

**18A:66-175.1; 43:15C-5.1**  
**LEGISLATIVE HISTORY CHECKLIST**

Compiled by the NJ State Law Library

**LAWS OF:** 2020                    **CHAPTER:** 115

**NJSA:** 18A:66-175.1; 43:15C-5.1 (Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.)

**BILL NO:** A3914                    (Substituted for S2376)

**SPONSOR(S)** Adam J. Taliaferro and others

**DATE INTRODUCED:** 4/9/2020

**COMMITTEE:**                    **ASSEMBLY:** ---

**SENATE:** Budget & Appropriations

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 9/24/2020

**SENATE:** 8/27/2020

**DATE OF APPROVAL:** 10/30/2020

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted) Yes

**A3914**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** 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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes    7/21/2020  
9/1/2020

**S2376**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** 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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes    7/30/2020

**LEGISLATIVE FISCAL ESTIMATE:** Yes    6/19/2020  
9/1/2020

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/CL

§§1-9 -T&E  
§10 –  
C.18A:66-175.1  
§11 –  
C.43:15C-5.1  
§12 - Note

P.L. 2020, CHAPTER 115, *approved October 30, 2020*  
Assembly, No. 3914 (*First Reprint*)

1 **AN ACT** concerning the hiring, retention, and benefits of certain  
2 public employees during the public health hazard posed by  
3 coronavirus disease 2019 (COVID-19) and supplementing  
4 P.L.2007, c.92 (C.43:15C-1 et seq.) and P.L.1969, c.242  
5 (C.18A:66-169 et seq.).  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

10 1. Notwithstanding the provisions of section 7 of P.L.1954,  
11 c.84 (C.43:15A-7), section 65 of P.L.1954, c.84 (C.43:15A-65),  
12 section 27 of P.L.1966, c.217 (C.43:15A-57.2), or any other law or  
13 regulation to the contrary, during the Public Health Emergency or  
14 State of Emergency declared by the Governor in Executive Order  
15 No. 103 of 2020, reenrollment in the Public Employees' Retirement  
16 System shall not be a condition of full-time employment with a  
17 public agency or other participating employer for a retired member  
18 who retired for any reason other than disability, has had a bona fide  
19 severance from employment, and is returning to work on a  
20 temporary basis in response to the Public Health Emergency or  
21 State of Emergency. This provision applies to a retired member  
22 who retired for any reason other than disability, has completed at  
23 least a 30-day separation from his or her employer from the date of  
24 retirement or the date of board approval, whichever is later, and  
25 returns to work for an employer in a State-administered retirement  
26 system on a temporary basis in response to the Public Health  
27 Emergency or State of Emergency. A retired member returning to  
28 work on a temporary basis pursuant to this section shall be deemed  
29 a temporary appointment for civil service purposes but shall not be  
30 subject to the limitation on service time set forth in N.J.A.C.4A:4-  
31 1.7.  
32

33 2. Notwithstanding the provisions of section 3 of P.L.1944,  
34 c.255 (C.43:16A-3), section 20 of P.L.1971, c.175 (C.43:16A-15.3),  
35 or any other law or regulation to the contrary, during the Public  
36 Health Emergency or State of Emergency declared by the Governor  
37 in Executive Order No. 103 of 2020, reenrollment in the Police and

**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:

<sup>1</sup>Senate SBA committee amendments adopted July 28, 2020.

1 Firemen's Retirement System of New Jersey shall not be a condition  
2 of employment as a full-time policeman or fireman for a retired  
3 member who retired for any reason other than disability, has had a  
4 bona fide severance from employment, and is returning to work on  
5 a temporary basis in response to the Public Health Emergency or  
6 State of Emergency. This provision applies to a retired member  
7 who retired for any reason other than disability, has completed at  
8 least a 30-day separation from his or her employer from the date of  
9 retirement or the date of board approval, whichever is later, and  
10 returns to work for an employer in a State-administered retirement  
11 system on a temporary basis in response to the Public Health  
12 Emergency or State of Emergency. A retired member returning to  
13 work on a temporary basis pursuant to this section shall be deemed  
14 a temporary appointment for civil service purposes but shall not be  
15 subject to the limitation on service time set forth in N.J.A.C.4A:4-  
16 1.7.

17

18 3. Notwithstanding the provisions of section 5 of P.L.1965,  
19 c.89 (C.53:5A-5) or any other law or regulation to the contrary,  
20 during the Public Health Emergency or State of Emergency  
21 declared by the Governor in Executive Order No. 103 of 2020,  
22 reenrollment in the State Police Retirement System shall not be a  
23 condition of employment as a full-time officer, non-commissioned  
24 officer, or trooper for a retired member who retired for any reason  
25 other than disability, has had a bona fide severance from  
26 employment, and is returning to work on a temporary basis in  
27 response to the Public Health Emergency or State of Emergency.  
28 This provision applies to a retired member who retired for any  
29 reason other than disability, has completed at least a 30-day  
30 separation from his or her employer from the date of retirement or  
31 the date of board approval, whichever is later, and returns to work  
32 for an employer in a State-administered retirement system on a  
33 temporary basis in response to the Public Health Emergency or  
34 State of Emergency. A retired member returning to work on a  
35 temporary basis pursuant to this section shall be deemed a  
36 temporary appointment for civil service purposes but shall not be  
37 subject to the limitation on service time set forth in N.J.A.C.4A:4-  
38 1.7.

39

40 4. Notwithstanding the provisions of sections 3 and 7 of  
41 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law  
42 or regulation to the contrary, during the Public Health Emergency  
43 or State of Emergency declared by the Governor in Executive Order  
44 No. 103 of 2020, immediately upon hire, a person shall be deemed  
45 an employee eligible for participation in the State Health Benefits  
46 Program, provided such person is or was hired as a new employee  
47 on or after February 3, 2020 to provide services needed because of  
48 the coronavirus disease 2019 (COVID-19) pandemic. If a retiree is

1 returning to work on a temporary basis in response to the Public  
2 Health Emergency or State of Emergency and already enrolled in  
3 the State Health Benefits Program as a retiree, the retiree shall  
4 continue to maintain the same health benefits coverage with the  
5 same terms concerning health benefits coverage, including, but not  
6 limited to any contributions, during the retiree's temporary return to  
7 employment.

8  
9 5. Notwithstanding the provisions of section 10 of P.L.1985,  
10 c.439 (C.40A:14-146.17) or any other law or regulation to the  
11 contrary, during the Public Health Emergency or State of  
12 Emergency declared by the Governor in Executive Order No. 103 of  
13 2020, there shall be no limit on the number of Class Two special  
14 law enforcement officers employed by a local unit.

15  
16 6. Notwithstanding the provisions of section 3 of P.L.1998,  
17 c.146 (C.52:17B-69.2) or any other law or regulation to the  
18 contrary, during the Public Health Emergency or State of  
19 Emergency declared by the Governor in Executive Order No. 103 of  
20 2020, any person who has completed a training course pursuant to  
21 section 2 of P.L.1998, c.146 (C.52:17B-69.1), commonly referred to  
22 as Alternate Route Training, shall be eligible for appointment as a  
23 Class Two special law enforcement officer by a local unit, in  
24 accordance with P.L. 1985, c.439 (C.40A:14-146.8 et seq.), and  
25 based upon conditions set by the Police Training Commission in  
26 accordance with the Police Training Act, P.L.1961, c.56 (C.52:17B-  
27 66 et seq.), for such time as the Public Health Emergency or State  
28 of Emergency remains in effect.

29  
30 7. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
31 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the  
32 contrary, members of the 160th Class of the New Jersey State  
33 Police Academy, which commenced training on February 24, 2020,  
34 shall <sup>1</sup>~~become eligible for membership~~ be enrolled<sup>1</sup> in the State  
35 Police Retirement System, P.L.1965, c.89 (C.53:5A-1 et seq.), <sup>1</sup>and  
36 contributions by the State and the member shall commence,<sup>1</sup> on  
37 August 7, 2020, the originally scheduled date of their academy  
38 graduation which was extended as a result of the Public Health  
39 Emergency and State of Emergency declared by the Governor in  
40 Executive Order No. 103 of 2020. <sup>1</sup>The period of membership  
41 commencing August 7, 2020 and thereafter shall be deemed  
42 creditable service as a member of the system for purposes of section  
43 6 of P.L.1965, c.89 (C.53:5A-6).<sup>1</sup> In addition, upon completion of  
44 pre-service training and graduation from the New Jersey State  
45 Police Academy, members of the 160th Class of the New Jersey  
46 State Police Academy shall be eligible for appointment as sworn  
47 members of the New Jersey State Police at that time regardless of

1 age, notwithstanding the provisions of R.S.53:1-9 relating to the  
2 maximum age requirement for appointment as a member of the  
3 State Police.

4  
5 8. Notwithstanding the provisions of subsection c. of section 8  
6 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the  
7 contrary, a member appointed to the State Police who attains the  
8 age of 55 years while in active service on or after the effective date  
9 of this act shall not be required to retire and may continue in active  
10 service during the Public Health Emergency or State of Emergency  
11 declared by the Governor in Executive Order No. 103 of 2020.

12  
13 9. Notwithstanding the provisions of section 3 of P.L.1955,  
14 c.257 (C.43:15A-99), section 5 of P.L.1944, c.255 (C.43:16A-5), or  
15 any other law or regulation to the contrary, a member of the Police  
16 and Firemen's Retirement System of New Jersey or a law  
17 enforcement officer, as defined in section 1 of P.L.1955, c.257  
18 (C.43:15A-97), who is a member of the Public Employees'  
19 Retirement System, and who attains the mandatory retirement age  
20 set forth in section 3 of P.L.1955, c.257 (C.43:15A-99) or section 5  
21 of P.L.1944, c.255 (C.43:16A-5) applicable to that officer or  
22 member while in active service on or after the effective date of this  
23 act shall not be required to retire and may continue in active service  
24 during the Public Health Emergency or State of Emergency  
25 declared by the Governor in Executive Order No. 103 of 2020.

26  
27 10. Notwithstanding the provisions of section 9 of P.L.1969,  
28 c.242 (C.18A:66-175) or any other law or regulation to the contrary,  
29 a member or participant in the alternate benefit program who elects  
30 to receive a distribution under a federal stimulus program in  
31 response to the coronavirus disease 2019 (COVID-19) pandemic,  
32 including, but not limited to, a "coronavirus-related distribution"  
33 under the Coronavirus Aid, Relief, and Economic Security Act,  
34 Pub. L. No. 116-136 (2020), shall not have his or her membership  
35 or participation terminated and shall not be considered retired.

36  
37 11. Notwithstanding the provisions of section 1 of P.L.2007,  
38 c.92 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law or  
39 regulation to the contrary, a participant in the defined contribution  
40 retirement program may elect to receive, prior to the participant's  
41 severance from employment, a distribution under a federal stimulus  
42 program in response to the coronavirus disease 2019 (COVID-19)  
43 pandemic, including, but not limited to, a "coronavirus-related  
44 distribution" under the Coronavirus Aid, Relief, and Economic  
45 Security Act, Pub. L. No. 116-136 (2020).

46  
47 12. This act shall take effect immediately and shall be  
48 retroactive to April 6, 2020. Sections 1 through 9 of this act shall

**A3914 [1R]**

5

1 expire when the Governor declares both the Public Health  
2 Emergency and State of Emergency to be over.

3

4

5

6

7 Provides for employment, retention, and benefits during public  
8 health hazard posed by coronavirus disease 2019 (COVID-19) of  
9 certain public employees.

# ASSEMBLY, No. 3914

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

**Sponsored by:**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman WILLIAM F. MOEN, JR.**

**District 5 (Camden and Gloucester)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Co-Sponsored by:**

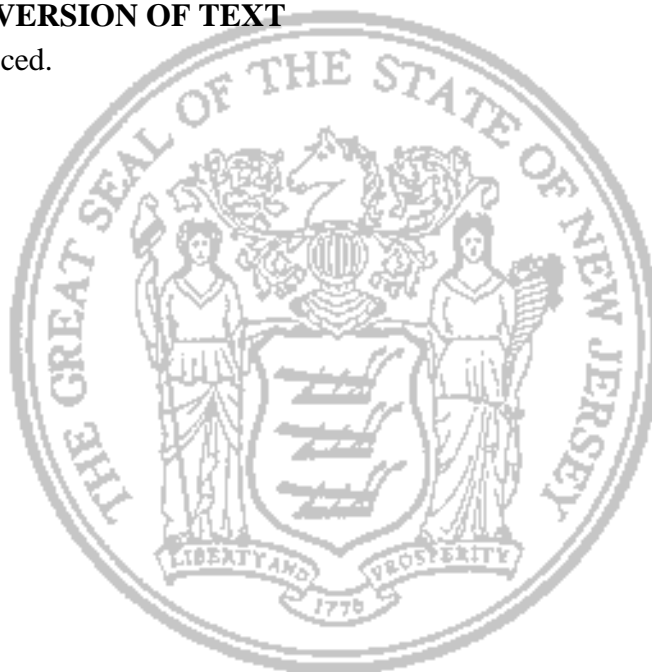
**Assemblymen Benson, Zwicker, Assemblywoman Jasey, Assemblyman Tully, Assemblywomen Swain and Reynolds-Jackson**

**SYNOPSIS**

Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/13/2020)**



1 AN ACT concerning the hiring, retention, and benefits of certain  
2 public employees during the public health hazard posed by  
3 coronavirus disease 2019 (COVID-19) and supplementing  
4 P.L.2007, c.92 (C.43:15C-1 et seq.) and P.L.1969, c.242  
5 (C.18A:66-169 et seq.).  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

10 1. Notwithstanding the provisions of section 7 of P.L.1954, c.84  
11 (C.43:15A-7), section 65 of P.L.1954, c.84 (C.43:15A-65), section  
12 27 of P.L.1966, c.217 (C.43:15A-57.2), or any other law or  
13 regulation to the contrary, during the Public Health Emergency or  
14 State of Emergency declared by the Governor in Executive Order No.  
15 103 of 2020, reenrollment in the Public Employees' Retirement  
16 System shall not be a condition of full-time employment with a public  
17 agency or other participating employer for a retired member who  
18 retired for any reason other than disability, has had a bona fide  
19 severance from employment, and is returning to work on a temporary  
20 basis in response to the Public Health Emergency or State of  
21 Emergency. This provision applies to a retired member who retired  
22 for any reason other than disability, has completed at least a 30-day  
23 separation from his or her employer from the date of retirement or  
24 the date of board approval, whichever is later, and returns to work for  
25 an employer in a State-administered retirement system on a  
26 temporary basis in response to the Public Health Emergency or State  
27 of Emergency. A retired member returning to work on a temporary  
28 basis pursuant to this section shall be deemed a temporary  
29 appointment for civil service purposes but shall not be subject to the  
30 limitation on service time set forth in N.J.A.C.4A:4-1.7.  
31

32 2. Notwithstanding the provisions of section 3 of P.L.1944,  
33 c.255 (C.43:16A-3), section 20 of P.L.1971, c.175 (C.43:16A-15.3),  
34 or any other law or regulation to the contrary, during the Public  
35 Health Emergency or State of Emergency declared by the Governor  
36 in Executive Order No. 103 of 2020, reenrollment in the Police and  
37 Firemen's Retirement System of New Jersey shall not be a condition  
38 of employment as a full-time policeman or fireman for a retired  
39 member who retired for any reason other than disability, has had a  
40 bona fide severance from employment, and is returning to work on a  
41 temporary basis in response to the Public Health Emergency or State  
42 of Emergency. This provision applies to a retired member who  
43 retired for any reason other than disability, has completed at least a  
44 30-day separation from his or her employer from the date of  
45 retirement or the date of board approval, whichever is later, and  
46 returns to work for an employer in a State-administered retirement  
47 system on a temporary basis in response to the Public Health  
48 Emergency or State of Emergency. A retired member returning to

1 work on a temporary basis pursuant to this section shall be deemed a  
2 temporary appointment for civil service purposes but shall not be  
3 subject to the limitation on service time set forth in N.J.A.C.4A:4-  
4 1.7.

5  
6 3. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
7 (C.53:5A-5) or any other law or regulation to the contrary, during the  
8 Public Health Emergency or State of Emergency declared by the  
9 Governor in Executive Order No. 103 of 2020, reenrollment in the  
10 State Police Retirement System shall not be a condition of  
11 employment as a full-time officer, non-commissioned officer, or  
12 trooper for a retired member who retired for any reason other than  
13 disability, has had a bona fide severance from employment, and is  
14 returning to work on a temporary basis in response to the Public  
15 Health Emergency or State of Emergency. This provision applies to  
16 a retired member who retired for any reason other than disability, has  
17 completed at least a 30-day separation from his or her employer from  
18 the date of retirement or the date of board approval, whichever is  
19 later, and returns to work for an employer in a State-administered  
20 retirement system on a temporary basis in response to the Public  
21 Health Emergency or State of Emergency. A retired member  
22 returning to work on a temporary basis pursuant to this section shall  
23 be deemed a temporary appointment for civil service purposes but  
24 shall not be subject to the limitation on service time set forth in  
25 N.J.A.C.4A:4-1.7.

26  
27 4. Notwithstanding the provisions of sections 3 and 7 of  
28 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law  
29 or regulation to the contrary, during the Public Health Emergency or  
30 State of Emergency declared by the Governor in Executive Order No.  
31 103 of 2020, immediately upon hire, a person shall be deemed an  
32 employee eligible for participation in the State Health Benefits  
33 Program, provided such person is or was hired as a new employee on  
34 or after February 3, 2020 to provide services needed because of the  
35 coronavirus disease 2019 (COVID-19) pandemic. If a retiree is  
36 returning to work on a temporary basis in response to the Public  
37 Health Emergency or State of Emergency and already enrolled in the  
38 State Health Benefits Program as a retiree, the retiree shall continue  
39 to maintain the same health benefits coverage with the same terms  
40 concerning health benefits coverage, including, but not limited to any  
41 contributions, during the retiree's temporary return to employment.

42  
43 5. Notwithstanding the provisions of section 10 of P.L.1985,  
44 c.439 (C.40A:14-146.17) or any other law or regulation to the  
45 contrary, during the Public Health Emergency or State of Emergency  
46 declared by the Governor in Executive Order No. 103 of 2020, there  
47 shall be no limit on the number of Class Two special law enforcement  
48 officers employed by a local unit.

1       6. Notwithstanding the provisions of section 3 of P.L.1998,  
2 c.146 (C.52:17B-69.2) or any other law or regulation to the contrary,  
3 during the Public Health Emergency or State of Emergency declared  
4 by the Governor in Executive Order No. 103 of 2020, any person who  
5 has completed a training course pursuant to section 2 of P.L.1998,  
6 c.146 (C.52:17B-69.1), commonly referred to as Alternate Route  
7 Training, shall be eligible for appointment as a Class Two special law  
8 enforcement officer by a local unit, in accordance with P.L. 1985,  
9 c.439 (C.40A:14-146.8 et seq.), and based upon conditions set by the  
10 Police Training Commission in accordance with the Police Training  
11 Act, P.L.1961, c.56 (C.52:17B-66 et seq.), for such time as the Public  
12 Health Emergency or State of Emergency remains in effect.

13  
14       7. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
15 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the  
16 contrary, members of the 160th Class of the New Jersey State Police  
17 Academy, which commenced training on February 24, 2020, shall  
18 become eligible for membership in the State Police Retirement  
19 System, P.L.1965, c.89 (C.53:5A-1 et seq.), on August 7, 2020, the  
20 originally scheduled date of their academy graduation which was  
21 extended as a result of the Public Health Emergency and State of  
22 Emergency declared by the Governor in Executive Order No. 103 of  
23 2020. In addition, upon completion of pre-service training and  
24 graduation from the New Jersey State Police Academy, members of  
25 the 160th Class of the New Jersey State Police Academy shall be  
26 eligible for appointment as sworn members of the New Jersey State  
27 Police at that time regardless of age, notwithstanding the provisions  
28 of R.S.53:1-9 relating to the maximum age requirement for  
29 appointment as a member of the State Police.

30  
31       8. Notwithstanding the provisions of subsection c. of section 8  
32 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the  
33 contrary, a member appointed to the State Police who attains the age  
34 of 55 years while in active service on or after the effective date of  
35 this act shall not be required to retire and may continue in active  
36 service during the Public Health Emergency or State of Emergency  
37 declared by the Governor in Executive Order No. 103 of 2020.

38  
39       9. Notwithstanding the provisions of section 3 of P.L.1955,  
40 c.257 (C.43:15A-99), section 5 of P.L.1944, c.255 (C.43:16A-5), or  
41 any other law or regulation to the contrary, a member of the Police  
42 and Firemen's Retirement System of New Jersey or a law  
43 enforcement officer, as defined in section 1 of P.L.1955, c.257  
44 (C.43:15A-97), who is a member of the Public Employees'  
45 Retirement System, and who attains the mandatory retirement age set  
46 forth in section 3 of P.L.1955, c.257 (C.43:15A-99) or section 5 of  
47 P.L.1944, c.255 (C.43:16A-5) applicable to that officer or member  
48 while in active service on or after the effective date of this act shall

1 not be required to retire and may continue in active service during  
2 the Public Health Emergency or State of Emergency declared by the  
3 Governor in Executive Order No. 103 of 2020.

4  
5 10. Notwithstanding the provisions of section 9 of P.L.1969,  
6 c.242 (C.18A:66-175) or any other law or regulation to the contrary,  
7 a member or participant in the alternate benefit program who elects  
8 to receive a distribution under a federal stimulus program in response  
9 to the coronavirus disease 2019 (COVID-19) pandemic, including,  
10 but not limited to, a “coronavirus-related distribution” under the  
11 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.  
12 116-136 (2020), shall not have his or her membership or participation  
13 terminated and shall not be considered retired.

14  
15 11. Notwithstanding the provisions of section 1 of P.L.2007, c.92  
16 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law or regulation to  
17 the contrary, a participant in the defined contribution retirement  
18 program may elect to receive, prior to the participant's severance  
19 from employment, a distribution under a federal stimulus program in  
20 response to the coronavirus disease 2019 (COVID-19) pandemic,  
21 including, but not limited to, a “coronavirus-related distribution”  
22 under the Coronavirus Aid, Relief, and Economic Security Act, Pub.  
23 L. No. 116-136 (2020).

24  
25 12. This act shall take effect immediately and shall be retroactive  
26 to April 6, 2020. Sections 1 through 9 of this act shall expire when  
27 the Governor declares both the Public Health Emergency and State  
28 of Emergency to be over.

29  
30  
31 STATEMENT

32  
33 This bill provides for the temporary employment of former public  
34 employees who retired from the Public Employees’ Retirement  
35 System, the Police and Firemen’s Retirement System, or the State  
36 Police Retirement System, during the Public Health Emergency or  
37 State of Emergency declared by the Governor in Executive Order No.  
38 103 of 2020.

39 The bill permits a public employee to be eligible for participation  
40 in the State Health Benefits Program immediately upon hire,  
41 provided such person is or was hired as a new employee on or after  
42 February 3, 2020 to provide services needed because of the  
43 coronavirus disease 2019 (COVID-19) pandemic.

44 This bill removes the limit, during the Public Health Emergency  
45 or State of Emergency declared by the Governor in Executive Order  
46 No. 103 of 2020, on the number of Class Two special law  
47 enforcement officers that may be employed by a local unit.

1 This bill provides that, during the Public Health Emergency or  
2 State of Emergency declared by the Governor in Executive Order No.  
3 103 of 2020, any person who has completed a training course  
4 commonly referred to as Alternate Route Training will be eligible for  
5 appointment as a Class Two special law enforcement officer by a  
6 local unit for such time as the Public Health Emergency or State of  
7 Emergency remains in effect.

8 This bill provides that the members of the 160th Class of the New  
9 Jersey State Police Academy, which commenced training on  
10 February 24, 2020, will become eligible for membership in the State  
11 Police Retirement System on August 7, 2020, the originally  
12 scheduled date of their academy graduation which was extended as a  
13 result of the Public Health Emergency and State of Emergency  
14 declared by the Governor in Executive Order No. 103 of 2020. In  
15 addition, upon completion of pre-service training and graduation  
16 from the New Jersey State Police Academy, members of the 160th  
17 Class of the New Jersey State Police Academy will be eligible for  
18 appointment as sworn members of the New Jersey State Police at that  
19 time regardless of age.

20 This bill provides that a member of the State Police who attains  
21 the age of 55 years while in active service on or after the effective  
22 date of this bill will not be required to retire and may continue in  
23 active service during the Public Health Emergency or State of  
24 Emergency declared by the Governor in Executive Order No. 103 of  
25 2020. Also, a member of the Police and Firemen's Retirement  
26 System of New Jersey or a law enforcement officer who is a member  
27 of the Public Employees' Retirement System who attains the  
28 mandatory retirement age while in active service on or after the  
29 effective date of this bill will not be required to retire and may  
30 continue in active service during the Public Health Emergency or  
31 State of Emergency declared by the Governor in Executive Order No.  
32 103 of 2020.

33 Finally, the bill permits a participant of the alternate benefit  
34 program or the defined contribution retirement program to receive a  
35 distribution under a federal stimulus program in response to the  
36 coronavirus disease 2019 (COVID-19) pandemic, including, but not  
37 limited to, a "coronavirus-related distribution" under the Coronavirus  
38 Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020),  
39 and remain employed.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO ASSEMBLY, No. 3914

with committee amendments

# STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3914.

As amended, this bill provides for the temporary employment of former public employees who retired from the Public Employees' Retirement System, the Police and Firemen's Retirement System, or the State Police Retirement System, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020.

The bill permits a public employee to be eligible for participation in the State Health Benefits Program immediately upon hire, provided such person is or was hired as a new employee on or after February 3, 2020 to provide services needed because of the coronavirus disease 2019 (COVID-19) pandemic.

This bill removes the limit, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020, on the number of Class Two special law enforcement officers that may be employed by a local unit.

This bill provides that, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020, any person who has completed a training course commonly referred to as Alternate Route Training will be eligible for appointment as a Class Two special law enforcement officer by a local unit for such time as the Public Health Emergency or State of Emergency remains in effect.

This bill provides that the members of the 160th Class of the New Jersey State Police Academy, which commenced training on February 24, 2020, will be enrolled in the State Police Retirement System with contributions by both the State and the member to the system beginning on August 7, 2020, the originally scheduled date of their academy graduation which was extended as a result of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020. The period of membership beginning on August 7, 2020 and thereafter will be deemed creditable service as a member of the system. In addition, upon completion of pre-service training and graduation from the New Jersey State Police Academy, members of the 160th Class of the New Jersey State Police

Academy will be eligible for appointment as sworn members of the New Jersey State Police at that time regardless of age.

This bill provides that a member of the State Police who attains the age of 55 years while in active service on or after the effective date of this bill will not be required to retire and may continue in active service during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020. Also, a member of the Police and Firemen's Retirement System of New Jersey or a law enforcement officer who is a member of the Public Employees' Retirement System who attains the mandatory retirement age while in active service on or after the effective date of this bill will not be required to retire and may continue in active service during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020.

Finally, the bill permits a participant of the alternate benefit program or the defined contribution retirement program to receive a distribution under a federal stimulus program in response to the coronavirus disease 2019 (COVID-19) pandemic, including, but not limited to, a "coronavirus-related distribution" under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020), and remain employed.

As reported by the committee, Assembly Bill No. 3914 is identical to Senate Bill No. 2376, which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

Enroll members of the 160th Class of the New Jersey State Police Academy into the State Police Retirement System on August 7, 2020, the originally scheduled date of their academy graduation which was extended as a result of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020;

Require that contributions to the system by both the State and the member begin on August 7, 2020; and

Deem the period of membership beginning on August 7, 2020 creditable service as a member of the system.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the

number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment for those law enforcement officers who delay their retirement. There is no salary information with regard to these employments.

At this time, it is unknown if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.



**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3914**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JULY 21, 2020

**SUMMARY**

- Synopsis:** Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.
- Type of Impact:** Temporary expenditure increases to the State and local governments.
- Agencies Affected:** Department of the Treasury, various State departments, local government entities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also



no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment for those law enforcement officers who delay their retirement. There is no salary information with regard to these employments.

- At this time, it is unknown if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

## **BILL DESCRIPTION**

This bill permits the temporary employment of retirees from the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), or the State Police Retirement System (SPRS), during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020. It permits a public employee hired during the Public Health Emergency and State of Emergency to provide services needed because of the COVID-19 pandemic to participate in the State Health Benefits Program (SHBP) immediately upon hire, provided such person is or was hired as a new employee on or after February 3, 2020 to provide services needed because of the pandemic.

The bill removes the limitation on the number of Class Two special law enforcement officers who may be employed by a local unit and provides that, during the Public Health Emergency and State of Emergency, any person who completes a training course commonly referred to as Alternate Route Training will be eligible for appointment as a Class Two special law enforcement officer by a local unit while the emergency remains in effect. It also provides that the members of the 160th Class of the New Jersey State Police Academy, which commenced training on February 24, 2020, will become eligible for membership in the SPRS on August 7, 2020.

The bill provides that a member of the SPRS, PFRS, or PERS may delay retirement beyond the mandatory retirement date during the Public Health Emergency and State of Emergency and permits a participant of the alternate benefit program or the defined contribution retirement program to receive a distribution under a federal stimulus program in response to the COVID-19 pandemic and remain employed.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment of those law enforcement officers who delay their retirement. At this time, there is no indication if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

It is noted that, in general, new public employees have a waiting period of 30 days before becoming eligible for SHBP coverage; this bill provides immediate coverage. Retired employees who are again employed during the emergency will remain covered under their SHBP plan. Health benefit costs for PERS, PFRS, and SPRS officers who choose to remain employed beyond their mandatory retirement date will receive health care coverage as active employees rather than as retired employees. It is not known what health care benefits are provided by local units to new Class Two special law enforcement officers.

Salary and retirement system costs of the 160<sup>th</sup> class for the State Police have been anticipated, although this bill will have the State incur that cost earlier than would otherwise be the case.

Those law enforcement officers in PFRS, SPRS, and PERS who delay their retirement beyond their mandatory retirement date will receive an increase in the retirement allowance for the additional few weeks or months they continue to be employed; additional employer costs with regard to these officers will include continuation of salary, health care costs, and contributions to the retirement systems.

FE to A3914

4

*Section: State Government*

*Analyst: Kimberly M. Clemmensen  
Lead Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 3914

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

#### SUMMARY

- Synopsis:** Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.
- Type of Impact:** Temporary expenditure increases to the State and local governments.
- Agencies Affected:** Department of the Treasury, various State departments, local government entities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment for those law enforcement officers who delay their retirement. There is no salary information with regard to these employments.
- At this time, it is unknown if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

#### BILL DESCRIPTION

This bill permits the temporary employment of retirees from the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), or the State Police

Retirement System (SPRS), during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020. It permits a public employee hired during the Public Health Emergency and State of Emergency to provide services needed because of the COVID-19 pandemic to participate in the State Health Benefits Program (SHBP) immediately upon hire, provided such person is or was hired as a new employee on or after February 3, 2020 to provide services needed because of the pandemic.

The bill removes the limitation on the number of Class Two special law enforcement officers who may be employed by a local unit and provides that, during the Public Health Emergency and State of Emergency, any person who completes a training course commonly referred to as Alternate Route Training will be eligible for appointment as a Class Two special law enforcement officer by a local unit while the emergency remains in effect. It also provides that the members of the 160th Class of the New Jersey State Police Academy, which commenced training on February 24, 2020, will become enrolled in the SPRS on August 7, 2020, at which time employee and employer contributions to the SPRS and creditable service in the SPRS will commence.

The bill provides that a member of the SPRS, PFRS, or PERS may delay retirement beyond the mandatory retirement date during the Public Health Emergency and State of Emergency and permits a participant of the alternate benefit program or the defined contribution retirement program to receive a distribution under a federal stimulus program in response to the COVID-19 pandemic and remain employed.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment of those law enforcement officers who delay their retirement. At this time, there is no indication if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

It is noted that, in general, new public employees have a waiting period of 30 days before becoming eligible for SHBP coverage; this bill provides immediate coverage. Retired employees who are again employed during the emergency will remain covered under their SHBP plan. Health benefit costs for PERS, PFRS, and SPRS officers who choose to remain employed beyond their mandatory retirement date will receive health care coverage as active employees rather than as retired employees. It is not known what health care benefits are provided by local units to new Class Two special law enforcement officers.

Salary and retirement system costs of the 160<sup>th</sup> class for the State Police have been anticipated, although this bill will have the State incur that cost earlier than would otherwise be the case because the graduation date has been extended as a result of the Public Health emergency and State Emergency declared by the Governor in Executive Order No.103 of 2020.

Those law enforcement officers in PFRS, SPRS, and PERS who delay their retirement beyond their mandatory retirement date will receive an increase in the retirement allowance for the additional few weeks or months they continue to be employed; additional employer costs with regard to these officers will include continuation of salary, health care costs, and contributions to the retirement systems.

*Section: State Government*

*Analyst: Kimberly M. Clemmensen  
Lead Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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 (C.52:13B-6 et seq.).

**SENATE, No. 2376**

---

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

---

INTRODUCED APRIL 9, 2020

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2020)**



1 AN ACT concerning the hiring, retention, and benefits of certain  
2 public employees during the public health hazard posed by  
3 coronavirus disease 2019 (COVID-19) and supplementing  
4 P.L.2007, c.92 (C.43:15C-1 et seq.) and P.L.1969, c.242  
5 (C.18A:66-169 et seq.).  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

10 1. Notwithstanding the provisions of section 7 of P.L.1954, c.84  
11 (C.43:15A-7), section 65 of P.L.1954, c.84 (C.43:15A-65), section  
12 27 of P.L.1966, c.217 (C.43:15A-57.2), or any other law or  
13 regulation to the contrary, during the Public Health Emergency or  
14 State of Emergency declared by the Governor in Executive Order No.  
15 103 of 2020, reenrollment in the Public Employees' Retirement  
16 System shall not be a condition of full-time employment with a public  
17 agency or other participating employer for a retired member who  
18 retired for any reason other than disability, has had a bona fide  
19 severance from employment, and is returning to work on a temporary  
20 basis in response to the Public Health Emergency or State of  
21 Emergency. This provision applies to a retired member who retired  
22 for any reason other than disability, has completed at least a 30-day  
23 separation from his or her employer from the date of retirement or  
24 the date of board approval, whichever is later, and returns to work for  
25 an employer in a State-administered retirement system on a  
26 temporary basis in response to the Public Health Emergency or State  
27 of Emergency. A retired member returning to work on a temporary  
28 basis pursuant to this section shall be deemed a temporary  
29 appointment for civil service purposes but shall not be subject to the  
30 limitation on service time set forth in N.J.A.C.4A:4-1.7.  
31

32 2. Notwithstanding the provisions of section 3 of P.L.1944,  
33 c.255 (C.43:16A-3), section 20 of P.L.1971, c.175 (C.43:16A-15.3),  
34 or any other law or regulation to the contrary, during the Public  
35 Health Emergency or State of Emergency declared by the Governor  
36 in Executive Order No. 103 of 2020, reenrollment in the Police and  
37 Firemen's Retirement System of New Jersey shall not be a condition  
38 of employment as a full-time policeman or fireman for a retired  
39 member who retired for any reason other than disability, has had a  
40 bona fide severance from employment, and is returning to work on a  
41 temporary basis in response to the Public Health Emergency or State  
42 of Emergency. This provision applies to a retired member who  
43 retired for any reason other than disability, has completed at least a  
44 30-day separation from his or her employer from the date of  
45 retirement or the date of board approval, whichever is later, and  
46 returns to work for an employer in a State-administered retirement  
47 system on a temporary basis in response to the Public Health  
48 Emergency or State of Emergency. A retired member returning to

1 work on a temporary basis pursuant to this section shall be deemed a  
2 temporary appointment for civil service purposes but shall not be  
3 subject to the limitation on service time set forth in N.J.A.C.4A:4-  
4 1.7.

5  
6 3. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
7 (C.53:5A-5) or any other law or regulation to the contrary, during the  
8 Public Health Emergency or State of Emergency declared by the  
9 Governor in Executive Order No. 103 of 2020, reenrollment in the  
10 State Police Retirement System shall not be a condition of  
11 employment as a full-time officer, non-commissioned officer, or  
12 trooper for a retired member who retired for any reason other than  
13 disability, has had a bona fide severance from employment, and is  
14 returning to work on a temporary basis in response to the Public  
15 Health Emergency or State of Emergency. This provision applies to  
16 a retired member who retired for any reason other than disability, has  
17 completed at least a 30-day separation from his or her employer from  
18 the date of retirement or the date of board approval, whichever is  
19 later, and returns to work for an employer in a State-administered  
20 retirement system on a temporary basis in response to the Public  
21 Health Emergency or State of Emergency. A retired member  
22 returning to work on a temporary basis pursuant to this section shall  
23 be deemed a temporary appointment for civil service purposes but  
24 shall not be subject to the limitation on service time set forth in  
25 N.J.A.C.4A:4-1.7.

26  
27 4. Notwithstanding the provisions of sections 3 and 7 of  
28 P.L.1961, c.49 (C.52:14-17.27 and C. 52:14-17.31) or any other law  
29 or regulation to the contrary, during the Public Health Emergency or  
30 State of Emergency declared by the Governor in Executive Order No.  
31 103 of 2020, immediately upon hire, a person shall be deemed an  
32 employee eligible for participation in the State Health Benefits  
33 Program, provided such person is or was hired as a new employee on  
34 or after February 3, 2020 to provide services needed because of the  
35 coronavirus disease 2019 (COVID-19) pandemic. If a retiree is  
36 returning to work on a temporary basis in response to the Public  
37 Health Emergency or State of Emergency and already enrolled in the  
38 State Health Benefits Program as a retiree, the retiree shall continue  
39 to maintain the same health benefits coverage with the same terms  
40 concerning health benefits coverage, including, but not limited to any  
41 contributions, during the retiree's temporary return to employment.

42  
43 5. Notwithstanding the provisions of section 10 of P.L.1985,  
44 c.439 (C.40A:14-146.17) or any other law or regulation to the  
45 contrary, during the Public Health Emergency or State of Emergency  
46 declared by the Governor in Executive Order No. 103 of 2020, there  
47 shall be no limit on the number of Class Two special law enforcement  
48 officers employed by a local unit.

1       6. Notwithstanding the provisions of section 3 of P.L.1998,  
2 c.146 (C.52:17B-69.2) or any other law or regulation to the contrary,  
3 during the Public Health Emergency or State of Emergency declared  
4 by the Governor in Executive Order No. 103 of 2020, any person who  
5 has completed a training course pursuant to section 2 of P.L.1998,  
6 c.146 (C.52:17B-69.1), commonly referred to as Alternate Route  
7 Training, shall be eligible for appointment as a Class Two special law  
8 enforcement officer by a local unit, in accordance with P.L. 1985,  
9 c.439 (C.40A:14-146.8 et seq.), and based upon conditions set by the  
10 Police Training Commission in accordance with the Police Training  
11 Act, P.L.1961, c.56 (C.52:17B-66 et seq.), for such time as the Public  
12 Health Emergency or State of Emergency remains in effect.

13  
14       7. Notwithstanding the provisions of section 5 of P.L.1965, c.89  
15 of P.L.1983, c.403 (C.53:5A-5) or any other law or regulation to the  
16 contrary, members of the 160th Class of the New Jersey State Police  
17 Academy, which commenced training on February 24, 2020, shall  
18 become eligible for membership in the State Police Retirement  
19 System, P.L.1965, c.89 (C.53:5A-1 et seq.), on August 7, 2020, the  
20 originally scheduled date of their academy graduation which was  
21 extended as a result of the Public Health Emergency and State of  
22 Emergency declared by the Governor in Executive Order No. 103 of  
23 2020. In addition, upon completion of pre-service training and  
24 graduation from the New Jersey State Police Academy, members of  
25 the 160th Class of the New Jersey State Police Academy shall be  
26 eligible for appointment as sworn members of the New Jersey State  
27 Police at that time regardless of age, notwithstanding the provisions  
28 of R.S.53:1-9 relating to the maximum age requirement for  
29 appointment as a member of the State Police.

30  
31       8. Notwithstanding the provisions of subsection c. of section 8  
32 of P.L.1965, c.89 (C.53:5A-8) or any other law or regulation to the  
33 contrary, a member appointed to the State Police who attains the age  
34 of 55 years while in active service on or after the effective date of  
35 this act shall not be required to retire and may continue in active  
36 service during the Public Health Emergency or State of Emergency  
37 declared by the Governor in Executive Order No. 103 of 2020.

38  
39       9. Notwithstanding the provisions of section 3 of P.L.1955,  
40 c.257 (C.43:15A-99), section 5 of P.L.1944, c.255 (C.43:16A-5), or  
41 any other law or regulation to the contrary, a member of the Police  
42 and Firemen's Retirement System of New Jersey or a law  
43 enforcement officer, as defined in section 1 of P.L.1955, c.257  
44 (C.43:15A-97), who is a member of the Public Employees'  
45 Retirement System, and who attains the mandatory retirement age set  
46 forth in section 3 of P.L.1955, c.257 (C.43:15A-99) or section 5 of  
47 P.L.1944, c.255 (C.43:16A-5) applicable to that officer or member  
48 while in active service on or after the effective date of this act shall

1 not be required to retire and may continue in active service during  
2 the Public Health Emergency or State of Emergency declared by the  
3 Governor in Executive Order No. 103 of 2020.

4  
5 10. Notwithstanding the provisions of section 9 of P.L.1969,  
6 c.242 (C.18A:66-175) or any other law or regulation to the contrary,  
7 a member or participant in the alternate benefit program who elects  
8 to receive a distribution under a federal stimulus program in response  
9 to the coronavirus disease 2019 (COVID-19) pandemic, including,  
10 but not limited to, a “coronavirus-related distribution” under the  
11 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.  
12 116-136 (2020), shall not have his or her membership or participation  
13 terminated and shall not be considered retired.

14  
15 11. Notwithstanding the provisions of section 1 of P.L.2007, c.92  
16 (C.43:15C-1), N.J.A.C. 17:6-10.2, or any other law or regulation to  
17 the contrary, a participant in the defined contribution retirement  
18 program may elect to receive, prior to the participant's severance  
19 from employment, a distribution under a federal stimulus program in  
20 response to the coronavirus disease 2019 (COVID-19) pandemic,  
21 including, but not limited to, a “coronavirus-related distribution”  
22 under the Coronavirus Aid, Relief, and Economic Security Act, Pub.  
23 L. No. 116-136 (2020).

24  
25 12. This act shall take effect immediately and shall be retroactive  
26 to April 6, 2020. Sections 1 through 9 of this act shall expire when  
27 the Governor declares both the Public Health Emergency and State  
28 of Emergency to be over.

29  
30  
31 STATEMENT

32  
33 This bill provides for the temporary employment of former public  
34 employees who retired from the Public Employees’ Retirement  
35 System, the Police and Firemen’s Retirement System, or the State  
36 Police Retirement System, during the Public Health Emergency or  
37 State of Emergency declared by the Governor in Executive Order No.  
38 103 of 2020.

39 The bill permits a public employee to be eligible for participation  
40 in the State Health Benefits Program immediately upon hire,  
41 provided such person is or was hired as a new employee on or after  
42 February 3, 2020 to provide services needed because of the  
43 coronavirus disease 2019 (COVID-19) pandemic.

44 This bill removes the limit, during the Public Health Emergency  
45 or State of Emergency declared by the Governor in Executive Order  
46 No. 103 of 2020, on the number of Class Two special law  
47 enforcement officers that may be employed by a local unit.

1 This bill provides that, during the Public Health Emergency or  
2 State of Emergency declared by the Governor in Executive Order No.  
3 103 of 2020, any person who has completed a training course  
4 commonly referred to as Alternate Route Training will be eligible for  
5 appointment as a Class Two special law enforcement officer by a  
6 local unit for such time as the Public Health Emergency or State of  
7 Emergency remains in effect.

8 This bill provides that the members of the 160th Class of the New  
9 Jersey State Police Academy, which commenced training on  
10 February 24, 2020, will become eligible for membership in the State  
11 Police Retirement System on August 7, 2020, the originally  
12 scheduled date of their academy graduation which was extended as a  
13 result of the Public Health Emergency and State of Emergency  
14 declared by the Governor in Executive Order No. 103 of 2020. In  
15 addition, upon completion of pre-service training and graduation  
16 from the New Jersey State Police Academy, members of the 160th  
17 Class of the New Jersey State Police Academy will be eligible for  
18 appointment as sworn members of the New Jersey State Police at that  
19 time regardless of age.

20 This bill provides that a member of the State Police who attains  
21 the age of 55 years while in active service on or after the effective  
22 date of this bill will not be required to retire and may continue in  
23 active service during the Public Health Emergency or State of  
24 Emergency declared by the Governor in Executive Order No. 103 of  
25 2020. Also, a member of the Police and Firemen's Retirement  
26 System of New Jersey or a law enforcement officer who is a member  
27 of the Public Employees' Retirement System who attains the  
28 mandatory retirement age while in active service on or after the  
29 effective date of this bill will not be required to retire and may  
30 continue in active service during the Public Health Emergency or  
31 State of Emergency declared by the Governor in Executive Order No.  
32 103 of 2020.

33 Finally, the bill permits a participant of the alternate benefit  
34 program or the defined contribution retirement program to receive a  
35 distribution under a federal stimulus program in response to the  
36 coronavirus disease 2019 (COVID-19) pandemic, including, but not  
37 limited to, a "coronavirus-related distribution" under the Coronavirus  
38 Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020),  
39 and remain employed.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2376**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JULY 28, 2020

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2376.

As amended, this bill provides for the temporary employment of former public employees who retired from the Public Employees' Retirement System, the Police and Firemen's Retirement System, or the State Police Retirement System, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020.

The bill permits a public employee to be eligible for participation in the State Health Benefits Program immediately upon hire, provided such person is or was hired as a new employee on or after February 3, 2020 to provide services needed because of the coronavirus disease 2019 (COVID-19) pandemic.

This bill removes the limit, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020, on the number of Class Two special law enforcement officers that may be employed by a local unit.

This bill provides that, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020, any person who has completed a training course commonly referred to as Alternate Route Training will be eligible for appointment as a Class Two special law enforcement officer by a local unit for such time as the Public Health Emergency or State of Emergency remains in effect.

This bill provides that the members of the 160th Class of the New Jersey State Police Academy, which commenced training on February 24, 2020, will be enrolled in the State Police Retirement System with contributions by both the State and the member to the system beginning on August 7, 2020, the originally scheduled date of their academy graduation which was extended as a result of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020. The period of membership beginning on August 7, 2020 and thereafter will be deemed creditable service as a member of the system. In addition, upon completion of pre-service training and graduation from the New Jersey State Police

Academy, members of the 160th Class of the New Jersey State Police Academy will be eligible for appointment as sworn members of the New Jersey State Police at that time regardless of age.

This bill provides that a member of the State Police who attains the age of 55 years while in active service on or after the effective date of this bill will not be required to retire and may continue in active service during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020. Also, a member of the Police and Firemen's Retirement System of New Jersey or a law enforcement officer who is a member of the Public Employees' Retirement System who attains the mandatory retirement age while in active service on or after the effective date of this bill will not be required to retire and may continue in active service during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020.

Finally, the bill permits a participant of the alternate benefit program or the defined contribution retirement program to receive a distribution under a federal stimulus program in response to the coronavirus disease 2019 (COVID-19) pandemic, including, but not limited to, a "coronavirus-related distribution" under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020), and remain employed.

As reported by the committee, Senate Bill No. 2376 is identical to Assembly Bill No. 3914, which also was reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amendments:

Enroll members of the 160th Class of the New Jersey State Police Academy into the State Police Retirement System on August 7, 2020, the originally scheduled date of their academy graduation which was extended as a result of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020;

Require that contributions to the system by both the State and the member begin on August 7, 2020; and

Deem the period of membership beginning on August 7, 2020 creditable service as a member of the system.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State

troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment for those law enforcement officers who delay their retirement. There is no salary information with regard to these employments.

At this time, it is unknown if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.



STATEMENT TO  
[First Reprint]  
**SENATE, No. 2376**

with Senate Floor Amendments  
(Proposed by Senator GREENSTEIN)

ADOPTED: JULY 30, 2020

These Senate amendments clarify that the period of a Public Health Emergency declared in Executive Order No. 103 of 2020 during which a public employee will become immediately eligible for health benefits in the State Health Benefits Program upon hire includes any period during which that emergency is extended. The amendments also eliminate the requirement that the employee be hired specifically to provide services needed because of the coronavirus pandemic in order to be immediately eligible for health benefits. Finally, the amendments provide that immediate eligibility for health benefits will be applicable during the period of a Public Health Emergency in Executive Order No. 103, rather than the State of Emergency.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2376**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JUNE 19, 2020

**SUMMARY**

- Synopsis:** Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.
- Type of Impact:** Temporary expenditure increases to the State and local governments.
- Agencies Affected:** Department of the Treasury, various State departments, local government entities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment for those law enforcement officers who delay their retirement. There is no salary information with regard to these employments.
- At this time, it is unknown if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

## **BILL DESCRIPTION**

This bill permits the temporary employment of retirees from the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), or the State Police Retirement System (SPRS), during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020. It permits a public employee hired during the Public Health Emergency and State of Emergency to provide services needed because of the COVID-19 pandemic to participate in the State Health Benefits Program (SHBP) immediately upon hire, provided such person is or was hired as a new employee on or after February 3, 2020 to provide services needed because of the pandemic.

The bill removes the limitation on the number of Class Two special law enforcement officers who may be employed by a local unit and provides that, during the Public Health Emergency and State of Emergency, any person who completes a training course commonly referred to as Alternate Route Training will be eligible for appointment as a Class Two special law enforcement officer by a local unit while the emergency remains in effect. It also provides that the members of the 160th Class of the New Jersey State Police Academy, which commenced training on February 24, 2020, will become eligible for membership in the SPRS on August 7, 2020.

The bill provides that a member of the SPRS, PFRS, or PERS may delay retirement beyond the mandatory retirement date during the Public Health Emergency and State of Emergency and permits a participant of the alternate benefit program or the defined contribution retirement program to receive a distribution under a federal stimulus program in response to the COVID-19 pandemic and remain employed.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment of those law enforcement officers who delay their retirement. At this time, there is no indication if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

It is noted that, in general, new public employees have a waiting period of 30 days before becoming eligible for SHBP coverage; this bill provides immediate coverage. Retired employees who are again employed during the emergency will remain covered under their SHBP plan. Health benefit costs for PERS, PFRS, and SPRS officers who choose to remain employed beyond their mandatory retirement date will receive health care coverage as active employees rather than as

retired employees. It is not known what health care benefits are provided by local units to new Class Two special law enforcement officers.

Salary and retirement system costs of the 160<sup>th</sup> class for the State Police have been anticipated, although this bill will have the State incur that cost earlier than would otherwise be the case.

Those law enforcement officers in PFRS, SPRS, and PERS who delay their retirement beyond their mandatory retirement date will receive an increase in the retirement allowance for the additional few weeks or months they continue to be employed; additional employer costs with regard to these officers will include continuation of salary, health care costs, and contributions to the retirement systems.

*Section: State Government Section*

*Analyst: Kimberly M. Clemmensen  
Lead Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**SENATE, No. 2376**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: SEPTEMBER 1, 2020

### SUMMARY

- Synopsis:** Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees.
- Type of Impact:** Temporary expenditure increases to the State and local governments.
- Agencies Affected:** Department of the Treasury, various State departments, local government entities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>Local Cost Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment for those law enforcement officers who delay their retirement. There is no salary information with regard to these employments.
- At this time, it is unknown if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

## **BILL DESCRIPTION**

This bill permits the temporary employment of retirees from the Public Employees' Retirement System (PERS), the Police and Firemen's Retirement System (PFRS), or the State Police Retirement System (SPRS), during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order No. 103 of 2020. It permits a public employee hired during the Public Health Emergency and State of Emergency to provide services needed because of the COVID-19 pandemic to participate in the State Health Benefits Program (SHBP) immediately upon hire, provided such person is or was hired as a new employee on or after February 3, 2020 to provide services needed because of the pandemic.

The bill removes the limitation on the number of Class Two special law enforcement officers who may be employed by a local unit and provides that, during the Public Health Emergency and State of Emergency, any person who completes a training course commonly referred to as Alternate Route Training will be eligible for appointment as a Class Two special law enforcement officer by a local unit while the emergency remains in effect. It also provides that the members of the 160th Class of the New Jersey State Police Academy, which commenced training on February 24, 2020, will become enrolled in the SPRS on August 7, 2020, at which time employee and employer contributions to the SPRS and creditable service in the SPRS will commence.

The bill provides that a member of the SPRS, PFRS, or PERS may delay retirement beyond the mandatory retirement date during the Public Health Emergency and State of Emergency and permits a participant of the alternate benefit program or the defined contribution retirement program to receive a distribution under a federal stimulus program in response to the COVID-19 pandemic and remain employed.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will result in indeterminate temporary increases in State and local government expenditures. The increase in salary, health care, and retirement system costs associated with this bill are indeterminate because no information is available on the number of new public employees, retired public employees, or Class Two special law enforcement officers who would be hired, the number of new State troopers who would be enrolled in the retirement system, and the number of law enforcement officers who would delay their retirement beyond the mandatory retirement date. There is also no information on the length of employment for those new employees, retired employees, and special law enforcement officers hired under the authorization provided by this bill, nor on the length of continued employment of those law enforcement officers who delay their retirement. At this time, there is no indication if the State or local units may be eligible for reimbursement for the additional costs of this bill by the federal government under the CARES Act or subsequent federal acts.

It is noted that, in general, new public employees have a waiting period of 30 days before becoming eligible for SHBP coverage; this bill provides immediate coverage. Retired employees who are again employed during the emergency will remain covered under their SHBP plan. Health

benefit costs for PERS, PFRS, and SPRS officers who choose to remain employed beyond their mandatory retirement date will receive health care coverage as active employees rather than as retired employees. It is not known what health care benefits are provided by local units to new Class Two special law enforcement officers.

Salary and retirement system costs of the 160<sup>th</sup> class for the State Police have been anticipated, although this bill will have the State incur that cost earlier than would otherwise be the case because the graduation date has been extended as a result of the Public Health emergency and State Emergency declared by the Governor in Executive Order No.103 of 2020.

Those law enforcement officers in PFRS, SPRS, and PERS who delay their retirement beyond their mandatory retirement date will receive an increase in the retirement allowance for the additional few weeks or months they continue to be employed; additional employer costs with regard to these officers will include continuation of salary, health care costs, and contributions to the retirement systems.

*Section: State Government*

*Analyst: Kimberly M. Clemmensen  
Lead Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

10/30/2020

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**A-3914/S-2376 (Taliaferro, Moen, Vainieri Huttle/Greenstein, A.M. Bucco)** – Provides for employment, retention, and benefits during public health hazard posed by coronavirus disease 2019 (COVID-19) of certain public employees

**A-4134/S-2722 (Downey, Houghtaling, Verrelli/Scutari, Singleton)** – Concerns workers' compensation; revises effective date of P.L.2019, c.387 to clarify that law applies to cases pending, but not yet settled, or filed on or after date of enactment; increases burial expense allowance