

CHAPTER 5**STATE POLICE RETIREMENT SYSTEM****Authority**

N.J.S.A. 53:5A-30h.

Source and Effective Date

R.2001 d.128, effective March 22, 2001.
See: 33 N.J.R. 204(a), 33 N.J.R. 1205(a).

Executive Order No. 66(1978) Expiration Date

Chapter 5, State Police Retirement System, expires on March 22, 2006.

Chapter Historical Note

Chapter 5, State Police Retirement System, was adopted and became effective prior to September 1, 1969.

Subchapter 4, Purchase and Eligible Service, was adopted as R.1982 d.66, effective March 15, 1982. See: 13 N.J.R. 939(a), 14 N.J.R. 284(e).

Pursuant to Executive Order No. 66(1978), the individual Subchapters of Chapter 5 expired on May 12, 1985 and were adopted as new rules by R.1985 d.614, effective December 2, 1985. See: 17 N.J.R. 2018(a), 17 N.J.R. 2914(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, State Police Retirement System, was readopted as R.1991 d.2, effective November 30, 1990. See: 22 N.J.R. 3200(a), 23 N.J.R. 123(a). Pursuant to Executive Order No. 66(1978), Chapter 5, State Police Retirement System, expired on November 30, 1995.

Chapter 5, State Police Retirement System, was adopted as new rules by R.1996 d.268, effective June 17, 1996. See: 28 N.J.R. 1492(a), 28 N.J.R. 3167(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, State Police Retirement System, was readopted as R.2001 d.128, effective March 22, 2001. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. ADMINISTRATION**17:5-1.1 Board meetings**

The Board of Trustees shall meet at the call of the chairperson and secretary at such time as may be deemed necessary by the Board.

Amended by R.2001 d.128, effective April 16, 2001.
See: 33 N.J.R. 204(a), 33 N.J.R. 1205(a).

Substituted "at such time as may be deemed necessary by the board" for "subject to the prescribed requirements and procedures of c.231, P.L. 1975".

17:5-1.2 Fiscal year

(a) Fiscal year shall mean the 12-month period of fiscal transactions commencing July 1 and running until June 30 following.

(b) All reports and statements will consider such a fiscal year except special reports not having direct relationship to the financial transactions of the retirement system.

17:5-1.3 Officers and committees

(a) The chairperson and vice chairperson of the Board will be elected by a majority vote of the members in attendance at the first meeting of July, not less than three members to be present at such a meeting. The chairperson of the Board shall preside at all meetings or in the absence of the chairperson, the vice chairperson shall assume the chairperson's responsibilities. If both are absent, another member selected by the majority of the members in attendance will preside for that single meeting.

(b) The Director of the Division of Pensions and Benefits shall appoint a qualified employee of the Division to be Secretary of the Board.

(c) The chairperson will appoint such committees from the Board members as deemed necessary to facilitate the Board's operations. Such committee appointment will be for a one-year period, commencing each July 1.

Amended by R.2001 d.128, effective April 16, 2001.

See: 33 N.J.R. 204(a), 33 N.J.R. 1205(a).

Rewrote section.

17:5-1.4 Certifying officer (employer)

(a) The official properly designated by the Division of State Police will serve as the certifying officer.

(b) The prime purpose of the certifying officer will be to certify facts of enrollment, retirement, withdrawal and to implement proper procedures for the reports and transmittal of employee deductions and to act as liaison for all dealings between the Division of State Police and the retirement system.

17:5-1.5 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 member's confidential files and shall not be released for any purpose.

(c) The designations of beneficiaries of all active and retired members are considered to be a part of the member's confidential files and shall only be released after the member's death.

(d) All medical testimony obtained in connection with an application for disability retirement shall be restricted for the confidential use of the Board of Trustees. The Division shall release a copy of the examining physician's medical report to the member, the member's attorney or any person authorized by the member in writing to receive a copy of such report. In no event shall the report be released to any individual not authorized in writing to receive the report.

Amended by R.2001 d.128, effective April 16, 2001.

See: 33 N.J.R. 204(a), 33 N.J.R. 1205(a).

Added new (c); recodified former (c) as (d) and added the second and third sentences.

17:5-1.6 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 the claimant's legal representative:

"(a) If you disagree with the determination of the Board, you may appeal by submitting a written statement to the Board within 45 days after the date of written notice of the determination. The statement shall set forth in detail the reasons for your disagreement with the Board's determination and shall include any relevant documentation supporting your claim. If no such written statement is received within the 45-day period, the determination by the Board shall be final.

(b) The Board shall determine whether to grant an administrative hearing based upon the standards for a contested case hearing set forth in the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

(c) Administrative hearings will be conducted by the Office of Administrative Law pursuant to the provisions of N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1-1.

(d) If the granted appeal involves a question of facts, the Board shall submit the matter to the Office of Administrative Law.

(e) If the granted appeal involves solely a question of law, the Board may retain the matter and issue a final administrative determination which shall include detailed findings of fact and conclusions of law based upon the documents, submissions and legal arguments of the parties. The Board's final determination may be appealed to the Superior Court, Appellate Division."

Amended by R.2001 d.128, effective April 16, 2001.

See: 33 N.J.R. 204(a), 33 N.J.R. 1205(a).

Rewrote the section.

17:5-1.7 Suspension of pension checks

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

1. 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 a periodic basis;

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

Amended by R.2001 d.128, effective April 16, 2001.