

TRANSPORTATION

(a)

NEW JERSEY MARITIME PILOT AND DOCKING PILOT COMMISSION

Maritime Pilot Apprenticeship Qualifications

Proposed Amendment: N.J.A.C. 16:64-2.3

Authorized By: New Jersey Maritime Pilot and Docking Pilot Commission, Honorable Timothy J. Dacey, President.

Authority: N.J.S.A. 12:8-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2021-038.

Submit written comments by June 18, 2021, to:

Andre M. Stuckey, Executive Director
New Jersey Maritime Pilot and Docking Pilot Commission
One Penn Plaza East
9th Floor
Newark, NJ 07105
Email: astuckey@njtransit.com

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 12:8-1 et seq., the New Jersey Maritime Pilot and Docking Pilot Commission (Commission) proposes an amendment to N.J.A.C. 16:64-2.3. Since the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed amendment shifts the age requirement for maritime pilot apprentices at N.J.A.C. 16:64-2.3(a)1 from the existing range of 18 to 27 years old to the proposed range of 21 to 30 years old. The existing age requirements are from a time when applicants were accepted out of high school with no formal training and served a 7½ year apprenticeship. Other parts of the existing rules require all applicants to possess a bachelor's degree and serve a five-year apprenticeship. Thus, the proposed amendment will bring the rules up to date while allowing for highly rated candidates and those that serve in the military after graduation the opportunity to apply for a position before they age out of eligibility.

Social Impact

The proposed amendment will provide a positive social impact because it will allow more opportunities for candidates to have enough time to gain maritime experience to become highly rated apprentice candidates.

Economic Impact

It is anticipated that the proposed amendment will have a positive economic impact on the pilots and the maritime industry. The proposed amendment will provide the opportunity for a larger pool of candidates to apply for Maritime Pilot positions.

Federal Standards Analysis

N.J.S.A. 52:14B-1 et seq., requires that all State rules include a statement as to whether the proposed rulemaking contains any standards or requirements that exceed the standards or requirement imposed by Federal law.

While the regulation of pilots working in navigable waters of the United States is clearly a regulation of commerce within the powers of Congress, there is a concurrent system of state pilotage regulation. States have jurisdiction over foreign vessels and vessels sailing under register. Federally licensed pilots are, in general, required to be used on coastwise (domestic trade) vessels that are "enrolled" but not sailing under register, 46 U.S.C. § 8502. States may regulate pilotage on foreign vessels and U.S. vessels operating on register in the bays, rivers, harbors, and ports of the United States (46 U.S.C. § 8501). Thus, New Jersey pilotage laws and rules are controlling in situations regulated by this chapter.

Accordingly, this proposed amendment does not contain any standards or requirements that exceed the standards or requirements imposed by Federal law and no further analysis is required.

Job Impact

The Commission anticipates that the proposed amendment will provide opportunities to a larger pool of candidates.

Agriculture Industry Impact

The proposed amendment has no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required. The proposed amendment would have no effect on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., since the proposed amendment concerns changes to the current age requirement for maritime pilot apprentices, who are not small businesses.

Housing Affordability Impact Analysis

Since the proposed amendment concerns changes to the age requirements for maritime pilot apprentice applicants, the proposed amendment would have no impact on the number of housing units, the affordability of housing, or the average cost associated with housing in New Jersey.

Smart Growth Development Impact Analysis

Since the proposed amendment concerns changes to the age requirement for maritime pilot apprentice applicants, the proposed amendment would have no impact on smart growth or on new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. MARITIME PILOT APPRENTICESHIP

16:64-2.3 Qualifications

(a) A person seeking to be registered with the Commission as an apprentice shall present satisfactory evidence, at the time of the application, that he or she:

1. Is at least [18] **21** years of age and is not more than [27] **30** years of age no later than April 15 of the year the application is filed;
- 2.-9. (No change.)
- (b)-(f) (No change.)

TREASURY—GENERAL

(b)

DIVISION OF PENSIONS AND BENEFITS

Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendments

Alternate Benefit Program

Proposed Changes: N.J.A.C. 17:7-8.11

Proposed: September 8, 2020, at 52 N.J.R. 1669(a).

Authorized By: John D. Megariotis, Acting Director, Division of Pensions and Benefits.

Authority: N.J.S.A. 18A:66-192.

Submit comments by June 18, 2021, to:

Susanne Culliton
Assistant Director
Division of Pensions and Benefits
PO Box 295
Trenton, NJ 08625-0295
DPB.regulations@treas.nj.gov

Take notice that the Division of Pensions and Benefits (Division) proposed amendments to N.J.A.C. 17:7 on September 8, 2020, at 52 N.J.R. 1669(a), and the public comment period ended on November 7, 2020. The Division received no comments on this notice of proposal.

Summary of Agency-Initiated Changes:

The Division is proposing a substantial change to the proposed amendments after consideration of the way in which some retired faculty may interact with their former employer and students. It has come to the Division's attention that many faculty members are asked to provide counsel to graduate and post-doctorate students continuing into their retirement. Additionally, many faculty are involved in the creation and application of research and the filing of patents. They are often consulted throughout this process and need to be accessible even after retirement. While these activities are not contemplated on any scheduled basis and the retiree will not receive any monetary payments, it is necessary to include this in the transition to retirement program to establish acceptable parameters.

Therefore, N.J.A.C. 17:7-8.11(a)3, is proposed for amendment to add subparagraph (a)3v to add that participating faculty shall also include retirees providing assistance to their former employer to further the process of any existing patent application and working with graduate students to finalize post-graduate education and post-doctorate research.

Effect of Proposed Changes on Impact Statements Included in Original Proposal

The changes to the proposed amendments will not affect the impact statements included in the original notice of proposal. The proposed changes add an exception to the transition to retirement program by stating participating faculty also includes retirees who provide assistance to their former employers on a limited, voluntary, and unpaid basis to further the process of any existing patent applications and to assist graduate students to finalize post-graduate and post-doctorate research.

This change does not affect the Social, Economic, Jobs, or Agriculture Industry Impacts; the Federal Standards Statement; the Regulatory Flexibility Statement; the Housing Affordability; the Smart Growth Development Impact Analyses or Racial and Ethnic Community Criminal Justice and Public Safety Impact as published in the original notice of proposal.

Full text of the proposed substantial changes to the proposed amendments follows (additions to proposal indicated in italicized boldface *thus*; deletions from proposal indicated in italicized cursive brackets *{thus}*):

SUBCHAPTER 8. DISTRIBUTIONS AND MINIMUM DISTRIBUTION REQUIREMENTS—ABP RETIREMENT PLAN

17:7-8.11 Transition to retirement programs

(a) Members will be permitted to file for retirement from the ABP, and receive benefits under the ABP, if the member participates in a transition to retirement program (TTRP) adopted by the employer that meets the following minimum requirements:

1. Members must meet the eligibility requirements for transition to retirement programs provided below:

i. Members must be full-time tenured faculty who are at least [55] **59** 1/2 years of age;

ii.-iii. (No change.)

2. Members who meet all of the requirements of the TTRP and are approved by their employer shall be permitted to participate for [one year only] **a maximum of three years.**

i. Members whose employer's current [Transition to Retirement Program] **transition to retirement program** allows for participation for [more than one year] **up to a maximum of three years** may participate in the employer's program through September 21, 2020.

ii. A member who already is participating in an employer's one-year transition plan may enter into a new TTRP for an additional period, up to a maximum of three years total, counting time in both the one-year and the extended program;

3. Program minimum requirements must include:

i. Participating faculty must officially retire from the college or university and then seek re-employment under the terms of this section[;]. **Incentives to retire are not permitted. Employers shall submit a document to the Division certifying that the member's participation in the TTRP is not an incentive by the employer;**

ii. (No change.)

iii. In no event shall the total assignment exceed 50 percent of a full-time faculty load; *{and}*

iv. Participating faculty shall receive compensation proportional to the assignment approved by the college or university which shall not exceed 50 percent of their final year's salary*{,}; and*

v. Participating faculty shall also include retirees providing assistance to the employer to further the process of any existing patent application. Additionally, it shall include participating faculty working with graduate students to finalize post-graduate education and post-doctorate research. All retirees within this subgroup are providing their services on a voluntary, unpaid basis and are subject to the same limitations set forth in this section.

(b) [Evidence] **An employer** shall [be submitted] **submit evidence** to the Division demonstrating the employer's actions to ensure that all TTRPs are compliant with the [one-year] **three-year** requirement [under] **at** (a)2 above [through September 21, 2020].

(c) ABP employers shall provide to the Division an annual listing of all ABP members at their location who are participants in their TTRP, **along with a certification evidencing compliance with the limitation of up to 50 percent of the full-time faculty load, as well as 50 percent of the final year's salary.**