

CHAPTER 10
JUDICIAL RETIREMENT SYSTEM

Authority

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

Source and Effective Date

R.1998 d.243, effective April 22, 1998.
See: 30 N.J.R. 1029(b), 30 N.J.R. 1847(d).

Executive Order No. 66(1978) Expiration Date

Chapter 10, Judicial Retirement System, expires April 22, 2003.

Chapter Historical Note

All provisions of this chapter became effective November 29, 1973 as R.1973 d.332. See: 5 N.J.R. 244(a), 6 N.J.R. 38(b).

1974 Revisions: Amendments became effective December 5, 1974 as R.1974 d.335. See: 6 N.J.R. 359(e), 7 N.J.R. 34(a).

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

1978 Revisions: Amendments became effective May 31, 1978 as R.1978 d.184. See: 9 N.J.R. 387(a), 10 N.J.R. 305(b). Further amendments became effective November 24, 1978 as R.1978 d.405. See: 10 N.J.R. 303(a), 11 N.J.R. 51(a).

1979 Revisions: Amendments became effective October 23, 1979 as R.1979 d.431. See: 11 N.J.R. 357(e), 11 N.J.R. 649(b).

1980 Revisions: Amendments became effective February 28, 1980 as R.1980 d.97. See: 11 N.J.R. 648(c), 12 N.J.R. 224(a).

1981 Revisions: Amendments became effective July 9, 1981 as R.1981 d.244. See: 13 N.J.R. 331(a), 13 N.J.R. 462(b).

1982 Revisions: Amendments became effective May 31, 1982 as R.1982 d.342. See: 14 N.J.R. 140(a), 14 N.J.R. 1165(c).

1983 Revisions: This chapter was readopted pursuant to Executive Order No. 66(1978), effective May 16, 1983 as R.1983 d.178. See: 15 N.J.R. 530(a), 15 N.J.R. 931(a). Further amendments became effective June 20, 1983 as R.1983 d.212. See: 14 N.J.R. 1296(b), 15 N.J.R. 1038(a).

1984 Revisions: Section 3.5 was repealed by R.1984 d.13. See: 15 N.J.R. 1013(b), 16 N.J.R. 251(b).

1988 Revisions: Amendments became effective May 2, 1988 as R.1988 d.182. See: 20 N.J.R. 179(b), 20 N.J.R. 998(a). This chapter was readopted pursuant to Executive Order No. 66(1978), effective May 6, 1988 as R.1988 d.242. 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 6, 1993. Pursuant to Executive Order No. 66(1978), Chapter 10, Judicial Retirement System, was readopted 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: Source and Effective Date.

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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.

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 he or she attends, and in his or her absence, another member selected by the majority of the members in attendance will preside for that single meeting.

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

(c) The chairperson will appoint such committees from the commission members as he or she deems 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.

17:10-1.4 Certifying officer

(a) The official properly designated by the Administrative Office of the Courts will serve as the certifying officer. Additional certifying officers will be designated in each county where necessary.

(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".

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.

17:10-1.6 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 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."

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 which is normally mailed to such beneficiaries on an annual basis;
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).

17:10-1.8 Proof of age

(a) As most members are appointed at a later age in this System, all members will 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.

(b) In the event a member dies before satisfactory evidence of his 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.

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.

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.

(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 \$3.00 or less.

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

17:10-4.9 Withdrawals

In accordance with the provisions of Section 26 of Chapter 470, P.L. 1981, and in the event no other benefits are payable, a member of the Judicial Retirement System may apply for and receive his or her accumulated deductions to the retirement system plus regular interest upon his or her withdrawal from the retirement system and upon the filing of a proper application therefor.

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

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 his or her 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) In addition to the requirements set forth in (a) above, the application for disability retirement must be supported by a report of the member's personal or attending physician.

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.

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 and commission approval.

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".

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 his or her pension becomes due and payable; thereafter, the retirement shall stand as approved by the commission. Except in the event of deferred retirement, if a member requests a change in his or her pension before his or her 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 or the date the commission met and approved the change in the member's retirement application, whichever is later.

(b) A deferred retirement shall become effective on the first of the month following the member's 60th birthday. In the case of deferred retirement, if an applicant desires to amend his or her retirement application, the amended application must be filed with the system a minimum of one month prior to his or her effective date of retirement.

(c) 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 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 approved, effective date of retirement.

(d) All applications for retirement may be approved by the Secretary of the State House Commission whenever there is no impediment to such claim, subject to the confirmation by subsequent Commission action.

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.

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 (30 days hence) will be considered an active member.

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 his 60th birthday occurs before the middle of such month.

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.

17:10-5.10 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund 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 fund 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".

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 beyond the date of attaining age 70.

17:10-5.12 (Reserved)

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

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, he may not make a claim for payment of any benefits waived prior thereto.

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 his or her credits to any State-administered 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. A check covering the member's accumulated contributions, full interest included, less any outstanding loan, shall be drawn payable 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 check.

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 check covering the withdrawal value and 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.

(f) A member who makes a timely transfer in accordance with N.J.S.A. 43:2-1 et seq. will contribute to the new system at a rate based on his or her age at the time of enrollment in the present system and no refund of pension contributions will be made except for those contributions made by veterans covering service prior to January 1, 1955, where applicable. The contribution rate for a member granted a deferred retirement in the present system who makes a timely transfer at the time of enrollment in the new system will be determined in accordance with the rules concerning enrollment after deferred retirement in the new system. A member who does not make a timely transfer will contribute to the new system at a rate based on his or her age at the time of enrollment in the new system.

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.

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.