

P.L. 2018, CHAPTER 96, *approved August 17, 2018*  
Assembly, No. 1627 (*First Reprint*)

1 AN ACT concerning retirement from employment covered by the  
2 Public Employees' Retirement System and the Police and  
3 Firemen's Retirement System, and supplementing P.L.1954,  
4 c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et  
5 seq.).  
6

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

10 1. The retirement of a member of the Public Employees'  
11 Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-  
12 1 et seq.), who (1) on the date of retirement has attained the service  
13 retirement age applicable to that member and is a volunteer firefighter  
14 or first aid worker, rescue squad worker, or emergency medical  
15 technician serving as a volunteer <sup>1</sup>**[with the same employer from**  
16 **whose employment the member retires]** in the same jurisdiction<sup>1</sup>; and  
17 (2) remains a volunteer firefighter or first aid worker, rescue squad  
18 worker, or emergency medical technician serving as a volunteer after  
19 the date of retirement <sup>1</sup>as long as the employee's job duties were  
20 substantially different or, if the employee's job duties were similar, the  
21 employee has a break in service of at least 30 days after retirement<sup>1</sup>,  
22 shall be a bona fide severance from employment, notwithstanding that  
23 the retired employee maintains the relationship of a volunteer  
24 firefighter or first aid worker, rescue squad worker, or emergency  
25 medical technician serving as a volunteer with the same employer  
26 from whose employment the member retired. This act shall be  
27 effective if the qualified status of the retirement system under federal  
28 law can be maintained upon its application, and such modifications to  
29 the system as may be available shall be made to allow for its  
30 application.

31 Notwithstanding any other provisions of law to the contrary, the  
32 provisions of this section shall not be construed to permit a paid  
33 firefighter employed by a part-paid fire department to serve as a  
34 volunteer with the department from which the paid firefighter retired.  
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36 2. The retirement of a member of the Police and Firemen's  
37 Retirement System, established pursuant to P.L.1944,  
38 c.255 (C.43:16A-1 et seq.), who (1) on the date of retirement has  
39 attained the service retirement age applicable to that member and is a

**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 floor amendments adopted June 21, 2018.

1 volunteer firefighter or first aid worker, rescue squad worker, or  
2 emergency medical technician serving as a volunteer <sup>1</sup>【with the same  
3 employer from whose employment the member retires】 in the same  
4 jurisdiction<sup>1</sup>; and (2) remains a volunteer firefighter or first aid  
5 worker, rescue squad worker, or emergency medical technician serving  
6 as a volunteer after the date of retirement <sup>1</sup>as long as the employee's  
7 job duties were substantially different or, if the employee's job duties  
8 were similar, the employee has a break in service of at least 30 days  
9 after retirement<sup>1</sup>, shall be a bona fide severance from employment,  
10 notwithstanding that the retired employee maintains the relationship of  
11 a volunteer firefighter or first aid worker, rescue squad\_worker, or  
12 emergency medical technician serving as a volunteer with the same  
13 employer from whose employment the member retired. This act shall  
14 be effective if the qualified status of the retirement system under  
15 federal law can be maintained upon its application, and such  
16 modifications to the system as may be available shall be made to allow  
17 for its application.

18 Notwithstanding any other provisions of law to the contrary, the  
19 provisions of this section shall not be construed to permit a paid  
20 firefighter employed by a part-paid fire department to serve as a  
21 volunteer with the department from which the paid firefighter retired.

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23 3. This act shall take effect immediately.

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28 Provides that PERS or PFRS member who continues to be  
29 volunteer firefighter or emergency services worker after retirement  
30 with employer from whom member retires has bona fide severance  
31 for compliance with State and federal law.