

Chapter 85, P.L. 2009

(Approved July 02, 2009)

ASSEMBLY, No. 4111

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JUNE 22, 2009

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Defines contractual salary for State employees in PERS or TPAF to include certain wage increases deferred from July 1, 2009 through June 30, 2011.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/26/2009)

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1 **AN ACT** concerning the definition of compensation for certain State
2 employees enrolled in the Public Employees' Retirement System
3 or the Teachers' Pension and Annuity Fund and amending
4 P.L.1954, c.84 and N.J.S.18A:66-2.

5

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

8

9 1. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read
10 as follows:

11 6. As used in this act:

12 a. "Accumulated deductions" means the sum of all the
13 amounts, deducted from the compensation of a member or
14 contributed by or on behalf of the member, standing to the credit of
15 the member's individual account in the annuity savings fund.

16 b. "Annuity" means payments for life derived from the
17 accumulated deductions of a member as provided in this act.

18 c. "Annuity reserve" means the present value of all payments
19 to be made on account of any annuity or benefit in lieu of an
20 annuity, granted under the provisions of this act, computed on the
21 basis of such mortality tables recommended by the actuary as the
22 board of trustees adopts, with regular interest.

23 d. "Beneficiary" means any person receiving a retirement
24 allowance or other benefit as provided in this act.

25 e. "Child" means a deceased member's unmarried child either
26 (1) under the age of 18 or (2) of any age who, at the time of the
27 member's death, is disabled because of mental retardation or
28 physical incapacity, is unable to do any substantial, gainful work
29 because of the impairment and the impairment has lasted or can be
30 expected to last for a continuous period of not less than 12 months,
31 as affirmed by the medical board.

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.

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1 f. "Parent" shall mean the parent of a member who was
2 receiving at least 1/2 of the parent's support from the member in the
3 12-month period immediately preceding the member's death or the
4 accident which was the direct cause of the member's death. The
5 dependency of such a parent will be considered terminated by
6 marriage of the parent subsequent to the death of the member.

7 g. (1) "Widower," for employees of the State, means the man to
8 whom a member was married, or a domestic partner as defined in
9 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
10 the date of her death and to whom she continued to be married or a
11 domestic partner until the date of her death and who was receiving
12 at least 1/2 of his support from the member in the 12-month period
13 immediately preceding the member's death or the accident which
14 was the direct cause of the member's death. The dependency of such
15 a widower will be considered terminated by marriage of, or
16 establishment of a domestic partnership by, the widower subsequent
17 to the death of the member. In the event of the payment of an
18 accidental death benefit, the five-year qualification shall be waived.

19 (2) Subject to the provisions of paragraph (3) of this subsection,
20 "widower," for employees of public employers other than the State,
21 means the man to whom a member was married at least five years
22 before the date of her death and to whom she continued to be
23 married until the date of her death and who was receiving at least
24 1/2 of his support from the member in the 12-month period
25 immediately preceding the member's death or the accident which
26 was the direct cause of the member's death. The dependency of such
27 a widower shall be considered terminated by marriage of the
28 widower subsequent to the death of the member. In the event of the
29 payment of an accidental death benefit, the five-year qualification
30 shall be waived.

31 (3) A public employer other than the State may adopt a
32 resolution providing that the term "widower" as defined in
33 paragraph (2) of this subsection shall include domestic partners as
34 provided in paragraph (1) of this subsection.

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- 1 h. "Final compensation" means the average annual
2 compensation for which contributions are made for the three years
3 of creditable service in New Jersey immediately preceding the
4 member's retirement or death, or it shall mean the average annual
5 compensation for New Jersey service for which contributions are
6 made during any three fiscal years of his or her membership
7 providing the largest possible benefit to the member or the
8 member's beneficiary.
- 9 i. "Fiscal year" means any year commencing with July 1 and
10 ending with June 30 next following.
- 11 j. "Medical board" shall mean the board of physicians
12 provided for in section 17 (C.43:15A-17).
- 13 k. "Pension" means payments for life derived from
14 appropriations made by the employer as provided in this act.
- 15 l. "Pension reserve" means the present value of all payments to
16 be made on account of any pension or benefit in lieu of a pension
17 granted under the provisions of this act, computed on the basis of
18 such mortality tables recommended by the actuary as the board of
19 trustees adopts, with regular interest.
- 20 m. "Public Employees' Retirement System of New Jersey,"
21 hereinafter referred to as the "retirement system" or "system," is the
22 corporate name of the arrangement for the payment of retirement
23 allowances and other benefits under the provisions of this act
24 including the several funds placed under said system. By that name
25 all of its business shall be transacted, its funds invested, warrants
26 for money drawn, and payments made and all of its cash and
27 securities and other property held.
- 28 n. "Regular interest" shall mean interest as determined by the
29 State Treasurer, after consultation with the Directors of the
30 Divisions of Investment and Pensions, the board of trustees and the
31 actuary. It shall bear a reasonable relationship to the percentage rate
32 of earnings on investments based on the market value of the assets
33 but shall not exceed the assumed percentage rate of increase applied
34 to salaries plus 3%, provided however that the board of trustees

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1 shall not set the average percentage rate of increase applied to
2 salaries below 6%.

3 o. "Retirement allowance" means the pension plus the annuity.

4 p. "Veteran" means any honorably discharged officer, soldier,
5 sailor, airman, marine or nurse who served in any Army, Air Force
6 or Navy of the Allies of the United States in World War I, between
7 July 14, 1914, and November 11, 1918, or who served in any Army,
8 Air Force or Navy of the Allies of the United States in World War
9 II, between September 1, 1939, and September 2, 1945, and who
10 was inducted into such service through voluntary enlistment, and
11 was a citizen of the United States at the time of such enlistment, and
12 who did not, during or by reason of such service, renounce or lose
13 United States citizenship, and any officer, soldier, sailor, marine,
14 airman, nurse or army field clerk, who has served in the active
15 military or naval service of the United States and has or shall be
16 discharged or released therefrom under conditions other than
17 dishonorable, in any of the following wars, uprisings, insurrections,
18 expeditions, or emergencies, and who has presented to the
19 retirement system evidence of such record of service in form and
20 content satisfactory to said retirement system:

21 (1) The Indian wars and uprisings during any of the periods
22 recognized by the War Department of the United States as periods
23 of active hostility;

24 (2) The Spanish-American War between April 20, 1898, and
25 April 11, 1899;

26 (3) The Philippine insurrections and expeditions during the
27 periods recognized by the War Department of the United States as
28 of active hostility from February 4, 1899, to the end of 1913;

29 (4) The Peking relief expedition between June 20, 1900, and
30 May 27, 1902;

31 (5) The army of Cuban occupation between July 18, 1898, and
32 May 20, 1902;

33 (6) The army of Cuban pacification between October 6, 1906,
34 and April 1, 1909;

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1 (7) The Mexican punitive expedition between March 14, 1916,
2 and February 7, 1917;

3 (8) The Mexican border patrol, having actually participated in
4 engagements against Mexicans between April 12, 1911, and June
5 16, 1919;

6 (9) World War I, between April 6, 1917, and November 11,
7 1918;

8 (10) World War II, between September 16, 1940, and December
9 31, 1946, who shall have served at least 90 days in such active
10 service, exclusive of any period of assignment (1) for a course of
11 education or training under the Army Specialized Training Program
12 or the Navy College Training Program which course was a
13 continuation of a civilian course and was pursued to completion, or
14 (2) as a cadet or midshipman at one of the service academies any
15 part of which 90 days was served between said dates; provided, that
16 any person receiving an actual service-incurred injury or disability
17 shall be classed as a veteran whether or not that person has
18 completed the 90-day service as herein provided;

19 (11) Korean conflict on or after June 23, 1950, and on or prior to
20 January 31, 1955, who shall have served at least 90 days in such
21 active service, exclusive of any period of assignment (1) for a
22 course of education or training under the Army Specialized
23 Training Program or the Navy College Training Program which
24 course was a continuation of a civilian course and was pursued to
25 completion, or (2) as a cadet or midshipman at one of the service
26 academies, any part of which 90 days was served between said
27 dates; provided, that any person receiving an actual service-incurred
28 injury or disability shall be classed as a veteran whether or not that
29 person has completed the 90-day service as herein provided; and
30 provided further, that any member classed as a veteran pursuant to
31 this paragraph prior to August 1, 1966, shall continue to be classed
32 as a veteran whether or not that person completed the 90-day
33 service between said dates as herein provided;

34 (12) Lebanon crisis, on or after July 1, 1958, who has served in
35 Lebanon or on board any ship actively engaged in patrolling the

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1 territorial waters of that nation for a period, continuous or in the
2 aggregate, of at least 14 days commencing on or before November
3 1, 1958 or the date of termination of that conflict, as proclaimed by
4 the President of the United States or Congress, whichever date of
5 termination is the latest, in such active service; provided, that any
6 person receiving an actual service-incurred injury or disability shall
7 be classed as a veteran whether or not that person has completed the
8 14 days' service as herein provided;

9 (13) Vietnam conflict on or after December 31, 1960, and on or
10 prior to May 7, 1975, who shall have served at least 90 days in such
11 active service, exclusive of any period of assignment (1) for a
12 course of education or training under the Army Specialized
13 Training Program or the Navy College Training Program which
14 course was a continuation of a civilian course and was pursued to
15 completion, or (2) as a cadet or midshipman at one of the service
16 academies, any part of which 90 days was served between said
17 dates; and exclusive of any service performed pursuant to the
18 provisions of section 511(d) of Title 10, United States Code,
19 pursuant to an enlistment in the Army National Guard or as a
20 reserve for service in the Army Reserve, Naval Reserve, Air Force
21 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided,
22 that any person receiving an actual service-incurred injury or
23 disability shall be classed as a veteran whether or not that person
24 has completed the 90 days' service as herein provided;

25 (14) Lebanon peacekeeping mission, on or after September 26,
26 1982, who has served in Lebanon or on board any ship actively
27 engaged in patrolling the territorial waters of that nation for a
28 period, continuous or in the aggregate, of at least 14 days
29 commencing on or before December 1, 1987 or the date of
30 termination of that mission, as proclaimed by the President of the
31 United States or Congress, whichever date of termination is the
32 latest, in such active service; provided, that any person receiving an
33 actual service-incurred injury or disability shall be classed as a
34 veteran whether or not that person has completed the 14 days'
35 service as herein provided;

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1 (15) Grenada peacekeeping mission, on or after October 23,
2 1983, who has served in Grenada or on board any ship actively
3 engaged in patrolling the territorial waters of that nation for a
4 period, continuous or in the aggregate, of at least 14 days
5 commencing on or before November 21, 1983 or the date of
6 termination of that mission, as proclaimed by the President of the
7 United States or Congress, whichever date of termination is the
8 latest, in such active service; provided, that any person receiving an
9 actual service-incurred injury or disability shall be classed as a
10 veteran whether or not that person has completed the 14 days'
11 service as herein provided;

12 (16) Panama peacekeeping mission, on or after December 20,
13 1989 or the date of inception of that mission, as proclaimed by the
14 President of the United States or Congress, whichever date of
15 inception is earliest, who has served in Panama or on board any ship
16 actively engaged in patrolling the territorial waters of that nation for
17 a period, continuous or in the aggregate, of at least 14 days
18 commencing on or before January 31, 1990 or the date of
19 termination of that mission, as proclaimed by the President of the
20 United States or Congress, whichever date of termination is the
21 latest, in such active service; provided, that any person receiving an
22 actual service-incurred injury or disability shall be classed as a
23 veteran whether or not that person has completed the 14 days'
24 service as herein provided;

25 (17) Operation "Desert Shield/Desert Storm" mission in the
26 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
27 or the date of inception of that operation, as proclaimed by the
28 President of the United States or Congress, whichever date of
29 inception is earliest, who has served in the Arabian peninsula or on
30 board any ship actively engaged in patrolling the Persian Gulf for a
31 period, continuous or in the aggregate, of at least 14 days
32 commencing on or before the date of termination of that mission, as
33 proclaimed by the President of the United States or Congress,
34 whichever date of termination is the latest, in such active service;
35 provided, that any person receiving an actual service-incurred injury

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1 or disability shall be classed as a veteran whether or not that person
2 has completed the 14 days' service as herein provided;

3 (18)Operation Northern Watch and Operation Southern Watch,
4 on or after August 27, 1992, or the date of inception of that
5 operation, as proclaimed by the President of the United States,
6 Congress or United States Secretary of Defense, whichever date of
7 inception is earliest, who served in the theater of operation,
8 including in the Arabian peninsula and the Persian Gulf, and in
9 direct support of that operation for a period, continuously or in the
10 aggregate, of at least 14 days in such active service, commencing on
11 or before the date of termination of that operation, as proclaimed by
12 the President of the United States, Congress or United States
13 Secretary of Defense, whichever date of termination is the latest;
14 provided, that any person receiving an actual service-incurred injury
15 or disability while engaged in such service shall be classed as a
16 veteran whether or not that person has completed the 14 days'
17 service as herein provided;

18 (19)Operation "Restore Hope" in Somalia, on or after December
19 5, 1992, or the date of inception of that operation as proclaimed by
20 the President of the United States or Congress, whichever date is
21 earliest, who has served in Somalia or on board any ship actively
22 engaged in patrolling the territorial waters of that nation for a
23 period, continuously or in the aggregate, of at least 14 days in such
24 active service commencing on or before March 31, 1994; provided
25 that any person receiving an actual service-incurred injury or
26 disability shall be classed as a veteran whether or not that person
27 has completed the 14-day service as herein provided;

28 (20)Operations "Joint Endeavor" and "Joint Guard" in the
29 Republic of Bosnia and Herzegovina, on or after November 20,
30 1995, who served in such active service in direct support of one or
31 both of the operations for at least 14 days, continuously or in the
32 aggregate, commencing on or before June 20, 1998 and (1) was
33 deployed in that nation or in another area in the region, or (2) was
34 on board a United States naval vessel operating in the Adriatic Sea,
35 or (3) operated in airspace above the Republic of Bosnia and

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1 Herzegovina; provided that any person receiving an actual service-
2 incurred injury or disability shall be classed as a veteran whether or
3 not that person completed the 14-day service requirement;

4 (21)Operation "Enduring Freedom", on or after September 11,
5 2001, who served in a theater of operation and in direct support of
6 that operation for a period, continuously or in the aggregate, of at
7 least 14 days in such active service commencing on or before the
8 date the President of the United States or the United States
9 Secretary of Defense designates as the termination date of that
10 operation; provided, that any person receiving an actual service-
11 incurred injury or disability while engaged in such service shall be
12 classed as a veteran whether or not that person has completed the 14
13 days' service as herein provided; and

14 (22)Operation "Iraqi Freedom", on or after the date the President
15 of the United States or the United States Secretary of Defense
16 designates as the inception date of that operation, who served in
17 Iraq or in another area in the region in direct support of that
18 operation for a period, continuously or in the aggregate, of at least
19 14 days in such active service commencing on or before the date the
20 President of the United States or the United States Secretary of
21 Defense designates as the termination date of that operation;
22 provided, that any person receiving an actual service-incurred injury
23 or disability while engaged in such service shall be classed as a
24 veteran whether or not that person has completed the 14 days'
25 service as herein provided.

26 "Veteran" also means any honorably discharged member of the
27 American Merchant Marine who served during World War II and is
28 declared by the United States Department of Defense to be eligible
29 for federal veterans' benefits.

30 q. (1) "Widow," for employees of the State, means the woman
31 to whom a member was married, or a domestic partner as defined in
32 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
33 the date of his death and to whom he continued to be married or a
34 domestic partner until the date of his death and who was receiving
35 at least 1/2 of her support from the member in the 12-month period

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1 immediately preceding the member's death or the accident which
2 was the direct cause of the member's death. The dependency of such
3 a widow will be considered terminated by the marriage of, or
4 establishment of a domestic partnership by, the widow subsequent
5 to the member's death. In the event of the payment of an accidental
6 death benefit, the five-year qualification shall be waived.

7 (2) Subject to the provisions of paragraph (3) of this subsection,
8 "widow," for employees of public employers other than the State,
9 means the woman to whom a member was married at least five
10 years before the date of his death and to whom he continued to be
11 married until the date of his death and who was receiving at least
12 1/2 of her support from the member in the 12-month period
13 immediately preceding the member's death or the accident which
14 was the direct cause of the member's death. The dependency of such
15 a widow shall be considered terminated by the marriage of the
16 widow subsequent to the member's death. In the event of the
17 payment of an accidental death benefit, the five-year qualification
18 shall be waived.

19 (3) A public employer other than the State may adopt a
20 resolution providing that the term "widow" as defined in paragraph
21 (2) of this subsection shall include domestic partners as provided in
22 paragraph (1) of this subsection.

23 r. (1) "Compensation" means the base or contractual salary, for
24 services as an employee, which is in accordance with established
25 salary policies of the member's employer for all employees in the
26 same position but shall not include individual salary adjustments
27 which are granted primarily in anticipation of the member's
28 retirement or additional remuneration for performing temporary or
29 extracurricular duties beyond the regular workday or the regular
30 work year.

31 (2) In the case of a person who becomes a member of the
32 retirement system on or after July 1, 2007, "compensation" means
33 the amount of base or contractual salary equivalent to the annual
34 maximum wage contribution base for Social Security, pursuant to
35 the Federal Insurance Contributions Act, for services as an

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1 employee, which is in accordance with established salary policies of
2 the member's employer for all employees in the same position but
3 shall not include individual salary adjustments which are granted
4 primarily in anticipation of the member's retirement or additional
5 remuneration for performing temporary or extracurricular duties
6 beyond the regular workday or the regular work year. This
7 paragraph shall not apply to a person who at the time of enrollment
8 in the retirement system on or after July 1, 2007 transfers service
9 credit from another State-administered retirement system pursuant
10 to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a
11 former member of the retirement system who has been granted a
12 retirement allowance and is reenrolled in the retirement system on
13 or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217
14 (C.43:15A-57.2) after becoming employed again in a position that
15 makes the person eligible to be a member of the retirement system.

16 In cases where salary includes maintenance, the retirement
17 system shall fix the value of that part of the salary not paid in
18 money which shall be considered under this act.

19 For the period of July 1, 2009 through June 30, 2011,
20 “contractual salary” for State employees shall include wage
21 increases under a collective negotiations agreement notwithstanding
22 that, by amendment to that collective negotiations agreement, the
23 effective date of the contractual increase has been deferred. For the
24 purpose of this paragraph, “State employee” means an employee in
25 the Executive Branch of State government of New Jersey but shall
26 not include employees of agencies authorized to participate in the
27 system under section 73 of P.L.1954, c.84 (C.43:15A-73) or
28 P.L.1990, c.25 (C.43:15A-73.2 et al.).

29 (cf: P.L.2007, c.103, s.10)

30

31 2. N.J.S.18A:66-2 is amended to read as follows:

32 18A:66-2. As used in this article:

33 a. "Accumulated deductions" means the sum of all the
34 amounts, deducted from the compensation of a member or
35 contributed by or in behalf of the member, including interest

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1 credited to January 1, 1956, standing to the credit of the member's
2 individual account in the annuity savings fund.

3 b. "Annuity" means payments for life derived from the
4 accumulated deductions of a member as provided in this article.

5 c. "Beneficiary" means any person receiving a retirement
6 allowance or other benefit as provided in this article.

7 d. (1) "Compensation" means the contractual salary, for
8 services as a teacher as defined in this article, which is in
9 accordance with established salary policies of the member's
10 employer for all employees in the same position but shall not
11 include individual salary adjustments which are granted primarily in
12 anticipation of the member's retirement or additional remuneration
13 for performing temporary or extracurricular duties beyond the
14 regular school day or the regular school year.

15 (2) In the case of a person who becomes a member of the
16 retirement system on or after July 1, 2007, "compensation" means
17 the amount of the contractual salary equivalent to the annual
18 maximum wage contribution base for Social Security, pursuant to
19 the Federal Insurance Contributions Act, for services as a teacher as
20 defined in this article, which is in accordance with established
21 salary policies of the member's employer for all employees in the
22 same position but shall not include individual salary adjustments
23 which are granted primarily in anticipation of the member's
24 retirement or additional remuneration for performing temporary or
25 extracurricular duties beyond the regular school day or the regular
26 school year. This paragraph shall not apply to a person who at the
27 time of enrollment in the retirement system on or after July 1, 2007
28 transfers service credit from another State-administered retirement
29 system pursuant to N.J.S.18A:66-15.1, but shall apply to a former
30 member of the retirement system who has been granted a retirement
31 allowance and is reenrolled in the retirement system on or after July
32 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed
33 again in a position that makes the person eligible to be a member of
34 the retirement system.

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1 For the period of July 1, 2009 through June 30, 2011,
2 “contractual salary” for State employees shall include wage
3 increases under a collective negotiations agreement notwithstanding
4 that, by amendment to that collective negotiations agreement, the
5 effective date of the contractual increase has been deferred. For the
6 purpose of this paragraph, “State employee” means an employee in
7 the Executive Branch of State government of New Jersey.

8 e. "Employer" means the State, the board of education or any
9 educational institution or agency of or within the State by which a
10 teacher is paid.

11 f. "Final compensation" means the average annual
12 compensation for which contributions are made for the three years
13 of creditable service in New Jersey immediately preceding the
14 member's retirement or death, or it shall mean the average annual
15 compensation for New Jersey service for which contributions are
16 made during any three fiscal years of his or her membership
17 providing the largest possible benefit to the member or the
18 member's beneficiary.

19 g. "Fiscal year" means any year commencing with July 1, and
20 ending with June 30, next following.

21 h. "Pension" means payments for life derived from
22 appropriations made by the State or employers to the Teachers'
23 Pension and Annuity Fund.

24 i. "Annuity reserve" means the present value of all payments
25 to be made on account of any annuity or benefit in lieu of an
26 annuity, granted under the provisions of this article, computed on
27 the basis of such mortality tables recommended by the actuary as
28 the board of trustees adopts, with regular interest.

29 j. "Pension reserve" means the present value of all payments to
30 be made on account of any pension or benefit in lieu of a pension
31 granted to a member from the Teachers' Pension and Annuity Fund,
32 computed on the basis of such mortality tables recommended by the
33 actuary as the board of trustees adopts, with regular interest.

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- 1 k. "Present-entrant" means any member of the Teachers'
2 Pension and Annuity Fund who had established status as a "present-
3 entrant member" of said fund prior to January 1, 1956.
- 4 l. "Rate of contribution initially certified" means the rate of
5 contribution certified by the retirement system in accordance with
6 N.J.S.18A:66-29.
- 7 m. "Regular interest" shall mean interest as determined by the
8 State Treasurer, after consultation with the Directors of the
9 Divisions of Investment and Pensions, the board of trustees and the
10 actuary. It shall bear a reasonable relationship to the percentage rate
11 of earnings on investments based on the market value of assets but
12 shall not exceed the assumed percentage rate of increase applied to
13 salaries plus 3%, provided however that the board of trustees shall
14 not set the average percentage rate of increase applied to salaries
15 below 6%.
- 16 n. "Retirement allowance" means the pension plus the annuity.
- 17 o. "School service" means any service as a "teacher" as defined
18 in this section.
- 19 p. "Teacher" means any regular teacher, special teacher,
20 helping teacher, teacher clerk, principal, vice-principal, supervisor,
21 supervising principal, director, superintendent, city superintendent,
22 assistant city superintendent, county superintendent, State
23 Commissioner or Assistant Commissioner of Education, members
24 of the State Department of Education who are certificated,
25 unclassified professional staff and other members of the teaching or
26 professional staff of any class, public school, high school, normal
27 school, model school, training school, vocational school, truant
28 reformatory school, or parental school, and of any and all classes or
29 schools within the State conducted under the order and
30 superintendence, and wholly or partly at the expense of the State
31 Board of Education, of a duly elected or appointed board of
32 education, board of school directors, or board of trustees of the
33 State or of any school district or normal school district thereof, and
34 any persons under contract or engagement to perform one or more
35 of these functions. It shall also mean any person who serves, while

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1 on an approved leave of absence from regular duties as a teacher, as
2 an officer of a local, county or State labor organization which
3 represents, or is affiliated with an organization which represents,
4 teachers as defined in this subsection. No person shall be deemed a
5 teacher within the meaning of this article who is a substitute
6 teacher. In all cases of doubt the board of trustees shall determine
7 whether any person is a teacher as defined in this article.

8 q. "Teachers' Pension and Annuity Fund," hereinafter referred
9 to as the "retirement system" or "system," is the corporate name of
10 the arrangement for the payment of retirement allowances and other
11 benefits under the provisions of this article, including the several
12 funds placed under said system. By that name all its business shall
13 be transacted, its funds invested, warrants for money drawn, and
14 payments made and all of its cash and securities and other property
15 held.

16 r. "Veteran" means any honorably discharged officer, soldier,
17 sailor, airman, marine or nurse who served in any Army, Air Force
18 or Navy of the Allies of the United States in World War I between
19 July 14, 1914, and November 11, 1918, or who served in any Army,
20 Air Force or Navy of the Allies of the United States in World War
21 II, between September 1, 1939, and September 2, 1945, and who
22 was inducted into such service through voluntary enlistment, and
23 was a citizen of the United States at the time of such enlistment, and
24 who did not, during or by reason of such service, renounce or lose
25 United States citizenship, and any officer, soldier, sailor, marine,
26 airman, nurse or army field clerk who has served in the active
27 military or naval service of the United States and has or shall be
28 discharged or released therefrom under conditions other than
29 dishonorable, in any of the following wars, uprisings, insurrections,
30 expeditions or emergencies, and who has presented to the retirement
31 system evidence of such record of service in form and content
32 satisfactory to said retirement system:

33 (1) The Indian wars and uprisings during any of the periods
34 recognized by the War Department of the United States as periods
35 of active hostility;

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- 1 (2) The Spanish-American War between April 20, 1898, and
2 April 11, 1899;
- 3 (3) The Philippine insurrections and expeditions during the
4 periods recognized by the War Department of the United States as
5 of active hostility from February 4, 1899, to the end of 1913;
- 6 (4) The Peking relief expedition between June 20, 1900, and
7 May 27, 1902;
- 8 (5) The army of Cuban occupation between July 18, 1898, and
9 May 20, 1902;
- 10 (6) The army of Cuban pacification between October 6, 1906,
11 and April 1, 1909;
- 12 (7) The Mexican punitive expedition between March 14, 1916,
13 and February 7, 1917;
- 14 (8) The Mexican border patrol, having actually participated in
15 engagements against Mexicans between April 12, 1911, and June
16 16, 1919;
- 17 (9) World War I, between April 6, 1917, and November 11,
18 1918;
- 19 (10) World War II, between September 16, 1940, and December
20 31, 1946, who shall have served at least 90 days in such active
21 service, exclusive of any period of assignment (1) for a course of
22 education or training under the Army Specialized Training Program
23 or the Navy College Training Program, which course was a
24 continuation of a civilian course and was pursued to completion, or
25 (2) as a cadet or midshipman at one of the service academies, any
26 part of which 90 days was served between said dates; provided that
27 any person receiving an actual service-incurred injury or disability
28 shall be classed as a veteran, whether or not that person has
29 completed the 90-day service as herein provided;
- 30 (11) Korean conflict on or after June 23, 1950, and on or prior to
31 January 31, 1955, who shall have served at least 90 days in such
32 active service, exclusive of any period of assignment (1) for a
33 course of education or training under the Army Specialized
34 Training Program or the Navy College Training Program, which
35 course was a continuation of a civilian course and was pursued to

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1 completion, or (2) as a cadet or midshipman at one of the service
2 academies, any part of which 90 days was served between said
3 dates; provided that any person receiving an actual service-incurred
4 injury or disability shall be classed as a veteran, whether or not that
5 person has completed the 90-day service as herein provided; and
6 provided further that any member classed as a veteran pursuant to
7 this subsection prior to August 1, 1966, shall continue to be classed
8 as a veteran, whether or not that person completed the 90-day
9 service between said dates as herein provided;

10 (12)Lebanon crisis, on or after July 1, 1958, who has served in
11 Lebanon or on board any ship actively engaged in patrolling the
12 territorial waters of that nation for a period, continuous or in the
13 aggregate, of at least 14 days commencing on or before November
14 1, 1958 or the date of termination of that conflict, as proclaimed by
15 the President of the United States or Congress, whichever date of
16 termination is the latest, in such active service; provided, that any
17 person receiving an actual service-incurred injury or disability shall
18 be classed as a veteran whether or not that person has completed the
19 14 days' service as herein provided;

20 (13)Vietnam conflict, on or after December 31, 1960, and on or
21 prior to May 7, 1975, who shall have served at least 90 days in such
22 active service, exclusive of any period of assignment (1) for a
23 course of education or training under the Army Specialized
24 Training Program or the Navy College Training Program, which
25 course was a continuation of a civilian course and was pursued to
26 completion, or (2) as a cadet or midshipman at one of the service
27 academies, any part of which 90 days was served between said
28 dates; and exclusive of any service performed pursuant to the
29 provisions of section 511(d) of Title 10, United States Code,
30 pursuant to an enlistment in the Army National Guard or as a
31 reserve for service in the Army Reserve, Naval Reserve, Air Force
32 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided
33 that any person receiving an actual service-incurred injury or
34 disability shall be classed as a veteran, whether or not that person
35 has completed the 90-day service as herein provided;

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1 (14)Lebanon peacekeeping mission, on or after September 26,
2 1982, who has served in Lebanon or on board any ship actively
3 engaged in patrolling the territorial waters of that nation for a
4 period, continuous or in the aggregate, of at least 14 days
5 commencing on or before December 1, 1987 or the date of
6 termination of that mission, as proclaimed by the President of the
7 United States or Congress, whichever date of termination is the
8 latest, in such active service; provided, that any person receiving an
9 actual service-incurred injury or disability shall be classed as a
10 veteran whether or not that person has completed the 14 days'
11 service as herein provided;

12 (15)Grenada peacekeeping mission, on or after October 23,
13 1983, who has served in Grenada or on board any ship actively
14 engaged in patrolling the territorial waters of that nation for a
15 period, continuous or in the aggregate, of at least 14 days
16 commencing on or before November 21, 1983 or the date of
17 termination of that mission, as proclaimed by the President of the
18 United States or Congress, whichever date of termination is the
19 latest, in such active service; provided, that any person receiving an
20 actual service-incurred injury or disability shall be classed as a
21 veteran whether or not that person has completed the 14 days'
22 service as herein provided;

23 (16)Panama peacekeeping mission, on or after December 20,
24 1989 or the date of inception of that mission, as proclaimed by the
25 President of the United States or Congress, whichever date of
26 inception is earliest, who has served in Panama or on board any ship
27 actively engaged in patrolling the territorial waters of that nation for
28 a period, continuous or in the aggregate, of at least 14 days
29 commencing on or before January 31, 1990 or the date of
30 termination of that mission, as proclaimed by the President of the
31 United States or Congress, whichever date of termination is the
32 latest, in such active service; provided, that any person receiving an
33 actual service-incurred injury or disability shall be classed as a
34 veteran whether or not that person has completed the 14 days'
35 service as herein provided;

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1 (17)Operation "Desert Shield/Desert Storm" mission in the
2 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
3 or the date of inception of that operation, as proclaimed by the
4 President of the United States or Congress, whichever date of
5 inception is earliest, who has served in the Arabian peninsula or on
6 board any ship actively engaged in patrolling the Persian Gulf for a
7 period, continuous or in the aggregate, of at least 14 days
8 commencing on or before the date of termination of that mission, as
9 proclaimed by the President of the United States or Congress,
10 whichever date of termination is the latest, in such active service;
11 provided, that any person receiving an actual service-incurred injury
12 or disability shall be classed as a veteran whether or not that person
13 has completed the 14 days' service as herein provided;

14 (18)Operation Northern Watch and Operation Southern Watch,
15 on or after August 27, 1992, or the date of inception of that
16 operation, as proclaimed by the President of the United States,
17 Congress or United States Secretary of Defense, whichever date of
18 inception is earliest, who served in the theater of operation,
19 including in the Arabian peninsula and the Persian Gulf, and in
20 direct support of that operation for a period, continuously or in the
21 aggregate, of at least 14 days in such active service, commencing on
22 or before the date of termination of the operation, as proclaimed by
23 the President of the United States, Congress or United States
24 Secretary of Defense, whichever date of termination is latest;
25 provided, that any person receiving an actual service-incurred injury
26 or disability while engaged in such service shall be classed as a
27 veteran whether or not that person has completed the 14 days'
28 service as herein provided;

29 (19)Operation "Restore Hope" in Somalia, on or after December
30 5, 1992, or the date of inception of that operation as proclaimed by
31 the President of the United States or Congress, whichever date is
32 earliest, who has served in Somalia or on board any ship actively
33 engaged in patrolling the territorial waters of that nation for a
34 period, continuously or in the aggregate, of at least 14 days in such
35 active service commencing on or before March 31, 1994; provided

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1 that any person receiving an actual service-incurred injury or
2 disability shall be classed as a veteran whether or not that person
3 has completed the 14-day service as herein provided;

4 (20)Operations "Joint Endeavor" and "Joint Guard" in the
5 Republic of Bosnia and Herzegovina, on or after November 20,
6 1995, who served in such active service in direct support of one or
7 both of the operations for at least 14 days, continuously or in the
8 aggregate, commencing on or before June 20, 1998, and (1) was
9 deployed in that nation or in another area in the region, or (2) was
10 on board a United States naval vessel operating in the Adriatic Sea,
11 or (3) operated in airspace above the Republic of Bosnia and
12 Herzegovina; provided that any person receiving an actual service-
13 incurred injury or disability shall be classed as a veteran whether or
14 not that person completed the 14-day service requirement;

15 (21)Operation "Enduring Freedom", on or after September 11,
16 2001, who served in a theater of operation and in direct support of
17 that operation for a period, continuously or in the aggregate, of at
18 least 14 days in such active service commencing on or before the
19 date the President of the United States or the United States
20 Secretary of Defense designates as the termination date of that
21 operation; provided, that any person receiving an actual service-
22 incurred injury or disability while engaged in such service shall be
23 classed as a veteran whether or not that person has completed the 14
24 days' service as herein provided; and

25 (22)Operation "Iraqi Freedom", on or after the date the President
26 of the United States or the United States Secretary of Defense
27 designates as the inception date of that operation, who served in
28 Iraq or in another area in the region in direct support of that
29 operation for a period, continuously or in the aggregate, of at least
30 14 days in such active service commencing on or before the date the
31 President of the United States or the United States Secretary of
32 Defense designates as the termination date of that operation;
33 provided, that any person receiving an actual service-incurred injury
34 or disability while engaged in such service shall be classed as a

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1 veteran whether or not that person has completed the 14 days'
2 service as herein provided.

3 "Veteran" also means any honorably discharged member of the
4 American Merchant Marine who served during World War II and is
5 declared by the United States Department of Defense to be eligible
6 for federal veterans' benefits.

7 s. "Child" means a deceased member's unmarried child either
8 (a) under the age of 18 or (b) of any age who, at the time of the
9 member's death, is disabled because of mental retardation or
10 physical incapacity, is unable to do any substantial, gainful work
11 because of the impairment and the impairment has lasted or can be
12 expected to last for a continuous period of not less than 12 months,
13 as affirmed by the medical board.

14 t. (1) "Widower," for employees of the State, means the man to
15 whom a member was married, or a domestic partner as defined in
16 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
17 the date of her death and to whom she continued to be married or a
18 domestic partner until the date of her death and who was receiving
19 at least one-half of his support from the member in the 12-month
20 period immediately preceding the member's death or the accident
21 which was the direct cause of the member's death. The dependency
22 of such a widower will be considered terminated by marriage of, or
23 establishment of a domestic partnership by, the widower subsequent
24 to the death of the member. In the event of the payment of an
25 accidental death benefit, the five-year qualification shall be waived.

26 (2) Subject to the provisions of paragraph (3) of this subsection,
27 "widower," for employees of public employers other than the State,
28 means the man to whom a member was married at least five years
29 before the date of her death and to whom she continued to be
30 married until the date of her death and who was receiving at least
31 one-half of his support from the member in the 12-month period
32 immediately preceding the member's death or the accident which
33 was the direct cause of the member's death. The dependency of such
34 a widower shall be considered terminated by marriage of the
35 widower subsequent to the death of the member. In the event of the

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1 payment of an accidental death benefit, the five-year qualification
2 shall be waived.

3 (3) A public employer other than the State may adopt a
4 resolution providing that the term "widower" as defined in
5 paragraph (2) of this subsection shall include domestic partners as
6 provided in paragraph (1) of this subsection.

7 u. (1) "Widow," for employees of the State, means the woman
8 to whom a member was married, or a domestic partner as defined in
9 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
10 the date of his death and to whom he continued to be married or a
11 domestic partner until the date of his death and who was receiving
12 at least one-half of her support from the member in the 12-month
13 period immediately preceding the member's death or the accident
14 which was the direct cause of the member's death. The dependency
15 of such a widow will be considered terminated by the marriage of,
16 or establishment of a domestic partnership by, the widow
17 subsequent to the member's death. In the event of the payment of an
18 accidental death benefit, the five-year qualification shall be waived.

19 (2) Subject to the provisions of paragraph (3) of this subsection,
20 "widow," for employees of public employers other than the State,
21 means the woman to whom a member was married at least five
22 years before the date of his death and to whom he continued to be
23 married until the date of his death and who was receiving at least
24 one-half of her support from the member in the 12-month period
25 immediately preceding the member's death or the accident which
26 was the direct cause of the member's death. The dependency of such
27 a widow shall be considered terminated by the marriage of the
28 widow subsequent to the member's death. In the event of the
29 payment of an accidental death benefit, the five-year qualification
30 shall be waived.

31 (3) A public employer other than the State may adopt a
32 resolution providing that the term "widower" as defined in
33 paragraph (2) of this subsection shall include domestic partners as
34 provided in paragraph (1) of this subsection.

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- 1 v. "Parent" means the parent of a member who was receiving at
2 least one-half of the parent's support from the member in the 12-
3 month period immediately preceding the member's death or the
4 accident which was the direct cause of the member's death. The
5 dependency of such a parent will be considered terminated by
6 marriage of the parent subsequent to the death of the member.
- 7 w. "Medical board" means the board of physicians provided for
8 in N.J.S.18A:66-56.
- 9 x. (1) "Spouse," for employees of the State, means the husband
10 or wife, or domestic partner as defined in section 3 of P.L.2003,
11 c.246 (C.26:8A-3), of a member.
- 12 (2) Subject to the provisions of paragraph (1) of this subsection,
13 "spouse," for employees of public employers other than the State,
14 means the husband or wife of a member.
- 15 (3) A public employer other than the State may adopt a
16 resolution providing that the term "spouse" as defined in paragraph
17 (2) of this subsection shall include domestic partners as provided in
18 paragraph (1) of this subsection.
19 (cf: P.L.2007, c.103, s.9)
20
- 21 3. This act shall take effect immediately.