

## TITLE 17

## TREASURY—GENERAL

## CHAPTER 1

## GENERAL ADMINISTRATION

## Authority

N.J.S.A. 52:18A-96 et seq.

## Source and Effective Date

R.1998 d.240, effective April 22, 1998.  
See: 30 N.J.R. 1023(a), 30 N.J.R. 1847(a).

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

Chapter 1, General Administration, expires April 22, 2003.

## Chapter Historical Note

The provisions of this chapter 1 were originally adopted by the Director, Division of Pensions, and became effective prior to September 1, 1969.

1969 Revisions: Amendments became effective December 19, 1969 as R.1969 d.34. See: 1 N.J.R. 10(a), 2 N.J.R. 7(a).

1971 Revisions: Amendments became effective February 1, 1971 as R.1971 d.16. See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

1972 Revisions: Amendments became effective October 30, 1972 as R.1972 d.214. See: 4 N.J.R. 310(d).

1973 Revisions: Subchapter 6 "Judicial Pension Fund" was repealed effective September 12, 1973 as R.1973 d.258. See: 5 N.J.R. 292(d), 5 N.J.R. 358(b). Amendments became effective June 28, 1973 as R.1973 d.171. See: 5 N.J.R. 203(b), 5 N.J.R. 294(a). Further amendments became effective September 12, 1973 as R.1973 d.258. See: 5 N.J.R. 292(d), 5 N.J.R. 358(b).

1974 Revisions: Amendments became effective March 12, 1974 as R.1974 d.62. See: 6 N.J.R. 84(a), 6 N.J.R. 158(b). Further amendments became effective August 8, 1974 as R.1974 d.219. See: 6 N.J.R. 277(a), 6 N.J.R. 360(a).

1975 Revisions: Amendments became effective February 14, 1975 as R.1975 d.30. See: 7 N.J.R. 33(a), 7 N.J.R. 122(a). Further amendments became effective August 1, 1975 as R.1975 d.235. See: 7 N.J.R. 346(b), 7 N.J.R. 446(a). Further amendments became effective December 31, 1975 as R.1975 d.385. See: 7 N.J.R. 577(c), 8 N.J.R. 88(a).

1976 Revisions: Amendments became effective February 5, 1976 as R.1976 d.36. See: 7 N.J.R. 578(a), 8 N.J.R. 140(d). Further amendments became effective March 26, 1976 as R.1976 d.95. See: 8 N.J.R. 140(b), 8 N.J.R. 262(a). Further amendments became effective July 2, 1976 as R.1976, d.212. See: 8 N.J.R. 312(d), 8 N.J.R. 407(b). Further amendments became effective October 28, 1976 as R.1976 d.338. See: 8 N.J.R. 489(c), 8 N.J.R. 586(b).

1977 Revisions: Amendments became effective February 8, 1977 as R.1977 d.32. See: 9 N.J.R. 43(b), 9 N.J.R. 147(c). Subchapter 10 became effective April 1, 1977 as R.1977 d.117. See: 9 N.J.R. 142(c), 9 N.J.R. 243(a). Further amendments became effective November 1, 1977 as R.1977 d.416. See: 9 N.J.R. 493(e), 9 N.J.R. 601(a).

1978 Revisions: Amendments became effective March 14, 1978 as R.1978 d.96. See: 10 N.J.R. 37(b), 10 N.J.R. 175(b). Further amendments became effective March 15, 1978 as R.1978 d.98. See: 10 N.J.R. 175(c). Subchapter 11 became effective March 15, 1978 as R.1978 d.99. See: 10 N.J.R. 38(b), 10 N.J.R. 175(d). Further amendments became effective December 12, 1978 as R.1978 d.421. See: 10 N.J.R. 516(a), 11 N.J.R. 52(a).

1979 Revisions: Amendments became effective May 1, 1979 as R.1979 d.169. See: 11 N.J.R. 209(b), 11 N.J.R. 304(d).

1980 Revisions: Amendments became effective February 5, 1980 as R.1980 d.63. See: 12 N.J.R. 52(d), 12 N.J.R. 163(a). Further amendments became effective July 1, 1980 as R.1980 d.301. See: 12 N.J.R. 351(a), 12 N.J.R. 497(c). Further amendments became effective July 1, 1980 as R.1980 d.301. See: 12 N.J.R. 351(a), 12 N.J.R. 497(c). Further amendments became effective November 5, 1980 as R.1980 d.487. See: 12 N.J.R. 614(a), 12 N.J.R. 729(a).

1981 Revisions: Amendments became effective March 6, 1981 as R.1981 d.85. See: 13 N.J.R. 109(a), 13 N.J.R. 247(c). Further amendments became effective July 9, 1981 as R.1981 d.239. See: 13 N.J.R. 308(b), 13 N.J.R. 458(a). Further amendments became effective August 6, 1981 as R.1981 d.291. See: 13 N.J.R. 374(c), 13 N.J.R. 525(a). Further amendments became effective September 10, 1981 as R.1979 d.343. See: 13 N.J.R. 459(a), 13 N.J.R. 617(a). Further amendments became effective November 2, 1981 as R.1981 d.427. See: 13 N.J.R. 616(c), 13 N.J.R. 779(d).

1982 Revisions: Amendments became effective January 2, 1981 as R.1981 d.1. See: 12 N.J.R. 727(c), 13 N.J.R. 111(c). Further amendments became effective February 2, 1982 as R.1982 d.20. See: 13 N.J.R. 883(a), 14 N.J.R. 161(b). Further amendments became effective October 18, 1982 as R.1982 d.347. See: 14 N.J.R. 328(b), 14 N.J.R. 1163(e). Subchapter 12 became effective October 18, 1982 as R.1982 d.350. See: 14 N.J.R. 329(a), 14 N.J.R. 1164(a). Further amendments became effective October 19, 1982 as R.1982 d.358. See: 14 N.J.R. 200(a), 14 N.J.R. 1163(c). Further amendments became effective December 20, 1982 as R.1982 d.438. See: 14 N.J.R. 1149(a), 14 N.J.R. 1464(a).

1983 Revisions: Amendments became effective January 3, 1983 as R.1982 d.470. See: 14 N.J.R. 1200(a), 15 N.J.R. 36(b). Subchapter 7 was changed from Pension Increase Program to Pension Adjustment Program, effective January 17, 1983 as R.1983 d.491. See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b). Further amendments became effective January 17, 1983 as R.1983 d.491. See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b). Further amendments became effective February 22, 1983 as R.1983 d.39. See: 14 N.J.R. 1447(b), 15 N.J.R. 245(a). Further amendments became effective March 21, 1983 as R.1983 d.77. See: 15 N.J.R. 80(b), 15 N.J.R. 448(b). Further amendments became effective May 2, 1983 as R.1983 d.132. See: 15 N.J.R. 319(b), 15 N.J.R. 696(a). This chapter was readopted pursuant to Executive Order 66(1978) effective May 16, 1983 as R.1983 d.174. See: 15 N.J.R. 523(a), 15 N.J.R. 930(b). Further amendments became effective June 20, 1983 as R.1983 d.216. See: 15 N.J.R. 525(a), 15 N.J.R. 1037(d). Further amendments became effective July 5, 1983 as R.1983 d.265. See: 15 N.J.R. 687(a), 15 N.J.R. 1104(a). Further amendments became effective August 15, 1983 as R.1983 d.334. See: 15 N.J.R. 1012(b), 15 N.J.R. 1383(b). Further amendments became effective October 3, 1983 as R.1983 d.416. See: 15 N.J.R. 1238(a), 15 N.J.R. 1688(c). Further amendments became effective November 21, 1983 as R.1983 d.546. See: 15 N.J.R. 1457(a), 15 N.J.R. 1597(b).

1984 Revisions: Amendments became effective January 17, 1984 as R.1983, d.599. See: 15 N.J.R. 174(a), 16 N.J.R. 148(a). Further amendments became effective August 20, 1984 as R.1984 d.374. See: 16 N.J.R. 703(a), 16 N.J.R. 2302(b). Further amendments became effective December 17, 1984 as R.1984 d.559. See: 16 N.J.R. 2420(a), 16 N.J.R. 3478(b).

1985 Revisions: Amendments became effective February 4, 1985 as R.1985 d.8. See: 16 N.J.R. 3192(a), 17 N.J.R. 320(a). Further amendments became effective July 1, 1985 as R.1985 d.348. See: 17 N.J.R. 1068(a), 17 N.J.R. 1673(a). Further amendments became effective June 17, 1985 as R.1985 d.321. See: 17 N.J.R. 900(a), 17 N.J.R. 1586(a). Further amendments became effective September 3, 1985 as R.1985 d.442. See: 17 N.J.R. 1642(b), 17 N.J.R. 2144(b).

1986 Revisions: Amendments became effective January 6, 1986 as R.1985 d.664. See: 17 N.J.R. 2603(a), 18 N.J.R. 93(a). Further amendments became effective April 7, 1986 as R.1986 d.86. See: 18 N.J.R. 59(a), 18 N.J.R. 706(a). Further amendments became effective June 16, 1986 as R.1986 d.211. See: 18 N.J.R. 626(b), 18 N.J.R. 1310(c). Further amendments became effective October 6, 1986 as R.1986 d.390. See: 18 N.J.R. 1450(b), 18 N.J.R. 2059(a). Further amendments became effective October 20, 1986 as R.1986 d.425. See: 18 N.J.R. 1686(a), 18 N.J.R. 2135(a).

1987 Revisions: Amendments became effective February 2, 1987 as R.1987 d.76. See: 18 N.J.R. 2320(a), 19 N.J.R. 304(a). Further amendments became effective February 17, 1987 as R.1987 d.108. See: 18 N.J.R. 2377(a), 19 N.J.R. 380(a). Further amendments became effective March 16, 1987 as R.1987 d.128. See: 19 N.J.R. 51(b), 19 N.J.R. 456(b). Further amendments became effective May 4, 1987 as R.1987 d.198. See: 19 N.J.R. 353(a), 19 N.J.R. 772(b). Further amendments became effective July 20, 1987 as R.1987 d.293. See: 19 N.J.R. 626(a), 19 N.J.R. 1320(b). Further amendments became effective August 3, 1987 as R.1987 d.317. See: 19 N.J.R. 446(a), 19 N.J.R. 1456(a).

1988 Revisions: Amendments became effective February 16, 1988 as R.1988 d.68. See: 19 N.J.R. 2129(a), 20 N.J.R. 408(a). This chapter was readopted pursuant to Executive Order 66(1978) effective May 6, 1988 as R.1988 d.243. See: 20 N.J.R. 636(a), 20 N.J.R. 1208(a).

Pursuant to Executive Order No. 66(1978), Chapter 1, General Administration, expired on May 6, 1993. Pursuant to Executive Order No. 66(1978), Chapter 1, General Administration, was readopted as new rules by R.1993 d.376, effective August 2, 1993. See: 25 N.J.R. 1955(a), 25 N.J.R. 3506(a).

Pursuant to Executive Order No. 66(1978), Chapter 1, General Administration, was readopted as R.1998 d.240, effective April 22, 1998. See: Source and Effective Date. See, also, section annotations.

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#### SUBCHAPTER 1. ACCOUNTING

##### 17:1-1.1 Receipts deposited

(a) All routine receipts as of noon of any working day, which are identifiable as to origin and propriety, are to be deposited the same day.

(b) All other checks are to be deposited as soon as possible.

(c) If checks are not in the amount of the billing and there is no dispute as to the amount involved, such checks will be returned to the remitter and the obligation will be considered as not having been paid; the remitter will be so advised.

Amended by R.1981 d.427, effective November 2, 1981.

See: 13 N.J.R. 616(c), 13 N.J.R. 779(d).

Added (c).

##### 17:1-1.2 Remittance; limitation

The monthly transmittal remittances for pension contributions to the Division by employers shall be by electronic fund transfer (EFT). All other remittances to the Division shall be by check, bank draft or money order.

Amended by R.1998 d.241, effective May 18, 1998.

See: 30 N.J.R. 537(a), 30 N.J.R. 1847(b).

Rewrote the section.

##### 17:1-1.3 Due dates for transmittals and reports

(a) Monthly remittances and transmittals for the Police and Firemen's Retirement System and the monthly remittances and reports for the Consolidated Police and Firemen's Pension Fund are due in the Division of Pensions the 10th day of the month following the close of the preceding month for which contributions are required.

(b) Monthly retirements and transmittals for the Public Employees' Retirement System, the Judicial Retirement System and the Teachers' Pension and Annuity Fund are due in the Division of Pensions from the State monthly locations and local employers the 10th day of the month following the close of the preceding month for which contributions are required.

(c) The monthly report to the carriers of the Alternate Benefit Program shall be due from the Centralized Payroll Unit on the 20th day of the month following the close of the preceding month for which deductions or reductions were required.

(d) Monthly reports for Alternate Benefit Program participants of county colleges and State monthly locations are due in the Division of Pensions the fifth day of the month following the close of the preceding month, with the exception that those institutions which are prepaying both the employer and employee contributions and have agreed to be completely accountable and responsible for the timely submission of such contributions shall submit the monthly reports to the Division of Pensions by the fifteenth day of the month following the close of the preceding month.

(e) Quarterly transmittals and reports, including the remittance for the third month of the calendar quarter, for the Police and Firemen's Retirement System are due in the Division of Pensions the 10th day of the month following the close of the preceding quarter.

(f) Quarterly transmittals and reports, including the remittance for the third month of the calendar quarter, for the Public Employees' Retirement System, the Judicial Retirement System and the Teachers' Pension and Annuity Fund are due in the Division of Pensions the 10th day of the month following the close of the preceding year.

(g) Payroll deductions for pension, contributory insurance and the Supplemental Annuity Program and salary reductions for the Tax Sheltered Supplemental Annuity Program shall be remitted on a biweekly basis immediately following the payroll payment dates for State employees reported by the Centralized Payroll System.

(h) Monthly remittances and transmittals for the State Health Benefits Program are due the 24th day of each month preceding the month for which such premium payments are required. Reporting agencies will be considered in default if premiums are not paid within the 31-day period, which begins on the first of the month following the due date for which premiums are required.

(i) Semi-monthly remittances and transmittals for Social Security are due in the State Agency for Social Security from all covered entities on the 5th day of the month representing contributions due for the last half of the preceding month and on the 20th day of the current month representing contributions due for the first fifteen days of the month. Annual reports and Federal forms are due in the State Agency for Social Security on February 1st, following the end of the preceding calendar year.

As amended, R.1971 d.16, effective February 1, 1971.

See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

As amended, R.1980 d.301, effective July 1, 1980.

See: 12 N.J.R. 351(a), 12 N.J.R. 497(c).

As amended, R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

The Judicial Retirement System, added.

As amended, R.1983 d.546, effective November 21, 1983.

See: 15 N.J.R. 1457(a), 15 N.J.R. 1957(b).

Due days change from 1st to 5th day of month; exceptions articulated.

As amended, R.1983 d.599, effective January 17, 1984.

See: 15 N.J.R. 174(a), 16 N.J.R. 148(a).

(i) deleted and replaced with instructions about semi-monthly remittances and transmittals.

Amended by R.1986 d.86, effective April 7, 1986.

See: 18 N.J.R. 59(a), 18 N.J.R. 706(a).

Added text in (f) "Division of Pensions the 10th day of the".

#### 17:1-1.4 Delinquent notices

(a) Reporting agencies which do not file timely reports, transmittals or remittances will receive a delinquent notice.

(b) In the event the employer does not respond to the delinquent notice, the group will be added to a list of the delinquent agencies to be sent to the field service counselors, who will contact the delinquent employers to secure the data needed by the Division.

#### 17:1-1.5 Interest charges; delinquent transmittals

(a) If payment in full, representing the monthly transmittal and report of contributions or charges is not made within 15 days of the due dates for such transmittals and reports, interest at the rate of six percent per annum shall commence to run against the total transmittal of contributions or charges for the period on the first day after such 15th day.

(b) The penalty will apply where the moneys have been forwarded but without the report necessary to distribute such moneys to the proper accounts.

As amended, R.1983 d.77, effective March 21, 1983.

See: 15 N.J.R. 80(b), 15 N.J.R. 448(b).

Reference to charges as well as contributions were added.

#### 17:1-1.6 Disbursement authorizations

All checks disbursed, requiring the signature of the State Treasurer, are forwarded with signed authorizations to the Department of the Treasury.

#### 17:1-1.7 Disbursement Schedules

(a) All disbursements, other than the regular pension payrolls, including the payment of loans, withdrawals and rebates should be made once a week.

(b) The pension payrolls are disbursed by the cash control section of the Treasury Department at the end of each calendar month.

As amended, R.1974 d.62, effective March 12, 1974.

See: 6 N.J.R. 84(a), 6 N.J.R. 158(b).

**17:1-1.8 Disbursement; limitations**

All disbursements returned by the Federal post office as "undelivered" shall be redeposited promptly. Disbursements shall be made by check, delivered by the Federal post office or as provided by the Director of the Division of Pensions.

As amended, R.1974 d.62, effective March 12, 1974.

See: 6 N.J.R. 84(a), 6 N.J.R. 158(b).

As amended, R.1975 d.235, effective August 1, 1975.

See: 7 N.J.R. 346(b), 7 N.J.R. 446(a).

As amended, R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

(b): "accrue" changed to "accrue."

Amended by R.1985 d.348, effective July 1, 1985.

See: 17 N.J.R. 1068(a), 17 N.J.R. 1673(a).

(a) and (b) deleted.

Amended by R.1989 d.37, effective January 17, 1989.

See: 20 N.J.R. 2639(a), 21 N.J.R. 173(b).

Deleted text "and in no ... the post office" and added "Disbursements shall be ...".

**17:1-1.9 Adjustment statements**

(a) Adjustment statements are mailed as audits are completed.

(b) Ten days after an overpayment notice is mailed a check is issued unless the employing agency offers an explanation for the variance.

(c) Overpayments are returned to the source from which they were received; however, for those overpayments covering State employees reported on a biweekly basis, multiple members, and on post audit overpayments, the member is made the payee.

2. Upon receipt of an acknowledgment from the bank of the stop payment notice, the Division shall issue a replacement check.

3. If the payee refuses to execute the affidavit, the procedure set forth in this subsection will be followed but a replacement check will not be issued until 90 days after the check date have passed.

(b) The Division of Pensions and Benefits, upon being notified that the retirant has not received a particular check, shall review its canceled check file.

1. If the check has been paid, a copy of the check, together with a forged check affidavit, shall be sent to the retirant.

2. Upon receipt from the retirant of the properly executed affidavit and issuance of a credit by the bank to the account, a replacement check shall be issued.

Repeal and New Rule, R.1994 d.416, effective August 15, 1994.  
See: 26 N.J.R. 2200(b), 26 N.J.R. 3460(c).

#### 17:1-1.17 Administrative expenses; proration among systems

(a) Not later than 60 days after receipt of the expenditures by account the Division of Pensions will prepare a complete fiscal statement indicating the administrative expenses incurred by the Division within its State appropriation for the previous fiscal year, the year ending the prior June 30:

1. Such statement will reflect the total expenses incurred in each account within the Division's appropriation.

2. Supplemental statements will be prepared allocating specific costs attributable to each of the retirement programs within the operation of the respective bureaus.

3. The costs specifically attributable to the Bureau of Police and Fire Funds and other costs specifically attributable to the four retirement systems administered by this Bureau will be itemized in a supplemental statement dividing the cost between the several systems on the basis of the *pro rata* membership of these systems.

4. A supplemental statement will also be prepared pertaining to specific costs attributable to the Teachers' Pension and Annuity Fund and the Public Employees' Retirement System, including the work of the Office of Secretarial Services and other specific costs which will likewise be divided on a *pro rata* basis determined by the respective membership of these systems.

5. Supplemental statements will be prepared pertaining to other specific programs, such as the State Agency for Social Security and the State Health Benefits Program, and so forth.

6. Included in the administrative expenses incurred by the Division shall be those of the State Division of

Investment as the expenses of that division pertain to the investment of monies appropriate to each retirement system or fund calculated on the number of transactions processed for the respective systems.

(b) To the extent that there are costs which are attributable to the Division as a whole, as distinguished from costs attributable to each separate program administered by the division, all systems will share in the cost of the Division's expenses also on a *pro rata* basis.

(c) Such statements will be quoted to the board or commission of each system with the appropriate voucher request for reimbursement to the State.

Amended by R.1975 d.30, effective February 14, 1975.

See: 7 N.J.R. 33(a), 7 N.J.R. 122(a).

Amended by R.1984 d.559, effective December 17, 1984.

See: 16 N.J.R. 2420(a), 16 N.J.R. 3478(b).

Deleted "November 15 of each year" and substituted "60 days after receipt of the expenditures by account".

Amended by R.1986 d.425, effective October 20, 1986.

See: 18 N.J.R. 1686(a), 18 N.J.R. 2135(a).

Deleted "Chief of Administrative Services" and "on a *pro rata* ... of each system" and substituted "on the number ... the respective systems."

#### 17:1-1.18 Manual charge

(a) One copy of the employee benefit manual will be issued without charge to certain officers of the State, other interested agencies to members of the several boards and commissions, certain employees of the Division of Pension and to each certifying officer of the State and local government employers participating in the several systems administered by the Division of Pensions.

(b) A supply will be printed to provide additional copies at a price sufficient to cover printing, handling and postage and those requests will be honored as the remaining supply permits.

(c) Charges for copies of pension records which have been deemed to be public information will be made in accordance with the provisions of N.J.S.A. 47:1A-2.

R.1971 d.16, effective February 1, 1971.

See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

Amended by R.1977 d.32, effective February 8, 1977.

See: 9 N.J.R. 43(b), 9 N.J.R. 147(c).

Amended by R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

"Agent" changed to "officer".

#### Case Notes

Petition to purchase pension credit for prior temporary service after expiration of statutory filing limitation denied: Public Employees' Retirement System held without statutory obligation to disseminate to certifying agents amendatory legislation concerning the retirement system at the time of enactment. In re Krah, 130 N.J.Super. 366, 327 A.2d 248 (App.Div.1974).

**17:1-1.19 Retired employees; health insurance charges**

(a) If possible, whenever any beneficiary of the Public Employees' Retirement System, Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, Judicial Retirement System, Consolidated Police and Firemen's Pension Fund, Prison Officer's Pension Fund or Central Pension Fund authorizes deductions from the retirement allowance checks for coverage under the State Health Benefits Program, the Division may make the deductions and transmit them to the State Health Benefits Program.

(b) The authorization may be withdrawn by filing an application to terminate coverage and deductions.

R.1974 d.62, effective March 12, 1974.

See: 6 N.J.R. 84(a), 6 N.J.R. 158(b).

As amended, R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

"Premiums" changed to "charges".

Amended by R.1990 d.395, effective August 6, 1990.

See: 22 N.J.R. 1347(b), 22 N.J.R. 2342(a).

PERS, Teacher's Fund, Police and Fire, State Police and Judicial Retirement Systems added at (a).

**17:1-1.20 State employees; biweekly salaries**

(a) Retirement and death benefits as well as service credit will be determined on the basis of biweekly pay periods for State employees paid by centralized payroll.

(b) In the event a member is reported on a combination of monthly and biweekly pay periods, his last year's salary or final compensation as well as his service credit will be computed on a proportional basis.

R.1974 d.62, effective March 12, 1974.

See: 6 N.J.R. 84(a), 6 N.J.R. 158(b).

**17:1-1.21 Discontinuance of allowance**

In the event a retirant, beneficiary or their designated representative fails to furnish within a five-month period the information requested by the division to continue paying monthly benefits, a final request will be sent by certified mail advising him that if the information is not received within one month the monthly benefit and all deductions from such benefit will be suspended until the requested information is received.

R.1975 d.235, effective August 1, 1975.

See: 7 N.J.R. 346(b), 7 N.J.R. 446(a).

As amended, R.1976 d.338, effective October 28, 1976.

See: 8 N.J.R. 489(c), 8 N.J.R. 586(b).

As amended, R.1979 d.169, effective May 1, 1979.

See: 11 N.J.R. 209(b), 11 N.J.R. 304(d).

Amended by R.1990 d.395, effective August 6, 1990.

See: 22 N.J.R. 1347(b), 22 N.J.R. 2342(a).

Reference to Pensioner's Group Health Insurance deleted.

**17:1-1.22 (Reserved)**

R.1976 d.338, effective October 28, 1976.

See: 8 N.J.R. 489(c), 8 N.J.R. 586(b).

Repealed by R.1990 d.395, effective August 6, 1990.

See: 22 N.J.R. 1347(b), 22 N.J.R. 2342(a).

Section was Disability earnings; Pensioners' Group Health Insurance Plan.

**17:1-1.23 (Reserved)**

R.1976 d.338, effective October 28, 1976.

See: 8 N.J.R. 489(c), 8 N.J.R. 586(b).

Repealed by R.1990 d.395, effective August 6, 1990.

See: 22 N.J.R. 1347(b), 22 N.J.R. 2342(a).

Section was Beneficiary or Survivor; Pensioners' Group Health Insurance Plan.

**17:1-1.24 (Reserved)**

R.1982 d.59, effective March 1, 1982.

See: 14 N.J.R. 35(b), 14 N.J.R. 237(d).

As amended, R.1982 d.346, effective October 18, 1982.

See: 14 N.J.R. 328(a), 14 N.J.R. 1163(d).

Pensioner permitted to continue coverage delineated and employee's termination automatically terminates coverage of dependent.

Repealed by R.1990 d.395, effective August 6, 1990.

See: 22 N.J.R. 1347(b), 22 N.J.R. 2342(a).

Section was Amount of coverage; termination; Pensioners' Group Health Insurance Plan.

## SUBCHAPTER 2. ALTERNATE BENEFIT PROGRAMS

**17:1-2.1 Designated carriers**

(a) The Teachers' Insurance and Annuity Association and the College Retirement Equities Fund are the designated insurers for providing retirement annuity contracts for the Alternate Benefit Programs.

(b) The Prudential Insurance Company of America is the designated agency for providing the group life and disability insurance coverage for the Alternate Benefit Programs.

**17:1-2.2 Salary reduction agreements authorized**

The State and participating institutions are authorized to enter into agreements with Alternate Benefit Program participants for basic and/or voluntary salary reductions to the maximum limitations set forth in P.L. 93-406 (Employment Retirement Income Security Act of 1974 and Section 415(c) of the Internal Revenue Code of 1954, as amended for such year) of the employee's base salary, in order to purchase from the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund annuities which are tax deferred under section 403(b) of the Federal Internal Revenue Code as amended.

As amended, R.1977 d.32, effective February 8, 1977.

See: 9 N.J.R. 43(b), 9 N.J.R. 147(c).

As amended, R.1981 d.239, effective July 9, 1981.

See: 13 N.J.R. 308(b), 13 N.J.R. 458(a).

Substantially amended.

**17:1-2.3 Salary reduction agreements; salary deductions; limitations**

(a) Limitations concerning salary reduction agreements are:

1. The entry into a salary reduction agreement between an employee and his or her employing institution shall not be available to any participant during the period of time in which no employer contributions are made on his or her behalf to any retirement annuity contract.

2. If a participant earns less than 50 percent of his or her full base salary during a pay period, no salary reductions will be reported to the Division of Pensions.

3. If a participant earns 50 percent or more of his or her base salary, during a pay period, the salary reduction will be calculated on the base salary earned.

(b) Limitations concerning salary deductions are:

1. Salary deductions for TIAA/CREF will be calculated on the full base salary if the participant earns 50 percent or more of his or her base salary during a pay period.

2. If a person earns less than 50 percent of his or her full base salary during a pay period, no base salary deductions for TIAA/CREF will be reported to the Division of Pensions.

As amended, R.1982 d.438, effective December 20, 1982.  
See: 14 N.J.R. 1149(a), 14 N.J.R. 1464(a).  
Wording changed to clarify rule.

**17:1-2.4 Death or retirement; notice**

(a) Upon the death or retirement of a participant, the employing institution shall notify the Division of Pensions.

(b) The division shall notify the insurers and shall process the necessary forms related to such death or retirement.

**17:1-2.5 Proof of age**

Documentary proof of the age of a participant and his designated beneficiary may be required by the Division of Pensions or the insurers if the age of a participant or his beneficiary is material in determining eligibility for benefits.

**17:1-2.6 Certifying officer**

The business manager or other official designated by the institution shall be the certifying officer for the Alternate Benefit Program and shall be responsible for all duties prescribed by statute and by rules and regulations of the Division of Pensions.

As amended, R.1981 d.85, effective March 6, 1981.  
See: 13 N.J.R. 109(a), 13 N.J.R. 247(c).  
"certifying officer" was "certifying agent".

**17:1-2.7 Appeal from division decisions**

The following statement shall be incorporated in every written notice setting forth the division'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 Division in this matter, you may appeal by sending a written statement to the Division within 45 days from the date of this letter, informing the Division 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."

**17:1-2.8 Records**

(a) The records of the Alternate Benefit Programs are public record, and may be inspected during regular business hours at the office of the Division of Pensions under supervision of the assistant director or other representatives of the office.

(b) Records considered confidential include medical reports submitted for any purpose, mailing addresses of active and retired participants and individual files relating to beneficiary designation where no official purpose or reason for inspection is indicated.

**17:1-2.9 Part-time faculty members**

Eligibility of part-time faculty members whose services have been renewed for the succeeding school year shall not include part-time faculty members who are participants in an Alternate Benefit Program or who are members of any other State-administered retirement program in a full-time position with the same employer; employees of the State colleges, Rutgers—The State University, and the College of Medicine and Dentistry of New Jersey are employees of the State.

**17:1-2.10 Enrollment eligibility; general provisions**

(a) Full-time faculty members, visiting professors and professional administrative staffs of the University of Medicine and Dentistry of New Jersey, Rutgers, the State University, the New Jersey Institute of Technology, the State colleges, the county colleges, the Commission of Higher Education and the Office of Student Assistance are eligible to participate in the Alternate Benefit Program under the provisions of N.J.S.A. 18A:66-167 et seq.

1. For the purposes of this subchapter, "professional administrative staff" means any employee whose minimum qualifications for hiring include a baccalaureate degree or its equivalent, but shall not include career service employees as defined by the Department of Personnel pursuant to the provisions of Title 11A of the New Jersey Revised Statutes.

2. For the purposes of this subchapter, "full-time" shall be defined as working 50 percent or more of the normal work week.

(b) Any eligible person who has been enrolled in the Alternate Benefit Program for at least one year may continue to be enrolled in the program, notwithstanding promotion or transfer to a position within the institution not otherwise eligible for the program.

(c) Employees meeting the following criteria shall not be eligible to participate in the Alternate Benefit Program:

1. Individuals temporarily within the United States under an F or J visa;

2. Temporary employees, with the exception of visiting professors, who are appointed for one school year, one semester or a lesser period of time. Any such full-time employee reappointed for a third consecutive semester may enroll within the Alternate Benefit Program;

3. Any employee receiving a retirement benefit from any pension system of the State of New Jersey, including an individual collecting an annuity or cash distribution from the Alternate Benefit Program; or

4. Individuals employed in a clerical or other non-professional position.

(d) Regarding questions arising concerning the application of this section, the Director of the Division of Pensions and Benefits shall have responsibility to determine eligibility for participation in the Alternate Benefit Program in consultation with the employing institute.

1. If the Division of Pensions and Benefits declares a particular job title to be eligible, all personnel in the several institutions currently employed in that position will then become eligible for participation in the Alternate Benefit Program and must, if otherwise eligible, elect within 90 days to participate in either the Alternate Benefit Program or the Public Employees' Retirement System.

2. If an individual does not file an "Election of Retirement Coverage" form during this 90-day period, he or she must remain in, or, if he or she is a member of the Teachers' Pension and Annuity Fund transfer to the Public Employees' Retirement System.

Repeal and New Rule, R.1995 d.215, effective May 1, 1995.  
See: 27 N.J.R. 469(b), 27 N.J.R. 1811(a).  
Formerly "Eligibility; new faculty position".

#### 17:1-2.11 (Reserved)

Repealed by R.1995 d.215, effective May 1, 1995.  
See: 27 N.J.R. 469(b), 27 N.J.R. 1811(a).  
Formerly "Ineligible faculty members and temporary appointees".

#### 17:1-2.12 Interprogram transfers; transfer to the Alternate Benefit Program from another State retirement system by employees of the Commission of Higher Education or Office of Student Assistance

(a) If an Alternate Benefit Program participant terminates employment in a covered institution and becomes employed in an eligible position in another New Jersey public institution, the Division of Pensions will, upon the filing of the required forms with the division, continue all of the participant's rights and obligations in the New Jersey Alternate Benefit Program.

(b) Any individual employed by the Commission of Higher Education or Office of Student Assistance subsequent to July 1, 1994, but prior to May 1, 1995 shall be entitled to transfer to the Alternate Benefit Program until August 29, 1995.

As amended, R.1977 d.32, effective February 8, 1977.  
See: 9 N.J.R. 43(b), 9 N.J.R. 147(c).  
Amended by R.1995 d.215, effective May 1, 1995.  
See: 27 N.J.R. 469(b), 27 N.J.R. 1811(a).

#### 17:1-2.13 Assignments; group life insurance

(a) Any person insured under the Alternate Benefit Program group life insurance policy, pursuant to an arrangement among the insured, the group policyholder and the insurer, shall be entitled to make any person other than his employer a gift assignment of the rights and benefits conferred on him by any provision of such group life policy or by law, including specifically but not by way of limitation the right to exercise the conversion privilege and the right to name a beneficiary.

(b) Any such assignment, whether made before or after the effective date of this rule, shall entitle the insurer to deal with the assignee as the owner of all rights and benefits conferred on the insured under the group life policy in accordance with the terms of the assignment.

R.1973 d.171, effective June 28, 1973.  
See: 5 N.J.R. 203(b), 5 N.J.R. 294(a).

#### 17:1-2.14 Leave without pay or change in status

While any participant in the Alternate Benefit Program may make personal contributions at any time directly to the insurer of the individual retirement annuities, no employer obligations will be paid when the participant is on a leave of absence without pay or when the participant no longer meets the definition of a full-time regularly appointed teaching or administrative staff member in an applicable academic position.

#### 17:1-2.15 Termination; return

If no employer contributions are submitted to the Alternate Benefit Program on behalf of a participant for a consecutive two-year period, said individual shall be deemed a new participant in the Alternate Benefit Program if he subsequently returns to employment in a position covered by said program.

**17:1-2.16 Retention of contributions; incomplete enrollment application**

No employee or employer contributions shall be authorized by the Division of Pensions for payment to any carrier underwriting annuity contracts until completed enrollment applications have been filed by an employee.

R.1973 d.171, effective June 28, 1973.  
See: 5 N.J.R. 203(b), 5 N.J.R. 294(a).

**17:1-2.17 Termination; withdrawal**

(a) A participant may withdraw his contributions held in escrow only if he terminates all employment subject to coverage by the Alternate Benefit Program.

(b) No application for withdrawal of contributions held in escrow shall be approved if:

1. The participant is on official leave of absence;
2. The participant or his employer certifies that his employment contract has not expired, or that he has executed another contract to work in a position subject to coverage by the Alternate Benefit Program; or
3. The participant has been dismissed or suspended from employment. In this event, such a participant will be eligible to withdraw if he has formally resigned from his position or there is no legal action contemplated or pending and this dismissal has been adjudged final.

As amended, R.1977 d.32, effective February 8, 1977.  
See: 9 N.J.R. 43(b), 9 N.J.R. 147(c).

**17:1-2.18 Contributions**

(a) A participant may elect to allocate salary deductions, salary reductions and employer contributions as prescribed under the guidelines of the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund then in effect.

(b) A participant may increase or decrease the percentage of optional annuity deductions or reductions no more than once a taxable year. For purposes of these rules, a taxable year is deemed to be the calendar year commencing on January 1 and ending on December 31.

(c) Regarding eligible employees in the units paid through the State Centralized Payroll System, changes in the percentage of a participant's optional annuity deductions and his salary reductions may not be effected until his employing institution has certification from the Division of Pensions.

As amended, R.1981 d.240, effective July 9, 1981.  
See: 13 N.J.R. 309(a), 13 N.J.R. 458(b).

(c): "Regarding . . . system" added.  
As amended, R.1984 d.374, effective August 20, 1984.  
See: 16 N.J.R. 703(a), 16 N.J.R. 2302(b).  
Amended by R.1985 d.664, effective January 6, 1986.  
See: 17 N.J.R. 2603(a), 18 N.J.R. 93(a).

Old (a) deleted and new text substituted; (b) text "or the allocation . . . Retirement Equities Fund" deleted and "or reductions substituted."

**17:1-2.19 Death before payment to insurer**

If a participant dies before his employee annuity deductions may be paid to the designated insurer, his deductions shall be paid in a single sum by the employer to the beneficiary designated for the retirement annuity contract upon receipt of a death certificate and appropriate forms.

**17:1-2.20 Base or contractual salary**

Since the statute provides that only base or contractual salary be subject to salary deductions or reductions or group life coverage, payments related to a division of faculty practice moneys shall not be included in such base salary.

As amended, R.1976 d.36, effective February 5, 1976.  
See: 7 N.J.R. 578(a), 8 N.J.R. 140(d).

**17:1-2.21 Base monthly salary for disability benefits**

In determining disability benefits, base monthly salary shall be 1/12 of the participant's base annual salary.

**17:1-2.22 Life insurance**

(a) Any participant, who is reported on a 10-month basis and who has not resigned or been discharged, shall be covered by the applicable insurance benefits for the remaining two summer months of the year provided that the participant has filed a contract of employment for the next school year or where the applicant has gained tenure.

(b) Death benefits shall be based upon the base salary upon which contributions were made to the Alternate Benefit Program during 12 months or 26 biweekly pay periods immediately preceding death.

R.1982 d.483, effective January 17, 1983.  
See: 14 N.J.R. 1200(b), 15 N.J.R. 95(c).

**17:1-2.23 Long term disability insurance**

(a) In accordance with the provision of the Federal Age Discrimination in Employment Act and upon advise of the New Jersey Attorney General's Office and despite the provisions of N.J.S.A. 18A:66-184, a participant enrolling in the Alternate Benefit Program or a participant becoming totally disabled after age 60 but under 70 will be eligible for long term disability insurance benefits.

(b) Applications for long term disability insurance benefits are made on forms prescribed by the carrier, the Prudential Insurance Company and supplied by the Alternate Benefit Program.

(c) Concerning the long term disability insurance program, in accordance with the New Jersey Attorney General's opinion AA M79-4158 and the provisions of the Federal Civil Rights Act, participants in the Alternate Benefit Pro-

gram who are on authorized leaves of absence for maternity will not be treated any differently than other participants who are on authorized leaves of absence for personal illness.

R.1982 d.483, effective January 17, 1983.  
See: 14 N.J.R. 1200(b), 15 N.J.R. 95(c).

**17:1-2.24 (Reserved)**

**17:1-2.25 Ten-month participants**

A participant employed on other than a 12-month contract year will continue to be insured during the summer vacation period provided a bona fide employee-employer relationship exists during this period as determined by the Division of Pensions.

**17:1-2.26 Leave for illness**

Coverage during a leave of absence due to illness, as set forth in section 10 of chapter 242, Public Laws of 1969, shall apply only to the personal illness of the participant.

**17:1-2.27 Military leave**

If a participant is granted a military leave of absence to enter active military service, military leave contributions remitted by an employer on behalf of the employee, and employer contributions for the period of the military leave shall be based on the employee's salary at the time he entered military service and be retained by the employer or the Division of Pensions as required by the statute until the participant has resumed active employment and has contributed to the Alternate Benefit Program for a period of at least 90 days after termination of the military leave.

As amended, R.1974 d.62, effective March 12, 1974.  
See: 6 N.J.R. 84(a), 6 N.J.R. 158(b).

**17:1-2.28 Military leave; withdrawal**

No participant shall be entitled to withdraw amounts contributed by his employer for the period of a military leave of absence unless he shall have resumed active employment and contributed to an Alternate Benefit Program for a period of at least 90 days after termination of the military leave.

**17:1-2.29 Travel**

Travel to and from work is not considered duty rendered in the course of employment for the purpose of determining eligibility for accidental death benefits.

**17:1-2.30 Voluntary back contributions**

A participant may remit in lump sum during the first year of a participation the statutory employee contributions based on the salary earned during the period from his appointment to the initial date of payroll deductions for the Alternate Benefit Program; appropriate employer contributions will be remitted to his account.

**17:1-2.31 Repurchases; employer's share**

On the repurchase of an annuity contract the portion of the repurchase value attributable to employer contributions shall be refunded to the Division of Pensions directly from the carriers and deposited to the account of the "Alternate Benefit Program—State of New Jersey".

**17:1-2.32 (Reserved)**

**17:1-2.33 Minimum adjustment**

In order to facilitate the reconciliation of contributions no rebates or additional contributions shall be made where an adjustment involves an amount of \$3.00 or less.

**17:1-2.34 Insurance liability for unenrolled members**

(a) In the event of the death of an individual prior to enrollment and on account of whom it has been determined that insurance benefits are payable:

1. The employer will be charged directly for the full amount of the insurance benefit when no application was completed by the employee and the employee was required to enroll.
2. The employer will not be charged directly if an application for enrollment was filed with the Division of Pensions prior to the employee's date of death.
3. The program may assume the liability when an application has been executed by the employee but not received by the Division of Pensions prior to his demise, provided satisfactory evidence concerning the filing delay has been presented to the Division of Pensions.

R.1981 d.213, effective July 9, 1981.  
See: 13 N.J.R. 244(e), 13 N.J.R. 458(c).

**17:1-2.35 County colleges; agents**

In order to provide for a uniform administration in the maintenance of the escrow accounts of new participants, county colleges, pursuant to the provisions of N.J.S.A. 18A:66-189, shall deduct and retain the first year's contributions. Such county colleges are to be deemed agents for the Division of Pensions for this limited purpose.

R.1981 d.241, effective July 9, 1981.  
See: 13 N.J.R. 309(b), 13 N.J.R. 458(d).

**17:1-2.36 Transfers; interest**

Pursuant to the provisions of N.J.S.A. 18A:66-173, when payment of the transferred member's reserves in the State-administered retirement system is made more than 30 days after eligibility for the transfer, interest is added to the reserves being transferred from the system to the carriers of the Alternate Benefit Program. The 30-day period after eligibility for transfer shall not begin to run until the Division of Pensions has received all of the documents or other related information necessary to effectuate the transfer in question. The rate of interest is the average rate of return, to the nearest hundredth percent, of the State Cash Management Fund (State accounts) as reported by the Division of Investment for the fiscal year ending June 30 preceding the period for which interest is payable. No interest is payable if the amount of interest is less than \$10.00.

R.1982 d.480, effective January 17, 1983.

See: 14 N.J.R. 1201(a), 15 N.J.R. 96(a).

Amended by R.1988 d.316, effective July 18, 1988.

See: 20 N.J.R. 969(a), 20 N.J.R. 1732(a).

"30 days" was "one year"; added language concerning the average rate of return as payable interest, and a payable threshold of \$10.00.

Amended by R.1990 d.517, effective November 5, 1990.

See: 22 N.J.R. 2405(a), 22 N.J.R. 3386(a).

Text added to clarify language.

#### Case Notes

Denial of cost free transfers from Public Employees' Retirement System to the Firemen's Retirement System under regulation to remedy prior age discrimination was not error. *Koschker v. Board of Trustees, Police and Firemen's Retirement System*, 233 N.J.Super. 209, 558 A.2d 503 (A.D.1989).

Denial of corrections officer's request to transfer from the Public Employees' Retirement System to the more beneficial Police and Firemen's Retirement System was improper. *Allen v. Board of Trustees, Police and Firemen's Retirement System*, 233 N.J.Super. 197, 558 A.2d 496 (A.D.1989).

Sheriff who had prior opportunity to transfer was not entitled to a cost-free transfer from Public Employees' Retirement System to Police and Firemen's Retirement System, under statute authorizing free transfer to those who had been previously precluded from making a transfer because they were over age 35. *Simon v. Board of Trustees, Police and Firemen's Retirement System*, 233 N.J.Super. 186, 558 A.2d 490 (A.D. 1989), certification denied 117 N.J. 652, 569 A.2d 1348.

#### 17:1-2.37 Contributions; late payment

(a) Participating institutions, which shall include the State for locations on state centralized payroll, shall pay employer and employee contributions (deductions and reductions) to the carrier underwriting annuity contracts within 30 days after the month in which the employee contributions are withheld, or within 15 days of receipt from the carrier of the statement of amount owed by the institution, whichever is later, but in no event later than 45 days after the month in which the employee contributions are withheld.

(b) If the contributions are not received by the carrier within the time limits of (a) above, the participating institution shall pay interest on the contributions, at the rate used by the carrier for crediting interest to participant accounts which receive interest for the month after the month in which the employee contributions are withheld, for each day after the time limit the contributions remain unpaid.

(c) The daily rate for interest on the contributions shall be the annual rate divided by 365, rounded to the nearest one-hundredth percent. The interest payable for each participant shall be indicated on the report to the carrier when the interest is paid.

New Rule, R.1987, d.276, effective July 20, 1987.

See: 18 N.J.R. 1256(a), 19 N.J.R. 1235(a).

### SUBCHAPTER 3. CENTRAL PENSION FUND

#### 17:1-3.1 Application required

For retirement of State employees under the Veterans Retirement Act (N.J.S.A. 43:4-1 et seq.) or the Health Act

(N.J.S.A. 43:5-1 et seq.) an application on a form provided by the Division of Pensions must be prepared by the employee, certified by the employing agency and filed with the Division of Pensions.

#### Case Notes

Former public employee not entitled to veterans' retirement benefits where he lost public employment position prior to reaching age 62. *Gerber v. Board of Trustees, Public Employees' Retirement System*, 93 N.J.A.R.2d (TYP) 135.

#### 17:1-3.2 Disability certification form

Where disability is the cause for the pension, a certification of the disability by a physician on a form provided by the Division of Pensions must be filed with the Division of Pensions.

#### 17:1-3.3 Proof of veteran's status

Evidence of veteran's status and honorable discharge must accompany the application under the Veterans Retirement Act.

#### 17:1-3.4 Withholding forms

A Federal form, W-4, "Employee's Withholding Exemption Certificate", must be filed with the Division of Pensions.

#### 17:1-3.5 Surrogate's certification

(a) When a pensioner dies and a residual benefit is payable, the claimant shall file an appropriate certification from the Surrogate's Office with the Division of Pensions.

(b) No such certification will be necessary in the case of the Health Act where there is a named beneficiary surviving the pensioner.

(c) A death certificate and a form for payment will also be required.

### SUBCHAPTER 4. CLAIMS AND CREDIT

#### 17:1-4.1 Records

(a) The records of all employee benefit programs administered by the Division of Pensions are public records and may be inspected during regular business hours at the office of the respective bureau, and under supervision of the Bureau Chief or other representatives of the office.

(b) Records considered confidential include medical reports submitted for any purpose, mailing addresses of active and retired members, individual files pertaining to beneficiary designation and any other matters pertaining to individual accounts where no official purpose or reason is indicated for inspection.

**17:1-4.2 Compulsory enrollments; failure to enroll**

(a) In most retirement systems there are employees who are required to enroll as a member of the retirement system as a condition of employment.

(b) In some cases the employee may fail to file an application for enrollment even though he and his employer have been advised of the compulsory nature of enrollment. In these cases the certifying officer is obligated to complete the employee's section of the enrollment application as well as such other information prescribed on the enrollment application. However, where an employer fails to complete the information prescribed by the enrollment application, the employee will be enrolled and assigned the highest possible rate of pension contribution. Upon receipt of a properly completed enrollment application, the member's rate of contribution will be redetermined and his contributions adjusted, and the member's beneficiary designation may be accepted provided the member has signed the enrollment application.

(c) In the event of the member's death where no benefits are payable to a specific survivor, all benefits otherwise payable would be paid to his estate since the employee has not made the necessary beneficiary designation which is part of the enrollment application.

(d) For the purpose of establishing an employer's liability on delinquent filed enrollment applications, as well as the member's requirement to prove insurability, one year shall cover the 12-month period elapsing between the employee's date of enrollment or transfer and the date pension contributions are certified to begin, plus an additional two months to allow for administrative processing time.

As amended, R.1981 d.85, effective March 6, 1981.  
See: 13 N.J.R. 109(a), 13 N.J.R. 247(c).

(b): "certifying officer" was "certifying agent".

**17:1-4.3 Multiple enrollments; contributions**

(a) In some retirement systems an employee may be enrolled in the system on the basis of more than one position with more than one employer participating in the retirement program. Within the limits of the statute and board regulations such an employee shall be required to enroll from each position and the employee's rate of contribution shall be based on the earliest enrollment date that may be assigned.

(b) For multiple members, the division will make the determination as to which employer shall use the two percent credit in computing pension contributions.

**17:1-4.4 Enrollment schedules**

(a) Employees appointed on or after the 17th of a month will be enrolled as of the first of the following month.

(b) An optional enrollee is enrolled as of the first of the month following the date the enrollment application is received.

As amended, R.1971 d.16 effective February 1, 1971.

See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

Amended by R.1987 d.76, effective February 2, 1987.

See: 18 N.J.R. 2320(a), 19 N.J.R. 304(a).

Deleted text "unless otherwise specified by the employee."

**Case Notes**

New Jersey pension credit; working from 17th of month to end of month. *Thompson v. Board of Trustees of the Public Employees' Retirement System*, 93 N.J.A.R.2d (TYP) 166.

**17:1-4.5 Proof of veteran's status**

A member who fails to submit evidence of his military discharge will be enrolled as a nonveteran and his nonveteran classification will not be altered until such time as his military discharge papers are received, confirming his eligibility for a veteran classification.

**Case Notes**

Lack of required service on active duty disqualified employee for pension status as a military veteran. *Small v. Retirement System*, 93 N.J.A.R.2d (TYP) 239.

**17:1-4.6 Intrafund transfers**

A member of the Teacher's Pension and Annuity Fund, the Police and Firemen's Retirement System or the Public Employees' Retirement System who terminates employment with one participating employer but transfers to a similar position with another participating employer may continue such membership without interruption.

As amended, R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

The Police and Firemen's Retirement System added.

**Case Notes**

School maintenance worker entitled to transfer of service credit from Public Employees' Retirement System to Teachers' Pension and Annuity Fund; failure to enroll was employer's mistake. *Tolotti v. Teachers' Pension and Annuity Fund*, 92 N.J.A.R.2d (TYP) 71.

**17:1-4.7 Insurance coverage; ineligibility**

Any member who is not eligible for noncontributory insurance shall also be ineligible for contributory insurance coverage.

**17:1-4.8 Deduction schedules**

All deductions will be certified to begin on the first of the month for quarterly reporting units, or the beginning of a biweekly pay period for members who are paid by the State Centralized Payroll section.

5. The person will not be entitled to service credit in a State-administered retirement system if reemployment is validly denied.

6. The employer shall have the burden of proving that (c)4i, ii, iii, iv or v above justified the denial of reemployment rights. For the purposes of (c)4v above, the employer must show that the person knowingly provided clear written notice of intent not to return to a position of employment after service in the uniformed service and in doing so was aware of the specific rights and benefits to be lost.

7. To receive service credit in a State-administered retirement system for peacetime military service, prior to October 13, 1994, the person must have applied within one year following the date of return to employment or the date initial pension contributions are certified to begin in the retirement system if the person's former membership was terminated or was in a different retirement system.

8. The employer shall notify the Division in writing within 30 days that a member has returned from service in the uniformed services and the dates of such service.

9. The member may make contributions to the retirement system for all of the period of service in the uniformed services to obtain credit in the pension system for inclusion of such service in the calculation of benefits. The member must file a written request with the Division so that a schedule of back deductions will be generated. The schedule of back deductions shall be based upon the employee's rate of contribution in effect on the date the employee returned to employment multiplied by the salary the employee would have received but for the period of service; or, if the determination of such salary is not reasonably certain, on the basis of the employee's average rate of compensation during the 10 or 12-month period immediately preceding such service for the period of time in which no credit was received in the system for that service. Any payment to the plan described in this paragraph shall begin as soon as practicable after the date of reemployment and shall continue for the lesser of five years or three times the period of the uniformed service. If the member does not request in writing back deductions at the time of return to employment, the member may request to receive credit for such service until the expiration of either five years or three times the period of the uniformed service, whichever is shorter. Repayment still must be made in the above referenced time frame.

10. The member is permitted to make additional elective deferrals to the Supplemental Annuity Collective Trust (SACT), the New Jersey Employees Deferred Compensation Plan, Additional Contributions Tax Sheltered Programs (ACTS) and the Alternate Benefit Program in an amount not exceeding the maximum amount the employee would have been permitted to contribute during the period of military service if the employee had actually been employed by the employer during that period.

11. If a person retires prior to paying the total amount of contributions required to obtain service credit for the uniformed service, the total amount of service credit shall be in direct proportion as the amount paid bears to the total amount of contribution obligation.

12. An employer who participates in the Alternate Benefit Program (ABP), reemploying a person under this section, with respect to the period served by a person in the uniformed services, upon reemployment of that person, shall be liable to the employee pension plan for funding any obligation of that plan to provide benefits under that plan, and shall allocate the amount of any employer contribution for that person in the same manner and extent that the allocation occurs for other employees during the same period of service. However, the employer is not required to make up the earnings that those contributions would have made had the person reemployed under this rule been employed continuously.

i. An employee reemployed under this paragraph who is a member of the defined contribution plan shall be entitled to the above accrued benefits only to the extent that the person makes payments to the plan with respect to such employee contributions.

ii. For the purposes of computing the employer's liability and the employee's contributions, the employee's compensation during the period of service shall be computed at:

(1) The rate the employee would have received but for the period of service; or

(2) If the determination of such rate is not reasonably certain, on the basis of the employee's average rate of compensation during the 10 or 12-month period immediately preceding such service.

iii. Make-up contributions shall begin on the date of reemployment and shall continue for five years or three times the period of uniformed service, whichever is shorter.

iv. Any employer who reemploys a person under this section shall, within 30 days after the date of reemployment, provide information in writing of such reemployment to the Division of Pensions and Benefits.

New Rule, R.1987 d.198, effective May 4, 1987.

See: 19 N.J.R. 353(b), 19 N.J.R. 772(b).

Amended by R.2000 d.113, effective March 20, 2000.

See: 32 N.J.R. 170(a), 32 N.J.R. 1045(a).

In (a), substituted "the uniformed" for "military" following "to enter", substituted "4301" for "2021" following "38 U.S.C.", and deleted "covering the employment after military service" following "retirement system"; inserted a new (b); and rewrote (c).

#### **17:1-4.37 Ordinary disability applications; medical examinations**

(a) Applicants for ordinary disability retirement shall submit with their applications all the medical information they can supply relative to their disability, including reports of

their personal physicians and consulting physicians, hospital records, diagnostic test results, and any other medical information which would assist the Medical Review Board and the board or commission of the retirement system in determining eligibility of the applicants for disability retirement. The Disability Review Section shall forward the applications and the accompanying medical information to the Medical Review Board.

(b) If the medical information supplied by the applicant is sufficient for the Medical Review Board to make a medical recommendation, it shall return the case to the Disability Review Section with its recommendation. If the Medical Review Board deems that the medical information supplied by the applicant is not sufficient for it to make a medical recommendation, it shall advise the Disability Review Section to arrange to have the applicant examined by a physician or physicians under contract with the Division of Pensions to perform disability examinations, or to obtain additional information needed to make its medical recommendation.

(c) The board or commission which governs the pension fund or retirement system may request that an applicant be examined or reexamined by a physician or physicians under contract with the Division of Pensions, or that additional information be obtained, if it deems that the medical information available is insufficient to make a decision on the eligibility of the applicant for ordinary disability retirement.

New Rule, R.1988 d.231, effective June 6, 1988.  
See: 20 N.J.R. 231(a), 20 N.J.R. 1286(b).

#### **17:1-4.38 Compensation limit for exclusion from membership after retirement**

Beginning with the calendar year 1999, and for any calendar year thereafter, the Director of the Division of Pensions and Benefits may adjust the compensation limit for exclusion from membership after retirement. The compensation limit shall be adjusted by increments of \$1,000, when \$10,000 increased by  $\frac{2}{3}$  times the change in the Consumer Price Index as defined in N.J.S.A. 43:3B-1f from the Index applicable to calendar year 1997 to the Index applicable to the calendar year immediately preceding the year of adjustment, rounded to the next highest 100 dollars, exceeds the previous compensation limit by \$1,000.

New Rule, R.1998 d.242, effective May 18, 1998.  
See: 30 N.J.R. 1024(a), 30 N.J.R. 1847(c).

#### **17:1-4.39 Workers' compensation: employer's obligation regarding employee contributions**

(a) An employer is responsible for the payment of an employee's pension contributions while the employee is receiving periodic temporary disability benefits through workers' compensation in lieu of pay.

(b) An employer is responsible for the payment of an employee's pension contributions while the employee is receiving a periodic award of permanent disability benefits through workers' compensation without pay if:

1. The employee is unable to perform the job functions of the former position;
2. The employee is either forced to resign, or is terminated due to the employee's inability to perform the job functions of the former position; and
3. The employee does not have sufficient credited service to be eligible to receive an ordinary disability retirement allowance.

(c) An employer is not responsible for the payment of an employee's pension contributions while the employee is receiving a periodic award of permanent disability benefits through workers' compensation without pay if:

1. The employee has sufficient credited service to be eligible to receive an ordinary disability retirement allowance;
2. The employee voluntarily resigns from the employment; or
3. The employee is terminated by the employer for reasons unrelated to a workers' compensation award.

(d) If an employer ceases payment of employee pension contributions due to the reasons listed in (c)2 or 3 above, the employer shall notify the Division of Pensions and Benefits in writing of the reasons for the cessation of payments.

New Rule, R.1999 d.109, effective April 5, 1999.  
See: 31 N.J.R. 265(a), 31 N.J.R. 892(b).

#### **Case Notes**

New rule reflects an expression of the Division of Pensions and Benefits' current interpretation of statute, as well as its policy to be applied across the board to employee pensions. *James v. Board of Trustees, Public Employees Retirement System*, 323 N.J.Super. 100, 732 Ad.2d 517 (N.J.Super.A.D. 1999).

### **SUBCHAPTER 5. HEARINGS**

#### **17:1-5.1 Hearing request**

(a) The division, board or commission shall cause to be given to the applicant written notice of its decision. Said notice shall inform the applicant of his or her right to request a hearing in the event the applicant disagrees with the decision of the agency and the manner in which such request must be made.

(b) The decision by the agency shall be final unless the applicant shall file a request for a hearing within 45 days after the date of the written notice of the decision.

(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.

As amended, R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

Hearings conducted by Office of Administrative Law.

#### Case Notes

Policeman was not entitled to reopen denied application for accidental disability retirement benefits. *Obsuth v. Board of Trustees of the Police and Firemen's Retirement System*, 93 N.J.A.R.2d (TYP) 175.

#### 17:1-5.2 through 17:1-5.6 (Reserved)

R.1982 d.491, effective January 17, 1983.

See: 14 N.J.R. 1290(a), 15 N.J.R. 95(b).

Deleted sections.

### SUBCHAPTER 6. (RESERVED)

#### Authority

Unless otherwise expressly noted, all provisions of this subchapter concerning the judicial Pension Fund were rescinded pursuant to authority of N.J.S.A. 52:18A-95 et seq. and such recession was filed and effective September 12, 1973, as R.1973 d.258. See: 5 N.J.R. 292(d), 5 N.J.R. 358(b).

### SUBCHAPTER 7. PENSION ADJUSTMENT PROGRAM

#### 17:1-7.1 Employer payments; multiple enrollees

The liability of the several employers in the case of multiple enrollees (a pensioner receiving benefits from a retirement system on the basis of several positions covered by the same system) will be prorated on the basis of the final salaries reported to the system prior to retirement.

As amended, R.1969 d.34, effective December 19, 1969.

See: 1 N.J.R. 10(a), 2 N.J.R. 7(a).

#### 17:1-7.2 Employer payments; delinquencies

(a) The division will inform all retirants and beneficiaries of the reason for the suspension of payments.

(b) Retroactive adjustments will be made once the employer's appropriation has been paid.

As amended, R.1976 d.212, effective July 2, 1976.

See: 8 N.J.R. 312(d), 8 N.J.R. 407(b).

#### 17:1-7.3 Administration fees; investment earnings

(a) The certification by the Director of the Division of Pensions of the amounts payable by local employers shall include an administrative fee to reimburse the State for the cost of administering the Pension Adjustment Program on behalf of their employees. The fee shall be \$1.00 per pensioner or beneficiary.

(b) Administrative fees, assessable to local employers participating in the Pension Adjustment Program, will be recovered from investment earnings on contributions as long as such earnings exceed the fees assessable. Employers will be billed for the difference whenever the investment earnings are less than the administrative fees assessed.

(c) Excess earnings, remaining after the recovery of the assessment of the administrative fees, shall be transferred to the State of New Jersey—General Fund.

As amended, R.1971 d.16, effective February 1, 1971.

See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

As amended, R.1978 d.421, effective December 12, 1978.

See: 10 N.J.R. 516(a), 11 N.J.R. 52(a).

As amended, R.1981 d.291, effective August 6, 1981.

See: 13 N.J.R. 374(e), 13 N.J.R. 525(a).

Rule concerning administration fees and investment earnings replaces "Reserved" section.

#### 17:1-7.4 Return to public employment; pension adjustments

(a) When a retiree returns to public employment to a position covered by the same retirement system from which he or she retired and subsequently retires from the post-retirement employment, each retirement will be treated separately for pension adjustment purposes.

(b) The benefit year for each retirement will be the initial year in which the retirement is effective and the member shall satisfy the 24 month waiting period for each retirement before the pension adjustment benefits may be received for that retirement.

(c) If a member was receiving pension adjustment benefits at the time that the initial retirement was cancelled due to the post-retirement employment, he or she shall begin to receive pension adjustment benefits based upon the initial retirement immediately upon the reinstatement of the initial retirement.

As amended, R.1971 d.16, effective February 1, 1971.

See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

New Rule, R.1987 d.128, effective March 16, 1987.

See: 19 N.J.R. 51(b), 19 N.J.R. 456(b).

#### 17:1-7.5 (Reserved)

As amended, R.1971 d.16, effective February 1, 1971.

See: 3 N.J.R. 11(b), 3 N.J.R. 52(a).

**17:1-7.6 Waiver**

(a) Application for waiver in whole or part by a retirant or beneficiary who is eligible to receive the increased allowance shall be made at least 30 days prior to the desired effective date on a form prescribed by the Division of Pensions and shall be effective on the first day of a subsequent month.

(b) A waived benefit may be reinstated by application to the Division of Pensions at least 30 days prior to the reinstatement date and shall be effective on the first of a subsequent month.

As amended, R.1969 d.34, effective December 19, 1969.  
See: 1 N.J.R. 10(a), 2 N.J.R. 7(a).

**17:1-7.7 Accrued increase; limitations**

Upon the death of a retirant or a beneficiary receiving a pension, any payments which were due to the deceased shall be paid to a named beneficiary as established in the records of the State-administered retirement system, or if none is named, to the deceased's estate.

As amended, R.1969 d.34, effective December 19, 1969.  
See: 1 N.J.R. 10(a), 2 N.J.R. 7(a).

**17:1-7.8 Employer payments**

The employers shall review the detailed tabulations of retirants and beneficiaries provided with the invoice for employer liability submitted by the Division of Pensions and shall report any corrections or revisions within 60 days of receipt of the invoice, otherwise invoices must be paid as submitted.

**SUBCHAPTER 8. SOCIAL SECURITY****17:1-8.1 (Reserved)**

Repealed by R.1981 d.1, effective January 2, 1981.  
See: 12 N.J.R. 727(c), 13 N.J.R. 111(c).  
Section was "Director's responsibility".

**17:1-8.2 Records**

(a) The records of the State Agency for Social Security are public records and may be inspected during regular business hours at the office of Chief of the Bureau of Contribution Accounting under the supervision of the chief or other representative of the office.

(b) Records are considered confidential where no official purpose or reason for inspection is indicated.

**17:1-8.3 Social Security referendum**

(a) As the provisions of P.L. 1956, c.169, contemplate the termination of an entire pension fund and the transfer of its assets, liabilities and membership to the Public Employees' Retirement System upon a successful referendum on the issue of Social Security coverage by a majority vote, when the referendum involves the use of a divided system approach in accordance with the provisions of P.L. 1980, c.86, all of the provisions of P.L. 1956, c.169, shall apply except on a pro rata basis.