

17:2-2.8 Enrollment eligibility of provisional or temporary employees occupying full-time police and fire titles

(a) Any full-time employee hired provisionally or on a temporary basis into an eligible Police and Firemen's Retirement System (PFRS) title who is under the age of 35 shall enroll in the Public Employees' Retirement System (PERS) after the completion of one year of continuous service.

1. For employees whose employers report on a monthly basis, the compulsory enrollment date shall be the first of the month following the end of the one-year (12-month) period.

2. For employees whose employers report on a bi-weekly basis, the compulsory enrollment date shall be the first of the pay period following the end of the one-year (12-month) period.

(b) Once appointed to a permanent PFRS title, the employee shall be required to enroll in the PFRS if all other eligibility requirements are met. The employee shall have the option of interfund transferring the PERS service into the PFRS.

(c) Any employee who has an active membership in the PERS and becomes employed provisionally or on a temporary basis in an eligible PFRS title and is under age 35 shall continue membership in the PERS until meeting the eligibility requirements for entry in the PFRS. This applies to both employees continuing employment with the same employer, and those leaving one public employer and taking a position with another.

1. State and county employees holding provisional or temporary PFRS titles who cannot meet the maximum age requirement for membership in the PFRS (age 35) shall remain in the PERS after attaining permanent appointments.

2. Municipal employees holding provisional or temporary PFRS titles who cannot meet the maximum age requirements associated with those positions shall not remain in the PFRS titles.

(d) Any full-time employee hired provisionally or on a temporary basis in an eligible PFRS title prior to April 17, 2000 who will be eligible for enrollment into the PFRS upon the attainment of permanent status and who has worked for 12 or more months must be enrolled in the PERS with an enrollment date of May 1, 2000. Once enrolled, a member may purchase any provisional or temporary service with the same employer which led to enrollment in the PERS.

New Rule, R.2000 d.159, effective April 17, 2000.
See: 32 N.J.R. 392(a), 32 N.J.R. 1415(a).

17:2-2.9 Eligibility and enrollment of employees of bi-state and multi-state agencies pursuant to P.L. 2003, c.263 (N.J.S.A. 43:15A-73)

(a) For the purposes of the resolution to adopt the provisions of the PERS for a bi-state or multi-state agency, the "category of officers or employees who may enroll in the retirement system" shall be defined as those employees:

1. Initially appointed or employed by the bi-state or multi-state agency on or after January 1, 2002;
2. Who are residents of the State of New Jersey at the time of appointment or employment with the agency; and
3. Who meet the PERS eligibility requirements found at N.J.S.A. 43:15A-6 et seq.

(b) Enrollment in the PERS is at the option of the employee. The employee must elect within 90 days of either the date of the modification of the State of New Jersey's agreement with the Social Security Administration, or the date of appointment for hire, whichever is later, to enroll in the PERS. If the PERS does not receive an enrollment form for the employee within that 90-day period, the employee shall be ineligible for enrollment in the PERS during their continued employment with the agency.

(c) The enrollment date of the employee shall be the first of the month after a completed enrollment application is submitted to the PERS.

(d) The employee may then purchase, at full cost as defined by N.J.A.C. 17:2-5.5(b), any service with the agency between the date that the employer designates as the effective date of the resolution and the employee's enrollment date, as long as the employee is not eligible for a present or future pension benefit with another retirement system for that same service. In no case would the employee receive credit for service with the agency prior to January 1, 2002. The agency may elect to pay for any portion of this purchase of service for the member, but any such employer payments shall be deposited in the PERS general fund and not the employee's account.

(e) Once an employee is enrolled in the PERS, that employee must remain a member of the retirement system during the entire period of continuous service with the agency. The employee cannot be enrolled or receive credit in the employer's retirement plan or the Pennsylvania, New York, Connecticut, Delaware or any other state or local retirement system during the same period of time as the PERS service with the agency. Should the employee terminate employment with the agency and then be reemployed by that agency or any other bi-state or multi-state agency that has adopted the provisions of PERS, that employee shall be required to continue enrollment in the PERS from that new position, as long as the employee is a New Jersey resident on the date of appointment or employment and has an active PERS account.

(f) An employee who opts not to enroll in the PERS when eligible at a bi-state or multi-state agency and then leaves the agency, has the option of enrolling in the PERS within 90 days of reemployment with a bi-state or multi-state agency if the employee meets the enrollment requirements found at (a) above.

(g) If an employee opts not to enroll in the PERS when eligible at a bi-state or multi-state agency and that employee becomes a PERS member in the future by virtue of employment with another public employer, or with the same agency after a break in service, the cost of the purchase of service credit for the earlier employment with the bi-state or multi-state agency which occurred between January 1, 2002 or the effective date established by the employer, whichever is later, and the employee's latest possible enrollment date from the previous employment, shall be calculated as a full cost purchase.

New Rule, R.2005 d.74, effective February 22, 2005.
See: 36 N.J.R. 4879(a), 37 N.J.R. 619(a).

17:2-2.10 Enrollment eligibility of on-call employees who have not established membership; including, but not limited to, substitute teachers, replacement teachers, and bedside or home instructors

(a) An individual who assumes a position as an on-call employee, such as a substitute teacher, or bedside or home instructor is eligible to enroll in the PERS at the beginning of the 13th month of continuous employment. On-call employees have unpredictable work schedules and their employment is usually temporary in nature. In determining eligibility for enrollment in the case of these employees, the following apply:

1. At employing locations where the regular work year is 12 months long, the employee must work at least 120 days within a 12-month period (10 days per month x 12 months) before becoming eligible for enrollment.
2. At employing locations where the regular work year is 10 months, the employee must work at least 100 days (10 days per month x 10 months) before becoming eligible for enrollment.
3. The date of eligibility for enrollment for on-call employees is the first day of the 13th month after the commencement of the 100 or 120 day period. For example, if the employment began on January 1st, then the enrollment date would be January 1st of the following year. If the employee worked 10 days a month for the requisite number of months (10 or 12), the employee would be eligible for enrollment, regardless of when in the year the 10 or 12 month period began. Enrollment is mandatory.

(b) A replacement teacher is an employee who assumes the duties of a teacher in a regularly budgeted position for the length of time that teacher is on an approved leave of absence. Replacement teachers are eligible for enrollment on the first day of the 13th month after the commencement of continuous service.

(c) A permanent, long-term substitute in a regularly budgeted position is eligible for PERS enrollment on the date of hire.

(d) An employee who has an active PERS membership based upon other employment shall be eligible to participate in the PERS in an on-call position on his or her date of hire provided the minimum salary provisions of N.J.A.C. 17:2-4.7 are met.

New Rule, R.2005 d.75, effective February 22, 2005.
See: 36 N.J.R. 4682(a), 37 N.J.R. 619(b).

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:2-3.1 Compulsory and optional enrollment

(a) For the purpose of contributory insurance, all compulsory enrollees, including veterans, under age 60 at the time their enrollment application is filed, shall be required to participate in the contributory insurance program for one year (12 calendar months) from the date of enrollment, or the effective date of insurance premium deduction, whichever is later. Proof of insurability shall be required for all compulsory and optional enrollees, age 60 and older at the time their enrollment application is filed with the Division of Pensions and Benefits, in order to qualify for noncontributory and contributory insurance coverage.

(b) Optional enrollees under age 60 at the time their enrollment application is filed with the Division of Pensions and Benefits may qualify for noncontributory and contributory insurance coverage only if they were actively at work performing all of the duties that the position requires at the time they made application for enrollment, and such application was filed within one year from the date they first became eligible for enrollment in the system. If an application for an optional enrollee is not received within one year after the optional enrollee became eligible for enrollment, evidence of insurability will be required for the noncontributory and contributory coverage.

(c) When proof of insurability is required, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising the member that the member must prove insurability by taking a medical examination and meeting the eligibility requirements of the Retirement System underwriter.

As amended, R.1979 d.399, effective October 9, 1979.
See: 11 N.J.R. 411(a), 11 N.J.R. 596(b).
Amended by R.1987 d.144, effective April 6, 1987.
See: 18 N.J.R. 2320(b), 19 N.J.R. 565(a).
Deleted (a) and renumbered (d) to (c).
Amended by R.2000 d.26, effective January 18, 2000.
See: 31 N.J.R. 3229(a), 32 N.J.R. 304(a).

In (c), added "and meeting the eligibility requirements of the Retirement System underwriter".