

(h) The commission will appoint three election judges to examine the returned ballots and to tabulate the votes cast:

1. These judges will have the power to eliminate any ballot which is not properly cast.
2. The judges report on the results of the election to the commission.

(i) The candidates whose names are printed on the ballots will be informed as to the method and date of counting the ballots, and will be invited to be present or to be represented at the counting of the ballots.

(j) In the event there is but one qualified candidate who has indicated his willingness to be such a candidate, the chairman will call for a vote cast in favor of the candidate by a policeman and/or fireman member of the commission, whichever is appropriate. In the event that the candidate is so elected, a certified statement as to the ineligibility of any other candidate will be filed with the Secretary of State, together with advice that the candidate has been so elected.

Amended by R.1984 d.36, effective February 19, 1985.
 See: 16 N.J.R. 2999(a), 17 N.J.R. 476(a).
 (b)3: "20" eligible was "50".
 Amended by R.1985 d.36, effective February 19, 1985.
 See: 16 N.J.R. 2999(a), 17 N.J.R. 476(a).
 Amended by R.1989 d.320, effective June 19, 1989.
 See: 21 N.J.R. 438(a), 21 N.J.R. 1744(a).
 Petition signatures changed from 20 to five, at (b)3.

17:6-1.5 Certifying agent (employer)

(a) The chief fiscal officer of each county or municipality participating in the pension fund or any official properly designated by the governing body will serve as the certifying agent.

(b) The prime purpose of the certifying agent will be to certify facts of retirement and to implement proper procedures for the reports and transmittal of employee deductions and to act as liaison for all dealings between the employing agency and the pension fund.

17:6-1.6 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 of the commission.

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

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

As amended, R.1973 d.26, effective January 19, 1973.
 See: 4 N.J.R. 283(b), 5 N.J.R. 60(b).

17:6-1.7 Appeal from commission decisions

(a) 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 his legal representative:

"If you disagree with the determination of the 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."

As amended, R.1973 d.26, effective January 19, 1973.
 See: 4 N.J.R. 283(a), 5 N.J.R. 60(b).

17:6-1.8 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 disability retirant fails to appear for a medical examination;
2. If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;
3. If a retirant or beneficiary becomes mentally or physically incompetent. The disbursement of pension checks in this event shall be suspended until a proper legal representative has been appointed.

As amended, R.1979 d.476, effective December 6, 1979.
 See: 11 N.J.R. 524(e), 12 N.J.R. 57(a).

17:6-1.9 (Reserved)

As amended, R.1983 d.35, effective February 7, 1983.
 See: 14 N.J.R. 1293(a), 15 N.J.R. 163(d).
 Repealed rule.

SUBCHAPTER 2. MEMBERSHIP

17:6-2.1 Creditable salary

(a) Salary shall not include retroactive salary adjustments if the increases are not of a normal, overall, published program of increases. Bonus or overtime payments are not to be considered for purpose of the act. 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) All claims involving an increase in salary of more than 15 percent over that of the previous year, as reported to the pension fund, shall be investigated. Those cases where a violation of the statute is suspect shall be referred to the commission.

As amended, R.1973 d.26, effective January 19, 1973.
See: 4 N.J.R. 283(b), 5 N.J.R. 60(b).
As amended, R.1977 d.461, effective December 7, 1977.
See: 9 N.J.R. 385(d), 10 N.J.R. 44(b).

Case Notes

Fire chief's pension status modified due to agreement shifting responsibilities to neighboring community. *Wegleski v. Retirement System*, 93 N.J.A.R.2d (TYP) 288.

Existence of age limitation precluded full-time firefighter's enrollment in retirement system. *Meier v. Retirement System*, 93 N.J.A.R.2d (TYP) 285.

17:6-2.2 Deductions

(a) A full deduction shall be taken for the Consolidated Police and Fireman's Pension Fund in any payroll period in which the member is paid a sufficient amount to make a full normal deduction.

(b) No deduction shall be taken in any pay period in which the employee's salary is not sufficient to cover the required deductions for the Consolidated Police and Firemen's Pension Fund.

As amended, R.1973 d.26, effective January 19, 1973.
See: 4 N.J.R. 283(b), 5 N.J.R. 60(b).

Case Notes

Police officers entitled to waive retroactive contributions and benefits of retirement system due to financial hardship and lack of fault. *Galop v. Board of Trustees, Police and Firemen's Retirement System*, 93 N.J.A.R.2d (TYP) 79.

17:6-2.3 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 \$3.00 or less.

As amended, R.1973 d.26, effective January 19, 1973.
See: 4 N.J.R. 283(b), 5 N.J.R. 60(b).

17:6-2.4 Suspension

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

(b) 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 the payment of pension deductions to reflect the lesser penalty or the entire elimination of the suspension.

Case Notes

Corrections officer fired for misconduct not entitled to deferred retirement benefits. *Dobron v. Board of Trustees of the Police and Firemen's Retirement System*, 92 N.J.A.R.2d (TYP) 119.

SUBCHAPTER 3. RETIREMENT

17:6-3.1 Applications

(a) Applications for retirement must be made on forms prescribed by the fund. Such forms must be completed in all respects and filed with the fund before the requested date of retirement.

(b) In the event a member files an incomplete application, the deficiency shall be brought to his or her attention and he or she will be required to file a completed application with the system to enable acceptance for processing.

(c) Before an application for retirement may be accepted for processing, it must be supported by a certificate from the employer setting forth the employment termination date and the salaries reported for contributions in the member's final year of employment.

(d) In addition to the foregoing requirement, the application for disability retirement must be supported by a report of the member's personal or attending physician and a statement from the employer regarding the member's incapacity for further duty.

As amended, R.1973 d.26, effective January 19, 1973.
See: 5 N.J.R. 283(b), 5 N.J.R. 60(b).
Correction: "deficiency" substituted for "deficiencies" and the last subsection cite corrected to (d).
See: 18 N.J.R. 1624(a).

17:6-3.2 Effective dates; changes

(a) The effective date of retirement cannot be earlier than the actual date of receipt of the application by the pension fund.

(b) Retirements must be effective on the first day of the month following the date the application was filed.

(c) A member shall have the right to withdraw, cancel or change an application for retirement at any time before his retirement allowance becomes due and payable; thereafter, the retirement shall stand as approved by the board.

(d) Should the member continue to receive a salary beyond the effective date of retirement after approval of the retirement by the commission, no retirement benefits will be paid for the period continued in salary and no salary or service credit will be provided for that service rendered after the approved, effective date of retirement.

As amended, R.1973 d.26, effective January 19, 1973.
See: 4 N.J.R. 283(b), 5 N.J.R. 60(b).
As amended, R.1977 d.461, effective December 7, 1977.
See: 9 N.J.R. 385(d), 10 N.J.R. 44(b).
As amended, R.1981 d.201, effective July 9, 1981.
See: 13 N.J.R. 245(a), 13 N.J.R. 462(a).
(d) added.