 (1R).

Assembly Bill No. 3088 (1R) allows retired administrative law judges and workers' compensation judges to be recalled for service, with the judge's consent.

The bill amends N.J.S.A.52:14F-4 and N.J.S.A.34:15-49 to provide that upon such recall the retired administrative law judge or judge of compensation will have all the powers of such a judge and will be paid a per diem allowance to be fixed by the Director/ Chief Administrative Law Judge or the Director/Chief Judge of the Division of Workers' Compensation, as applicable. The recalled judge will be reimbursed for reasonable expenses actually incurred in connection with the assignment and will be provided with such facilities as may be required in the performance of the judge's duties. Those per diem compensation and expenses will be paid by the State. Payment for services and expenses will be made in the same manner as payment is made to the judges of the Office of Administrative Law or Division of Workers' Compensation, as applicable, from which the judge retired.

This bill is identical to Senate, No. 1671 (1R).

SENATE, No. 1671

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 10, 2004

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

SYNOPSIS

Permits recall of retired administrative law judges.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the retirement of administrative law judges,
2 amending P.L.1978, c.67.

3

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

6

7 1. Section 4 of P.L. 1978, c.67 (C.52:14F-4) is amended to read
8 as follows:

9 4. Permanent administrative law judges shall be appointed by the
10 Governor with the advice and consent of the Senate to initial terms of
11 one year. During this initial term, each judge shall be subject to a
12 program of evaluation as delineated in section 5 of P.L.1978, c. 67
13 (C.52:14F-5). First reappointment of a judge after this initial term
14 shall be by the Governor for a term of four years and until the
15 appointment and qualification of the judge's successor.

16 Administrative law judges nominated by the Governor before July
17 1, 1981 shall, upon their confirmation by the Senate, serve for terms
18 of five years and until the appointment and qualification of their
19 successors.

20 Subsequent reappointments of a judge shall be by the Governor
21 with the advice and consent of the Senate to terms of five years and
22 until the appointment and qualification of the judge's successor. The
23 advice and consent of the Senate, as provided in this section, shall be
24 exercised within 45 days after a nomination for appointment has been
25 submitted to the Senate, and if no action has been taken within the
26 45-day period, the nomination shall be deemed confirmed. This
27 45-day period shall not apply to any person nominated by the
28 Governor for the position of administrative law judge prior to July 1,
29 1981.

30 The annual salary for an administrative law judge during the initial
31 term of one year shall be equal to 75% of the annual salary of a Judge
32 of the Superior Court. The annual salary for a judge during the first
33 year of the first reappointment shall be increased to 78 2/3 % of the
34 annual salary of a Judge of the Superior Court. Upon receipt of
35 satisfactory annual evaluations, the annual salary for a judge shall be
36 increased to 81 2/3 % of the annual salary of a Judge of the Superior
37 Court for the second year of the first reappointment and to 85% of the
38 annual salary of a Judge of the Superior Court for the third year of the
39 first reappointment. The annual salary shall be 85% of the annual
40 salary of a Judge of the Superior Court for the fourth year of the first
41 reappointment and for each year of subsequent reappointments
42 thereafter.

43 In addition to salary, an administrative law judge regularly assigned

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 thus is new matter.

1 as an assignment judge shall receive \$2,500 annually as additional
2 compensation, and a judge regularly assigned other administrative or
3 supervisory duties shall receive \$1,500 annually as additional
4 compensation.

5 All administrative law judges, including the Chief Administrative
6 Law Judge, shall be retired upon attaining the age of 70 years except
7 that any administrative law judge who has retired on pension or
8 retirement allowance may, with the judge's consent, be recalled by the
9 Director and Chief Administrative Law Judge of the Office of
10 Administrative Law for temporary service in the Office of
11 Administrative Law.

12 (cf: P.L. 1999, c.380, s.9)

13

14 2. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill allows retired administrative law judges who are 70 years
20 or older to be recalled for temporary service in the Office of
21 Administrative Law. It is the sponsor's intent to ensure that a roster
22 of experienced administrative law judges are available at all times for
23 active duty in the event that the need arises. Retired administrative
24 law judges have a wealth of experience and knowledge in both
25 substantive law and administrative procedures.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1671

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2004

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1671.

As introduced, this bill allowed retired administrative law judges who are 70 years or older to be recalled for temporary service in the Office of Administrative Law with their consent. The committee amendments include Judges of Workers' Compensation within the bill. Judges would not serve on recall beyond the judge's 80th birthday.

The committee amendments also add two new sections to the bill and amend N.J.S.A.52:14F-4 and N.J.S.A.34:15-49 to provide that upon such recall the retired administrative law judge or judge of compensation will have all the powers of such a judge and will be paid a per diem allowance to be fixed by the Director/Chief Administrative Law Judge or the Director/Chief Judge of the Division of Workers' Compensation, as applicable. The recalled judge will be reimbursed for reasonable expenses actually incurred in connection with the assignment and will be provided with such facilities as may be required in the performance of the judge's duties. Those per diem compensation and expenses will be paid by the State. Payment for services and expenses will be made in the same manner as payment is made to the judges of the Office of Administrative Law or Division of Workers' Compensation, as applicable, from which the judge retired.

As amended, this bill is identical to Assembly, No. 3088 (1R).