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Pension and Health Benefits Review Commission Vote Results  
September 15, 2006

**A-3152 (Johnson)**

Establishes presumption of eligibility for accidental disability allowance for certain public employees who worked in certain locations following September 11, 2001 attack in New York City.

**Motion:** Recommend not to enact since the bill is limited to only certain members of the State's public pension plans and a broader approach, possibly on a Federal level should be considered.

**Discussion:** The provisions of this bill would compensate only those members of the PERS, PFRS and SPRS and ignores members of the TPAF. Also, many individuals who are not members of the State's public pension systems that may have volunteered their efforts during the 9-11 crisis would not be impacted by this bill. A broader approach, possibly on the Federal level, should address this issue.

**A-3085 (Johnson/Prieto)**

Extends eligibility for certain benefits to veterans who performed active service in U.S. Armed Forces during Cold War.

**Motion:** Recommend not to enact since the bill's scope is too broad and would result in additional State and local employer pension costs.

**Discussion:** The population this bill attempts to target is much too broad since in order to qualify for veteran's preference an individual must have performed active service in the US Armed Forces between February 4, 1945 and December 25, 1991. Unlike existing State veterans preference laws, this bill does not require continuous active service for at least 14 or 90 days in a specific area of military conflict. State mandate, State pay issues need to be addressed.

**A-3146 (O'Toole)**

Increases enrollment threshold in PERS and TPAF to \$10,000; changes definition of compensation used to calculate benefits in PERS, TPAF, PFRS, SPRS, and JRS to average annual compensation of all service years.

**Motion:** Bill is tabled awaiting the recommendations of the Joint Committee on Public Employee Benefits Reform.

**A-3067 (Van Drew)**

Allows PERS Prosecutors Part members to purchase service credit in that part for service prior to January 7, 2002 credited in regular PERS.

**Motion:** Recommend not to enact since the PERS may be subject to potential anti-selection issues and future increased State pension contributions.

**Discussion:** Although this bill requires the member to pay the full cost of converting their prior regular PERS service to Prosecutor Part service, the purchase of the prior PERS service will allow the member to attain certain service credit thresholds in the Prosecutors Part plan that would qualify the member for an increased pension sooner than would otherwise be available had they not been able to purchase the service credit.

**A-3021 (Merkt)**

“Part-time Public Employees and Elected Officials Pension Reform Act” ends retirement system enrollment for Legislators and part-time public employees and elected officials commencing service after enactment.

**Motion:** Recommend not to enact since the definition of part-time employment is not addressed in the bill.

**Discussion:** Current pension statutes applicable to the State plans currently provide no uniform definition of a full-time employee. Also, the bill does not provide for an alternative plan for Legislators.

**S-2061 (Sweeney/Kyrillos)/A-3403 (Moriarty/Mayer)**

Permits elected officials and legislators with simultaneous PERS-covered elected office or employment to choose only one position for receipt of PERS credit.

**Motion:** Recommend not to enact since a more comprehensive approach to benefits reform should be considered.

**Discussion:** The bill as written would minimize the occurrence of tacking (tacking occurs when a public employee accepts multiple positions that are covered by the same retirement system at the same time in order to increase the salary base the will be calculated for retirement purposes) for State Legislators and elected officials but would not eliminate this practice for the remaining State and local employees that are members of PERS.

**S-2036 (Gormley/Sweeney)**

Changes age of eligibility for TPAF and PERS early retirement option without benefit reduction from 55 to 60 for new enrollees.

**Motion:** Bill is tabled awaiting the recommendations of the Joint Committee on Public Employee Benefits Reform.

**S-1943 (Kean/Kyrillos)/A-3012 (Corodemus)**

Requires PERS designate position providing least compensation, for member holding concurrent positions, as compensation base for contributions and pension calculations.

**Motion:** Recommend not to enact since it may promote pension abuse.

**Discussion:** The obvious intent of the bill is to eliminate the opportunity for tacking. The bill provides that the lowest paying position will be designated as the basis for enrollment in PERS. This will enable the member to contribute the lowest dollar amount to the pension system during their earlier pension years. A member who gets closer to retirement can terminate from the lower paying position and designate the higher paying position as pensionable and collect a lifetime pension calculated on the higher salary. The State and local employers participating in PERS would be responsible for the unfunded pension liability.

**A-3095 (Cryan/Diegnan)**

Requires local boards of education to join SHBP.

**Motion:** Recommend not to enact since State-mandate, State-pay issues may need to be addressed.

**Discussion:** Mandating the participation of each local school board in the SHBP may, increase the aggregate cost of providing health benefit coverage to school board employees. Statutes governing employer provided health benefit coverage for non-SHBP participating boards of education allow these boards to negotiate the terms of employer provided health benefit coverage based on an executed collective negotiations agreement. The SHBP participating local boards of education are not permitted to negotiate the terms for active employee coverage and are thereby required to pay the full cost of active employee coverage.

**A-3003 (Thompson)**

Requires insurers and State health care coverage programs to cover cost of HIV vaccine.

**Motion:** Recommend not to enact since the HIV vaccine is not yet approved or available.

**Discussion:** This bill would mandate insurance coverage for an HIV vaccination. It is the SHBP policy to provide immunization coverage in the program's managed care plans upon approval of the vaccination by the FDA. Currently, there is no approved vaccination for HIV; therefore the provisions of this bill are prospective. The bill also continues the questionable practice of mandating health benefit coverage.