

CHAPTER 6

CONSOLIDATED POLICE AND FIREMEN'S PENSION FUND

Authority

N.J.S.A. 43:16-7.

Source and Effective Date

R.1993 d.659, effective December 20, 1993.
See: 25 N.J.R. 3946(a), 25 N.J.R. 5942(b).

Executive Order No. 66(1978) Expiration Date

Chapter 6, Consolidated Police and Firemen's Pension Fund, expires on December 20, 1998.

Chapter Historical Note

Chapter 6, Consolidated Police and Firemen's Pension Fund, was filed and became effective prior to September 1, 1969. Chapter 6 expired December 6, 1984 pursuant to Executive Order No. 66(1978). Chapter 6 was adopted as new rules by R.1985 d.37, effective February 19, 1985. See: 16 N.J.R. 2997(b), 17 N.J.R. 475(b). Pursuant to Executive Order No. 66(1978), Chapter 6 was readopted as R.1988 d.579, effective November 22, 1988. See: 20 N.J.R. 2537(a), 20 N.J.R. 3142(a). Chapter 6 expired November 22, 1993 pursuant to Executive Order No. 66(1978). Chapter 6 was adopted as new rules by R.1993 d.659. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. ADMINISTRATION

17:6-1.1 Commission meetings

(a) The commission shall meet on the second Wednesday of each month, unless a change is declared in order by the chairman at an appropriate time, and subject to the exception of the annual meeting prescribed by N.J.S.A. 43:16-6.2.

(b) The presence of four commission members at the start of any meeting of the commission will be necessary in order to constitute a quorum of the commission. Such presence need not be actual physical presence but may, at the determination of the chairman that the circumstances warrant it, include the participation of any of the four commission members by telecommunications' connection.

Amended by R.1993 d.659, effective December 20, 1993.
See: 25 N.J.R. 3946(a), 25 N.J.R. 5942(b).

17:6-1.2 Fiscal year

(a) Fiscal year shall mean the 12-month period of fiscal transactions commencing July 1 and running until June 30 following.

(b) The actuarial valuation is based on a calendar year.

(c) All other reports and statements will consider such a fiscal year except special reports not having direct relationship to the financial transactions of the retirement system.

17:6-1.3 Officers and committees

(a) The chairman of the commission will be elected by a majority vote of the members in attendance at the first meeting of each fiscal year, not less than four members to be present at such a meeting. The chairman of the board shall 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 the Division of Pensions and Benefits, the commission will select from the staff of such Division a secretary and assistant secretary, the latter to serve in the absence of the secretary.

(c) The chairman 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.

Case Notes

Prior to enactment of statute exempting religiously affiliated nursing homes from certificate of need requirements, Commissioner could recognize public need where facility operated by religious body applied for certificate and proposed nursing facilities would provide care and treatment of only applicant's members. *New Jersey Ass'n of Health Care Facilities v. State*, 284 N.J.Super. 347, 665 A.2d 399 (L.1995).

Amended by R.1973 d.26, effective January 19, 1973.

See: 4 N.J.R. 283(b), 5 N.J.R. 60(b).

Amended by R.1993 d.659, effective December 20, 1993.

See: 25 N.J.R. 3946(a), 25 N.J.R. 5942(b).

17:6-1.4 Election of members—commission

(a) The election of commission members will include the use of nominating petitions:

1. This will entail the distribution to each active and retired member of at least two forms.
2. The first will be an election notice setting forth the rules for filing nominating petitions and other pertinent data.
3. The second will be the ballot, containing the names of the candidates who have been properly nominated as well as the rules governing the election.

(b) Requirements for the election notice and petition shall include:

1. A notice will be prepared advising the active and retired members of the position to be voted upon. All present members of the commission and the expiration of their terms will be shown.
2. The election notice will indicate to the member that petition forms will be provided by the commission and forwarded upon request.
3. The election notice will also indicate that at least five eligible or retired members must sign the petition in order for a candidate's name to be placed on the ballot.
4. Petitioners should indicate their register or retirement number, if known, and the employing municipality, in addition to signing the petition.
5. A member may sign a petition for only one candidate.
6. The candidate named on the petition must sign the petition in a designated space indicating that he is willing to be a candidate.
7. The instructions will indicate the closing date for the filing of such petitions and also indicate that a ballot bearing the names of such candidates will be forwarded to each eligible voter.
8. The qualified candidates will be invited to a drawing to determine the order in which the candidates' names will appear on the ballot.

(c) The requirements for the ballot shall include:

1. Each eligible voter will have a ballot bearing his name.
2. The ballots and return envelopes will identify the ballot as being either for the police or fireman's election.
3. The closing date of the election will be indicated.

4. The name of each candidate nominated by proper petition filed within the prescribed time will appear on the ballot.

5. Instructions for the proper casting of the ballot (marking of the ballot, returning of such ballot through the return envelope and notice to sign such envelopes) will be given to each eligible voter.

6. The instructions will also indicate that the candidate receiving the highest number of votes will be declared elected to position.

(d) Rules concerning election notice and petition include:

1. The election notice will be forwarded in bulk and in an appropriate number to the certifying agent for distribution to the active members of the fund. The election notice will be forwarded directly to retired members.
2. Police and firemen notices will be differentiated by colored forms or by some other mark explained in the instructions.
3. A receipt and report will also be forwarded to each certifying agent; such form is to be returned to the fund and will indicate:
 - i. Receipt of the forwardings by the certifying agent;
 - ii. The extent to which the certifying agent has distributed the election notice forms to active members.

(e) Rules concerning ballots, forwarding include:

1. The ballots, each bearing the name and register number of an eligible voter, will be forwarded to the certifying agent of each municipality, together with instructions that they be distributed.
2. The ballots bearing the name and retirement number of retired members will be forwarded directly to the retired members.
3. Police and firemen ballots and return envelopes will be differentiated by colored forms or by some other symbol.

(f) A receipt and report form will also be forwarded to each certifying agent. Such form will indicate:

1. Receipt of the forwardings by the certifying agent;
2. The extent of distribution of election ballots to active members;
3. The return of undelivered ballots and reason for same.

(g) The returned ballot bearing envelope is to be examined for proper signature. A record will be maintained to identify the register or retirement number of the members who have voted. The sealed ballot will then be deposited in a locked container. Immediately prior to the counting of the ballots, the information identifying the individual voters will be separated from the still sealed ballot in the presence of the election judges.