

CHAPTER 4**POLICE AND FIREMEN'S RETIREMENT SYSTEM****Authority**

N.J.S.A. 43:16A-13(7) et seq.

Source and Effective Date

R.1996 d.166, effective April 1, 1996.
See: 27 N.J.R. 4270(a), 28 N.J.R. 1873(a).

Executive Order No. 66(1978) Expiration Date

Chapter 4, Police and Firemen's Retirement System, expires on April 1, 2001.

Chapter Historical Note

Chapter 4, Police and Firemen's Retirement System, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 4 was readopted as R.1990 d.329, effective June 8, 1990. See: 22 N.J.R. 908(a), 22 N.J.R. 2032(b). Chapter 4, Police and Firemen's Retirement System, expired on June 8, 1995 pursuant to Executive Order No. 66(1978).

A new Chapter 4, Police and Firemen's Retirement System, was adopted as R.1996 d.166, effective April 1, 1996. See: Source and Effective Date.

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SUBCHAPTER 1. ADMINISTRATION**17:4-1.1 Board meetings**

The Board of Trustees shall meet on the third Monday of each month, unless a change is declared in order by the chairman at an appropriate time.

17:4-1.2 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.

17:4-1.3 Officers and committees

(a) The chairman and vice chairman of the Board will be elected by a majority vote of the members in attendance at the first meeting of each fiscal year, not less than five members to be present at such a meeting.

(b) The chairman of the Board shall preside at all meetings that he or she attends and in his or her absence the vice chairman or, if absent, another member selected by the majority of the members in attendance will preside for that single meeting.

(c) The secretary of the Board will be the Chief of the Bureau of Police and Fire Funds, Division of Pensions.

(d) Upon recommendation of the Chief, the Board will also select from the staff of such Bureau, an assistant secretary who will serve in the absence of the secretary.

(e) The chairman will appoint such committees from the Board members as he deems necessary to facilitate the Board's operations. Such committee appointments will be for a one year period, commencing each July 1.

17:4-1.4 Election of member-trustee

(a) The procedures for the election of a police or fire trustee representative to the Board of Trustees are set forth in this section.

(b) Eligible candidates shall include any active or retired member of the Police and Firemen's Retirement System. Only police members may seek police seats and only fire members may seek firemen seats on the Board of Trustees. All candidates shall comply with any and all requirements as provided by law and these rules. Any candidate who fails to comply with the law and these rules is automatically disqualified as a candidate.

(c) The following apply to election notices:

1. At least four months prior to the expiration of the term of each elected trustee or immediately upon a vacancy on the Board, a notice shall be prepared and distributed by the Secretary of the Board through the certifying officers to each member who is eligible to vote. The notice shall also inform the members that petition forms are available at the office of the retirement system.

2. The election notice shall also:

- i. Advise the member of the election;
- ii. State the position and term to be filled;
- iii. State that nominating petitions are required;
- iv. State the dates of the election;
- v. Identify all present members of the Board; and
- vi. Contain other information specified by the Board of Trustees.

3. Election notices shall be forwarded in bulk and in appropriate number to the certifying officer or other appropriate fiscal officer of each employing agency, together with instructions as to who is to receive the notices.

4. A receipt and report shall also be forwarded to each certifying officer or appropriate fiscal officer. Such form shall be returned to the Secretary and shall include documentation of:

i. Receipt of the notice by the certifying officer or other appropriate fiscal officer; and

ii. The extent to which the certifying officer or other appropriate fiscal officer has distributed the notice to eligible members.

5. Election notices shall be distributed to each member who is eligible to vote, as shown on a master list of members that shall be compiled by the Secretary and made available for review to any candidate at the office of the Division of Pensions and Benefits. Any challenge or questions concerning eligible voters shall be made prior to the close of the voting deadline. Failure to challenge the list or any part of it prior to this deadline shall disallow any challenge or question raised after the close of voting.

(d) The following apply to nominating petitions:

1. Nominating petition forms shall be available at the office of the Secretary of the Police and Firemen's Retirement System.

2. Nominating petitions shall be forwarded to each active or retired member requesting them.

3. The petition forms shall explain that:

i. For police trustee, at least 500 active police members, who are eligible to vote for the position, are required to sign the petition for the candidate.

ii. For fire trustee, at least 300 active fire members, who are eligible to vote for the position, are required to sign the petition for the candidate.

4. The petition form shall require the candidate's name and employer, and the membership number or Social Security of each petitioner.

5. The form shall explain that a member shall sign only one petition, with police members petitioning for a police candidate and fire members petitioning for a fire candidate.

6. The dates for filing and returning the petitions shall be identified, as well as the approximate date that ballots shall be sent to employers for distribution to voters.

7. A candidate named on a petition shall sign the petition in a designated space indicating that he or she is willing to be a candidate.

8. If only one candidate is nominated for a position, the candidate shall be deemed elected to the position without balloting. A notice to the respective membership shall be distributed indicating no contest since only one candidate was nominated by petition.

(e) The following apply to distribution of ballots:

1. For each eligible voter, there shall be forwarded to the certifying officer a ballot which shall include the following information and instructions:

- i. The name of the eligible voter;
- ii. The closing date of the election;
- iii. The name of each candidate nominated and the name of his or her employer;
- iv. Instructions to the voter for the proper casting of the ballot shall be shown upon the ballot or upon a separate sheet; and
- v. Instructions that the candidate receiving a plurality of the legal votes cast shall be declared elected to the position.

2. The ballot positions shall be determined by a drawing conducted at a time and place determined appropriate by the Secretary of the retirement system. All candidates shall be invited to attend such a drawing.

3. The ballots, together with postage-paid return envelopes, shall be distributed by the certifying officers.

4. A receipt shall be signed by each certifying officer, acknowledging the receipt and distribution of the ballots.

5. The instructions shall also advise that the signature identifying the voter shall be severed from the ballot before it is removed from the envelope, thus assuring a secret ballot.

6. Failure to sign a ballot or voting for more candidates than instructed shall be cause for rejection of the ballot.

7. Mutilated ballots, illegible ballots, ballots with a write-in vote, multiple votes or any other ballot where it cannot be determined whom the voter intended to vote for shall be declared invalid and not considered.

8. The candidate receiving the highest number of legal votes shall be elected to the position.

9. The Secretary of the Board shall oversee the election process to ensure that the vendor complies with all of the requirements and assures the validity of the final election count.

10. The candidates whose names are printed upon the ballots shall be informed as to the method and the date of counting the ballots and shall be invited to be present or to be represented at the counting of the ballots.

(f) The following apply to biographical information:

1. An informational sheet of biographical information regarding each candidate shall be prepared by the Division of Pensions and Benefits. The information regarding each candidate shall be submitted by the candidate and the informational sheet shall also be approved by the Board of Trustees.

2. The Secretary shall inform each candidate that a background may be included with or upon the ballot and provide them with the opportunity to submit information regarding such material.

3. If not included upon the ballot, the biographical information shall be distributed to the certifying officer of each employing agency at the time of distribution of ballots or notice of election without balloting or otherwise distributed as approved by the Board of Trustees so that the members of the retirement system shall have reasonable opportunity to read and consider the biographical information regarding the candidates.

4. Copies of the informational sheet shall be distributed to the certifying officer of each employing agency at the time of distribution of ballot or notices of election without balloting.

5. The informational sheets shall be posted at appropriate places throughout the workplace of each employing agency or be otherwise distributed as approved by the Board of Trustees so that the members of the retirement system shall have reasonable opportunity to read and consider the biographical information regarding the candidates.

(g) The following apply to recount procedures:

1. Any candidate or member, who shall have reason to believe that an error has been made in counting or declaring the vote, may, within 20 days of the certification of the results of the election, request, in writing, that the Board of Trustees shall, at its next regular meeting or at a special meeting, hold a hearing to consider the request and determine whether a recount shall be held. The Board shall notify all candidates of its decision within 10 days thereafter. At such hearing, any member of the Board, who is a candidate on the contested ballot, shall not vote in the Board's decision on the request. Each candidate on the contested ballot shall be invited to attend the Board's meeting and may present evidence to support his or her beliefs.

2. If a candidate or other interested party requests a recount within the prescribed time, this request shall be granted if a recount could possibly affect the results of the election. All ballots received shall then be recounted and the recount shall be supervised by the election board. The election board shall certify the results of the recount to the Board of Trustees. If a recount is not requested within 20 days, the ballots may be destroyed.

3. Upon election and the taking of an oath of office, police and fire member trustees shall serve for a term of

four years. In the event that no member is certified as the winner of an election, the incumbent trustee shall serve until a successor is certified by the Board of Trustees.

17:4-1.5 Certifying agent (employer)

(a) The chief fiscal officer or other officer duly designated by a resolution of each county or municipality or public agency, and the personnel officer of the Division, Bureau or Institution of the State locations, shall serve as certifying agent for that unit.

(b) The certifying agent shall be responsible for the duties described by N.J.S.A. 43:16A-32.

(c) The certifying agent shall be responsible for all other duties relating to matters concerning the system.

17:4-1.6 Records

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

(b) The mailing addresses of all active and retired members are considered to be a part of the 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 Board of Trustees.

17:4-1.7 Appeal from Board decisions

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

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

17:4-1.8 Suspension of pension checks

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

1. If a disability retiree 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 retiree 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.

17:4-1.9 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.

17:4-1.10 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 widower or parent will be deemed to be dependent on the member if they were accepted as dependents of the member for Federal income tax purposes. If the member and spouse file separate or joint tax returns, the widower will be deemed dependent on the member, if the claimant's income was less than one-half of the total income of both spouses.

17:4-1.11 Travel

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

17:4-1.12 Proof of age

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

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

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