

CHAPTER 10
JUDICIAL RETIREMENT SYSTEM

Authority

N.J.S.A. 43:6A-29d.

Source and Effective Date

R.2009 d.33, effective December 17, 2008.
See: 40 N.J.R. 4942(a), 41 N.J.R. 624(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 10, Judicial Retirement System, expires on June 14, 2016. See: 47 N.J.R. 2907(b).

Chapter Historical Note

Chapter 10, Judicial Retirement System, was adopted as R.1973 d.332, effective November 23, 1973. See: 5 N.J.R. 244(a), 6 N.J.R. 38(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Judicial Retirement System, was readopted as R.1983 d.178, effective May 16, 1983. See: 15 N.J.R. 530(a), 15 N.J.R. 931(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Judicial Retirement System, was readopted as R.1988 d.242, effective May 6, 1988. See: 20 N.J.R. 510(b), 20 N.J.R. 1208(c).

Pursuant to Executive Order No. 66(1978), Chapter 10, Judicial Retirement System, expired on May 16, 1993.

Pursuant to Executive Order No. 66(1978), Chapter 10, Judicial Retirement System, was adopted as new rules by R.1993 d.375, effective August 2, 1993. See: 25 N.J.R. 1956(a), 25 N.J.R. 3507(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Judicial Retirement System, was readopted as R.1998 d.243, effective April 22, 1998. See: 30 N.J.R. 1029(b), 30 N.J.R. 1847(d).

Chapter 10, Judicial Retirement System, was readopted as R.2003 d.296, effective June 27, 2003. See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Chapter 10, Judicial Retirement System, was readopted as R.2009 d.33, effective December 17, 2008. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 10, Judicial Retirement System, was scheduled to expire on December 17, 2015. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. ADMINISTRATION

17:10-1.1 Commission meetings

The State House Commission shall meet at the call of the counsel to the Commission. The Commission acts as the Board of Trustees for the Judicial Retirement System and has the general responsibility for the proper operation of the System pursuant to N.J.S.A. 43:6A-29.

Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
Added second sentence.

17:10-1.2 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.

17:10-1.3 Officers and committees

(a) The chairperson of the Commission will preside at all meetings. If the chairperson is absent, another member selected by the majority of the members in attendance will preside for that single meeting.

(b) Upon recommendation of the Director of the Division of Pensions and Benefits, the Commission will select from the staff of the Division of Pensions and Benefits an assistant secretary, who will serve in the absence of the secretary.

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

As amended, R.1983 d.212, eff. June 20, 1983.
See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

Gender neutral references added.
Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
Rewrote the section.

17:10-1.4 Certifying officer

(a) The official properly designated by the Administrative Office of the Courts will serve as the certifying officer.

(b) The prime purpose of the certifying officer will be to certify facts of enrollment, retirement, resignation and to implement proper procedures for the reports concerning members and to act as liaison for all dealings between the courts and the retirement system.

As amended, R.1983 d.212, effective June 20, 1983.
See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

"Agent" replaced by "officer".
Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
In (a), deleted second sentence.

17:10-1.5 Records

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

(b) The mailing addresses of all active and retired members are considered to be part of the member's 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 Commission.

(d) 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 or upon the member's written request.

(e) 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.

Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
Capitalized "Commission" throughout; added (d) and (e).

17:10-1.6 Appeal from Commission decisions

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

"If you disagree with the determination of the State House Commission in this matter, you may appeal by sending a written statement to the Commission within 45 days from the date of this letter informing the Commission 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."

Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Removed the paragraph identifier and substituted "the claimant's" for "his" preceding "legal representative".

17:10-1.7 Suspension of pension checks

(a) Monthly pensions will be suspended under the following circumstances and the suspension will continue during the period of default:

1. If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility when requested by the Division of Pensions and Benefits;

2. If a retirant or beneficiary becomes mentally or physically incompetent, the disbursements of pension checks shall be suspended until a proper legal representative has been appointed.

As amended, R.1979 d.431, eff. October 23, 1979.
 See: 11 N.J.R. 357(e), 11 N.J.R. 649(b).
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Rewrote (a)1.

17:10-1.8 Proof of age

(a) As most members are appointed at a later age in this System, all members shall be required to establish proof of their age with the System at the time of their enrollment in the System. If a member is transferring to the Judicial Retirement System from another State-administered retirement system where proof of age was secured, no additional proof of age will be requested. Acceptable proofs of age include birth or baptismal certificates, passports, naturalization papers, Biblical records, affidavits of older members of the immediate family or primary school records.

(b) In the event a member dies before satisfactory evidence of the member's date of birth has been filed with the System, appropriate evidence shall be required before any death claim is processed for settlement.

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

As amended, R.1980 d.97, effective February 28, 1980.
 See: 11 N.J.R. 648(c), 12 N.J.R. 224(a).
 As amended, R.1983 d.214, effective June 20, 1983.
 See: 14 N.J.R. 1298(a), 15 N.J.R. 1038(b).
 Clarification of the proof of age requirement.
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 In (a), added third sentence.

17:10-1.9 Judges; biweekly salaries

(a) Service credit will be determined on the basis of biweekly pay periods for judges paid by centralized payroll.

(b) In the event a judge is reported on a combination of monthly and biweekly pay periods, the judge's service credit will be computed on proportional basis.

As amended, R.1978 d.405, effective November 24, 1978.
 See: 10 N.J.R. 303(a), 11 N.J.R. 51(a).
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 In (b), inserted "the judge's" for "his".

17:10-1.10 Survivor benefits; establishing dependency

(a) Proof of dependency shall be established by the filing of an affidavit of dependency, supported by the deceased and the claimant's income tax returns, for the period immediately preceding the death or accident.

(b) A parent will be deemed to be dependent on the member if they were accepted as dependents of the member for Federal income tax purposes.

R.1976 d.304, effective September 30, 1976.
 See: 8 N.J.R. 86(a), 8 N.J.R. 538(c).

17:10-1.11 [Reserved]

R.1984 d.12, effective February 6, 1984.
 See: 15 N.J.R. 1013(a), 16 N.J.R. 251(a).
 Repealed by R.2003 d.296 effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

SUBCHAPTER 2. ENROLLMENT AND PURCHASES

17:10-2.1 Enrollment date

A new appointee to the several courts shall be considered as beginning membership in the Judicial Retirement System on the date of taking the oath of office following confirmation.

Amended by R.1983 d.212, effective June 20, 1983.
 See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
 Gender neutral references added.
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Rewrote the section.

17:10-2.2 Enrollment following deferred retirement

The membership account under which a member elected deferred retirement shall be reinstated, in the case of such member who resumes service prior to the normal retirement age.

Amended by R.1980 d.97, effective February 28, 1980.
 See: 11 N.J.R. 648(c), 12 N.J.R. 224(a).

17:10-2.3 Eligibility for purchase

(a) Only active members of the Judicial Retirement System shall be eligible to make application for purchase of credit. An active member is a member who is contributing to the System or who contributed to the System less than two years before the date of the purchase request. Active members who are not currently contributing to the System shall purchase their requested service in a lump sum.

(b) In order to be eligible to purchase service, a member must submit a written request to purchase service and such purchase must be authorized by the member before the

expiration date indicated on the letter which quotes the term of the purchase. In no case can a member receive more than one year of service credit for any calendar or fiscal year.

(c) The receipt of a public pension or retirement benefit is expressly conditioned upon the rendering of honorable service by a public officer or employee. Therefore, the Commission shall disallow the purchase of all or a portion of former service it deems to be dishonorable in accordance with N.J.S.A. 43:1-3.

New Rule. R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

17:10-2.4 Optional purchase of eligible service

(a) A member may purchase all or a portion of former membership in a New Jersey State-administered retirement system. A member may also purchase service rendered in an office, position, or employment of the State of New Jersey, or of a county, municipality, board of education, or public agency of the State of New Jersey provided that the annual salary or compensation was at least \$500.00 pursuant to N.J.S.A. 43:6A-14.2.

(b) The cost of the purchase shall be calculated on the basis of the actuarial purchase factor established for the member's age at the time the Division of Pensions and Benefits receives the purchase request multiplied by the member's current annual salary. The member pays only the employee's share of the purchase cost.

(c) The member shall receive non-judicial service credit for any eligible purchase of service other than prior judicial service.

New Rule. R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:10-3.1 Computation of benefits; non-contributory insurance

(a) If a member dies during the first year following the member's date of enrollment, the non-contributory insurance benefit shall be $1\frac{1}{2}$ times the annual salary received by the member at the time of death.

(b) Where a post audit of insurance claim payments indicates that the salary reported by an employer was incorrect and resulted in the overpayment of a non-contributory insurance claim to a member's designated beneficiary or estate, the employer will be billed for the value of the overpayment of insurance benefits. Where post audits establish the insurance benefits were underpaid, an additional check would be sent to the beneficiary for the value of the underpayment.

As amended. R.1974 d.335, effective December 5, 1974.
See: 6 N.J.R. 359(e), 7 N.J.R. 34(a).
As amended. R.1978 d.184, effective May 31, 1978.
See: 9 N.J.R. 387(a), 10 N.J.R. 305(b).
As amended. R.1978 d.405, effective November 24, 1978.
See: 10 N.J.R. 303(a), 11 N.J.R. 51(a).
As amended. R.1983 d.213, effective June 20, 1983.
See: 14 N.J.R. 1299(a), 15 N.J.R. 1038(c).

Establishes annual salary at time of death as basic for benefit computation.

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Added references to non-contributory insurance throughout.

17:10-3.2 Acceptable designations of beneficiaries; non-contributory insurance

(a) The beneficiary designation on a duly executed retirement application that is filed with and accepted by the Division of Pensions and Benefits supersedes any older designation of beneficiary on file. The designation is effective upon acceptance by the Division, even if the retirement date on the application is in the future or the member withdraws the retirement application.

(b) The beneficiary or beneficiaries of the non-contributory group life insurance designated on the retirement application shall be the beneficiary or beneficiaries of the active non-contributory group life insurance.

1. If no beneficiary designation is in effect at the time of the member's death, or if no one is named as beneficiary for non-contributory group life insurance, the Division shall pay the benefit to the member's estate.

New Rule. R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Historical Note

Distinction between leaves of absence for maternity and for personal illness was eliminated. Leave of absence for personal illness is covered in N.J.A.C. 17:10-3.3.

17:10-3.3 Leave for illness

Coverage during a leave of absence due to illness shall apply only to the personal illness of the member. A leave of absence on account of another person's illness will not entitle the member to continued insurance coverage.

17:10-3.4 Survivor benefits

(a) Payment of benefits to eligible survivors shall become effective on the first of the month subsequent to the member's death and shall terminate on the first of the month subsequent to the date on which the survivor no longer qualifies for such benefits.

(b) In the instance of survivors of members who die in service, the initial pension payment will be for the month following the month in which the member died, and the last payment will cover the month the survivor dies or ceases to qualify for the continuance of benefits.

Amended by R.1976 d.304, effective September 30, 1976.

See: 8 N.J.R. 86(a), 8 N.J.R. 538(c).

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Rewrote (a); in (b), deleted "immediately preceding the month" preceding "the survivor dies".

17:10-3.5 Contributory group life insurance; beneficiary designation

Members enrolled in the contributory group life insurance (Group Term life insurance or Group Variable Universal Life (GVUL) insurance) must designate their beneficiary or beneficiaries directly with the insurance provider. Any change of beneficiary designation for non-contributory group life insurance filed with the Division of Pensions and Benefits shall not effect the beneficiary designation for the contributory group life insurance.

Repealed by R.1984 d.13.
 See: 15 N.J.R. 1013(b), 16 N.J.R. 251(b).
 Section was "Insurance liability for unenrolled members."
 New Rule, R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

17:10-3.6 Proof of insurability; non-contributory and contributory group life insurance

(a) When proof of insurability is required for non-contributory group life insurance, the member's opportunity to prove such insurability shall expire one year (12 months) from the date the initial written notice is sent advising such member that the member must prove insurability by taking a medical examination.

(b) Judicial Retirement System members who are not covered by contributory group life insurance may elect to enroll at any time but must provide evidence of insurability.

R.1979 d.431, effective October 23, 1979.
 See: 11 N.J.R. 357(c), 11 N.J.R. 649(b).
 Amended by R.1983 d.212, effective June 20, 1983.
 See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
 Gender neutral references added.
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Designated existing text as (a) and inserted "for non-contributory group life insurance," following "is required"; added (b).

SUBCHAPTER 4. MEMBERSHIP

17:10-4.1 Creditable salary

(a) "Compensation" or "base salary" shall not include retroactive salary adjustments if the increase is not of a normal, overall, published program of increases. Bonus or overtime payments are not to be considered for such purpose. Longevity, terminal leave or vacation payments will not be considered if paid in a lump sum or other than as a regular salary disbursement.

(b) With respect to all claims for benefits, the Division of Pensions and Benefits shall investigate increases in compensation reported for credit which exceed the reasonably anticipated annual compensation increases for members of the System. Those cases where a violation of the statute is suspected shall be referred to the Commission.

Amended by R.1978 d.184, effective May 31, 1978.
 See: 9 N.J.R. 387(a), 10 N.J.R. 305(b).
 Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Rewrote (b).

17:10-4.2 Approved leave

When benefits are payable involving approved leaves of absence, a certified copy of the approved leave must be available in the member's file or must be confirmed before processing can be completed.

Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Inserted "member's" preceding "file".

17:10-4.3 Suspension

(a) A suspended member will have non-contributory life insurance coverage continued for the period of the first 93 days of suspension, terminated by resignation or dismissal.

(b) No retirement deductions will be made during such a break in service nor will any retirement credit accrue.

(c) If, during the period of suspension or at the conclusion of the penalty period, adjustment is made in favor of the member, the Commission may allow retirement credit for the period of the suspension.

As amended, R.1983 d.212, effective June 20, 1983.
 See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
 New text added at (b); text of (b) recodified to (c).
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Rewrote (a).

17:10-4.4 Termination; resignation

(a) Under terms of the statutes, a member may resign and terminate membership in the System only if the member terminates all employment. No resignation terminating membership can be accepted if:

1. The member is on official leave of absence;
2. The member certifies that employment has not ended or that the member has taken another position subject to coverage;
3. The member has been dismissed or suspended from employment. In this event, such a member will be considered as terminating membership if the member has formally resigned from the position or if there is no legal action contemplated or pending and the dismissal has been adjudged final.
4. The member has a claim pending for Workers' Compensation benefits.

As amended, R.1983 d.212, effective June 20, 1983.
 See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
 (a)4 added.
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Substituted "the member" for "he or she" throughout.

17:10-4.5 Eligible credit

Only public service in New Jersey may be established for credit in the retirement system.

Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

In (a), removed the paragraph identifier; deleted (b).

17:10-4.6 Per diem credit

For the purpose of granting credit for service performed on a per diem basis, credit shall be prorated and granted on the basis of 15 days equals one month of credit.

Amended by R.2003 d.269, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Reduced the number of days equaling a month of credit from 20 to 15.

17:10-4.7 Deductions

(a) A member shall receive credit toward retirement for any payroll period in which a full normal pension deduction has been received by the retirement system.

(b) A full deduction is required in all instances where the salary exceeds the amount of normal deduction.

(c) Credit, as established in the retirement system, will be reduced by breaks in service and leaves of absence without pay with the total of such credit adjusted to the nearest month.

R.1983 d.212, effective June 20, 1983.
See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

17:10-4.8 Minimum adjustment

In order to facilitate the reconciliation of a member's account, no rebates or additional contributions shall be made where an adjustment involves an amount of \$10.00 or less during a calendar quarter.

R.1983 d.212, effective June 20, 1983.
See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Increased the rebate adjustment amount to \$10.00 or less from \$3.00 or less.

17:10-4.9 Withdrawals

In accordance with the provisions of N.J.S.A. 43:6A-11, and in the event no other benefits are payable, a member of the Judicial Retirement System may apply for and receive the member's accumulated deductions to the Retirement System plus regular interest upon the member's withdrawal from the Retirement System and upon the filing of a proper application therefor.

(b) Interest will not be credited to a member's account beyond two years from the last date of contributions made to the Judicial Retirement System.

R.1983 d.212, effective June 20, 1983.

See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
Rewrote the section.

17:10-4.10 Eligibility for loan

Only active contributing members of the System may exercise the privilege of obtaining a loan. The member's total outstanding loan balance shall not exceed the lesser of 50 percent of the accumulated deductions posted to the member's account or \$50,000.

New Rule, R.2000 d.290, effective July 17, 2000.
See: 32 N.J.R. 173(a), 32 N.J.R. 2602(a).
Amended by R.2003 d.296, effective July 21, 2003.
See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Rewrote the section.

SUBCHAPTER 5. RETIREMENT**17:10-5.1 Applications**

(a) Applications for retirement must be made on forms prescribed by the System:

1. Such forms must be completed in all respects and filed with the System.

2. In the event a member files an incomplete application, the deficiencies shall be brought to such member's attention and such member will be required to file a completed application with the System to enable acceptance for processing.

3. Before an application for retirement is processed, it must be supported by a copy of the member's resignation from the member's judicial office, which has been filed in the Office of the Secretary of State, and a certificate from the certifying officer setting forth the employment termination date and the salary reported in the member's final year of employment.

(b) P.L. 2002, c.54 provides a JRS member the option of selecting a reduced retirement benefit in order to provide a monthly survivor benefit to a named beneficiary. This monthly benefit is in addition to and separate from the statutory benefit already in place for a surviving spouse and dependent children. A member shall, on the retirement application, select one of nine ways (options) to receive retirement benefits. Each option provides the member with a lifetime monthly retirement benefit. Once a retirement benefit becomes due and payable as defined by N.J.A.C. 17:10-5.3, the option cannot be changed. Except under the Maximum Option and Option 1, once a member designates a beneficiary, that beneficiary cannot be changed. The options are as follow:

1. Maximum Option provides the largest allowance for the member but does not include a pension benefit paid to a beneficiary upon the member's death.

2. Option 1 provides a reducing retirement reserve to one or more beneficiaries. At retirement, a reserve amount is established to pay the member's lifetime retirement allowance. This reserve is reduced each month by the member's original monthly retirement allowance. Upon the member's death, the beneficiary or beneficiaries receive the balance of the reserve, if any.

3. Option 2 provides, upon the member's death, a lifetime monthly retirement allowance equal to 100 percent of the member's monthly retirement allowance to a beneficiary.

4. Option 3 provides, upon the member's death, a lifetime monthly retirement allowance equal to 50 percent of the member's monthly allowance to a beneficiary.

5. Option 4 provides, upon the member's death, a lifetime monthly retirement allowance to one or more beneficiaries. The member determines the retirement allowance which in the aggregate cannot be more than the Option 2 allowance.

6. Option A provides, upon the member's death, a lifetime monthly retirement allowance equal to 100 percent of the member's monthly retirement allowance to a beneficiary. If the member's beneficiary predeceases the member, the member's retirement allowance shall increase to the Maximum Option.

7. Option B provides, upon the member's death, a lifetime monthly retirement allowance equal to 75 percent of the member's monthly retirement allowance to a beneficiary. If the member's beneficiary predeceases the member, the member's retirement allowance shall increase to the Maximum Option.

8. Option C provides, upon the member's death, a lifetime monthly retirement allowance equal to 50 percent of the member's monthly retirement allowance to a beneficiary. If the member's beneficiary predeceases the member, the member's retirement allowance shall increase to the Maximum Option.

9. Option D provides, upon the member's death, a lifetime monthly retirement allowance equal to 25 percent of the member's monthly retirement allowance to a beneficiary. If the member's beneficiary predeceases the member, the member's retirement allowance shall increase to the Maximum Option.

(c) Before an application for retirement may be processed, the Division must receive proof of the member's age, if none is already in the member's record and proof of the beneficiary's age, if the member elected Option A, B, C, D, 2, 3 or 4.

(d) In addition to the requirements set forth in (a) through (c) above, the application for disability retirement must comply with the provisions of N.J.S.A. 43:6A-12.

Amended by R.1983 d.212, effective June 20, 1983.

See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

Gender neutral references added.

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Added new (b) and (c); recodified existing (b) as (d).

17:10-5.2 Effective date

The date of a retirement application will be recognized if it is earlier than the actual date of receipt by the Retirement System, if it is supported by the signature of the certifying officer. The earlier of certified date on the application, postmark, or date of actual receipt by the Retirement System will be recognized. If this date falls within a calendar month, the retirement will be effected on the first day of the month following the filing.

As amended, R.1977 d.228, effective June 27, 1977.

See: 8 N.J.R. 538(b), 9 N.J.R. 392(a).

As amended, R.1983 d.212, effective June 20, 1983.

See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

"Agent" replaced by "officer".

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Deleted "and commission approval" at the end of the paragraph.

17:10-5.3 Effective date; changes

(a) A member shall have the right to withdraw, cancel or change an application for retirement at any time before the member's pension becomes due and payable by sending a written request signed by the member. Thereafter, the retirement shall stand as approved by the Commission. A member's retirement allowance shall not become due and payable until 30 days after the date of retirement.

(b) Except in the event of deferred retirement, if a member requests a change of retirement date or option selection before the member's pension becomes due and payable, said change will require approval of the Commission and the revised pension shall not become due and payable until one month has elapsed following the effective date.

(c) A deferred retirement shall become effective on the first of the month following the member's 60th birthday. At the election of the member, if the member's 60th birthday falls on the first of a month, the retirement shall become effective on that date, provided the member files a timely retirement application pursuant to N.J.S.A. 43:6A-11. In the case of deferred retirement, if an applicant desires to amend the retirement application, the amended application must be filed with the Division of Pensions and Benefits a minimum of one month prior to the effective date of retirement.

(d) Should the member continue to receive a salary beyond the effective date of retirement, no retirement benefits shall be paid for the period where the member received salary and no salary or service credit shall be approved for the service rendered salary and no salary or service credit shall be provided for the service rendered after the effective date of retirement.

As amended, R.1976 d.304, effective September 30, 1976.

See: 8 N.J.R. 86(a), 8 N.J.R. 538(c).

As amended, R.1981 d.244, effective July 9, 1981.

See: 13 N.J.R. 331(a), 13 N.J.R. 462(b).

(c) added.

As amended, R.1983 d.212, effective June 20, 1983.

See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

Subsection (d) added.

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Rewrote (a); added new (b); recodified current (b) through (d) as (c) through (e).

17:10-5.4 Deferred retirement

No beneficiary shall be eligible for a benefit if the member who elected to receive a deferred pension shall die before attaining age 60.

As amended, R.1980 d.97, eff. February 28, 1980.

See: 11 N.J.R. 648(c), 12 N.J.R. 224(a).

17:10-5.5 Death prior to effective date

A member who retires but who dies before the first payment is due and payable (30 days after the date of retirement) will be considered an active member.

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Rewrote the section.

17:10-5.6 Retirement credit

A member shall receive credit towards retirement for any biweekly payroll period or month in which the member received compensation subject to coverage in the retirement system.

17:10-5.7 Employer disability application; employee notice

(a) An application for disability filed as a result of a certification by the Supreme Court in behalf of an employee will be processed after proper advice of such filing is given the employee.

(b) Appropriate time will be given the member to supplement the medical and documentary evidence submitted by the court.

As amended, R.1974 d.335, eff. December 5, 1974.

See: 6 N.J.R. 359(e), 7 N.J.R. 34(a).

17:10-5.8 Early retirement defined

Retirement on the first of the month in which a member attains age 60 shall be classed as "early" retirement, although a reduction is not applied if the member's 60th birthday occurs on or before the 15th of such month.

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Rewrote the section.

17:10-5.9 Service retirement; eligibility

A member becomes eligible for "service" retirement on the first of the month following the month in which the member satisfies the conditions of retirement for age and service. At the election of the member, if the member's 60th birthday falls on the first of a month, the retirement shall become effective on that date, provided the member files a timely retirement application.

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Added second sentence in paragraph.

17:10-5.10 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the Judicial Retirement System to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in the cases of those members whose personal physician has identified them as having a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the System if corroborating medical evidence of the diagnosis can be obtained.

As amended, R.1976 d.304, eff. September 30, 1976.

See: 8 N.J.R. 86(a), 8 N.J.R. 538(c).

As amended, R.1978 d.184, eff. May 31, 1978.

See: 9 N.J.R. 387(a), 10 N.J.R. 305(b).

As amended, R.1982 d.342, eff. October 18, 1982.

See: 14 N.J.R. 140(a), 14 N.J.R. 1165(c).

Clarification of treatment in cases of "imminent death".

Amended by R.2003 d.296, effective July 21, 2003.

See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).

Inserted "Judicial Retirement System" for "fund".

17:10-5.11 Compulsory retirement

Compulsory retirement will be effective upon the attainment of age 70. The retired member will receive a pension prorated by the number of days in the month of retirement as of the date of attaining age 70.

Amended by R.2001 d.383, effective October 15, 2001.

See: 33 N.J.R. 2613(a), 33 N.J.R. 3671(b).

Substituted "as of" for "beyond".

17:10-5.12 Outstanding loan

(a) Any member who has an outstanding loan balance at the time of retirement shall repay the loan balance, with interest, as follows:

1. In full as provided by N.J.S.A. 43:6A-34.4; or

2. By deductions from retirement benefit payments of the same monthly amount deducted from the member's compensation immediately preceding retirement until the loan balance, with interest, is repaid as authorized by N.J.S.A. 43:6A-34.4. If the member does not request repayment in full, repayment is by deductions in the same monthly amount deducted from the member's compensation immediately preceding retirement.

(b) If a retirant dies before the loan balance, with interest, is repaid, the remaining balance shall be paid first from the pension system group life insurance proceeds, and then from the proceeds of any returned contributions payable on account of the retirant to the beneficiary or estate and then from the proceeds of any other benefits payable on account of the retirant in the form of monthly payments that are due to the beneficiaries or the estate. If multiple beneficiaries are to receive these benefits, each beneficiary shall share in repaying the remaining balance in the same proportion in which they are entitled to the benefits.

New Rule, R.2000 d.290, effective July 17, 2000.
 See: 32 N.J.R. 173(a), 32 N.J.R. 2602(a).
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 In (a), deleted existing 2 and recodified existing 3 as 2.

17:10-5.13 Waiver

If for any reason a pension or portion thereof has been waived by a retired member or beneficiary, the benefit waived shall remain in the Retirement Reserve Fund. Such person may cancel the waiver effective as of the first day of any month subsequent to the receipt of the notice of cancellation; however, such person may not make a claim for payment of any benefits waived prior thereto.

Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Inserted "such person" for "he".

17:10-5.14 (Reserved)

As amended, R.1978 d.405, eff. November 24, 1978.
 See: 10 N.J.R. 303(a), 11 N.J.R. 51(a).

SUBCHAPTER 6. TRANSFERS

17:10-6.1 Interfund transfers; other State systems

(a) Interfund transfers between State-administered pension funds are permitted by reciprocal transfer arrangements. Such transfers would not apply where the member has credit in the present system for service after the date of enrollment in the new system or where a person has ceased to be a member of the present system before establishing sufficient service credit to be eligible for deferred retirement.

(b) Membership credit so transferred shall be included in the computation of a retirement allowance. Such credits cannot be used to satisfy the statutory requirements of those benefits which specifically require a minimum number of years of creditable service as a judge, unless such service was rendered in an eligible judicial position.

(c) The System will transfer membership to any State-administered system as follows:

1. A member, desiring to transfer credits to any State-administered retirement system must file an application for "Transfer of Membership Credit" in place of the customary application for withdrawal of accumulated contributions. This application will void all possible credit against the present system when approved and the new membership shall commence in the new system.
2. The member's accumulated contributions, full interest included, less any outstanding loan, shall be transferred to the new system for the account of the respective member. Any outstanding loan or arrears obligation will be scheduled for repayment.
3. A statement reflecting the member's status as of the date of transfer shall accompany the transfer.
4. The member shall enjoy the same service credits established in the present system subject to the provisions of the new system.
5. A copy of the transfer application, together with a statement of the service credits being transferred, is to be forwarded to the new system.

(d) The present system will cause to be valued the reserves accrued to such employee as compared to the reserves required in the new system.

1. If the reserves accumulated or provided for in the present system are less than those required in the new system, the full reserve will be transferred.
2. If the reserves accumulated or provided for in the present system are more than required in the new system, only the amount required to establish the credit will be transferred.

(e) Years of credit will be subject to the benefit formula of the new system after transfer.

As amended, R.1976 d.304, effective September 30, 1976.
 See: 8 N.J.R. 86(a), 8 N.J.R. 538(c).
 As amended, R.1983 d.212, effective June 20, 1983.
 See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
 Original text deleted and replaced in its entirety.
 Amended by R.1988 d.182, effective May 2, 1988.
 See: 20 N.J.R. 179(b), 20 N.J.R. 998(a).
 Substantially amended.
 Amended by R.2003 d.296, effective July 21, 2003.
 See: 35 N.J.R. 388(a), 35 N.J.R. 3381(a).
 Rewrote (c); deleted (f).

Cross References

Interfund transfers, accumulated interest, see N.J.A.C. 17:1-12.5.

17:10-6.2 (Reserved)

As amended, R.1983 d.212, effective June 20, 1983.
 See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).
 Text completely deleted; subject rewritten into Section 6.2.