

SENATE, No. 305

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

Co-Sponsored by:

Senators Johnson, Bramnick and Diegnan

SYNOPSIS

Requires Administrative Law Judges to be enrolled in Workers Compensation Judges Part of PERS.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee with technical review.



(Sponsorship Updated As Of: 10/10/2024)

S305 STACK, POLISTINA

2

1 AN ACT concerning enrollment of Administrative Law Judges in the
2 Workers Compensation Judges Part of the Public Employees'
3 Retirement System and amending P.L.2007, c.92, P.L. 2001,
4 c.259, and P.L.1954, c.84.

5

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

8

9 1. Section 2 of P.L. 2007, c.92 (C.43:15C-2) is amended to
10 read as follows:

11 2. a. The following persons shall be eligible and shall
12 participate in the Defined Contribution Retirement Program:

13 (1) A person who commences service on or after the effective
14 date of this section of P.L.2007, c.92 (C.43:15C-1 et al.) in an
15 elective public office of this State or of a political subdivision
16 thereof, except that it shall not include a person who holds elective
17 public office on the effective date of this section and is enrolled in
18 the Public Employees' Retirement System while that person
19 continues to hold that elective public office or, for an elected
20 official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),
21 another elective public office, without a break in service. Service in
22 the Legislature shall be considered a single elective public office.

23 (2) A person who commences service on or after the effective
24 date of this section in an employment, office or position of the State
25 or of a political subdivision thereof, or an agency, board,
26 commission, authority or instrumentality of the State or of a
27 subdivision, pursuant to an appointment by the Governor that
28 requires the advice and consent of the Senate, or pursuant to an
29 appointment by the Governor to serve at the pleasure of the
30 Governor only during his or her term of office. This paragraph
31 shall not be deemed to include a person otherwise eligible for
32 membership in the State Police Retirement System or the Judicial
33 Retirement System. This paragraph shall not include Workers'
34 Compensation Judges of the Division of Workers' Compensation in
35 the Department of Labor and Workforce Development or
36 Administrative Law Judges of the Office of Administrative Law
37 within the Department of State. This paragraph shall not include a
38 commissioner appointed to the New Jersey Maritime Pilot and
39 Docking Pilot Commission pursuant to R.S.12:8-1.

40 (3) A person who commences service on or after the effective
41 date of this section in an employment, office or position in a
42 political subdivision of the State, or an agency, board, commission,
43 authority or instrumentality of a subdivision, pursuant to an
44 appointment by an elected public official or elected governing
45 body, that requires the specific consent or approval of the elected

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

Matter underlined thus is new matter.

1 governing body of the political subdivision that is substantially
2 similar in nature to the advice and consent of the Senate for
3 appointments by the Governor of the State as that similarity is
4 determined by the elected governing body and set forth in an
5 adopted ordinance or resolution, pursuant to guidelines or policy
6 that shall be established by the Local Finance Board in the
7 Department of Community Affairs or the Department of Education,
8 as appropriate to the elected governing body. This paragraph shall
9 not be deemed to include a person otherwise eligible for
10 membership in the Teachers' Pension and Annuity Fund or the
11 Police and Firemen's Retirement System, or a person who is
12 employed or appointed in the regular or normal course of
13 employment or appointment procedures and consented to or
14 approved in a general or routine manner appropriate for and
15 followed by the political subdivision, or the agency, board,
16 commission, authority or instrumentality of a subdivision, or a
17 person who holds a professional license or certificate to perform
18 and is performing as a certified health officer, tax assessor, tax
19 collector, municipal planner, chief financial officer, registered
20 municipal clerk, construction code official, licensed uniform
21 subcode inspector, qualified purchasing agent, or certified public
22 works manager.

23 (4) A person who is granted a pension or retirement allowance
24 under any pension fund or retirement system established under the
25 laws of this State and elects to participate pursuant to section 1 of
26 P.L.1977, c.171 (C.43:3C-3) upon being elected to public office.

27 (5) A member of the Teachers' Pension and Annuity Fund,
28 Police and Firemen's Retirement System, State Police Retirement
29 System, or the Public Employees' Retirement System for whom
30 compensation is defined as the amount of base or contractual salary
31 equivalent to the annual maximum wage contribution base for
32 Social Security, pursuant to the Federal Insurance Contributions
33 Act, for contribution and benefit purposes of those retirement
34 systems, for whom participation in this retirement program shall be
35 with regard to any excess over the maximum compensation only.

36 (6) A person in employment, office or position for which the
37 annual salary or remuneration is less, or the hours of work per week
38 are fewer, than that which is required to become a member of the
39 Teachers' Pension and Annuity Fund or the Public Employees'
40 Retirement System, or to make contributions to those systems as a
41 member on the basis of any such employment, office or position,
42 after November 1, 2008.

43 b. No person shall be eligible to participate in the retirement
44 program with respect to any public employment, office, or position
45 if:

46 (1) the base salary for that employment, office, or position is
47 less than \$5,000 per year;

1 (2) the person is, on the basis of service in that employment,
2 office, or position, eligible for membership or enrolled as a member
3 of another State or locally-administered pension fund or retirement
4 system established under the laws of this State including the
5 Alternate Benefit Program, except as otherwise specifically
6 provided in subsection a. of this section;

7 (3) the person is receiving a benefit as a retiree from any other
8 State or locally-administered pension fund or retirement system
9 established under the laws of this State, except as provided in
10 section 1 of P.L.1977, c.171 (C.43:3C-3); or

11 (4) the person is an officer or employee of a political
12 subdivision of this State or of a board of education, or of any
13 agency, authority or instrumentality thereof, who is ineligible for
14 membership in the Public Employees' Retirement System pursuant
15 to section 20 of P.L.2007, c.92 (C.43:15A-7.2).

16 c. A person eligible and required to participate in the
17 retirement program pursuant to paragraph (5) of subsection a. of
18 this section may elect to waive participation with regard to that
19 employment, office, or position by filing, when first eligible, on a
20 form required by the division, a written waiver with the Division of
21 Pensions and Benefits that waives all rights and benefits that would
22 otherwise be provided by the retirement program. Such a person
23 may thereafter elect to participate in the retirement program by
24 filing, on a form required by the division, a written election to
25 participate in the retirement program and participation in the
26 retirement program pursuant to such election shall commence on
27 the January 1 next following the filing of the election to participate.

28 d. Service credited to a participant in the Defined Contribution
29 Retirement Program shall not be recognized as service credit to
30 determine eligibility for employer-paid health care benefits in
31 retirement pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),
32 N.J.S.40A:10-16 et seq., P.L.1979, c.391 (C.18A:16-12 et al.) or
33 any other law, rule or regulation.
34 (cf: P.L.2021, c.418, s.3)

35
36 2. Section 7 of P.L.1954, c.84 (C.43:15A-7) is amended to read
37 as follows:

38 7. There is hereby established the Public Employees'
39 Retirement System of New Jersey in the Division of Pensions and
40 Benefits of the Department of the Treasury. The membership of the
41 retirement system shall include:

42 a. The members of the former "State Employees' Retirement
43 System of New Jersey" enrolled as such as of December 30, 1954,
44 who shall not have claimed for refund their accumulated deductions
45 in said system as provided in this section;

46 b. Any person becoming an employee of the State or other
47 employer after January 2, 1955 and every veteran, other than a
48 retired member who returns to service pursuant to subsection b. of

1 section 27 of P.L.1966, c.217 (C.43:15A-57.2) and other than those
2 whose appointments are seasonal, becoming an employee of the
3 State or other employer after such date, including a temporary
4 employee with at least one year's continuous service. The
5 membership of the retirement system shall not include those
6 persons appointed to serve as described in paragraphs (2) and (3) of
7 subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2), except a
8 person who was a member of the retirement system prior to the
9 effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-
10 1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and
11 C.43:15A-135) and continuously thereafter. The membership of the
12 retirement system shall include Workers' Compensation Judges of
13 the Division of Workers' Compensation in the Department of Labor
14 and Workforce Development and Administrative Law Judges of the
15 Office of Administrative Law within the Department of State; and

16 c. Every employee veteran in the employ of the State or other
17 employer on January 2, 1955, who is not a member of any
18 retirement system supported wholly or partly by the State.

19 d. Membership in the retirement system shall be optional for
20 elected officials other than veterans, and for school crossing guards,
21 who having become eligible for benefits under other pension
22 systems are so employed on a part-time basis. Elected officials
23 commencing service on or after the effective date of sections 1
24 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15,
25 C.43:3C-9, C.43:15A-7 , C.43:15A-75 and C.43:15A-135) shall not
26 be eligible for membership in the retirement system based on
27 service in the elective public office, except that an elected official
28 enrolled in the retirement system as of that effective date who
29 continues to hold that elective public office or, for an elected
30 official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),
31 another elective public office, without a break in service shall be
32 eligible to continue membership in the retirement system under the
33 terms and conditions of enrollment. Service in the Legislature shall
34 be considered a single elective public office. Any part-time school
35 crossing guard who is eligible for benefits under any other pension
36 system and who was hired as a part-time school crossing guard
37 prior to March 4, 1976, may at any time terminate his membership
38 in the retirement system by making an application in writing to the
39 board of trustees of the retirement system. Upon receiving such
40 application, the board of trustees shall terminate his enrollment in
41 the system and direct the employer to cease accepting contributions
42 from the member or deducting from the compensation paid to the
43 member. State employees who become members of any other
44 retirement system supported wholly or partly by the State as a
45 condition of employment shall not be eligible for membership in
46 this retirement system. Notwithstanding any other law to the
47 contrary, all other persons accepting employment in the service of

1 the State shall be required to enroll in the retirement system as a
2 condition of their employment, regardless of age.

3 (1) Before or on November 1, 2008, no person in employment,
4 office or position, for which the annual salary or remuneration is
5 fixed at less than \$1,500.00, shall be eligible to become a member
6 of the retirement system.

7 (2) After November 1, 2008, a person who was a member of the
8 retirement system on that date and continuously thereafter shall be
9 eligible to be a member of the retirement system in employment,
10 office or position, for which the annual salary or remuneration is
11 fixed at \$1,500 or more.

12 (3) After November 1, 2008 and before or on the effective date
13 of P.L.2010, c.1, a person who was not a member of the retirement
14 system on November 1, 2008, or who was a member of the
15 retirement system on that date but not continuously thereafter, and
16 who is in employment, office or position, for which the annual
17 salary or remuneration is certified by the applicable public entity at
18 \$7,500 or more, shall be eligible to become a member of the
19 retirement system. The \$7,500 minimum annual salary or
20 remuneration amount shall be adjusted annually by the Director of
21 the Division of Pensions and Benefits, by regulation, in accordance
22 with changes in the Consumer Price Index but by no more than 4
23 percent. "Consumer Price Index" means the average of the annual
24 increase, expressed as a percentage, in the consumer price index for
25 all urban consumers in the New York City and Philadelphia
26 metropolitan statistical areas during the preceding calendar year as
27 reported by the United States Department of Labor.

28 (4) After the effective date of P.L.2010, c.1, no person in an
29 employment, office or position of the State, or an agency, board,
30 commission, authority or instrumentality of the State, for which the
31 hours of work are fixed at fewer than 35 per week shall be eligible
32 to become a member of the retirement system; and no person in
33 employment, office or position with a political subdivision of the
34 State, or an agency, board, commission, authority or instrumentality
35 of a political subdivision of the State, for which the hours of work
36 are fixed by an ordinance or resolution of the political subdivision,
37 or agency, board, commission, authority or instrumentality thereof,
38 at fewer than 32 per week shall be eligible to become a member of
39 the retirement system. Any hour or part thereof, during which the
40 person does not work due to the person's participation in a
41 voluntary or mandatory furlough program shall not be deducted in
42 determining if a person's hours of work are fixed at fewer than 35 or
43 32 per week, as appropriate, for the purpose of eligibility and the
44 person's service credit as a member of the system or fund shall
45 include the period of mandatory or voluntary furlough provided the
46 person continues to make contributions based on the person's base
47 salary or compensation. If the pay of a furloughed person is
48 insufficient to withhold the entirety of the person's regular

1 contributions, then the person shall remit the entirety of the regular
2 contribution which was not withheld from the person's pay to the
3 Division of Pensions and Benefits in the Department of the
4 Treasury in a manner determined by the division, except that no
5 deduction for the payment of such contributions shall be made from
6 the unemployment compensation benefits of the employee.

7 e. Membership of any person in the retirement system shall
8 cease if he shall discontinue his service for more than two
9 consecutive years.

10 f. The accumulated deductions of the members of the former
11 "State Employees' Retirement System" which have been set aside in
12 a trust fund designated as Fund A as provided in section 5 of this
13 act and which have not been claimed for refund prior to February 1,
14 1955 shall be transferred from said Fund A to the Annuity Savings
15 Fund of the Retirement System, provided for in section 25 of this
16 act. Each member whose accumulated deductions are so transferred
17 shall receive the same prior service credit, pension credit, and
18 membership credit in the retirement system as he previously had in
19 the former "State Employees' Retirement System" and shall have
20 such accumulated deductions credited to his individual account in
21 the Annuity Savings Fund. Any outstanding obligations of such
22 member shall be continued.

23 g. Any school crossing guard electing to terminate his
24 membership in the retirement system pursuant to subsection d. of
25 this section shall, upon his request, receive a refund of his
26 accumulated deductions as of the date of his appointment to the
27 position of school crossing guard. Such refund of contributions
28 shall serve as a waiver of all benefits payable to the employee, to
29 his dependent or dependents, or to any of his beneficiaries under the
30 retirement system.

31 h. A temporary employee who is employed under the federal
32 Workforce Investment Act shall not be eligible for membership in
33 the system. Membership for temporary employees employed under
34 the federal Job Training Partnership Act, Pub.L.97-300 (29
35 U.S.C.s.1501) who are in the system on September 19, 1986 shall
36 be terminated, and affected employees shall receive a refund of
37 their accumulated deductions as of the date of commencement of
38 employment in a federal Job Training Partnership Act program.
39 Such refund of contributions shall serve as a waiver of all benefits
40 payable to the employee, to his dependent or dependents, or to any
41 of his beneficiaries under the retirement system.

42 i. Membership in the retirement system shall be optional for a
43 special service employee who is employed under the federal Older
44 American Community Service Employment Act, Pub.L.94-135 (42
45 U.S.C.s.3056). Any special service employee employed under the
46 federal Older American Community Service Employment Act,
47 Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on
48 the effective date of P.L.1996, c.139 may terminate membership in

1 the retirement system by making an application in writing to the
2 board of trustees of the retirement system. Upon receiving the
3 application, the board shall terminate enrollment in the system and
4 the member shall receive a refund of accumulated deductions as of
5 the date of commencement of employment in a federal Older
6 American Community Service Employment Act program. This
7 refund of contributions shall serve as a waiver of all benefits
8 payable to the employee, to any dependent or dependents, or to any
9 beneficiary under the retirement system.

10 j. An employee of the South Jersey Port Corporation who was
11 employed by the South Jersey Port Corporation as of the effective
12 date of P.L.1997, c.150 (C.34:1B-144 et al.) and who shall be re-
13 employed within 365 days of such effective date by a subsidiary
14 corporation or other corporation, which has been established by the
15 Delaware River Port Authority pursuant to subdivision (m) of
16 Article I of the compact creating the Delaware River Port Authority
17 (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-
18 146), shall be eligible to continue membership while an employee
19 of such subsidiary or other corporation.

20 k. An employee of a renaissance school project established
21 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.) upon
22 commencement of employment.

23 l. Every commissioner appointed to the New Jersey Maritime
24 Pilot and Docking Pilot Commission pursuant to R.S.12:8-1.
25 (cf: P.L.2021, c.418, s.2)

26
27 3. Section 1 of P.L.2001, c.259 (C.43:15A-142) is amended to
28 read as follows:

29 1. As used in this act, P.L.2001, c.259 (C.43:15A-142 et seq.):
30 "Administrative law judges" means the Director and Chief
31 administrative law judge, assignment judges, supervisory judges,
32 and administrative law judges of the Office of Administrative Law
33 within the Department of State.

34 "Aggregate public service" includes service as a workers
35 compensation or administrative law judge and in an office, position,
36 or employment of this State or of a county, municipality, board of
37 education, or public agency of this State.

38 "Beneficiary" means any person entitled to receive any benefit
39 pursuant to the provisions of this act by reason of the death of a
40 member or retirant.

41 "Child" means a deceased member's or retirant's unmarried child
42 who is (a) under the age of 18; (b) of any age who, at the time of the
43 member's or retirant's death, is disabled because of an intellectual
44 disability or physical incapacity, is unable to do any substantial,
45 gainful work because of the impairment, and the impairment has
46 lasted or can be expected to last for a continuous period of not less
47 than 12 months, as affirmed by the medical board; or (c) under the
48 age of 21 and is attending school full time.

1 "Final salary" means the annual salary received by the member at
2 the time of retirement or death.

3 "Retirant" means any former member receiving a pension or
4 retirement allowance as provided by this act.

5 "Widow" means the woman to whom a member was married at
6 least four years before the date of his death and to whom he
7 continued to be married until the date of his death. The eligibility
8 of a widow to receive a survivor's benefit shall be considered
9 terminated by the marriage of the widow subsequent to the
10 member's or the retirant's death. In the event of accidental death,
11 the four-year qualification shall be waived. When used in this act,
12 the term "widow" shall mean and include "widower" as may be
13 necessary and appropriate to the particular situation.

14 "Widower" means the man to whom a member was married at
15 least four years before the date of her death and to whom she
16 continued to be married until the date of her death. The eligibility
17 of a widower to receive a survivor's benefit shall be considered
18 terminated by the marriage of the widower subsequent to the
19 member's or the retirant's death. In the event of accidental death,
20 the four-year qualification shall be waived.

21 "Workers compensation judges" means the Chief Judges,
22 administrative supervisory judges, supervisory judges and judges of
23 compensation of the Division of Workers' Compensation of the
24 Department of Labor and Workforce Development.

25 (cf: P.L.2010, c.50, s.72)

26

27 4. Section 2 of P.L.2001, c.259 (C.43:15A-143) is amended to
28 read as follows:

29 2. a. Notwithstanding the provisions of any other law, workers
30 compensation judges and administrative law judges shall be
31 members of the Workers Compensation and Administrative Law
32 Judges Part, established pursuant to this act, P.L.2001, c.259
33 (C.43:15A-142 et seq.), as amended by P.L. , c. (pending before the
34 Legislature as this bill), of the Public Employees' Retirement
35 System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et
36 seq.), and shall be subject to the same membership and benefit
37 provisions as State employees, except as provided by P.L.2001,
38 c.259. Membership in the retirement system shall be a condition of
39 employment for service as a judge of compensation or
40 administrative law judge.

41 b. A Workers' Compensation Judge of the Division of Workers'
42 Compensation in the Department of Labor and Workforce
43 Development who is a participant in the Defined Contribution
44 Retirement Program, established pursuant to P.L.2007, c.92
45 (C.43:15C-1 et seq.), on the effective date of P.L.2021, c.140 shall
46 be transferred and enrolled in the Workers' Compensation Judges
47 Part of the Public Employees' Retirement System within 90 days
48 following that effective date. An Administrative Law Judge of the

1 Office of Administrative Law within the Department of State who is
2 a participant in the Defined Contribution Retirement Program,
3 established pursuant to P.L.2007, c.92 (C.43:15C-1 et seq.), on the
4 effective date of P.L. , c. (now pending before the Legislature as
5 this bill) shall be transferred and enrolled in the Workers'
6 Compensation and Administrative Law Judges Part of the Public
7 Employees' Retirement System within 90 days following the
8 effective date of P.L. , c. (pending before the Legislature as this
9 bill). An Administrative Law Judge of the Office of Administrative
10 Law within the Department of State who is a participant in the
11 Public Employees' Retirement System, established pursuant to
12 P.L.1954, c. 84 (C.43:15A-1 et seq.) shall be transferred and
13 enrolled in the Workers' Compensation and Administrative Law
14 Judges Part of the Public Employees' Retirement System within 90
15 days following the effective date of P.L. , c. (pending before the
16 Legislatre as this bill). The account in the Defined Contribution
17 Retirement Program or the Public Employees' Retirement Program
18 for each judge transferred and enrolled shall be transferred to the
19 Workers' Compensation and Administrative Law Judges Part of the
20 Public Employees' Retirement System and each judge shall be given
21 service credit in the Workers' Compensation and Administrative
22 Law Judges Part of the Public Employees' Retirement System for
23 service starting on the judge's date of appointment. The unfunded
24 liability for the benefits provided by the transfer and enrollment of
25 such judges of compensation shall be paid by transfers from the
26 Second Injury Fund as provided by section 13 of P.L.2001, c.259
27 (C.43:15A-154) to the Workers' Compensation Judges Part of the
28 Public Employees' Retirement System. The unfunded liability for
29 the benefits provided by the transfer and enrollment of such
30 administrative law judges shall be paid by appropriations from the
31 State General Fund.

32 Service credit transferred from a participant in the Defined
33 Contribution Retirement Program under this subsection shall be
34 recognized as service credit to determine eligibility for employer-
35 paid health care benefits in retirement pursuant to P.L.1961, c.49
36 (C.52:14-17.25 et seq.), or any other law, rule or regulation.

37 The actuary for the Public Employees' Retirement System shall
38 determine the unfunded accrued liability resulting from the transfer
39 and coverage of judges under this subsection [a. of this section] in
40 the same manner provided for the determination of the unfunded
41 accrued liability of the retirement system by section 24 of P.L.1954,
42 c.84 (C.43:15A-24). This unfunded accrued liability shall be
43 amortized in the manner provided by section 24 over an
44 amortization period of 20 years. Accrued liability and normal
45 contributions for workers compensation judges shall be paid by
46 transfers from the Second Injury Fund as provided by subsection j.
47 of R.S.34:15-94. The Commissioner of Labor and Workforce
48 Development may, with the authorization of and appropriation by

1 the Legislature, pay the unfunded accrued liability for workers
2 compensation judges in a lump sum or over a period of time shorter
3 than 20 years. Accrued liability and normal contributions for
4 administrative law judges shall be paid by appropriations from the
5 State General Fund.

6 c. The value of the account of a workers' compensation judge
7 or administrative law judge who is transferred out of the program
8 shall be transferred from the Defined Contribution Retirement
9 Program to the Public Employees' Retirement System in accordance
10 with the relevant provisions of the federal Internal Revenue Code
11 and Internal Revenue Service guidance as a direct trustee-to-trustee
12 transfer. The transfer shall be in accordance with a rule, method, or
13 process that shall not result in the transfer being deemed a
14 distribution includible in federal gross income for the workers'
15 compensation judge or administrative law judge.

16 d. A workers compensation judge who retired on or after May
17 20, 2021 and an administrative law judge who retired on or after the
18 first day of the month preceding the effective date of P.L. , c.
19 (pending before the Legislature as this bill) and who was not
20 transferred and enrolled pursuant to this subsection shall be
21 retroactively transferred and enrolled in the Workers Compensation
22 and Administrative Law Judges Part of the Public Employees'
23 Retirement System pursuant to this section and the retirement
24 allowance calculated and paid from the date of retirement based on
25 that enrollment in Workers Compensation and Administrative Law
26 Judges Part of the Public Employees' Retirement System, provided
27 the retiree complies with any terms and conditions for that transfer,
28 enrollment, and calculation as required by the Division of Pensions
29 and Benefits and the board of trustees of the Public Employees'
30 Retirement System. The retroactive provision in this subsection
31 shall only apply to those workers compensation and administrative
32 law judges who have not received a distribution from the judge's
33 Defined Contribution Retirement Program account.
34 (cf: P.L.2021, c.140, s.3)

35
36 5. Section 3 of P.L.2001, c.259 (C.43:15A-144) is amended to
37 read as follows:

38 3. a. Notwithstanding the provisions of section 25 of P.L.1954,
39 c.84 (C.43:15A-25) to the contrary, a separate account shall be
40 established in the annuity savings fund for each workers
41 compensation and administrative law judge and all contributions
42 based on the judge's salary shall be credited to this account. This
43 account shall be separate from any other account that the member
44 may have as a result of other public service covered by the
45 retirement system.

46 b. A workers compensation judge and administrative law judge
47 shall contribute at a rate equal to 5% of the judge's salary, which
48 contribution shall be deducted from the salary at the time or times it

1 is paid, and which shall be exclusive of any other contribution
2 required of the member for Social Security, contributory death
3 benefits or deductions for any other purpose. The contribution rate
4 shall be 5.5% of the judge's salary effective with the payroll period
5 for which the beginning date is closest to July 1, 2007. The
6 contribution rate shall be 6.5% of the judge's salary on and after the
7 effective date of P.L.2011, c.78, with an additional contribution of
8 1% to be phased in in equal increments over a period of seven years
9 commencing with the first year following that effective date.

10 c. A workers compensation judge or administrative law judge
11 who is enrolled on the basis of other public service before, during,
12 or after service as a judge **【of compensation】** shall contribute for
13 such other service at the rate of contribution required of other
14 members as provided by section 25.

15 (cf: P.L.2011, c.78, s.13)

16

17 6. Section 4 of P.L.2001, c.259 (C.43:15A-145) is amended to
18 read as follows:

19 4. a. Any workers compensation judge or administrative law
20 judge who has reached the age of 70 years shall be retired forthwith
21 on the first day of the next calendar month. Any other eligible
22 workers compensation or administrative law judge may be retired
23 on the first day of the next calendar month subsequent to the filing
24 of a written and duly executed application with the retirement
25 system. **【Such】** In the case of a workers compensation judge, such
26 application shall be accompanied by a copy of the member's
27 resignation which has been filed in the office of the Director of the
28 Division of Workers' Compensation. In the case of an
29 administrative law judge, such application shall be accompanied by
30 a copy of the member's resignation which has been filed in the
31 office of the Director of the Office of Administrative Law.

32 b. Notwithstanding the provisions of subsection a. of this
33 section or any other law to the contrary, a workers compensation
34 judge who is 60 years of age or older on the effective date of
35 P.L.1999, c.380 shall be permitted to continue service as a judge
36 until attaining 10 years of service credit under the Workers
37 Compensation and Administrative Law Judges Part of the
38 retirement system. Notwithstanding the provisions of subsection a.
39 of this section, or any other law to the contrary, an administrative
40 law judge who is 60 years of age or older on the effective date of
41 P.L. , c. (pending before the Legislature as this bill) shall be
42 permitted to continue service as a judge until attaining 10 years of
43 service credit under the Workers Compensation and Administrative
44 Law Judges Part of the retirement system.

45 (cf: P.L.2001, c.259, s.4)

46

47 7. Section 5 of P.L.2001, c.259 (C.43:15A-146) is amended to
48 read as follows:

1 5. Any workers compensation or administrative law judge who
2 has served at least 10 years as a judge of compensation or
3 administrative law judge and attained the age of 70 years shall be
4 retired and shall receive the retirement allowance prescribed by this
5 section.

6 Any workers compensation judge or administrative law judge
7 who has served at least 15 years as a judge of compensation or
8 administrative law judge and attained the age of 65 years, or served
9 at least 20 years as a judge of compensation or administrative law
10 judge and attained the age of 60 years, may retire and receive the
11 retirement allowance prescribed by this section. The retirement
12 allowance shall consist of an annuity that shall be the actuarial
13 equivalent of the member's accumulated deductions together with
14 regular interest, and a pension that, when added to the member's
15 annuity, shall provide a retirement allowance during the remainder
16 of the member's life in the amount equal to three-quarters of the
17 member's final salary.

18 (cf: P.L.2001, c.259, s.5)

19

20 8. Section 6 of P.L.2001, c.259 (C.43:15A-147) is amended to
21 read as follows:

22 6. Any workers compensation judge or administrative law
23 judge who has:

24 a. served at least five years successively as a judge of
25 compensation or administrative law judge and attained the age of 65
26 years or more while serving in such office and has served at least 15
27 years of aggregate public service, or

28 b. served at least five years successively as a judge of
29 compensation or administrative law judge and attained the age of 60
30 years or more while serving in such office and has served at least 20
31 years of aggregate public service, may retire and receive the
32 retirement allowance prescribed by this section. The retirement
33 allowance shall consist of an annuity that shall be the actuarial
34 equivalent of the member's accumulated deductions together with
35 regular interest, and a pension that, when added to the member's
36 annuity, shall provide a retirement allowance during the remainder
37 of the member's life in an amount equal to one-half of the member's
38 final salary.

39 (cf: P.L.2001, c.259, s.6)

40

41 9. Section 7 of P.L.2001, c.259 (C.43:15A-148) is amended to
42 read as follows:

43 7. Any workers compensation judge or administrative law
44 judge who has served at least five years successively as a judge of
45 compensation or administrative law judge and at least 25 years of
46 aggregate public service, and who resigns or is not reappointed
47 before reaching age 60, may elect "early" retirement, provided, that
48 such election is communicated by the member to the retirement

1 system by filing a written application, duly attested, stating at what
2 time subsequent to the execution and filing thereof the member
3 desires to be retired. Any member of the retirement system, eligible
4 to retire under the provisions of this section, shall receive a
5 retirement allowance consisting of an annuity which shall be the
6 actuarial equivalent of the member's accumulated deductions
7 together with regular interest, and a pension which, when added to
8 the member's annuity, shall provide a retirement allowance during
9 the remainder of the member's life in the amount of 2% of the
10 member's final salary multiplied by the number of years of service
11 up to 25 plus 1% of the member's final salary multiplied by the
12 number of years of service over 25. Such retirement allowance
13 shall be reduced in accordance with a table of actuarial equivalents
14 recommended by the actuary and adopted by the retirement system
15 reflecting all months that the member lacks of being age 60. The
16 board of trustees shall retire the member at the time specified or at
17 such other time within one month after the date so specified as the
18 board finds advisable.

19 (cf: P.L.2001, c.259, s.7)

20

21 10. Section 8 of P.L.2001, c.259 (C.43:15A-149) is amended to
22 read as follows:

23 8. Any workers compensation judge or administrative law
24 judge who has served at least five years successively as a judge of
25 compensation or administrative law judge and at least 10 years of
26 aggregate public service, and who resigns or is not reappointed
27 before reaching age 60, and not by removal for cause on charges of
28 misconduct or delinquency, may elect to receive:

29 a. all of the member's accumulated deductions standing to the
30 credit of the member's individual account in the annuity savings
31 fund as provided under subsection a. of section 41 of P.L.1954, c.84
32 (C.43:15A-41), or

33 b. a deferred retirement allowance, beginning on the first day
34 of the month following the member's attainment of age 60 and the
35 filing of an application therefor, which shall consist of an annuity
36 derived from the accumulated deductions standing to the credit of
37 the member's account in the annuity savings fund at the time of
38 severance from service together with regular interest, and a pension
39 which, when added to the annuity, shall produce a retirement
40 allowance in the amount of 2% of the member's final salary
41 multiplied by the number of years of service up to 25 plus 1% of the
42 member's final salary multiplied by the number of years of service
43 over 25, provided that such inactive member may elect to receive
44 payments provided under section 7 of this act, P.L.2001, c.259
45 (C.43:15A-148), if the member had qualified under that section at
46 the time of leaving service, except that in order to avail the member
47 of the option, the member shall exercise such option at least one
48 month before the effective date of retirement.

1 If such inactive member shall die after attaining age 60 but
2 before filing an application for retirement benefits pursuant to this
3 section or section 7 of this act and for which benefits the member
4 would have qualified, or in the event of death after retirement, there
5 shall be paid to such member's beneficiary the death benefits
6 prescribed by section 10 of this act.

7 No beneficiary shall be eligible for a pension or survivor's
8 benefit if the member who elected to receive a deferred pension
9 shall die before attaining age 60. Upon receipt of the proper proofs
10 of death, the beneficiary of a member who elects to receive a
11 deferred retirement allowance shall be paid the member's
12 accumulated deductions at the time of death together with regular
13 interest.

14 Any member who, having elected to receive a deferred pension
15 or deferred retirement allowance, again becomes a member while
16 under the age of 60, shall thereupon be reenrolled. The member
17 shall be credited with all service as a member standing to the
18 member's credit at the time of the member's election to receive a
19 deferred pension or deferred retirement allowance.

20 (cf: P.L.2001, c.259, s.8)

21

22 11. Section 9 of P.L.2001, c.259 (C.43:15A-150) is amended to
23 read as follows:

24 9. a. Upon the receipt of proper proofs of the death in active
25 service of a workers compensation or administrative law judge
26 member of the retirement system, there shall be paid to the
27 member's widow a survivor's benefit of 25% of final salary for the
28 use of the widow, to continue during widowhood, plus 10% of final
29 salary payable to one surviving child or plus 15% of final salary to
30 two or more surviving children; if there is no surviving widow or in
31 case the widow dies or remarries, 15% of final salary shall be
32 payable to one surviving child, 20% of final salary to two surviving
33 children in equal shares and if there are three or more children, 30%
34 of final salary shall be payable to such children in equal shares. If
35 there is no surviving widow or child, 20% of final salary shall be
36 payable to one surviving parent or 30% of final salary shall be
37 payable to two surviving parents in equal shares.

38 b. In addition to the benefits payable under subsection a. of this
39 section, there shall also be paid in one sum to the member's
40 beneficiary an amount equal to one and one-half times the final
41 salary received by the member.

42 (cf: P.L.2001, c.259, s.9)

43

44 12. Section 10 of P.L.2001, c.259 (C.43:15A-151) is amended to
45 read as follows:

46 10. a. Upon the receipt of proper proofs of the death of a
47 workers compensation judge or administrative law judge who has
48 retired on a pension or retirement allowance based on age and

1 service, or pursuant to section 7 of this act, P.L.2001, c.259
2 (C.43:15A-148), there shall be paid to the member's beneficiary, an
3 amount equal to one-fourth of the final salary received by the
4 member.

5 b. Upon the receipt of proper proofs of the death of a member
6 who has retired on a disability pension or retirement allowance,
7 there shall be paid to the member's beneficiary, an amount equal to
8 one and one-half times the final salary received by the member if
9 such death occurs before the member shall have attained 60 years of
10 age but if such death occurs thereafter, an amount equal to one-
11 fourth of the final salary received by the member.
12 (cf: P.L.2001, c.259, s.10)

13

14 13. Section 11 of P.L.2001, c.259 (C.43:15A-152) is amended to
15 read as follows:

16 11. a. Any workers compensation judge or administrative law
17 judge who wishes to receive credit for previous service as a judge
18 of compensation or administrative law judge or in an office,
19 position, or employment of this State or of a county, municipality,
20 board of education, or public agency of this State, shall file an
21 application therefor with the board of trustees and pay into the
22 annuity savings fund the amount required by applying the factor,
23 supplied by the actuary, as being applicable to the judge's age at
24 the time of purchase and the type of service to be purchased, to the
25 member's salary at that time. Such purchase may be made in
26 regular installments, equal to at least one-half the full normal
27 contribution to the retirement system over a maximum period to be
28 determined by the board of trustees.

29 In the case of any judge coming under the provisions of this
30 section, full pension credit for the period of employment for which
31 arrears are being paid shall be given upon the payment of at least
32 one-half the total arrearage obligation and the completion of one
33 year of membership and the making of such arrears payments,
34 except that in the case of retirement, the total membership credit for
35 such service shall be in direct proportion as the amount paid bears
36 to the total amount of arrearage obligation.

37 b. The State shall pay to the retirement system the employer's
38 accrued liability obligation on behalf of such judge purchasing prior
39 service credit.
40 (cf: P.L.2001, c.259, s.11)

41

42 14. Section 12 of P.L.2001, c.259 (C.43:15A-153) is amended to
43 read as follows:

44 12. a. A workers compensation judge or administrative law
45 judge making contributions pursuant to the provisions of this act,
46 P.L.2001, c.259 (C.43:15A-142 et seq.), and who is not eligible for
47 any benefits under the Workers Compensation and Administrative
48 Law Judges Part, may, upon termination of such service as a judge

1 of compensation or administrative law judge, elect to receive the
2 return of the judge's accumulated contributions in accordance with
3 the provisions of subsection a. of section 41 of P.L.1954, c.84 (C.
4 43:15A-41). If a workers compensation judge or administrative law
5 judge is a member of the retirement system on the basis of other
6 public service, no application for a return of contributions shall be
7 approved until the judge has terminated all service covered by the
8 system and makes application for a return of all contributions made
9 to the retirement system. If all or any part of a member's service as
10 a workers compensation judge or administrative law judge is
11 applied toward qualifying for benefits under any other provision of
12 P.L.1954, c.84 to which this act, P.L.2001, c.259 (C.43:15A-142 et
13 seq.), is a supplement, no return of contributions made on the basis
14 of the workers compensation judge or administrative law judge
15 salary shall be approved, and in that event, service established as a
16 workers compensation judge or administrative law judge and salary
17 pertaining thereto shall be credited in the same manner as all other
18 service and salary covered by the retirement system.

19 b. At the time of retirement, a member enrolled on the basis of
20 service as a judge of compensation or administrative law judge as
21 well as other public service shall be permitted to elect the largest
22 possible retirement allowance, if the member qualifies for benefits
23 under both the provisions of this act and the act to which this is a
24 supplement. An application for a return of contributions made on
25 the basis of such other public service not used for the calculation of
26 a retirement allowance or to qualify for State payment for health
27 care benefits in retirement may be approved.

28 c. A workers compensation judge or administrative law judge
29 electing to receive a retirement allowance under the Workers
30 Compensation and Administrative Law Judges Part shall be
31 ineligible to receive a retirement allowance or pension for the same
32 service under any other law of the State.

33 (cf: P.L.2001, c.259, s.12)

34

35 15. Section 13 of P.L.2001, c.259 (C.43:15A-154) is amended to
36 read as follows:

37 13. The actuary for the Public Employees' Retirement System
38 shall determine the unfunded accrued liability for the Workers
39 Compensation and Administrative Law Judges Part of the
40 retirement system and the benefits provided for workers
41 compensation and administrative law judges under that part in the
42 same manner provided for the determination of the unfunded
43 accrued liability of the retirement system by section 24 of P.L.1954,
44 c.84 (C.43:15A-24). This unfunded accrued liability shall be
45 amortized in the manner provided by section 24 over an
46 amortization period of 30 years. Accrued liability and normal
47 contributions for workers compensation judges shall be paid by
48 transfers from the Second Injury Fund as provided by subsection j.

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1 of R.S.34:15-94. The Commissioner of Labor may, with the
2 authorization of and appropriation by the Legislature, pay this
3 unfunded accrued liability in a lump sum or over a period of time
4 shorter than 30 years. Accrued liability and normal contributions for
5 administrative law judges shall be paid by appropriations from the
6 State General Fund.

7 (cf: P.L.2001, c.259, s.13)

8

9 16. This act shall take effect immediately.