

**17:2-1.9 Verified discrepancy in member's age**

The member's account, active or retired, shall be reconstructed and all benefit entitlements and contributions shall be determined on the basis of the member's correct date of birth.

**17:2-1.10 (Reserved)**

Repealed by R.2000 d.26, effective January 18, 2000.

See: 31 N.J.R. 3229(a), 32 N.J.R. 304(a).

Section was "Travel".

**17:2-1.11 Proof of age**

(a) All members shall establish proof of their age with the System. 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 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.

Amended by R.2000 d.26, effective January 18, 2000.

See: 31 N.J.R. 3229(a), 32 N.J.R. 304(a).

Rewrote (a); and in (b), neutralized a gender reference, and substituted "shall" for "may" following "evidence".

Amended by R.2005 d.75, effective February 22, 2005.

See: 36 N.J.R. 4682(a), 37 N.J.R. 619(b).

In (b), substituted "may" for "shall" preceding "be required".

**17:2-1.12 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 employees whose employers report salary and contributions on a biweekly basis. This biweekly schedule should conform to the biweekly reporting schedule issued by the State's Centralized Payroll Office.

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

R.1974 d.230, effective August 19, 1974.

See: 6 N.J.R. 32(a), 6 N.J.R. 361(a).

Amended by R.2000 d.26, effective January 18, 2000.

See: 31 N.J.R. 3229(a), 32 N.J.R. 304(a).

Rewrote (a); and in (b), neutralized gender references throughout.

**17:2-1.13 Age determination**

(a) For purposes of enrollment, the age assigned to the applicant is based on the applicant's age on the date of enrollment. However, if the applicant is six months or more past their birthday, the assigned age for enrollment will be their age on their next birthday.

(b) For purposes of purchasing additional service credit, the age used to determine the applicable actuarial factor is based on the applicant's age on the date the purchase request is received by the Division. However, if on that date the applicant is six months or more past their birthday, the purchase actuarial factor will be based upon their age on their next birthday.

(c) For purposes of calculating a retirement option selection, the age used to determine the applicable actuarial reduction factor is based upon the member and designated beneficiary(s) ages at the effective date of retirement. If on that date, either the member or the designated beneficiary(s) age is six months or more past their birthday, the age used for the option selection will be based upon their age on their next birthday.

(d) For purposes of calculating an Option 1 reserve balance upon the death of a retired member, when the beneficiary(s) elects an annuity certain (specified number of years) or a life annuity, the applicable factor is based upon the beneficiary(s) age at the time of the member's death. If the beneficiary(s) age is six months or more past their birthday, the factor is based upon their age on their next birthday.

(e) For purposes of calculating the group life insurance benefits upon the death of an active employee when the beneficiary(s) elects an annuity certain (specified number of years) or a life annuity, the applicable factor is based upon the beneficiary's(s) age at the time of the member's death. The factor is based solely on the beneficiary(s) age at the time of the member's death; not rounded up to the next birthday.

New Rule, R.1991 d.115, effective March 4, 1991.

See: 22 N.J.R. 3707(a), 23 N.J.R. 712(a).

Amended by R.2000 d.26, effective January 18, 2000.

See: 31 N.J.R. 3229(a), 32 N.J.R. 304(a).

Rewrote the section.

Amended by R.2005 d.75, effective February 22, 2005.

See: 36 N.J.R. 4682(a), 37 N.J.R. 619(b).

Added (c).

Repeal and New Rule, R.2010 d.149, effective July 19, 2010.

See: 41 N.J.R. 4667(a), 42 N.J.R. 1612(b).

Section was "Nearest attained age; enrollment; retirement."

**Case Notes**

Initial Decision (2007 N.J. AGEN LEXIS 761) adopted, which found that the PFRS Board properly withheld \$3,979.09 from a police captain's initial retirement payment where an incorrect birth date on his PFRS enrollment application resulted in a contribution shortage. In re Shaffery, OAL Dkt. No. TYPPE 08340-2006S, 2008 N.J. AGEN LEXIS 36, Final Decision (January 15, 2008).

No early retirement incentive benefits for employee who did not turn 50 until two months after retirement date specified in special retirement legislation. *Ryan v. Public Employees' Retirement System*, 93 N.J.A.R.2d (TYP) 217.

**SUBCHAPTER 1A. DEFINITIONS****17:2-1A.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Base salary” means the annual compensation of a member, plus the value of maintenance, if applicable, in accordance with contracts, ordinances, resolutions or other established salary policies of the member’s employer for all employees in the same position, or all employees covered by the same collective bargaining agreement, which is paid in regular, periodic installments in accordance with the payroll cycle of the employer.

“Board” means the Board of Trustees of the Public Employees’ Retirement System, vested with the general responsibility for the proper operation of the System pursuant to N.J.S.A. 43:15A-17.

“Division” means the Division of Pensions and Benefits, Department of the Treasury, in the State of New Jersey.

“Extra compensation” means individual salary adjustments, which are granted primarily in anticipation of a member’s retirement; or as additional remuneration for performing temporary duties beyond the regular work day or work year.

“System” or “PERS” means the Public Employees’ Retirement System created pursuant to N.J.S.A. 43:15A-1 et seq.

“TPAF” means the Teachers’ Pension and Annuity Fund, created pursuant to N.J.S.A. 18A:66-56.

“Work year” means either a 10-month contracted employee who works from September through June of each year and is compensated for each month or a 12-month contracted employee who works throughout the year and is compensated for each month.

## SUBCHAPTER 2. ENROLLMENT

### 17:2-2.1 Enrollment eligibility

(a) A position with a public employer must be covered by Social Security as a prerequisite for membership in the system. In the case of multiple employments, Social Security coverage is required in each position or employment for each to qualify for membership.

(b) Subsection (c) below shall only be applicable to individuals who become members of PERS on or after November 2, 2008.

(c) Pursuant to the provisions of N.J.S.A. 43:15A-7, the \$7,500 minimum annual base salary for participation in the retirement system shall be adjusted annually by the Director of the Division in accordance with changes in the Consumer Price Index, but by no more than four percent. For the calendar year beginning January 1, 2010, the minimum base annual salary required for enrollment will be adjusted annually to reflect increases in the Consumer Price Index. For purposes of this calculation, “Consumer Price Index” means the average of the annual increase in the consumer price in-

dex for all urban consumers, not seasonally adjusted for all items, in the New York City and Philadelphia metropolitan statistical areas during the preceding calendar year as reported by the United States Department of Labor, Bureau of Labor Statistics.

1. The adjustment factor for a calendar year shall be calculated as a fraction, pursuant to the following:

i. The numerator shall be the annual Consumer Price Index for all urban consumers in the New York City metropolitan statistical area for the calendar year ending December 31 of the first year preceding the July 1 calculation date, plus the annual Consumer Price Index for all urban consumers in the Philadelphia metropolitan statistical area for the same time period; and

ii. The denominator shall be the annual Consumer Price Index for all urban consumers in the New York City metropolitan statistical area for the calendar year ending December 31 of the second year preceding the July 1 calculation date, plus the annual Consumer Price Index for all urban consumers in the Philadelphia metropolitan statistical area for the same time period.

2. If the value of the calculation in (c)1 above is less than zero for a calendar year, then the adjustment factor for the calendar year shall be equal to zero. If the value of that fraction is greater than 1.04 for a calendar year, then the adjustment factor for the calendar year shall be equal to 1.04.

3. The adjustment shall be calculated on or about July 1 each calendar year to become effective on January 1 of the subsequent calendar year.

4. Increases in the minimum annual base salary shall be made in multiples of \$100.00, except that any increase, which is not a multiple of \$100.00 will be rounded to the next lowest multiple of \$100.00. Each annual adjustment shall not be more than four percent when compared to the preceding year’s minimum annual base salary.

(d) The calculation and any needed adjustments pursuant to (c) above shall be published via a notice of administrative change in the New Jersey Register revising the minimum annual base salary.

Amended by R.1981 d.58, effective February 20, 1981.  
See: 12 N.J.R. 554(b), 13 N.J.R. 247(b).

(c) deleted.

Amended by R.2000 d.26, effective January 18, 2000.  
See: 31 N.J.R. 3229(a), 32 N.J.R. 304(a).

In (b), deleted a reference to dual enrollments, and substituted “required” for “prescribed” following “coverage is”.

Amended by R.2009 d.252, effective August 17, 2009.  
See: 41 N.J.R. 1712(a), 41 N.J.R. 3110(a).

Section was “Social Security coverage”. Rewrote the section.

Public Notice: August 28, 2009 Increase in the Minimum Annual Base Salary for Participation in the Public Employees’ Retirement System.  
See: 41 N.J.R. 3863(a).