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SENATE, No. 1289

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 18, 2000

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Permits certain firefighters to be appointed and enrolled in PFRS regardless of age.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the qualifications for the appointment of
2 firefighters and supplementing Title 40A of the New Jersey
3 Statutes.

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

7
8 1. a. Notwithstanding the provisions of N.J.S.40A:14-12 to the
9 contrary, a municipal appointing authority may appoint to a uniformed
10 firefighting position any person who is over 35 years of age if that
11 person was placed on a civil service eligible list for appointment as a
12 member or officer of a paid fire department or force prior to February
13 25, 1997 and was appointed by a municipal appointing authority prior
14 to June 30, 1998.

15 b. Notwithstanding the provisions of P.L.1944, c.255 (C.43:16A-1
16 et seq.) to the contrary, the Board of Trustees of the Police and
17 Firemen's Retirement System shall accept as a member of the
18 retirement system any firefighter, otherwise eligible for membership,
19 who was appointed in accordance with the provisions of subsection
20 a. of this section.

21
22 2. This act shall take effect immediately.

23
24
25 STATEMENT

26
27 On February 25, 1997, the Attorney General advised the
28 Department of Personnel and the Division of Pensions and Benefits
29 that the age restrictions for hiring firefighters and for their enrollment
30 in the Police and Firemen's Retirement System (PFRS) were once
31 again in effect as a result of the repeal of a section of the federal Age
32 Discrimination in Employment Act dealing with firefighters and law
33 enforcement officers. This reimposition of hiring restrictions has
34 caused problems for individuals who successfully passed civil service
35 examinations prior to the reimposition and were appointed after the
36 reimposition but who were not allowed to join PFRS.

37 This bill provides that a municipal appointing authority may appoint
38 to a uniformed firefighting position any person who is over 35 years
39 of age if that person was placed on a civil service eligible list for
40 appointment as a member or officer of a paid fire department or force
41 prior to February 25, 1997 and was appointed by a municipal
42 appointing authority prior to June 30, 1998.

43 PFRS must accept as a member of the retirement system any
44 firefighter, otherwise eligible for membership, who was appointed in
45 accordance with the provisions of this bill.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1289

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2001

The Senate State Government Committee reports favorably Senate, No. 1289.

On February 25, 1997, the Attorney General reinstated age restrictions for hiring firefighters and for their enrollment in the Police and Firemen's Retirement System (PFRS) as a result of the repeal of a section of the federal Age Discrimination in Employment Act dealing with firefighters and law enforcement officers. This reinstatement of age restrictions has prevented individuals who were placed on civil service eligible lists prior to the reinstatement of age restrictions and who were appointed after the reinstatement of these restrictions from joining PFRS.

This bill provides that a municipal appointing authority may appoint to a uniformed firefighting position any person who is over 35 years of age if that person was placed on a civil service eligible list for appointment as a member or officer of a paid fire department or force prior to February 25, 1997 and was appointed by a municipal appointing authority prior to June 30, 1998. PFRS must accept as a member of the retirement system any firefighter, otherwise eligible for membership, who was appointed in accordance with the provisions of this bill.

According to the fiscal note to the bill, the Division of Pensions and Benefits believes that "there will be no fiscal impact to the Police and Firemen's Retirement System" as a result of this bill. At its November 3, 2000 meeting, the Pension and Health Benefits Review Commission approved this legislation.

The Senate State Government Committee reports favorably Senate Bill No. 1289.

FISCAL NOTE
SENATE, No. 1289
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: FEBRUARY 15, 2001

SUMMARY

Synopsis: Permits certain firefighters to be appointed and enrolled in PFRS regardless of age.

Type of Impact: Minimal increase in Local Government expenditures.

Agencies Affected: Municipal governments.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost	See Comments Below		

- ! Office of Legislative Services (OLS) **concurs** with the Executive Branch fiscal estimate as to the bill's impact on the liabilities of PFRS, but notes that an unknown number of municipalities who have appointed a firefighter as described below will incur additional costs for employer contributions to PFRS.
- ! Allows a municipality to appoint as a firefighter any person who is over 35 years of age if that person was placed on a civil service eligible list and appointed prior to certain dates.
- ! Police and Firemen's Retirement System (PFRS) must accept as a member of the retirement system any firefighter appointed pursuant to the provisions of this bill.
- ! Executive Branch estimates that there will be no fiscal impact on the PFRS.

BILL DESCRIPTION

Senate Bill No. 1289 of 2000 provides that a municipal appointing authority may appoint to a uniformed firefighting position any person who is over 35 years of age if that person was placed on a civil service eligible list for appointment as a firefighter prior to February 25, 1997 and was appointed by a municipal appointing authority prior to June 30, 1998. The Police and Firemen's Retirement System (PFRS) must accept as a member of the retirement system any firefighter, otherwise eligible for membership, who was appointed in accordance with the provisions of this bill.

On February 25, 1997, the Attorney General reinstated age restrictions for the hiring of firefighters and law enforcement officers and for their enrollment in PFRS as a result of the repeal of a section of the federal Age Discrimination in Employment Act dealing with firefighters and law enforcement officers. This reinstatement of age restrictions has prevented persons who were placed on civil service eligible lists prior to the reinstatement of age restrictions and who were appointed after the reinstatement of these restrictions from joining PFRS.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits assumes that no new positions would be created as a result of this bill and, consequently, there will be no fiscal impact to the Police and Firemen's Retirement System. The division notes that other costs may apply.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive Branch fiscal estimate, although not the reasons stated in the estimate. While the division does not provide information on the number of firefighters who have been appointed and who would as a result of the bill's enactment be enrolled in PFRS, OLS assumes the number to be so minimal that it will not create any additional liability in PFRS. Thus, contributions by local government employers will not increase. In this, the Executive Branch estimate is correct.

However, it should be noted that the bill does not provide for "new" appointments; rather, it statutorily recognizes appointments that were made prior to June 30, 1998. Although the division provides no data, it is conceivable that there are firefighters who were appointed before that date and who would be permitted to join PFRS as a result of this bill. At present, persons appointed as described in the bill are not allowed to join PFRS nor are they allowed to join any other State-administered retirement system. Thus, no pension contribution is required on the part of the municipality for these appointees. It should also be noted that the employer pension contribution is a customary cost in hiring police officers and firefighters and that not making such a pension contribution is atypical. If enacted into law, this bill would have a fiscal impact by requiring a municipality to make a PFRS pension contribution. However, the direct cost to the municipality is expected to be minimal.

Section: *State Government*

Analyst: *Joseph P. Capalbo*
Lead Research Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1289

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2001

The Assembly Appropriations Committee reports favorably Senate Bill No. 1289.

Senate Bill No. 1289 provides that a municipal appointing authority may appoint to a uniformed firefighting position any person who is over 35 years of age if that person was placed on a civil service eligible list for appointment as a firefighter prior to February 25, 1997 and was appointed by a municipal appointing authority prior to June 30, 1998. The Police and Firemen's Retirement System (PFRS) must accept as a member of the retirement system any firefighter, otherwise eligible for membership, who was appointed in accordance with the provisions of this bill.

The Pension and Health Benefits Review Commission approved this legislation for enactment on November 3, 2000.

FISCAL IMPACT:

On the fiscal note to this bill, the Division of Pensions and Benefits stated that there would be no fiscal impact to the PFRS. The Office of Legislative Services concurred and assumed the number of eligible firefighters to be minimal and therefore not create any additional liability in the PFRS.

P.L. 2001, CHAPTER 279, *approved December 27, 2001*

Senate, No. 1289

1 **AN ACT** concerning the qualifications for the appointment of
2 firefighters and supplementing Title 40A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
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12 member or officer of a paid fire department or force prior to February
13 25, 1997 and was appointed by a municipal appointing authority prior
14 to June 30, 1998.

15 b. Notwithstanding the provisions of P.L.1944, c.255 (C.43:16A-1
16 et seq.) to the contrary, the Board of Trustees of the Police and
17 Firemen's Retirement System shall accept as a member of the
18 retirement system any firefighter, otherwise eligible for membership,
19 who was appointed in accordance with the provisions of subsection
20 a. of this section.

21
22 2. This act shall take effect immediately.

23

24

25

STATEMENT

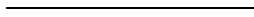
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41 prior to February 25, 1997 and was appointed by a municipal
42 appointing authority prior to June 30, 1998.

43 PFRS must accept as a member of the retirement system any
44 firefighter, otherwise eligible for membership, who was appointed in
45 accordance with the provisions of this bill.

1



2

3 Permits certain firefighters to be appointed and enrolled in PFRS
4 regardless of age.

CHAPTER 279

AN ACT concerning the qualifications for the appointment of firefighters and supplementing Title 40A of the New Jersey Statutes.

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

C.40A:14-12.4 Appointment of firefighters under certain circumstances.

1. a. Notwithstanding the provisions of N.J.S.40A:14-12 to the contrary, a municipal appointing authority may appoint to a uniformed firefighting position any person who is over 35 years of age if that person was placed on a civil service eligible list for appointment as a member or officer of a paid fire department or force prior to February 25, 1997 and was appointed by a municipal appointing authority prior to June 30, 1998.

b. Notwithstanding the provisions of P.L.1944, c.255 (C.43:16A-1 et seq.) to the contrary, the Board of Trustees of the Police and Firemen's Retirement System shall accept as a member of the retirement system any firefighter, otherwise eligible for membership, who was appointed in accordance with the provisions of subsection a. of this section.

2. This act shall take effect immediately.

Approved December 27, 2001.