

NOTICE OF PROPOSED RULE AMENDMENT **WITH AMENDMENTS**

N.J.A.C. 5A:9

New Jersey Veterans' and Disabled Veterans' Preference and Veterans' Status for Pension Purposes

The New Jersey Department of Military and Veterans Affairs has proposed amendments to N.J.A.C. 5A:9, New Jersey Veterans' and Disabled Veterans' Preference and Veterans' Status for Pension Purposes. The proposed readopted rules with amendments represent a refinement of those initially adopted on September 18, 2006. In large part, the minor amendments simply clarify policies and procedures that have been in place and have met the test of time and practical application.

State, local and municipal administrators understanding of Veteran's preference is within the context of selection and placement of candidates for employment. However, Veterans' preference impacts local property taxes along with the State-administered pensions and educational benefits.

Veterans' preference in the areas of selection and placement under the State and local civil service system is the most familiar. Eligible Veterans who pass open competitive examinations are placed on the top of the rosters in the order of Disabled Veterans and Veterans. This is known as the absolute preference. This benefit is also available to surviving spouses or spouses whose eligible Veteran is unable to work. With regard to promotional examinations (for those who are already employees of State, county or municipal) there is no distinction between Disabled Veterans and other Veterans; names appear in order of score, with ties going to Veterans. When a Veteran is the highest ranking, first-interested eligible, a non-Veteran may not be appointed unless there is cause to remove the Veteran. In layoff situations, Veterans' preference acts as the first tie-breaker when State seniority is equal.

Veterans' preference in New Jersey's State-administered retirement system allows a Veteran to purchase an additional five years of qualifying military service. In addition, Veteran members of the Public Employee's Retirement System (PERS) and the Teacher's Pension and Annuity Fund (TPAF) can retire with an annual pension benefit equal to one-half the salary on which pension contributions were made in any consecutive 12-month period that provides the largest benefit to the member. In TPAF, qualifying Veterans who are 55 or older, with more than 25 years of service, may retire at the one-half salary provision. Also, TPAF qualifying Veterans may retire at age 60 or older with 20 years of service. In PERS, eligible Veterans who are 62 or older with 20 years or more service may retire at the one-half salary provision. Under both systems eligible Veterans may retire at age 60 or older with 35 or more years of service computed on the last year's salary.

The proposed rule was published in the October 19, 2020 edition of the New Jersey Register and can also be found at: <http://www.nj.gov/military/admincode/proposedrules/ProposedNJAC5A-9.pdf>

The deadline for comments is February 19, 2021. Comments may be submitted to:

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