

between the individual or collective bargaining group for the requested position;

4. Identification of the type of position (entry level, promotional, administrative/supervisory position over fire-fighters). Also a list of all job titles within the fire department;

5. The selection/promotional process for the candidate to this position;

6. An official job description for the position;

7. A copy of an organizational chart for the fire department, which identifies the positions and reporting relationships of the staff within the fire department. The chart must include names and pension member numbers;

8. A description of the training requirements including, but not limited to, the Firefighter I certification issued by the Division of Fire Safety, Department of Community Affairs; and

9. The fire department must provide a list of any other employment requirements.

(m) To determine the PFRS eligibility for police positions for Civil Service and non-Civil Service employers in an established law enforcement unit with a State, county, or municipal police department or unit, the Board requires the following items:

1. A copy of the ordinance, resolution or legal authority of the governing body of the State, county or municipality to create and establish a State, county or municipal police department, as required under the provisions of N.J.S.A. 43:16A-62, 40A:14-106 and 40A:14-118 et seq.;

2. Statutory reference that provides the law enforcement unit with the authority of detecting crime and enforcing the general criminal laws of the State;

3. Statutory reference authorizing a police officer to carry a firearm in the performance of his or her duty;

4. Statutory reference that identifies the police powers of the position;

5. Statutory reference to the police training requirement of the Police Training Commission (PTC) or proof of comparable training;

6. Identification of the type of position (entry level, promotional, administrative/supervisory position over police officers). Also include a list of all job titles within the police department;

7. The selection/promotional process for the candidate to this position;

8. An official job description for the position;

9. A copy of the ordinance or resolution that establishes the position and sets forth the compensation and the duties associated with such position;

10. The preamble to the contract, including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position; and

11. A copy of the organizational chart for the police department, which identifies the positions and reporting relationships of the staff within the police department. The chart must include names and pension member numbers.

Repeal and New Rule, R.1996 d.463, effective October 7, 1996.

See: 28 N.J.R. 2512 (a), 28 N.J.R. 4508(b).

Section was "Policeman and fireman defined".

Public Notice: Forest Fire Observer (State-Civil Service).

See: 31 N.J.R. 905(c).

Public Notice: Fire Official/Fire Protection Subcode Official UFD (Municipal-Civil Service), Chief Bureau of Law Enforcement Environmental Protection (State-Civil Service), Fire Fighter (Washington Township), Fire Fighter/Fire Inspector (Washington Township), Fire Fighter/Fire Apparatus Mechanic (Washington Township), Fire Fighter/Chief Maintenance Mechanic (Washington Township) and Fire Chief (Washington Township).

See: 31 N.J.R. 1388(a).

Public Notice: Supervising Parole Officer (State Civil Service), Assistant Director Parole Supervisor (State Civil Service) and District Parole Supervisor (State Civil Service).

See: 31 N.J.R. 1643(b).

Public Notice: Investigator Secured Facilities—Juvenile Justice Commission, Senior Investigator Secured Facilities—Juvenile Justice Commission, Principal Investigator Secured Facilities—Juvenile Justice Commission, Assistant Chief Investigator Secured Facilities—Juvenile Justice Commission and Chief Investigator Secured Facilities—Juvenile Justice Commission.

See: 31 N.J.R. 3538(b).

Public Notice: Police Officer Bilingual Spanish/English Municipal, Police Officer Bilingual Spanish/English County, Police Officer Bilingual Korean/English Municipal and Police Officer Bilingual Korean/English County.

See: 31 N.J.R. 3539(a).

Public Notice: Correction Officer Recruit/Bilingual Spanish/English, Parole Officer Recruit/Bilingual Spanish/English and Senior Parole Officer/Bilingual Spanish/English.

See: 31 N.J.R. 3539(b).

Public Notice: Parole Officer Recruit—Bilingual Spanish/English Juvenile Justice Commission and Senior Parole Officer Bilingual Spanish/English Juvenile Justice Commission.

See: 31 N.J.R. 3539(c).

Public Notice: Police Sergeant Bilingual Spanish/English—Municipal, Police Sergeant Bilingual Spanish/English—County, Police Lieutenant Bilingual Spanish/English—Municipal and Police Lieutenant Bilingual Spanish/English—County.

See: 31 N.J.R. 4132(a).

Public Notice: Fire Officer 1-County, Fire Officer 1-Municipal, Fire Officer 2-County, Fire Officer 2-Municipal, Fire Officer 3-County, Fire Officer 3-Municipal, Fire Officer 4-County, Fire Officer 4-Municipal.

See: 32 N.J.R. 2262(a).

Amended by R.2001 d.66, effective February 20, 2001.

See: 32 N.J.R. 4060(a), 33 N.J.R. 684(a).

Created neutral gender references throughout; added new (k) and (l).

Public Notice: Sheriff's Officer, Bilingual.

See: 34 N.J.R. 2473(b).

Public Notice: District Fire Captain (Washington Twp.), District Fire Captain/Training Officer (Washington Twp.), Assistant Fire Chief (Livingston).

See: 34 N.J.R. 3545(b).

Public Notice: Senior Emergency Services Specialist (Hopewell Twp).

See: 35 N.J.R. 1596(d).

Public Notice: Correction Officers and Sheriff's Officers, Somerset County.

See: 35 N.J.R. 2533(c).

Public Notice: Notice of proposal to include the civil service positions in the Police and Firemen's Retirement System.

See: 35 N.J.R. 2958(a), 2958(b).

Public Notice: Police Chief, Police Lieutenant, Police Sergeant, Police Officer, Palisades Interstate Park Commission.

See: 35 N.J.R. 4148(b).

Public Notice: Chief, Fire Apparatus (UFD).

See: 35 N.J.R. 5450(b).

Public Notice: Police Chief, Brookdale Community College.

See: 35 N.J.R. 5451(a).

Public Notice: Detective, Waterfront Commission of New York Harbor.

See: 36 N.J.R. 1245(a).

Public Notice: Notice of Proposal to Include the Non-Civil Service Positions of Assistant Chief, Firefighter/Emergency Medical Technician, and Firefighter/Emergency Medical Technician/Inspector in the Police and Firemen's Retirement System.

See: 37 N.J.R. 4478(b).

Public Notice: Notice of Proposal to Include the Civil Service Positions of Ranger, Ranger Sergeant, Ranger Lieutenant, and Chief of Parks and Law Enforcement in the Police and Firemen's Retirement System.

See: 37 N.J.R. 4479(a).

Amended by R.2006 d.130, effective April 3, 2006.

See: 37 N.J.R. 4521(a), 38 N.J.R. 1578(a).

In (a), added "statutory" and statutory citation; in introductory paragraph (b), substituted "subchapter" for "section"; in (b)4, inserted "(Division)"; in introductory paragraphs (c) and (d), inserted "Trustees" following "Board of", and in the last sentence, substituted "Director and the Board of Trustees" for "Board"; rewrote (f), (g) and (l); added (l)6 and 7; and added (m) and (n).

Public Notice: Notice of Proposal to Include Non Civil Service Position of Fire Official/Firefighter in the Police and Firemen's Retirement System.

See: 38 N.J.R. 1774(b).

Public Notice: Notice of Proposal to Include the Non Civil Service Position of Firefighter/Inspector in the Police and Firemen's Retirement System.

See: 38 N.J.R. 3329(b).

Public Notice: Notice of Proposal to Include the Non Civil Service Position of Lieutenant Public Safety in the Police and Fireman's Retirement System.

See: 38 N.J.R. 4763(b).

Public Notice: Notice of Proposal to Include the Non Civil Service Position of Firefighter/Driver in the Police and Firemen's Retirement System.

See: 39 N.J.R. 1535(a).

Public Notice: Notice of Proposal to Include the Non Civil Service Position of Assistant Fire Chief in the Police and Firemen's Retirement System.

See: 39 N.J.R. 2664(c).

Public Notice: Notice of Proposal to Include the Non Civil Service Position of Chief Fire Inspector and Fire Inspector in the Police and Firemen's Retirement System.

See: 39 N.J.R. 4004(c).

Public Notice: Notice of Proposal Not to Include the Civil Service Municipal Positions of Arson Investigator and Senior Arson Investigator in the Police and Firemen's Retirement System.

See: 40 N.J.R. 5079(a).

Public Notice: Notice of Proposal to Include the Civil Service State Position of Police Officer Recruit, Human Services in the Police and Firemen's Retirement System.

See: 40 N.J.R. 5080(a).

Amended by R.2008 d.373, effective December 15, 2008.

See: 40 N.J.R. 4678(a), 40 N.J.R. 6991(b).

Added new (b)11 through (b)14; recodified former (b)11 through (b)14 as (b)15 through (b)18; rewrote (k) and (l); deleted former (m); recodified (n) as new (m); and rewrote (m).

Public Notice: Notice of Proposal to Include the Civil Service State Position of Conservation Officer Recruit in the Police and Firemen's Retirement System.

See: 41 N.J.R. 1903(a).

## 17:4-2.2 Compulsory enrollment

Pursuant to N.J.A.C. 17:4-2.3, 2.4 and 2.5, membership in the Police and Firemen's Retirement System of New Jersey is mandatory, and a condition of employment for every "police officer" or "firefighter" under the provisions of N.J.S.A. 43:16A-1 et seq.

Amended by R.2001 d.66, effective February 20, 2001.

See: 32 N.J.R. 4060(a), 33 N.J.R. 684(a).

Rewrote the section.

Amended by R.2008 d.373, effective December 15, 2008.

See: 40 N.J.R. 4678(a), 40 N.J.R. 6991(b).

Substituted "Pursuant to N.J.A.C. 17:4-2.3, 2.4 and 2.5, membership" for "Membership"; and inserted "and" preceding "a condition".

### Case Notes

As a firefighter, age 38, was hired under the mistaken belief that his service in the military and as a police officer would enable him to meet N.J.S.A. 40A:14-12's age limit for firefighters (age 35), and the firefighter, acting in good faith and reasonably, left other employment to accept the position, the Board of Trustees of the New Jersey Police and Firemen's Retirement System (PFRS) had to consider whether the firefighter could enroll in PFRS on equitable grounds despite the age limit of 35 set out in N.J.S.A. 43:16A-3 and N.J.A.C. 17:4-2.5. *Sellers v. Board of Trs. of the Police & Firemen's Ret. Sys.*, 399 N.J. Super. 51, 942 A.2d 870, 2008 N.J. Super. LEXIS 62 (App.Div. 2008).

## 17:4-2.3 Medical requirements

The employer must furnish evidence of good health sufficient to satisfy the Board of Trustees. If the Division or the Board has a question regarding the evidence of good health provided, the Division or Board may request that the applicant be examined by an independent physician designated to conduct such an examination for the Retirement System.

Amended by R.2001 d.66, effective February 20, 2001.

See: 32 N.J.R. 4060(a), 33 N.J.R. 684(a).

Added (a)3.

Amended by R.2006 d.130, effective April 3, 2006.

See: 37 N.J.R. 4521(a), 38 N.J.R. 1578(a).

Rewrote the section.

## 17:4-2.4 Training requirements

(a) As required under N.J.S.A. 43:16A-1(2)(a)(iii), permanent, full-time police officers are required to successfully complete the training requirement prescribed under N.J.S.A. 52:17B-66 et seq., (Police Training Commission (PTC)) or proof of comparable training requirements as determined by the Board of Trustees.

1. For positions under the statutory authority of the PTC, all police applicants must receive certification of successful completion of the basic training course for municipal police officers, which includes the physical conditioning program and the medical certification for participation in the training approved by the PTC pursuant to N.J.S.A. 52:17B-66 et seq.

2. For positions that are not under the statutory authority of the PTC, all police applicants are required to complete comparable training to that prescribed by the PTC for municipal police officers, which includes the