

(f) The delegates shall be elected at a meeting of the membership in each county to be called by the county superintendent no later than the 27th day of May.

1. Notice of the time and place of the county meeting shall be issued by the county superintendent at least 10 days before the date of the meeting.

2. The meeting shall organize by the election of a chairman and secretary.

**CHAPTER 3**

**TEACHERS' PENSION AND ANNUITY FUND**

**Authority**

N.J.S.A. 18A:66-56.

**Source and Effective Date**

R.1998 d.578, effective November 13, 1998.  
See: 30 N.J.R. 3376(a), 30 N.J.R. 4254(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 3, Teachers' Pension and Annuity Fund, expires on November 13, 2003.

**Chapter Historical Note**

Chapter 3, Teachers' Pension and Annuity Fund, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 3, Teachers' Pension and Annuity Fund, was readopted as R.1983 d.175, effective May 16, 1983. See: 15 N.J.R. 526(b), 15 N.J.R. 930(c). Pursuant to Executive Order No. 66(1978), Chapter 3 expired on May 16, 1988.

Chapter 3, Teachers' Pension and Annuity Fund, was adopted as new rules by R.1988 d.381, effective August 15, 1988. See: 20 N.J.R. 1181(b), 20 N.J.R. 2072(b). Pursuant to Executive Order No. 66(1978), Chapter 3 expired on August 15, 1993.

Chapter 3, Teachers' Pension and Annuity Fund, was adopted as new rules by R.1993 d.658, effective December 20, 1993. See: 25 N.J.R. 4461(a), 25 N.J.R. 5942(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Teachers' Pension and Annuity Fund, was readopted as R.1998 d.578, effective November 13, 1998. See: Source and Effective Date.

**Law Review and Journal Commentaries**

Battle for state contracts: What process is due in a challenge to a state contract award? Patrick D. Kennedy & Maeve E. Cannon, 180 N.J.Law. 16 (Mag.) (Oct./Nov. 1996).

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## SUBCHAPTER 1. ADMINISTRATION

### 17:3-1.1 Board meetings

(a) The Board of Trustees shall meet on the first Thursday of each month or at such time as may be deemed necessary by the Board.

(b) The chairman may call for special meetings when necessary.

(c) The current rules within Roberts' Rules of Order, effective as of April 4, 1994, as well as future amendments thereto, are adopted and incorporated herein by reference as the source to be used by the Board of Trustees of the Teachers' Pension and Annuity Fund in the conduct of its monthly meetings.

As amended, R.1973 d.49, effective February 14, 1973.

See: 5 N.J.R. 20(b), 5 N.J.R. 95(b).

As amended, R.1982 d.344, effective October 18, 1982.

See: 14 N.J.R. 201(a), 14 N.J.R. 1164(c).

Change of meeting from second to first Thursday of the month.

Amended by R.1994 d.161, effective April 4, 1994.

See: 25 N.J.R. 5762(b), 26 N.J.R. 1537(d).

### 17:3-1.2 Fiscal year

The transaction of business and control of funds shall be conducted on a July 1 to June 30 fiscal year, with the exception of the actuarial valuation, which shall be prepared on the basis of the membership payroll and status of all accounts as of March 31 of each year.

### 17:3-1.3 Officers and committees

(a) The members of the Board shall elect a chairman for the forthcoming year at its regular meeting in June.

(b) The chairman of the Board shall preside at all meetings or in the absence of the chairman, such presiding officer as the Board shall determine.

(c) The chairman and the secretary of the Board shall have the power to act for the Board in all matters which may be referred to them by the Board.

(d) There shall be three standing committees of three members each:

1. Finance Committee;
2. Retirement Committee; and
3. Procedures and Policies Committee.

(e) The Committee shall be appointed at the June Board meeting by the chairman elect for the forthcoming fiscal year.

(f) The State Treasurer and the person designated to represent the Fund on the State Investment Council shall serve as members of the Finance Committee.

(g) The Finance Committee shall review all investment transactions and financial reports referred to it by the secretary for presentation to the Board at its regular monthly meeting.

(h) The Retirement Committee shall consider all cases referred to it by the Secretary and submit its recommendations to the Board at its next meeting.

(i) The Procedures and Policies Committee shall consider all cases referred to it by the secretary and submit its recommendations to the Board at its next meeting.

As amended, R.1973 d.49, effective February 14, 1973.

See: 5 N.J.R. 20(b), 5 N.J.R. 95(b).

### 17:3-1.4 Election of member-trustee

(a) The Board shall hold an annual convention of delegates of the membership of the Fund each year for the purpose of:

1. Electing a member-trustee to the Board of Trustees;
2. Presenting its annual report; and
3. Conducting a general discussion period on any questions concerning the report or matters pertaining to the Fund.

(b) Such annual convention shall be held each year at 10:30 A.M., on a Saturday in November designated by the trustees, at a location to be announced by the Board.

(c) The chairman of the convention will be a member of the Board of Trustees elected by the Board.

(d) The secretary of the Board shall act as the secretary of the convention.

(e) The delegates to the convention must be active members of the Fund.

3. The secretary, shall, within five days after the meeting and no later than the 10th day of June, forward to the secretary of the Board a certificate containing the membership register numbers, names, addresses and school districts of the delegates and alternates.

(g) Each county shall be entitled to one delegate for each 400 members employed in the county or major fraction thereof; provided, however, that each county shall have at least one delegate.

(h) Each county shall be entitled to elect alternates, the number not to exceed one half of the number of delegates elected.

(i) The secretary of the Board shall forward to each delegate and alternate his identification for admission to the convention, a copy of the election rule, convention agenda, annual report of the Board of Trustees for preceding fiscal year and the name of the trustee whose term is expiring.

(j) The candidate for trustee must be employed in one of the counties of the group so designated for electing a trustee that year and must be a resident of New Jersey.

(k) The secretary of the Board shall also notify each delegate and alternate of the names of the candidates to be nominated for trustee that have been registered with him before the first day of November.

(l) The county grouping for election of trustee shall be as follows:

Group A	Group B	Group C
Bergen	Middlesex	Atlantic
Essex	Monmouth	Burlington
Hudson	Morris	Camden
Union	Passaic	Cape May
	Somerset	Cumberland
	Sussex	Gloucester
	Warren	Hunterdon
		Mercer
		Ocean
		Salem

(m) The election of a member-trustee shall be for a three-year term beginning the succeeding January 1.

(n) The nominating speech shall be limited to five minutes, with not more than one seconding speech of three minutes.

(o) A candidate to be elected must receive a majority of the total votes cast by the seated delegates or their alternates. In the event no candidate receives a majority, the candidate who has received the least number of votes shall be eliminated. This procedure shall be repeated on each succeeding ballot until one candidate has received a majority of the total vote.

(p) The trustee for the three-year term commencing January 1, 1958, must be employed in a county in Group A; for the three-year term commencing January 1, 1959, in a county in Group B; for the three-year term commencing January 1, 1960, in a county in Group C; and so forth.

(q) Only delegates with proper identification will be admitted to the main floor of the convention.

(r) Alternates and visitors shall be seated in a specified area.

(s) The secretary of the convention will conduct a roll call of the delegates. Alternates will be seated in the place of respective county absentee delegates in the order in which they are listed by the secretary of the county meeting:

1. Delegates, as well as alternates, shall be seated by 10:30 A.M.

2. The election of the member-trustee shall require a majority vote among the delegates actually seated in the convention.

(t) A majority of all of the delegates entitled to seats in the convention shall constitute a quorum for transacting the business of the convention.

(u) The minutes of the convention will be forwarded to each delegate as soon as possible following the conclusion of the convention, but only those delegates who clearly identify themselves and the county they represent will be recorded in the minutes as having participated in the convention.

(v) Visitors and alternates not seated at the convention will only be recognized during the convention at the discretion of the chairman.

(w) Delegates and alternates will be reimbursed for actual travel expense incurred in connection with the convention at the rate of \$0.18 per mile for travel by auto, actual tax exempt fare for travel by bus or train, and meals not in excess of \$2.50 per day.

As amended, R.1973 d.196, effective July 24, 1973.

See: 5 N.J.R. 203(c), 5 N.J.R. 294(d).

As amended, R.1974 d.24, effective January 31, 1974.

See: 5 N.J.R. 426(d), 6 N.J.R. 124(a).

As amended, R.1975 d.140, effective May 27, 1975.

See: 7 N.J.R. 179(a), 7 N.J.R. 349(a).

As amended, R.1978 d.444, effective December 29, 1978.

See: 10 N.J.R. 517(a), 11 N.J.R. 105(c).

As amended, R.1980 d.405, effective September 19, 1980.

See: 12 N.J.R. 435(b), 12 N.J.R. 678(a).

(w): Rate increased from \$0.16 to \$0.18.

As amended, R.1983 d.483, effective November 7, 1983.

See: 15 N.J.R. 1360(a), 15 N.J.R. 1870(d).

Certain dates and groupings changed concerning the election of delegates.

**17:3-1.5 Certifying agent (employer)**

(a) The secretary of each local board of education shall be the certifying agent for the respective school district.

(b) The secretary, as the certifying agent, shall be responsible for the duties prescribed by N.J.S.A. 18A:66-32 and all other duties relating to matters concerning the fund.

(c) In locations other than boards of education, the chief fiscal officer or the personnel officer shall serve as the certifying agent for such units.

As amended, R.1973 d.49, effective February 14, 1973.  
See: 5 N.J.R. 20(b), 5 N.J.R. 95(b).

#### Case Notes

School employee held not disqualified from purchase of retirement credit for unpaid maternity leave where failure to purchase credit within one year of return to active service was due to her being informed by school district employee, to whom duties of certifying agent had been delegated, that she could not purchase credit, and prompt action was taken by her to secure rights when error was learned. *Zigmont v. Bd. of Trustees, Teachers' Pension and Annuity Fund*, 182 N.J.Super. 50, 440 A.2d 37 (App.Div.1981), reversed 91 N.J. 580, 453 A.2d 1333 (1983).

#### 17:3-1.6 Records

(a) The minutes of the Board are a matter of public record and may be inspected during regular business hours in the office of the Board secretary.

(b) The mailing addresses of all active and retired members are considered to be a part of the members' confidential files and shall not be released for any purpose.

(c) All medical testimony obtained in connection with an application for disability retirement shall be restricted for the confidential use of the Board of Trustees.

#### 17:3-1.7 Appeal from Board decisions

The following statement shall be incorporated in every written notice setting forth the Board's determination in a matter where such determination is contrary to the claim made by the claimant or his legal representative:

"If you disagree with the determination of the Board of Trustees in this matter, you may appeal by sending a written statement to the Board within 45 days from the date of this letter informing the Board of your disagreement and all of the reasons therefor. If no such written statement is received within the 45-day period this determination shall be considered final."

As amended, R.1971 d.63, effective April 28, 1971.  
See: 3 N.J.R. 48(a), 3 N.J.R. 117(a).

#### 17:3-1.8 Suspension of pension checks

(a) The disbursement of pension checks shall be suspended under the following circumstances and such suspension shall continue during the period in default:

1. If a disability retirant fails to appear for a medical examination;

2. If a disability retirant fails to timely file a report with the Fund of his annual earned income;

3. If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;

4. If a retirant or beneficiary becomes mentally or physically incompetent. The disbursement of pension checks in this event shall be suspended until a proper legal representative has been appointed.

As amended, R.1979 d.205, effective May 22, 1979.  
See: 11 N.J.R. 208(a), 11 N.J.R. 359(a).  
As amended, R.1980 d.103, effective March 5, 1980.  
See: 12 N.J.R. 55(b), 12 N.J.R. 224(e).

#### 17:3-1.9 Verified discrepancy in member's age

The member's account (active or retired) shall be reconstructed and all benefit entitlements and contributions shall be determined on the basis of the member's correct date of birth.

#### 17:3-1.10 Travel

Travel to and from work when it is to and from the regular place of employment is not considered duty rendered in the course of employment for the purpose of determining eligibility for accidental disability or accidental death benefits.

As amended, R.1973 d.49, effective February 14, 1973.  
See: 5 N.J.R. 20(b), 5 N.J.R. 95(b).

#### Case Notes

Estate of teacher who died as result of fall in parking lot on way to work was not entitled to award of accidental death benefits. *Estate of Matza v. Board of Trustees of Teachers' Pension and Annuity Fund*, 96 N.J.A.R.2d (TYP) 224.

#### 17:3-1.11 Proof of age

(a) All members may be required to establish proof of their age with the Fund. A person enrolling in the Fund may be requested to submit proof of his or her age at the time of such enrollment, and will be required to submit such proof of age before a period of six years has been elapsed from the date of enrollment.

(b) In the event a member dies before satisfactory evidence of his or her date of birth has been filed with the Fund, appropriate evidence may be required before any death claim is processed for settlement.

(c) In the event proof of age has not been filed with the Fund before retirement, such proof must be filed before any retirement benefits may be disbursed.

As amended, R.1980 d.103, effective March 5, 1980.  
See: 12 N.J.R. 55(b), 12 N.J.R. 224(e).  
As amended, R.1983 d.78, effective March 21, 1983.  
See: 14 N.J.R. 1202(b), 15 N.J.R. 449(b).  
Language added regarding proof of age.