ASSEMBLY, No. 2158

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:
Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

SYNOPSIS
Allows member of PFRS who is police chief and fire department chief to serve until age 67 under certain conditions.

CURRENT VERSION OF TEXT
As reported by the Assembly State and Local Government Committee on March 17, 2022, with amendments.
AN ACT concerning mandatory retirement age of police chiefs and
fire department chiefs and 1[amending] 1[supplementing]

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

1. Section 5 of P.L.1944, c.255 (C.43:16A-5) is amended to
read as follows:
  5. (1) Any member in service who has attained age 55 years
may retire on a service retirement allowance upon filing a written
and duly executed application to the retirement system, setting forth
at what time, not less than one month subsequent to the filing
thereof, he desires to be retired. Any member in service who attains
age 65 years shall be retired on a service retirement allowance
forthwith on the first day of the next calendar month, except that a
member hired prior to January 1, 1987 may remain a member of the
system until the member attains age 68 years or 25 years of
creditable service, whichever comes first. A member appointed as a
police chief of a law enforcement agency or a chief of a fire
department may remain a member of the system until the end of the
calendar year in which the member attains age 67 years provided:
  (a) the member was appointed as a police or fire department
chief prior to attaining 65 years of age; and
  (b) the appointing authority affirmative votes by a majority of
its members to retain a police or fire department chief who is older
than 65 years of age.
  (2) Upon retirement for service a member shall receive a service
retirement allowance which shall consist of:
    (a) An annuity which shall be the actuarial equivalent of his
aggregate contributions and
    (b) A pension in the amount which, when added to the member's
annuity, will provide a total retirement allowance of one-sixtieth of
his average final compensation multiplied by the number of years of
his creditable service, or 2% of his average final compensation
multiplied by the number of years of his creditable service up to 30
plus 1% of his average final compensation multiplied by the number
of years of creditable service over 30, or 50% of his final
compensation if the member has established 20 or more years of
creditable service, whichever is greater.
  (3) (a) Any member of the retirement system as of the effective
date of P.L.1999, c.428 who has 20 or more years of creditable
service at the time of retirement shall be entitled to receive a
retirement allowance equal to 50% of the member's final
compensation plus, in the case of a member required to retire

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:
1Assembly ASL committee amendments adopted March 17, 2022.
pursuant to the provisions of subsection (1) of this section, 3% of
final compensation multiplied by the number of years of creditable
service over 20 but not over 25.
(b) Any member of the retirement system who was enrolled
prior to the effective date of P.L.2021, c.52 and who is a member on
that effective date may retire on or after the effective date of
P.L.2021, c.52 but no later than the first day of the 25th month
following that effective date on a service retirement allowance,
regardless of age, upon attaining 20 or more years of creditable
service and shall be entitled to receive a service retirement
allowance equal to 50% of the member's final compensation.
(4) Upon the receipt of proper proofs of the death of a member
who has retired on a service retirement allowance, there shall be
paid to his beneficiary an amount equal to one-half of the
compensation upon which contributions by the member to the
annuity savings fund were based in the last year of creditable
service.
(cf: P.L.2021, c.52, s.1)
1. (New section) a. A member of the Police and Firemen's
Retirement System, established pursuant to P.L.1944, c.255
(C.43:16A-1 et seq.), who:

is serving as a police chief of a law enforcement agency or a
chief of a fire department on the effective date of this act, P.L. __, c.
(pending before the Legislature as this bill); and

will attain the age of 65 years during the period commencing on
the effective date of this act and ending on the last day of the 24th
calendar month following that effective date.

may remain a member of the system, notwithstanding the
mandatory retirement provision of section 5 of P.L.1944, c.255
(C.43:16A-5), until the end of the calendar year in which the
member attains the age of 67 years if the appointing authority
approved, in writing, the retention and continued service after the
age of 65 years of the police or fire chief as the chief.

b. Within 30 days after the last day of the 24th calendar month
following the effective date of this act, the Board of Trustees of the
Police and Firemen's Retirement System shall submit a report to the
Governor, and the Legislature pursuant to section 2 of P.L.1991,
c.164 (C.52:14-19.1), on the effect of this section on the retirement
system. The report shall include the number of members who were
retained and continued to serve as the police or fire chief, the length
of that service after the age of 65 years, and the impact of that
extended service on the retirement system.1

2. This act shall take effect immediately.