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**State of New Jersey
Public
Employees'
Retirement
System**



July 2005

**Department of the Treasury
Division of Pensions and Benefits**

FOREWORD

The New Jersey *Public Employees' Retirement System (PERS) Member Handbook* has been revised to incorporate changes to the retirement system made since the last version was published in 1997. The *PERS Member Handbook* provides a summary description of the benefits of the plan and outlines the rules and regulations governing the plan. The *PERS Member Handbook* should provide you with all the information you need about your PERS benefits. It is as accurate as we could make it, however, if there is a conflict with statutes governing the plan or regulations implementing the statutes, the statutes and regulations will take precedence. Complete terms governing any employee benefit program are set forth in the New Jersey Statutes Annotated. Regulations, new or amended, are published in the New Jersey Register by the State Office of Administrative Law supplementing the New Jersey Administrative Code. An online version of this handbook containing current updates is available for viewing over the Internet at: www.state.nj.us/treasury/pensions/persman.htm

Separate addenda booklets have been created for the Law Enforcement Officers (LEO), Legislative Retirement System, Prosecutors Part, and Workers' Compensation Judges Part of the PERS, which are components of the PERS, but have significantly different benefits. These addenda are printed separately from the basic *PERS Member Handbook* since they affect relatively few members. The addenda are also available for viewing over the Internet.

If you are unsure of or have questions about any aspect of your PERS benefits, you should ask your employer representative or a counselor at the Division of Pensions and Benefits about them.

Since this is your handbook, we would appreciate any comments or suggestions for improvement that you might have. Please send them to the address listed below. An evaluation form is available for your use on page 35.

Division of Pensions and Benefits
ATTN: Publications Unit
P.O. Box 295
Trenton, NJ 08625-0295

State of New Jersey
Public Employees'
Retirement System

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CONTACTING THE DIVISION OF PENSIONS AND BENEFITS

Telephone Numbers:

- For computerized information about your individual account 24 hours a day, seven days a week, call our Automated Information System at (609) 777-1777. All you need is your Social Security number and a touch-tone phone to hear personalized information about loans, purchase costs, retirement benefits, withdrawals, and your account with the retirement system.
- To talk with a counselor about your Public Employees' Retirement System account or the State Health Benefits Program, call (609) 292-7524 weekdays between 8:00 a.m. and 4:30 p.m. (except State holidays). If you are hearing impaired, call the TDD at (609) 292-7718.
- To speak with a plan representative about the New Jersey State Employees Deferred Compensation Plan, call (609) 292-3605 weekdays between 8:15 a.m. and 4:30 p.m. (except State holidays). Plan representatives can answer your questions about the Deferred Compensation Plan and provide enrollment and distribution forms.
- To speak with a plan representative about the Supplemental Annuity Collective Trust (SACT), call (609) 633-2031 weekdays between 8:15 a.m. and 4:30 p.m. (except State holidays). SACT representatives can answer your questions about the SACT and provide enrollment and distribution forms.
- If you are a retired member who needs to change your mailing address, call (609) 292-MOVE (6683) Monday through Friday between 8:00 a.m. and 4:30 p.m. (except State holidays) to change your address over the telephone. Retirees can also change their address online at: www.state.nj.us/treasury/pensions/changead.htm

Mailing Address:

On all correspondence, be sure to include your membership number or Social Security number.

**Division of Pensions and Benefits
PO Box 295
Trenton, NJ 08625-0295**

Counseling Services:

The Division of Pensions and Benefits offers individual counseling services to members of the retirement systems and other benefit programs. No appointments are taken. Counselors are available Monday through Friday from 7:40 a.m. to 4:00 p.m. The office is located at:

**One State Street Square
50 West State Street, 1st Floor
Trenton, NJ**

Directions to the office appear on the next page.

Internet and E-Mail:

Most publications of the Division of Pensions and Benefits may be found on the Internet at: www.state.nj.us/treasury/pensions or you may e-mail the Division at: pensions.nj@treas.state.nj.us

Member Benefits Online System:

The Member Benefits Online System (MBOS) allows registered PERS members access to their pension and, if applicable, State Health Benefit Program account information online. Resources available through MBOS include: member account information; pension loan estimates and online application; a retirement calculator; and (if applicable) State Deferred Compensation Plan, SACT plan, and State Health Benefits Program account information. More applications are being added in the near future.

Before you can begin using MBOS, you must be registered with MBOS and the *MyNewJersey* Web site. Registration is free.

To begin the MBOS registration process go to: www.state.nj.us/treasury/pensions/mbosregister.htm

Please be sure to read the registration instructions, as the process requires several steps.

DIRECTIONS TO THE DIVISION OF PENSIONS AND BENEFITS

The Division of Pensions and Benefits is located at 50 West State Street (One State Street Square) which is a half-block east of the State House. The directions below will take you to the parking garage next door to the Division of Pensions and Benefits. You must pay to park in the parking garage.

When leaving the garage, you will be facing the side of One State Street Square. Turn left and walk to the front entrance of the building (on West State Street). "Check-in" with the guard in the main lobby where you will be directed to the Office of Client Services.

From Northeast New Jersey via the NJ Turnpike

Take the NJ Turnpike South to Exit 7A. Follow I-195 West until it ends, then follow signs for Route 29. After passing through a tunnel and two traffic lights, take the Calhoun Street exit. At the first traffic light, turn right onto West State Street. After passing through a traffic light turn left at the next corner onto Chancery Lane. One-half block up is a multilevel parking garage on the left. You must pay to park here. See "When leaving the garage" above to get to the office.

From Northeast New Jersey via Route 1

Take Route 1 South toward Trenton. Just north of Trenton Route 1 splits into two roads. Stay to the left (do not use Route 1 Alternate). From Route 1 take the Perry Street exit. At the end of the exit ramp, turn left onto Perry Street. At the fourth traffic light after turning onto Perry Street turn left onto Warren Street. At the second light, turn right onto West State Street. At the next corner turn right onto Chancery Lane. One-half block up is a multilevel parking garage on the left. You must pay to park here. See "When leaving the garage" above to get to the office.

From Northwest New Jersey

Take Route 31 South to I-95 South to Exit 1 (Route 29). Follow Route 29 South for five miles to the Calhoun Street exit. At the first traffic light, turn right onto West State Street. Pass the State House and the next light. At the next corner, turn left onto Chancery Lane. One-half block up is a multilevel parking garage on the left. You must pay to park here. See "When leaving the garage" above to get to the office.

From Southern New Jersey

If using the Turnpike, take exit 7A and follow the directions from Northeast New Jersey via the NJ Turnpike.

If using I-295 North, take exit 60 to Route 29 and follow the directions for using Route 206 North (below) beginning with Route 29.

If using Route 206 North, about four miles before reaching center-city Trenton take the I-295 exit but, once on the interstate highway, follow the signs for Route 29, not I-295. After passing through a tunnel and two traffic lights, take the Calhoun Street exit. At the first traffic light, turn right onto West State Street. After passing through a traffic light turn left at the next corner onto Chancery Lane. One-half block up is a multilevel parking garage on the left. You must pay to park here. See "When leaving the garage" to get to the office.

From the New Jersey Shore

Take I-195 West, then follow the directions from Northeast New Jersey via the NJ Turnpike.

PLAN INFORMATION

Name of Plan

The Public Employees' Retirement System of New Jersey.

Administration

The Public Employees' Retirement System is a defined benefit plan administered by the New Jersey Division of Pensions and Benefits, PO Box 295, Trenton, New Jersey 08625-0295, (609) 292-7524.

Provisions of Law

The Public Employees' Retirement System was established by New Jersey Statute and can be found in the New Jersey Statutes Annotated, Title 43, Chapter 15A. Changes in the law can only be made by an act of the State Legislature. Rules governing the operation and administration of the system may be found in Title 17, Chapters 1 and 2 of the New Jersey Administrative Code.

Funding

The funds used to pay benefits come from three sources: employer contributions, employee contributions, and investment income from those contributions. All contributions not required for current operations are invested by the State Division of Investment.

Plan Year

For record keeping purposes the plan year is July 1 through June 30.

Service of Legal Process

Legal process may be served on the Director of the Division of Pensions and Benefits, the administrator of the system.

Employment Rights Not Implied

Membership in the Public Employees' Retirement System does not give you the right to be retained in the employ of a participating employer, nor does it give you a right of claim to any benefit you have not accrued under terms of the system.

Benefits and provisions of the Public Employees' Retirement System are subject to changes by the legislature, courts, and other officials. While this booklet outlines the benefit and contribution schedules of the Public Employees' Retirement System, it is not a final statement. Complete terms governing any employee benefit program are set forth in the New Jersey Statutes Annotated. Regulations, new or amended, are published in the New Jersey Register by the State Office of Administrative Law supplementing the New Jersey Administrative Code.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) as of July 2005

THE RETIREMENT SYSTEM

The State of New Jersey established the Public Employees' Retirement System (PERS) in 1955 after the repeal of the laws that created the former State Employees' Retirement System. The Division of Pensions and Benefits is assigned all administrative functions of the retirement system except for investment.

The PERS Board of Trustees has the responsibility for the proper operation of the retirement system. The Board consists of six employee representatives, the State Treasurer, and two individuals appointed by the Governor with the advice and consent of the Senate. The Board meets once a month. A PERS member who wishes to be a candidate for the PERS Board of Trustees must be nominated by petitions bearing the signatures of 500 active members. Nominating petition forms, together with instructions for filing, are available upon written request to the *Secretary of the PERS Board of Trustees, Division of Pensions and Benefits, PO Box 295, Trenton, New Jersey 08625-0295*.

The purpose of this handbook is to provide you with information about the retirement system to assist you in making decisions concerning your future and your family's future. If you have questions concerning your retirement system benefits, please see page iv for information on contacting the Division of Pensions and Benefits.

An online version of this handbook containing current updates is available for viewing over the Internet at: www.state.nj.us/treasury/pensions/persman.htm Be sure to check the Division of Pensions and Benefits Internet home page at: www.state.nj.us/treasury/pensions for PERS related forms, fact sheets, and news of any new developments affecting the PERS.

PERS Special Employee Groups

The information contained in this handbook applies to the majority of the members enrolled in the PERS. However, certain members of the PERS qualify for enrollment into special employee groups:

- Law Enforcement Officers (LEO)
- Prosecutors Part of the PERS

- State Legislative Retirement System (LRS) of the PERS
- Workers' Compensation Judges (WCJ) Part of the PERS

Members of these special employee groups should also see the *PERS Handbook Addendum* specific to their employee group for exceptions to the regular PERS rules and benefits. These exceptions are also noted under the section headings in this handbook.

MEMBERSHIP

*(LEO, LRS, Prosecutors Part, and
WCJ members see addendum)*

Eligibility Criteria

Enrollment rules and regulations are described in general terms in this handbook and may not cover all situations. If you have been a public employee for several years, you should be aware that present rules and regulations governing enrollment in the retirement system may differ from past rules and regulations. If you have specific questions concerning your date of enrollment, you may wish to contact the Division of Pensions and Benefits for additional information.

Membership in the retirement system is generally required as a condition of employment for most employees of the State, or any county, municipality, school district, or public agency. You are required to enroll in the PERS if:

- you are employed on a regular basis in a position covered by Social Security; and
- your annual salary is \$1,500 or more; and
- you are not required to be a member of any other State or local government retirement system on the basis of the same position;

or if:

- you are receiving a monthly retirement allowance from the PERS and you earn more than \$15,000 annually from any PERS-covered employment (see "Exceptions" on page 24); or
- you retired on a PERS *disability retirement* and earn more than \$1,500 annually from any PERS-covered employment (see page 25 for additional information).

Although most employees are required to enroll in the retirement system when hired, in some instances you may not qualify for enrollment in the system until up to one year from your date of employment.

EXAMPLE 1: *If you are hired as a temporary or provisional employee by an employer covered by Civil Service you would not be eligible for enrollment until your 13th month of employment (or the date you are permanently appointed to your position — Date of Regular Appointment).*

EXAMPLE 2: *If you are an adjunct faculty member at a State or County college/university you would be enrolled immediately if you are already a member of the PERS due to other employment, otherwise, you would not be eligible for enrollment until the start of your third consecutive semester of teaching.*

Optional Membership

Membership in the retirement system is **optional** for:

- non-veteran elected officials. (Elected officials who qualify as veterans must enroll in the retirement system. See page 11 for a definition of “veteran”.)
- full-time non-veterans hired prior to July 1, 1966 or the date of adoption of the retirement system by the employer, whichever is earlier.
- part-time non-veterans hired prior to July 1, 1966.
- part-time school crossing guards receiving periodic benefits from the federal government (whether military or civilian pension, including Social Security) unless the employee is previously retired from the PERS.
- employees hired prior to September 10, 1991 who are receiving monthly retirement allowances from another state.
- special service employees hired under the federal Older American Community Service Employment Act.

If you choose the option of joining the retirement system, you cannot withdraw your funds until you end your employment.

Factors for Ineligibility

You **cannot** join the PERS if:

- you are a provisional or temporary employee covered by Civil Service with less than 12 months of continuous service.
- you do not earn at least \$1,500 annually.
- you are not covered by Social Security.
- you are a seasonal employee.

- you are a retired member of PERS who has returned to public employment and your annual salary from all PERS covered employment is not expected to exceed \$15,000.
- you are retired and receiving a monthly retirement allowance from another public retirement system in New Jersey.
- you are employed under the Job Training Partnership Act (JTPA) or its successor program established under the Workforce Investment Act of 1998 (WIA) and are paid directly from federal JTPA or WIA funds.

If you are in doubt about the eligibility of a position, write to the Division of Pensions and Benefits for an administrative determination.

ENROLLMENT

(Prosecutors Part members see addendum)

Enrollment/Certification of Payroll Deductions

Both you and your employer must complete an *Enrollment Application* for you to enroll in the retirement system. Your employer will send the completed application to the Division of Pensions and Benefits for processing. When processing is complete, you and your employer will receive a *Certification of Payroll Deductions* showing the date deductions will begin, your rate of contribution, and any back deductions due.

You may wish to keep the *Certification of Payroll Deductions* on file with your other important papers so that you have a record of your enrollment in the retirement system.

Proof of Age

All members of the PERS must provide documentation that proves their age before retiring. You should attach *evidence of your proof of age* to your enrollment application; however, do not delay sending the enrollment application if proof of age is not readily available. Acceptable evidence of your age includes a photocopy of:

- your birth certificate;
- your passport;
- naturalization or immigration papers;
- certain other records including baptismal records or school records, or
- an affidavit from an older family member.

Contribution Rate

The full rate of PERS employee contributions is five percent of base salary (Prosecutors Part members pay a rate of 8.5 percent). The full rate of contribution is established by the statutes governing the PERS.

Your contribution rate is applied to your base salary to determine your pension deductions. Base salary does not include overtime, bonuses, or money you receive as an adjustment before retirement. Your pension contributions are deducted from your salary each payday and reported to the PERS by your employer.

Temporary Reductions — The State Treasurer has the right under State law to make temporary reductions in the contribution rate. Reductions in the full contribution rate are considered temporary and are authorized by the Treasurer on a year-to-year basis provided there are sufficient excess assets in the pension fund.

When authorized reductions are in effect, the employer will take regular pension deductions at the reduced contribution rate, however, all voluntary deductions (loan repayments, purchases) remain based upon the full rate of five percent (except for Prosecutors Part members, see addendum).

The pension deduction shown on the *Certification of Payroll Deductions* for new employees always reflects the full five percent rate even if a reduction is in effect.

Pensionable Maximum — Since the PERS is a “qualified” pension plan under the provisions of the Internal Revenue Code, Section 401(a)(17), the current federal ceiling on pensionable compensation (\$210,000 for 2005) applies to the base salaries of PERS members.

Tax Deferral — Since January 1987, all mandatory pension contributions to the PERS have been federally tax deferred. Under the 414(h) provisions of the Internal Revenue Code this reduces your gross wages subject to federal income tax. Purchases of service credit are voluntary pension contributions and are not tax deferred unless funded by a rollover from another tax-deferred plan (see “Rollover for Purchase Payment” on page 8).

MULTIPLE & DUAL MEMBERSHIP

Multiple Membership — You are considered a **multiple member** if you are employed and reported to

the retirement fund by more than one PERS participating employer.

EXAMPLE: *If you are a plumbing inspector working for more than one municipality, you are enrolled as an employee of each public employer. All of your base salaries are posted to your PERS account and consolidated in calculating your retirement benefit. In terms of service credit, however, no more than 12 months of service credit will be given for any calendar or fiscal year.*

You are required to file an *Enrollment Application* when hired by your first PERS employer. If you accept PERS covered employment from a second employer (or subsequent employers), the new employer should submit a *Report of Transfer* indicating “Multiple Enrollment” in the space provided at the top of the form.

Once you have established multiple membership, you will be classified as a multiple member for your entire membership. Multiple members cannot withdraw or begin to collect retirement benefits until they have retired from or terminated every position covered by the PERS.

Dual Membership — You are considered a **dual member** if you are a member of more than one New Jersey State-administered retirement system at the same time.

EXAMPLE: *If you are a State employee enrolled in the PERS and an educator enrolled in the Teachers' Pension and Annuity Fund (TPAF), you are a dual member.*

When establishing dual membership, *Enrollment Applications* are filed by each employer with the different retirement systems.

Unlike a multiple member, a dual member's contributions and service credit are kept separate. Benefits will be paid separately from each retirement system in the event of death, retirement, or withdrawal.

TRANSFERS

(Prosecutors Part members see addendum)

Intrafund Transfer

An Intrafund Transfer is the transfer of your account from one PERS employer to another PERS employer. If you terminate your current position covered by the PERS and accept a position also covered by the PERS, your new employer should file a *Report of Transfer* form with the Division of Pensions and

Benefits, provided you have not withdrawn your membership or your account has not expired (see "Withdrawal from the Pension Fund" on page 31).

If you meet the criteria listed above, you are immediately eligible to continue your same membership in the PERS with the new employer.

If you are a multiple member (see the definition of a "multiple member" on page 3), your new employer should indicate "Multiple Enrollment" by checking the box provided at the top of the *Report of Transfer*.

Interfund Transfer

An Interfund Transfer is the transfer of your account from a PERS employer to employment covered by a different New Jersey State-administered retirement system (or vice versa). If you terminate your current position covered by the PERS and accept a position covered by a different New Jersey State-administered retirement system, you may transfer your contributions and service credit to the new retirement system provided:

- you have not withdrawn your membership or your account has not expired (see "Withdrawal from the Pension Fund" on page 31);
- you are not a dual member with more than three years of concurrent service in the Teachers' Pension and Annuity Fund* or with any concurrent service in any other retirement system (see the definition of a "dual member" on page 3); and
- you meet the eligibility requirements of the second retirement system.

If you are interested in transferring your membership account, an enrollment application for the new system and an *Application for Interfund Transfer* should be submitted by your employer to the Division of Pensions and Benefits when you meet the eligibility requirements of the new retirement system.

*A PERS member with three years or less of concurrent service in a Teachers' Pension and Annuity Fund account may, under certain conditions, transfer all service credit from one fund to the other, less any concurrent service credit.

SERVICE CREDIT

(Prosecutors Part members see addendum)

Since retirement benefits are based in part on accumulated service credit, it is important that you receive the appropriate amount of credit for the amount of time you work. You receive one month of service credit for each month you make a full pension contribution.

- Employees whose employers report service and contributions biweekly will receive one pay period of service credit for each pay period a full pension contribution is made.
- Employees paid on a ten-month contract from September through June will receive credit for the July and August that preceded September, if a full month's pension deduction is taken for September.

VESTING

(LEO, LRS, and Prosecutors Part members see addendum)

You are vested in the PERS after you have attained 10 years of service credit.

Being vested in the PERS means that you are guaranteed the right to receive a retirement benefit when you reach age 60.

- If you are vested and terminate your employment before retiring, your pension account will remain open pending either a return to covered employment, your filing for a Deferred Retirement to be effective at age 60 (see page 13 — you must file a retirement application prior to receipt of any benefits), or your withdrawal from the pension system (see page 31).
- If you are not vested and you terminate employment before retiring, your options vary depending on the nature of your termination and/or your age at the time of your termination (see "Terminating Employment" on page 31).

CREDIT FOR MILITARY SERVICE AFTER ENROLLMENT

The federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides that a member who leaves employment to serve on active duty is entitled to certain pension rights upon return to employment with the same

employer. The time in military service is to count, for vesting and retirement *eligibility* purposes, as though the employee had not left. However, the member will, at a minimum, have to make the pension contributions normally required to have the military service time included in the *calculation* of the retirement benefit.

When an employee returns from uniformed military service to PERS covered employment within the time frames specified under USERRA, the employer should notify the Division of Pensions and Benefits no later than 30 days after the employee's return by submitting a *Request for USERRA-Eligible Service* form. Once notified, the Division will annotate the employee's pension account to reflect the USERRA credit for benefits *eligibility* and will provide the employee with a quotation for the cost for purchasing the pension service credit so that it counts toward the *calculation* of benefits.

PURCHASING SERVICE CREDIT

Since your retirement allowance is based in part on the amount of service credit posted to your account at the time of retirement, it may help you to purchase additional service credit if you are eligible to do so. Only active members of the retirement systems are permitted to purchase service credit. An active member is one who has not retired or withdrawn, and who has made a contribution to the retirement system within two years of the purchase request. In no case can you receive more than one year of service credit for any calendar or fiscal year. A **dual member** (see page 3) cannot purchase concurrent service from any other retirement system.

TYPES OF SERVICE ELIGIBLE FOR PURCHASE

(Prosecutors Part members see addendum)

If a type of service is not listed below, it is not eligible for purchase.

Temporary Service – Members are eligible to purchase service credit for temporary or provisional employment provided the employment was continuous and immediately preceded a permanent or regular appointment in a position covered by the PERS.

- Members are allowed to purchase temporary service rendered under a former membership in a New Jersey State-administered retirement system.

- Part-time, hourly, and substitute service may be eligible for purchase.
- Service through the Job Training Partnership Act (JTPA), and its successor program established under the Workforce Investment Act of 1998, is not eligible.

Leave of Absence Without Pay – Members are eligible to purchase service credit for official leaves of absence without pay. The amount of time eligible for purchase depends on the “type of leave” that was taken.

- up to two years may be purchased for leaves taken for personal illness;
- up to three months may be purchased for leaves taken for personal reasons.
- Maternity leave is considered personal illness.*
- Child care leave is eligible for purchase as a leave for personal reasons.

A leave of absence without pay under a former membership in a New Jersey State-administered retirement system may be eligible for purchase.

If a member who is employed 10 months per year goes on an approved leave for personal reasons for the months of May, June, and/or September, the member will be allowed to purchase credit for the months of July and August as part of the leave of absence — up to a maximum of five months.

Former Membership Service – Members may purchase all service credited under a previous membership in a New Jersey State-administered retirement system (PERS, TPAF, PFRS, SPRS) which has been terminated after two continuous years of inactivity in accordance with statute or by withdrawal by the member of the contributions made under such membership.

Out-of-State Service – Members are eligible to purchase up to 10 years of service credit for public employment rendered with any state, county, municipality, school district, or public agency outside the State of New Jersey, provided the service rendered would have been eligible for membership in a New

*A certification from a physician that a member was disabled due to pregnancy and a resulting disability for the period in excess of three months is required. Otherwise, three months is the maximum period of purchase for maternity.

Jersey administered retirement system had the service been rendered as a public employee in this state. This service is only eligible for purchase if the member is not receiving nor eligible to receive retirement benefits from the out-of-state public pension fund.

U.S. Government Service – Members are eligible to purchase up to 10 years of service credit for civilian service rendered with the U.S. government if the public employment would have been eligible for credit in a State of New Jersey-administered retirement system had the service been rendered as a public employee in this state. This service is only eligible for purchase if the member is not receiving nor eligible to receive retirement benefits from the federal government based in whole or in part on this service.

Military Service Before Enrollment – Members may purchase service credit for up to 10 years of active military service rendered prior to enrollment provided the member is not receiving nor eligible to receive a military pension or a pension from any other state or local source for such military service.

Active military service eligible for purchase means full-time duty in the active military service of the United States and includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. It cannot include periods of service of less than 30 days. It does not include weekend drills or annual summer training of a national guard or reserve unit **or** time spent as a cadet or midshipman at one of the military academies.

Active military service that has been combined with reserve component service to qualify for a military pension as a reserve component member may be eligible for purchase.

If you qualify as a veteran, you may be eligible to purchase an additional five years of military service (see "Important Purchase Notes" at right).

Military Service After Enrollment – Under the requirements of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), members may receive credit for military service rendered after October 13, 1994 (see page 4). However, USERRA eligible service will only be used to determine *eligibility* for benefits. The *calculation* of retirement benefits will not use the USER-

RA eligible service unless the employee pays the required pension contributions for the period of military service.

Note: There is a time sensitive element to this purchase (see page 4).

Uncredited Service – Members may purchase any regular employment with a public employer in New Jersey for which the member does not now have retirement credit. This is credit for time when the member should have been enrolled, but was not.

Local Retirement System Service – Members may purchase service credit established within a local retirement system in New Jersey if they were ineligible to transfer that service to the PERS upon withdrawal from the local retirement system. This service is only eligible for purchase if the member is not receiving nor eligible to receive retirement benefits from that public pension fund.

IMPORTANT PURCHASE NOTES

- If you qualify as a non-veteran, you are eligible to purchase an aggregate of 10 years of service credit for work outside New Jersey (Out-of-State, Military, and U.S. Government Service).
- If you qualify as a military veteran (see "Definition of a Veteran" on page 11), you may be eligible to purchase an additional five years of military service rendered during periods of war for an aggregate of 15 years of service outside New Jersey (Out-of-State, Military, and U.S. Government Service).
- To qualify for an Ordinary Disability Retirement, members need 10 years of New Jersey service; therefore, the purchase of U.S. Government, Out-of-State, or Military Service cannot be used to qualify for this type of retirement.
- Purchases of service credit are voluntary pension contributions and are not tax deferred unless funded by a rollover from another tax-deferred plan (see "Rollover for Purchase Payment" on page 8).

COST AND PROCEDURES FOR PURCHASING SERVICE CREDIT

You may obtain a quotation of the cost for purchasing additional service credit by submitting an *Application to Purchase Service Credit* to the

Division of Pensions and Benefits. This application is available from your employer, by writing to the Division of Pensions and Benefits, or over the Internet at: www.state.nj.us/treasury/pensions

You can receive an *estimate* of the cost of purchasing service credit by calling the Automated Information System at (609) 777-1777 or by using the online Purchase Calculator which can be found on the Division of Pensions and Benefits' Internet site.

The cost of a purchase is based on four factors:

- A purchase factor based on your nearest age at the time the Division receives your purchase application (see chart below);
- The higher of either your current annual salary or highest fiscal year salary (July - June) posted to your membership account;

- The years and months of service being purchased; and
- The type of service purchased.

The cost of the purchase will generally increase with an increase in your age and/or salary.

The cost of purchasing service is borne by both you and the participating employers with the important exceptions of Military Service, U.S. Government Civilian Service, and Local Retirement System Service — where statute specifically provides that the employer shall not be liable for any costs of the purchase. If you purchase U.S. Government Service, Military Service Before Enrollment, or Local Retirement System Service, you, as the member, are responsible for the full cost; therefore, the cost quoted to you for purchasing these types of service will be twice the cost for other types of purchase.

Partial Purchases

You may purchase all or part of any eligible service. If you make a partial purchase, you may purchase any remaining eligible service at a later date. The cost of any later purchase will be based upon your age and the annual salary or highest fiscal year salary at the time you request the second purchase.

Estimating the Cost of a Purchase

To estimate the cost of a purchase, multiply the higher of your current annual salary or highest fiscal year salary times the purchase factor (see chart) corresponding to your nearest age. The result is the cost of one year of service. Multiply this cost by the appropriate number of years being purchased. This procedure can be used for calculating the cost of Temporary Service; Former Membership; Leaves of Absence; Uncredited Service; and Out-of-State Service.

To calculate the purchase cost of Military Service Before Enrollment, U.S. Government Service, or Local Retirement System Service, the same procedure is used except the resulting cost is doubled.

Note: The cost of a purchase of Military Service After Enrollment under USERRA (see pages 4 and 6) is based on the required pension contributions for the period of military service,

EXAMPLE: Member, age 45, earning \$60,000 a year, wishes to purchase 18 months Temporary Service: Purchase Factor (from chart) = 0.048761

Purchase Rate Chart

Age	Purchase Factor	Age	Purchase Factor
20	0.031379	46	0.049932
21	0.031759	47	0.051155
22	0.032158	48	0.052433
23	0.032578	49	0.053768
24	0.033018	50	0.055163
25	0.033480	51	0.056620
26	0.033964	52	0.058144
27	0.034471	53	0.059737
28	0.035002	54	0.061403
29	0.035558	55	0.063145
30	0.036139	56	0.064967
31	0.036748	57	0.066873
32	0.037384	58	0.068868
33	0.038048	59	0.070956
34	0.038743	60	0.073142
35	0.039469	61	0.072021
36	0.040227	62	0.070853
37	0.041019	63	0.069637
38	0.041847	64	0.068380
39	0.042711	65	0.067083
40	0.043613	66	0.065746
41	0.044555	67	0.064376
42	0.045539	68	0.062973
43	0.046567	69	0.061545
44	0.047640	70	0.060100
45	0.048761	(and older)	

$$\begin{array}{rcccc} \text{Purchase} & \text{Annual} & \text{Time Being} & \text{Purchase} \\ \text{Factor} & \text{X Salary} & \text{X Purchased} & = \text{Cost} \\ 0.048761 & \text{X } \$60,000 & \text{X } 1.5 \text{ years} & = \$4,388.50 \end{array}$$

If the same member were to purchase 18 months of Military Service, the Purchase Cost would be \$8,777 (twice the amount of the Temporary Service).

After the Division of Pensions and Benefits processes your *Application to Purchase Service Credit*, you will receive a quotation of the cost of the purchase.

No quotations of cost will be calculated until verification of employment is received by the Division of Pensions and Benefits. It is the member's responsibility to obtain certification of employment from a former employer for the purchase of Out-of-State or U.S. Government Service.

You must respond to the quotation letter within the specified time period. When you agree to purchase a certain amount of service credit, the Division of Pensions and Benefits assumes that you will complete the purchase and credits your account with the entire amount of service, even if you are paying the cost through payroll deductions. Any estimates of retirement allowance you receive, including your *Personal Benefits Statement*, are based on the full amount of credit you agreed to purchase.

You may pay the cost of purchasing service credit:

- in one lump-sum payment;
- by having extra payroll deductions withheld from your pay. The minimum deduction is equal to one-half of your normal rate of contribution to the pension system over a maximum period of 10 years and includes interest of 8.25 percent; or
- by paying a single down payment and having the remainder paid through payroll deductions.

If you retire before completing the purchase, you may choose to receive prorated credit for the amount of service actually paid for, or you can pay the balance at the time of retirement to receive full credit.

A member who authorizes a purchase of service credit through payroll deductions may cancel those deductions at any time. No refunds will be made of any lump-sum payments, partial payments, or installment payments. The member will receive prorated service credit for the service purchased to the

date installment payments cease. Any subsequent requests to purchase the remaining service credit shall be based on the laws and rules in effect on the date that the subsequent request is received.

If you have an outstanding arrears obligation for the purchase of additional service credit, interest may be assessed if there is a lapse of two years or more in payments toward the purchase.

Rollover for Purchase Payment

Members may pay for all or part of a purchase by transferring or rolling over tax-deferred funds from an eligible or qualified retirement savings plan. The types of plans from which a transfer or rollover can be made are:

- 401 (a) qualified plan (including 401(k) plan) and 403(a) qualified annuity
- 403 (b) - Tax-Sheltered Annuity Plan
- 457 (b) - State and Local Government Deferred Compensation Plan
 - IRA - With tax-deferred funds
 - Traditional IRA
 - Simple IRA (must have been open for 2 or more years)
 - Simplified Employee Pension Plan (SEP)
 - Conduit IRA
 - Rollover IRA

Note: The Division cannot accept rollovers from a Roth IRA or a Coverdell Education Savings Account (formerly known as an education IRA).

Additional information on requesting a transfer or rollover of tax-deferred funds for the purchase of service credit is included in the purchase cost quotation letter you receive upon the Division's determination of your eligibility to purchase service.

LOANS

(Prosecutors Part members see addendum)

If you are an active contributing member of the PERS, you may be eligible to borrow from your account twice per calendar year. You may borrow up to a total of one-half of your posted pension contributions or up to a maximum loan balance of \$50,000, whichever is less.

Loans are governed by the following conditions:

- **Service Credit** – You must have three years of pension membership credit **posted** to your

pension fund account. Pension contributions are posted to your account on a quarterly basis. It normally takes 60 days after the end of a quarter for your contributions to be posted to your account. For example, if you enrolled in the pension fund on January 1, 2005, you would not have three years posted to your account until March, 2008.

- **Loan Amount** – The minimum amount you may borrow is \$50, and loan amounts then increase in increments of \$10. The maximum you may borrow is one-half of your contributions that are posted to your account, up to a maximum loan balance of \$50,000, whichever is less. You may learn the amount you may borrow by calling the Automated Information System at (609) 777-1777.
- **Loan Repayment** – The maximum time period over which a loan may be repaid is five years. The minimum deduction toward the repayment of a loan is equal to the full pension contribution rate of five percent of salary at the time of your request. The maximum allowable deduction toward the repayment of your loan is 25 percent of your base salary. The minimum loan repayment amount will be similar whether you borrow \$500 or \$5,000; however, the repayment of a larger loan will continue for a longer period of time than for a smaller loan.

If you have an outstanding loan balance and take a subsequent loan, the Internal Revenue Service requires that the new combined loan balance must be repaid within five years of the date of the first loan (see "Internal Revenue Service Requirements" at right).

You may learn the minimum deduction toward the repayment of a loan by calling the Automated Information System at (609) 777-1777.

- **Interest** – Interest is charged at the rate of four percent per year on the declining balance.
- **Number of Loans Per Year** – You may borrow twice in any calendar year. This is determined by the date of the check, not the date of the request. For example, if you made a request for a loan on December 24th but the check was dated January 5th, the loan would be your first for the new year.
- **Return to Payroll** – If you have been out of

work without pay within the last six months, your employer must complete the bottom portion of the *Loan Application* to certify that you have returned to employment.

- **For Loans Made Prior to January 1, 2002** – If you are out of work without pay after loan payments are set up, no loan payments will be made until you return to work though interest will continue to accrue.
- **For Loans Made After January 1, 2002** – See the Internal Revenue Service requirements for loan repayment which are detailed in the next section.

You may obtain a *Loan Application* from your employer, or you may download an application over the Internet at: www.state.nj.us/treasury/pensions

You may apply for a loan regardless of your age. If you retire before repaying the outstanding balance of your loan, your loan payments will be carried into retirement. That is, your pension allowance will be reduced by the same monthly amount you were paying towards your loan just prior to retirement. You may also repay your outstanding loan balance in one lump sum prior to retirement.

If you die before repaying your loan (either before or after retirement), the outstanding balance will be deducted from the proceeds of any benefits being paid to your beneficiaries.

If you terminate employment and withdraw your contributions before repaying your loan, all your contributions less the loan balance will be returned to you (see "Internal Revenue Service Requirements" below).

The Automated Information System, at (609) 777-1777, gives you complete access to information you may need about loans. It will tell you if you are eligible to borrow, how much you can borrow, and when your check will be sent if you have filed an application for a loan. It will also allow you to model different loan and repayment amounts before you apply for a loan or provide you with the balance on an existing loan as of the last quarterly posting.

Internal Revenue Service (IRS) Requirements

Internal Revenue Code Section 72(p) requires that loan balances cannot exceed \$50,000 and must be repaid within five years. Furthermore, if you take a subsequent loan (or loans) and your original loan balance is not completely paid off, the repayment period will remain **five years from the date of the**

first loan. The repayment rules on subsequent loans may result in either a substantial increase in your repayment amount or may even limit the amount that you can borrow if the payroll deductions to repay the loan exceeds the 25 percent of base salary restriction on loan repayments.

The IRS regulations also require members to make timely payments toward outstanding loan balances. While it is your employer's responsibility to withhold loan deductions from your salary, if you are out of work without pay, your employer has no salary from which to take deductions. Members who leave payroll with an outstanding loan balance will be notified after six months of nonpayment and offered the option of paying off the entire loan balance or making loan repayment through a monthly personal billing. Failure to repay the loan as scheduled (through either lump-sum payment, personal billing, or return to payroll) will result in the unpaid loan balance being declared in default. If a loan is in default, the loan balance is declared a taxable or "deemed distribution" and will be reported to the IRS. For the tax year in which the default occurs, the Division of Pensions and Benefits will send you a *Form 1099-R* for tax filing purposes in January of the following year. You will be required to include the portion of the loan representing before-tax contribution as income on your federal return. In addition, if you are under age 59½, you will be required to pay an additional ten percent tax for taking an early pension distribution.

If you default on your loan, it will be your responsibility to make an estimated tax payment to the IRS to cover your tax liability on the deemed distribution; no withholding will be deducted from your account by the Division.

If you resume your loan repayments after the default, the payments received will be posted to your account as already-taxed contributions that will increase the nontaxable portion of your pension at retirement. A deemed distribution cannot be cancelled by resuming your loan payments or repaying the loan in full prior to the end of the tax year in which the default occurs. Please note that, unlike a normal pension distribution, a loan treated as a distribution cannot be rolled over to an IRA or other qualified retirement plan.

SUPPLEMENTING YOUR PENSION

In addition to your regular pension contributions, there are other opportunities to supplement your retirement income and possibly set aside money on a tax-deferred basis.

New Jersey State Employees Deferred Compensation Plan

If you are an employee of the State, you may be eligible for the New Jersey State Employees Deferred Compensation Plan (IRC Section 457). Contributions to the plan are not subject to federal income tax until you take a distribution from the plan, either at retirement or termination before retirement. The main benefits of the plan are to help you save on federal income tax now and to supplement your retirement income through investments.

Brochures on investment options and other pertinent information are available by calling (609) 292-3605 or by writing to: *Division of Pensions and Benefits, New Jersey State Employees Deferred Compensation Plan, PO Box 295, Trenton, NJ 08625-0295.*

Local Deferred Compensation Plans

PERS members employed by a municipality, county, or board of education may also be eligible to contribute to an IRC Section 457 deferred compensation plan. Contact your employer to see if this type of plan is available to you.

Supplemental Annuity Collective Trust (SACT)

The Supplemental Annuity Collective Trust (SACT) is a voluntary investment program that provides retirement income separate from, and in addition to, your basic pension plan. Your contributions are invested conservatively in the stock market. The program consists of two separate plans. The SACT-Regular Plan is available to all actively contributing members of a New Jersey State-administered retirement system. Contributions to this plan are made after deductions for federal income tax. The SACT-Tax Sheltered Plan (IRC Section 403(b)) is available to actively contributing members of public educational institutions. Contributions to this plan are made before deductions for federal income tax.

SACT brochures and enrollment packets are available by calling (609) 633-2031 or by writing to: *Division of Pensions and Benefits, Supplemental Annuity Collective Trust, PO Box 295, Trenton, NJ 08625-0295.*

RETIREMENT

(LEO, LRS, Prosecutors Part, and WCJ members see addendum)

All applications for retirement must be received by the Division of Pensions and Benefits prior to the effective date of the retirement. **It is the member's responsibility to ensure the receipt of the retirement application** and any other required documentation.

Types of Retirement

There are several types of retirement for which you may qualify.

Service Retirement

Service Retirement is available to members upon reaching age 60 or older. No minimum amount of pension membership credit is required.

The formula to calculate the maximum annual pension is:

$$\frac{\text{Years of Service}}{55} \times \text{Final Average Salary} = \text{Maximum Annual Allowance}$$

FOR EXAMPLE: A member with 22 years of service would receive 22/55 or 40% of Final Average Salary. You receive a slightly higher percentage for each additional month of service.

'Years of Service' means the years and months of pension service **credited to your account** — including purchased service credit. It does not necessarily mean years and months of employment.

'Salary' means the base salary on which your pension contributions are based. It does not include extra pay for overtime or money given in anticipation of your retirement. Nor does it include amounts paid for housing, clothing, or uniform allowances.

'Final Average Salary' means your average salary for the three years immediately preceding your retirement (either 36 months for employees with 12-month contracts or 30 months for employees with 10-month contracts). If your three last years are not your highest years of salary, your allowance may be calculated using your three highest fiscal years (July 1 to June 30) of salary. If this is the case, please indicate on your retirement application that you had higher fiscal years of salary.

Early Retirement

Early Retirement is available to members who have

25 years or more of pension membership credit before reaching age 60. The benefit is calculated using the Service Retirement formula; however, if you retire before age 55, your allowance is permanently reduced 1/4 of 1 percent for each month under that age (three percent per year). For example, if you retire at age 54, you will receive 97 percent of your full retirement allowance.

Here are other reduction factor examples:

Reduction		Reduction	
Age	Factor	Age	Factor
54	.97	50	.85
53	.94	49	.82
52	.91	48	.79
51	.88	47	.76

Veteran Retirement

Veteran Retirement is available to qualified military veterans who remain in active employment until the effective date of retirement and who meet the minimum age and pension service credit requirements for a Veteran Retirement as of their retirement date.

A qualified military veteran may retire with:

- 25 years of service credit at age 55 or older; or
- 20 years of service credit at age 60 or older; or
- 35 years of service credit at age 55 or older.
- Veterans meeting the age requirement with between 20 and 34 years of service credit will retire with an annual benefit equal to 54.5 percent of the salary upon which pension contributions were based during the last year of employment or highest 12 consecutive months of base salary.
- Veterans with 35 or more years of service credit at age 55 or older are entitled to an annual allowance based on the following formula:

$$\frac{\text{Years of Service}}{55} \times \text{Highest 12 Consecutive Months of Salary} = \text{Maximum Annual Allowance}$$

Veteran members may retire on a Service Retirement if that provides a higher benefit.

Definition of a Veteran — A veteran is a person who holds an honorable discharge from the military service of the United States who served during the

following periods:

- World War II – September 16, 1940 to December 31, 1946
- Korean Conflict – June 23, 1950 to January 31, 1955
- Lebanon Crisis – July 1, 1958 to November 1, 1958
- Vietnam Conflict – December 31, 1960 to May 7, 1975
- Lebanon Peacekeeping Mission – September 26, 1982 to December 1, 1987
- Grenada Peacekeeping Mission – October 23, 1983 to November 21, 1983
- Panama Peacekeeping Mission – December 20, 1989 to January 31, 1990
- Operation Desert Shield/Storm – August 2, 1990 to February 28, 1991
- Operation Northern Watch/Southern Watch – August 27, 1992 to May 1, 2003
- Operation Restore Hope in Somalia – December 5, 1992 to March 31, 1994
- Operations Joint Endeavor/Joint Guard-Republic of Bosnia and Herzegovina – November 20, 1995 to June 20, 1998
- Operation Enduring Freedom – September 11, 2001 to present
- Operation Iraqi Freedom – March 19, 2003 to present

Veteran status can be granted for World War II, the Korean Conflict, or the Vietnam Conflict as long as the member had at least 90 days of continuous active military service, of which at least one day fell within the dates listed above. Any honorably discharged member of the American Merchant Marine who served at least 90 days between September 16, 1940 and December 31, 1946 also qualifies for veteran status.

Service with the Women's Army Auxiliary Corps (WAAC) and Women's Army Corps (WAC) may also qualify for veteran status.

For veteran status for the listed missions/operations after Vietnam, the member must have served at least 14 days in the country or region or on ships patrolling in the territorial waters of these nations.

- If the start of the member's service began *on or after* the beginning date of the war era, veteran status will be granted as long as any one

of the 14 days of service fell on or within the dates listed above.

- If the start of the member's service was *prior* to the beginning date of the war era, then the member must have served all 14 days in the area within the dates specified for the conflict in order to be granted veteran status.

If the veteran was discharged because of a service-incurred disability during a period of conflict, the 90 or 14-day requirement for service is waived. Absent Without Leave (AWOL) periods must be deducted from active service and if this reduces the active service to less than the 90 or 14-day service requirement, veteran status will be denied.

Veteran status cannot be granted if an individual received a dishonorable discharge, a discharge from the draft, disenrollment from the Coast Guard Reserve, or a discharge from the reserve with no evidence of active service in time of war.

Veteran status cannot be granted if the individual service was:

- State Militia;
- Student training corps during World War II;
- Army of the Allies but not as a citizen of the United States at the time of such service;
- Military service during peacetime;
- Military service for training purposes. Also, courses of education and training under the Army Specialized Training Program or the Navy College;
- Training Program where the courses were a continuation of the individual's civilian courses and were pursued to completion;
- As a cadet or midshipman at one of the service academies; or
- Any military service performed pursuant to the provisions of Section 511(d) of Title 10, United States Code, pursuant to enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps or Coast Guard Reserve.

Establishing Veteran Status — Individuals wishing to establish veteran status with the retirement system should submit a photocopy of their discharge papers (*Form DD 214*) showing both their induction and discharge dates to:

**NJ Department of Military
and Veterans Affairs**
ATTN: DVP-VBB
PO Box 340
Trenton, NJ 08625-0340

Since the NJ Department of Military and Veterans Affairs also makes determinations of veteran's preference for Civil Service and property tax appeals, a note should be attached to say that the discharge is being sent for pension purposes. Include your address on the note.

Deferred Retirement

Deferred Retirement is available to members who have at least 10 years of service credit and are not yet 60 years of age when they terminate employment. The retirement would be effective on the first of the month after attaining age 60. The benefit is calculated using the Service Retirement formula.

You may apply for a Deferred Retirement when you terminate covered employment or at any time prior to age 60. **You must file an *Application for Retirement Allowance for the retirement to take effect***. Under no circumstances can a retirement become effective prior to the date the application is received by the Division of Pensions and Benefits. If a member is removed from employment for cause, the member will be ineligible for Deferred Retirement.

At any time before your Deferred Retirement becomes effective, you may change your mind and apply for a lump-sum withdrawal of all your pension contributions instead. Once you cancel your Deferred Retirement and withdraw your contributions, all the rights and privileges of membership in the retirement system end.

Please note the following important information about your life insurance, health care coverage, loans, and purchase arrears if you are considering a Deferred Retirement:

- **Life Insurance** — Your life insurance coverage will end 31 days after you terminate employment and will not be in effect until your Deferred Retirement becomes payable. If you die before your Deferred Retirement becomes effective, the last named beneficiary will receive a return of your pension contributions. There is no life insurance benefit under these circumstances. However, during the 31-day period after you terminate employment you

may convert your group life insurance coverage to a private policy with the Prudential Financial. For more information see "Conversion: On Retirement" on page 29.

- **Health Benefits** — PERS members with less than 25 years of service credit who are electing a Deferred Retirement cannot normally transfer their active health care coverage to the retired group of the State Health Benefits Program (SHBP); however, those electing Deferred Retirement may be eligible for continuation of SHBP coverage under the federal legislation called COBRA* for up to 18 months if they were covered by the SHBP just prior to terminating employment. If the actual retirement commences while the 18 months of COBRA coverage is in effect, the retiree may then transfer from the COBRA coverage and continue the SHBP coverage into retirement. If the 18 months of COBRA coverage ends before the retirement commences, the member will not be entitled to maintain health coverage through the SHBP. Participants should contact their employer to see if they qualify for COBRA continuation.

PERS members with 25 or more years of service credit **who were employed by a school board or a county college**, are eligible for employer-paid health benefits, and who elect Deferred Retirement are eligible for SHBP coverage when the Deferred Retirement becomes effective at age 60 or later.

- **Loans** — If you terminate employment, failure to repay a pension loan as scheduled may result in the unpaid loan balance being declared a taxable distribution that will be reported to the IRS. See page 9 for more information about the IRS regulations regarding the repayment of pension loans.
- **Purchase Arrears** — If you have an outstanding arrears obligation for the purchase of additional service credit, interest may be assessed if there is a lapse in payments of two years or more. For purchases authorized after September 8, 1998, the purchase will be canceled after two years with no payments and the service credit prorated. Members return-

*The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985.

ing to employment can have the original purchase resumed.

- **Supplemental Compensation on Retirement (SCOR)** — State employees who retire on a Deferred Retirement are not eligible for payment for unused sick days under the SCOR program. See your payroll administrator for more information.

Ordinary Disability Retirement

To qualify for an Ordinary Disability Retirement you must:

- have an active pension account. i.e. you must have had at least one pension contribution credited to your account within the past two years. If more than two years have elapsed since the last contribution and you terminated employment because you were totally and permanently disabled and continue to be disabled for the same reason(s), special rules apply; contact the Division of Pensions and Benefits for more information;
- have 10 or more years of New Jersey service credit (Out-of-State, Military, and U.S. Government civilian service purchases cannot be used to attain the 10 years);
- be considered totally and permanently disabled (you must prove that you are physically or mentally incapacitated from performing your normal or assigned job duties with no possibility of significant improvement); and
- submit medical reports certifying your disability.

Note: If the medical documentation supplied by you is not sufficient to support your claim of disability, you may be examined by physicians selected by the retirement system. The examination will be scheduled by the Division of Pensions and Benefits — at no cost to you.

All medical information is confidential and only for use by the PERS Board of Trustees in evaluating your application.

If you qualify for an Ordinary Disability Retirement, the annual benefit is equal to 43.6 percent of your Final Average Salary (FAS) or 1.64 percent of your FAS for each year of service credit, whichever provides the higher benefit.

The application process begins by filing the *Application for Disability Retirement* with the Division of Pensions and Benefits (see “Disability

Retirement Applications” on page 18). The application contains forms for your physician(s) to complete and a form for the release of hospital records related to your disability. The application requires corroboration of your condition by at least two medical sources. The more complete the application, the faster it can be evaluated, although the process may take six months or more.

It is the applicant’s responsibility to arrange for all physicians’ statements and hospital records to be sent to the Division.

Your employer has the right to apply for an involuntary disability retirement on your behalf.

Once the Board approves a member for a disability retirement allowance, the member’s retirement application cannot be withdrawn, canceled, or amended (except to change your retirement option selection provided that you file written notice with the Division of Pensions and Benefits within 30 days of the date of the Board’s approval or your retirement date, whichever is later; otherwise, the retirement option will remain and cannot be changed for any reason thereafter).

Approval for Workers’ Compensation or Social Security Disability benefits has no bearing on your application for Ordinary Disability Retirement from the PERS. However, if you are approved for Ordinary Disability Retirement benefits and receive a Workers’ Compensation award, your Workers’ Compensation award may be reduced by the amount of your Ordinary Disability Retirement benefit. If you have any questions concerning this issue, please contact the Division of Workers’ Compensation at (609) 292-2515 or send e-mail to: dwc@dol.state.nj.us

Accidental Disability Retirement

To qualify for an Accidental Disability Retirement you must:

- be an active member of the PERS on the date of the “traumatic event” (see definition on page 15) and at the time you file your application for retirement;
- be considered totally and permanently disabled (you must prove that you are physically or mentally incapacitated from performing your normal or assigned job duties with no possibility of significant improvement) as a result of a “traumatic event” that happened during and as a direct result of carrying out your regular or assigned job duties;

- file an *Application for Disability Retirement* within five years of the date of the “traumatic event”; and
- be examined by physicians selected by the retirement system. The examination will be scheduled by the Division of Pensions and Benefits — at no cost to you. **All medical information is confidential and used only by the PERS Board of Trustees in reviewing your claim.**

If you qualify for Accidental Disability, your annual retirement allowance will be 72.7 percent of your salary at the time of the “traumatic event”.

‘**TRAUMATIC EVENT**’ has been defined by the courts as one in which the worker is involuntarily exposed to a violent level of force or impact which is not brought into motion by the worker. To be eligible for Accidental Disability benefits, the applicant must demonstrate that:

- the injury was not induced by normal work effort;
- the worker met involuntarily with the object that was the source of the harm; and
- the source of the injury was a violent or uncontrollable power.

The following would not be considered “traumatic event”s:

- Slip and fall cases, no force or power originates anywhere except from the person falling and the gravitational force on the person is not considered “great”;
- A worker who injures his wrist when a jackhammer twists in his hand is not injured as a direct result of a great rush of force or uncontrollable power;
- A member’s heart attack, although the result of job stress and tension, is not considered a “traumatic event”.

If you apply for Accidental Disability and are found by the Board of Trustees to be totally and permanently disabled but not as a result of a “traumatic event”, you may be retired on an Ordinary Disability if you have the required service credit (see page 14).

The application process begins by filing the *Application for Disability Retirement* with the Division of Pensions and Benefits (see “Disability

Retirement Applications” on page 18). The application contains forms for your physician(s) to complete, a form for your employer to complete with questions regarding the “traumatic event”, and a release for hospital records relating to your disability. The more complete the application, the faster it can be evaluated, although the process may take six months or more.

It is the applicant’s responsibility to arrange for all physicians’ statements and hospital records to be sent to the Division.

Your employer has the right to apply for an involuntary disability retirement on your behalf.

Once the Board approves a member for a disability retirement allowance, the member’s retirement application cannot be withdrawn, canceled, or amended (except to change your retirement option selection provided that you file written notice with the Division of Pensions and Benefits within 30 days of the date of the Board’s approval or your retirement date, whichever is later; otherwise, the retirement option will remain and cannot be changed for any reason thereafter).

Approval for Workers’ Compensation or Social Security Disability benefits has no bearing on your application for Accidental Disability Retirement from the PERS. However, if you receive periodic Workers’ Compensation benefits while receiving an Accidental Disability Retirement, the pension portion of your retirement allowance will be reduced dollar-for-dollar by the amount of the periodic benefits.

OPTIONAL SETTLEMENTS AT RETIREMENT

(WCJ members see addendum)

You may want to leave a pension benefit to a beneficiary in addition to any life insurance for which you are eligible. When you complete your *Application for Retirement Allowance* you will have to choose either the Maximum Option or one of eight other options that provide a pension benefit to your beneficiary. Selecting an option other than the Maximum Option will reduce your monthly retirement allowance. The amount of this reduction depends on which option you select. Regardless of the payment option you select, your retirement benefits are paid for the remainder of your lifetime (see exceptions in “Reduction or Suspension of Your Benefits” on page 22). Once your retirement becomes due and payable you cannot change your option selection.

“Due and payable” is defined as 30 days after your retirement date, or 30 days after your retirement has been approved by the PERS Board of Trustees, whichever is later.

- **Maximum Option** provides the highest retirement allowance payable. Upon your death all pension benefits will cease. If your death should occur before you have received distribution of all your accumulated pension contributions, with interest, the remainder of any undistributed contributions will be paid to your beneficiary. If you are legally married or in a domestic partnership and choose the Maximum Option, State law requires that we notify your spouse or domestic partner of your choice.
- **Options A, B, C, and D** pay a monthly allowance to a beneficiary upon your death for the lifetime of that beneficiary. Under any of these options, once your retirement has become due and payable, you cannot change the beneficiary, regardless of the circumstances. **If your designated beneficiary dies before you, your monthly allowance increases to the Maximum Option amount.** Your age and the age of the beneficiary determine your monthly allowance - the younger the beneficiary, the more your pension is reduced to account for the longer life expectancy of the beneficiary. Should you and your beneficiary die before all your accumulated pension contributions plus interest have been distributed in the form of a monthly allowance, the remainder will be paid to your estate.
Note: for Options A, B, C, and D, you may only designate one beneficiary.
- **Option A** provides that upon your death, your beneficiary will receive the same monthly allowance that you were receiving at the time of your death, for the duration of his/her lifetime.
- **Option B** provides that upon your death, your beneficiary will receive 75 percent of the monthly allowance that you were receiving at the time of your death, for the duration of his/her lifetime.
- **Option C** provides that upon your death, your beneficiary will receive one-half of the monthly allowance that you were receiving at the time of your death, for the duration of his/her lifetime.

- **Option D** provides that upon your death, your beneficiary will receive 25 percent of the monthly allowance that you were receiving at the time of your death, for the duration of his/her lifetime.
- **Option 1** sets aside an initial reserve based on your life expectancy. This reserve is then reduced each month by the amount of your initial monthly retirement allowance. Upon your death, the balance of the reserve, if any, is paid to your beneficiary(ies). If you exhaust your initial reserve, you will continue to receive your monthly retirement allowance for the rest of your life; however, there are no further pension benefits payable to your beneficiary(ies). You may designate more than one beneficiary for Option 1. A beneficiary may be a person, a charity, an institution, or your estate. You may change a beneficiary under this option at any time. Upon your death, your beneficiary may elect to receive the proceeds in a lump sum or as an annuity payable over a certain number of years.
- **Options 2, 3 and 4** pay a monthly allowance to a beneficiary upon your death, for the lifetime of that beneficiary. Under any of these options, once your retirement has become due and payable, you cannot change the beneficiary, regardless of the circumstances. **If your designated beneficiary dies before you, your monthly allowance will not be increased nor can you name a new beneficiary.** Your age and the age of the beneficiary determine your monthly allowance — the younger the beneficiary, the more your pension is reduced to account for the longer life expectancy of the beneficiary. Should you and your beneficiary die before all your accumulated pension contributions plus interest have been distributed in the form of a monthly allowance, the remainder will be paid to your estate.
Note: for Options 2 and 3, you may only designate one beneficiary. For Option 4, you may designate more than one beneficiary.
- **Option 2** provides that upon your death, your beneficiary will receive the same monthly allowance that you were receiving at the time of your death, for the duration of his/her lifetime.
- **Option 3** provides that upon your death, your beneficiary will receive one-half of the monthly

allowance that you were receiving at the time of your death, for the duration of his/her lifetime.

- **Option 4** provides that upon your death, your beneficiary(ies) will receive a specified fixed monthly allowance for the duration of his/her lifetime. Your allowance cannot be less than that provided under Option 2.

Note: Members should allow for additional processing time for Option 4 calculations with multiple beneficiaries.

Should a member apply for retirement, other than a Deferred Retirement, and die prior to the retirement becoming effective, the retirement benefit beneficiary may choose between the active death benefit or the retired optional settlement that the member selected. The member must have been eligible for retirement at the time of death for the beneficiary to be eligible to choose between active and retired death benefits.

Age Limits on Non-spouse Beneficiaries

For all options, you can name your spouse as your beneficiary regardless of your spouse's age. For Options C, D, 1, or 3, you can name someone other than your spouse as beneficiary regardless of age.

Note: Federal law does not recognize a New Jersey domestic partner in the same manner as a spouse. Therefore, a domestic partner listed as a beneficiary will be considered in the same way as a non-spouse beneficiary.

For Options 2, A, or B, if you are naming a beneficiary who is not your spouse, Internal Revenue Service regulations restrict the age of your beneficiary:

For Options 2 and A (100% to beneficiary):

- If you are age 70 or older at retirement, your non-spouse beneficiary can be no more than 10 years younger than you.
- If you are under age 70 at retirement, determine 1.) the number of years difference between your age at retirement and age 70; and 2.) the number of years difference between your age at retirement and the age of your non-spouse beneficiary. Subtract the age 70 difference from the difference in age between yourself and your beneficiary. The resulting age difference can be no more than 10 years (younger than you).

For Option B (75% to beneficiary):

- If you are age 70 or older at retirement, your non-spouse beneficiary can be no more than 19 years younger than you.
- If you are under age 70 at retirement, determine 1.) the number of years difference between your age at retirement and age 70; and 2.) the number of years difference between your age at retirement and the age of your non-spouse beneficiary. Subtract the age 70 difference from the difference in age between yourself and your beneficiary. The resulting age difference can be no more than 19 years (younger than you).

If you name a non-spouse beneficiary under **Option 4**, and the dollar amount of your beneficiary's pension is more than half of your allowance, restrictions on your beneficiary's age apply.

THE RETIREMENT PROCESS

The time frames in this section serve as a guide to help you understand the retirement process. Actual processing times, however, may vary and cannot begin until the Division of Pensions and Benefits receives all the necessary information and forms from both you and your employer.

6-8 Months Before Retirement

When planning for a successful retirement, it is important to give yourself enough time to review your benefits and options. You should inquire about retirement at least six months before your retirement date.

Retirement Estimates — If you are within two years of retirement, you may submit a *Request for Retirement Estimate* to the Division of Pensions and Benefits. This will provide you with a written estimate of the retirement allowances available under the various pension options and the amount of your group life insurance benefits. If you provide us with the birth date of your beneficiary, we will estimate not only the Maximum Option but alternate payment options. Your employer will not be notified if you request a retirement estimate.

The request form is available over the Internet at: www.state.nj.us/treasury/pensions, by contacting the Division of Pensions and Benefits, or from your employer.

You may also call the Division of Pensions and Benefits' Automated Information System at (609) 777-1777 to hear an estimate of your retirement benefits over the phone. Please have your Social Security number available when you call.

For long term retirement planning, the Division also provides an online retirement estimate calculator that uses service and salary information that you provide. This calculator can be reached over the Internet at: www.state.nj.us/treasury/pensions

Retirement Seminars — Consider attending a pre-retirement seminar conducted by the Division of Pensions and Benefits. A list of seminar dates is available over the Internet at: www.state.nj.us/treasury/pensions. Contact the Division's Benefits Education Office at (609) 777-2111 to register (this number is for **seminar information only**). State employees must register through their training officer.

4-6 Months Before Retirement

Retirement Applications — It is your responsibility to file an *Application for Retirement Allowance with the Division of Pensions and Benefits*. Retirement applications are available from your employer, by contacting the Division of Pensions and Benefits, over the Internet at: www.state.nj.us/treasury/pensions (if you are applying for a disability retirement, see "Disability Retirement Applications" below for additional information).

All retirements are effective on the first of a month. You are permitted to submit your *Application for Retirement Allowance* as late as the last business day prior to your retirement date, but four months advance filing is recommended. Under no circumstances can a retirement become effective prior to the date the application is received by the Division of Pensions and Benefits. Processing times vary and cannot begin until the Division has received all the necessary information and forms from both you and your employer.

- Multiple members (see page 3) cannot begin to collect retirement benefits until they have terminated all employment covered by the PERS (except for elected officials).
- If you have not furnished proof of your age to the Division of Pensions and Benefits, you must do so when applying for retirement (see page 2 for acceptable proofs of age). Proof of

age for your beneficiary is required if you choose Options A, B, C, D, 2, 3, or 4. If your beneficiary's birth evidence is given under a maiden name, please identify with your pension membership number or Social Security number. Please attach photocopies of any proofs of age to your retirement application, as we cannot guarantee that original documents will be returned. **Your retirement application will not be processed until the Division receives copies of birth date evidence.**

- If applying for a Veteran Retirement, you must qualify as a military veteran for pension purposes. If you are not already listed as a veteran in the Division of Pensions and Benefits' records, you must send a photocopy of your military discharge (*Form DD 214*) to the NJ Department of Military and Veteran Affairs (see pages 11 and 12 for more information).
- The amount of your life insurance coverage through the pension plan decreases at retirement or terminates if you have less than 10 years of service credit. You may convert the dollar difference between the group coverage you had before retirement and the group coverage you will have after retirement to a non-group life insurance policy. *To protect your conversion privilege it is suggested that you apply for conversion of your insurance at the time you file your retirement application with the Division of Pensions and Benefits.* See "Conversion of Group Life Insurance" on page 28 and Fact Sheet #13, *Conversion of Group Life Insurance*, for details.
- Ask your employer to submit a *Certification of Service and Final Salary* to the Division of Pensions and Benefits.
- Contact the State Employees Deferred Compensation Plan office at (609) 292-3605 if you participate in the plan.
- Contact the Supplemental Annuity Collective Trust (SACT) office at (609) 633-2031 if you participate in SACT.

When your application is received by the Division of Pensions and Benefits you will be sent a letter acknowledging receipt of your retirement application. Also included will be answers to some frequently asked questions about retirement.

Disability Retirement Applications — The *Application for Disability Retirement* is not available

from your employer. You should contact the Division of Pensions and Benefits to obtain this application or it is available over the Internet at: www.state.nj.us/treasury/pensions.

The application contains forms for your physician(s) to complete and a form for the release of hospital records related to your disability. **It is the applicant's responsibility to arrange for all physicians' statements and hospital records to be sent to the Division.** The more complete the application, the faster it can be evaluated, although the process may take six months or more. *Applications for Disability Retirement* should be sent to:

**Division of Pensions and Benefits
Disability Review Unit
PO Box 297
Trenton, NJ 08625-0297**

Approximately 3 Months Before Retirement

State Health Benefits Program Coverage At Retirement — If you fall into one of the categories listed below, you will be offered coverage under the New Jersey State Health Benefits Program (SHBP) in retirement:

- Members already covered by the SHBP through their employer. (If you are not eligible for State or employer-paid coverage, you may continue the coverage into retirement by paying the appropriate premium);
- Members employed by a board of education or a county college who retire with 25 or more years of service credit in one or more State- or locally-administered retirement systems or who retire on a disability retirement, even if their employer did not participate in the SHBP. This includes members who elected Deferred Retirement with 25 or more years of service credit in one or more State- or locally-administered retirement systems. Eligibility is limited to full-time employees as defined by N.J.A.C. 17:9-4. The State has agreed to pay for the health benefit cost if you fall into this category;
- Members eligible for Medicare who retired from full-time employment at a board of education, vocational/technical school, or special services commission not participating in the SHBP, provided you are participating in the health benefits plan of your employer and are enrolled in Medicare Parts A and B. You will be required to pay the full cost of the coverage;

- Part-time State employees and part-time faculty at institutions of higher education that participate in the SHBP if enrolled in the SHBP at the time of retirement. You will be required to pay the full cost of the coverage; and
- PERS members enrolled as Law Enforcement Officers (LEO) who retire from an employer who does not provide **any payment** toward retiree health coverage or reimbursement of Medicare Part B premiums, should see the *PERS Handbook Law Enforcement Officer Addendum* for information about SHBP eligibility under Chapter 330, P.L. 1997.

Note: Enrollment for coverage as a retiree in the SHBP is not automatic. **You must submit an application to enroll.**

If you are 65 or older, contact your local Social Security Administration office for full Medicare enrollment. You must be covered by both Part A and Part B of Medicare to be eligible to enroll in the SHBP at retirement.

If you do not qualify for retired SHBP coverage under the criteria listed above, see your employer to explore other options that may be available for continuing your health coverage.

Approximately 2 Months Before Retirement

You will receive a *Quotation of Retirement Benefits* letter which shows your monthly retirement allowance with:

- the option you selected;
- a quote of any outstanding loan balance with repayment options; and
- any other unsatisfied balance on your account (see below).

Unsatisfied Balances

Loans — If you retire with an outstanding loan balance, you may:

- pay the loan in full prior to receiving any retirement benefits; or
- continue your monthly loan repayment schedule into retirement.

Purchase Arrears — When you apply for a purchase of service credit, the Division assumes that the obligation will be paid before your retirement. Therefore, your account is credited with the full

amount of service you have agreed to purchase. If this obligation has not been fully paid when you retire, your *Quotation of Retirement Benefits* will state the balance of your arrears (purchase) as of your retirement date. At that time, you must pay the balance of your arrears. If you do not pay off the balance, the service credit which has not been paid for will be subtracted from your total years and months of service. This will reduce the amount of your retirement allowance and may even affect your eligibility for retirement.

If you have an outstanding arrears obligation for the purchase of additional service credit, interest may be assessed if there was a lapse in payments of two years or more.

Shortages — A shortage in your pension account occurs when your employer does not deduct the proper pension contribution from your salary. You will be notified by the Division of Pensions and Benefits of the amount of any shortage. You are responsible for payment of any shortages at retirement.

No retirement will be paid until purchase arrears and shortage obligations have been satisfied.

Approximately 1 Month Before Retirement

Board Approval — Your retirement will be presented to the PERS Board of Trustees for approval.

- You will receive a Board approval letter. You have 30 days from the Board approval date or your effective retirement date (whichever is later) to request any change to your retirement date, option selection, or option beneficiary. If you wish to make a change after Board approval, your new selection must again be approved by the Board of Trustees. This may delay your first retirement check.
- You may choose to cancel your retirement within 30 days of your retirement date or Board approval date (whichever is later). This request must be in writing to the Division of Pensions and Benefits. **Canceling your retirement does not guarantee reemployment with your employer.**

Note: Members who are *approved* for Disability Retirement cannot cancel their retirement.

COBRA — You may want to discuss with your employer the possibility of continuing benefits under the provisions of COBRA — The Consolidated

Omnibus Budget Reconciliation Act (COBRA) of 1985.

AFTER YOUR RETIREMENT DATE

Statement of Retirement Allowance — You will receive a letter confirming your retirement and death benefits. The letter will also supply figures needed in filing your income tax return. Keep this with your important papers.

Retirement Checks — Your first retirement check cannot be issued earlier than 30 days following your retirement date. If processing of your retirement is delayed, your first check will be retroactive to the date of your retirement.

Regular retirement checks are dated on the first of the month to cover the allowance for the previous month. For example, if you retire on July 1st, your first retirement check would be due and payable on August 1st and is payment for the month of July.

Change of Address — Although retirement checks can be forwarded to a new address, it is important that you inform the Division of Pensions and Benefits of the change. When informing the Division of a change of address, be sure to include your new address and your retirement number or Social Security number. You can change your address with the Division of Pensions and Benefits by calling (609) 292-MOVE (6683) or over the Internet at: www.state.nj.us/treasury/pensions/changead.htm

Direct Deposit/Electronic Funds Transfer — Direct deposit of retirement checks is strongly recommended. Shortly after your retirement date you will receive an *Authorization of Direct Deposit* form from the Division of Pensions and Benefits. If you wish to have your retirement checks directly deposited, send the completed form to the Division of Pensions and Benefits. Please allow approximately 60 days for the direct deposit to begin. Direct deposit will prevent your retirement checks from being lost, stolen, or delayed in the mail.

Withholding Federal and NJ State Income Tax — The Division of Pensions and Benefits will provide for the withholding of federal and New Jersey State income tax from your retirement check.

The Division is obligated to withhold federal income tax unless you file a *Form W-4P* instructing us not to do so.

New Jersey income tax withholding is voluntary, and none will be withheld unless you instruct us to do

so. Please keep in mind that if you live outside New Jersey your retirement benefits are not subject to New Jersey State income tax, but may be subject to state or local taxes in the jurisdiction in which you reside. There is no provision for withholding any local or out-of-state taxes.

New retirees will automatically receive federal and New Jersey *W-4P* forms for withholding income tax. After that, you may obtain a federal or New Jersey State *W-4P* form by calling or writing the Division of Pensions and Benefits. *W-4P* forms are also available over the Internet at: www.state.nj.us/treasury/pensions

The Division of Pensions and Benefits cannot provide tax advice. Any questions about your federal income tax should be directed to the Internal Revenue Service at 1-800-TAX-1040. For questions about New Jersey income tax, call the New Jersey Division of Taxation at 1-800-323-4400.

Federal Income Tax After Retirement — In January, the Division of Pensions and Benefits issues each retiree an annual *Form 1099-R* reflecting the taxable retirement allowance paid during the preceding tax year. The degree to which your pension is taxed, other than Accidental Disability Retirement, depends on whether or not the payments you receive have been previously taxed. Employee contributions made prior to 1987 were made with after tax dollars, that is, they were federally taxed prior to being made. Contributions for the purchase of service are also made with after tax dollars unless funded by a rollover from another tax-deferred plan.

If you began contributing to the pension plan in 1987 or after, and you have not made a purchase of service credit, your entire pension is subject to federal income tax because your contributions have never been taxed.

If you contributed to the pension plan before 1987, or if you have made a purchase of service credit since 1987, your pension is immediately taxable based on the "expected return rule." Part of your retirement allowance comes from your own pension contributions. Since your contributions before 1987 and most purchases of service credit were already taxed, the Internal Revenue Service (IRS) will allow you to recover those contributions tax-free. This recovery is spread out over your expected lifetime or the combined lifetime of you and your beneficiary, according to IRS life expectancy tables. This means that a small portion of each monthly retirement

check is tax-free. The remainder of the monthly benefit is subject to federal income tax.

If you retired on an Accidental Disability Retirement — or if you are a survivor (except for domestic partners) receiving Accidental Disability or Accidental Death benefits — the Division of Pensions and Benefits reports your benefit as exempt from federal income tax.

Ordinary Disability Retirement benefits are subject to federal tax to the same extent as other pensions.

Any federal tax questions should be referred to the IRS at 1-800-TAX-1040.

NJ State Income Tax After Retirement — If you live in New Jersey, you will be subject to New Jersey State income tax when you have recovered in pension checks the amount of pension contributions you made to the retirement system while working. However, if you will not recover your total contributions within three years of retirement, contact the NJ Division of Taxation at 1-800-323-4400, or see the *NJ Gross Income Tax Return Form 1040* instructions to determine how your pension is taxed.

If you are receiving an Ordinary Disability or Accidental Disability retirement allowance, your pension is exempt from New Jersey income tax if you are under age 65. When you reach age 65, your disability pension is treated as a regular pension and is considered taxable for New Jersey income tax.

Cost-of-Living Adjustment — The Pension Adjustment Program provides a cost-of-living adjustment (COLA) to retirees and their survivors who receive a monthly retirement allowance from the PERS. The first adjustment is received by all retirees and eligible survivors in the 25th month after the member's retirement. Subsequent cost-of-living adjustments are computed annually and are reflected in the February 1st check (which is payment for the month of January). The COLA is based on your initial retirement allowance; however, if you chose Option 1, the COLA is calculated using the Maximum Option amount.

The Division of Pensions and Benefits uses the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers (CPI-W), U.S. City Average, All Items, 1982-84=100 in calculating the COLA. Your rate of increase is equal to 60 percent of the percentage change between the average CPI for the calendar year in which you retired and the

average CPI for the 12 month period ending August 31, immediately preceding the year when the adjustment is payable.

Retirees can find their current cost-of-living adjustment under the Current Earnings section of their most recent retirement benefit *Statement of Allowances and Deductions* (check or EFT stub).

You can also verify your current allowance and deduction information at any time by calling our Automated Information System, (609) 777-1777. When calling, you will be asked to enter your Social Security number. Then by pressing 3 after the first prompt — indicating that you requesting retirement information — and 3 again at the second prompt, you can hear the check information in the order as it would appear on your check stub.

EXAMPLE: To calculate the COLA due February 1, 2005.

A member retired in 2000 with a monthly retirement allowance of \$1,278.35. The average CPI for the twelve months ending December 31, 2000 was 168.9. The average CPI for the twelve months ending August 31, 2004 was 182.6.

To calculate the change in the CPI, subtract 168.9 from 182.6.

$$182.6 - 168.9 = 13.7$$

To calculate the percentage change in the CPI between the retirement year 2000 and the 12 months ending August 31, 2004, divide 13.7 by 168.9. The result is 8.111%.

$$13.7 \div 168.9 = 8.111\%$$

The cost-of-living adjustment rate for February 1, 2005 equals 60% of 8.111%, or 4.867%.

$$60\% \times 8.111\% = 4.867\%$$

Therefore, the cost-of-living adjustment for this member is 4.867% of \$1,278.35, or \$62.22.

$$4.867\% \times \$1,278.35 = \$62.22$$

The total monthly benefit equals \$1,340.57.

$$\$1,278.35 + \$62.22 = \$1,340.57$$

Social Security — Your pension is not reduced by any Social Security benefits you may receive nor should your Social Security benefits be reduced because of your PERS retirement benefit.

REDUCTION OR SUSPENSION OF YOUR BENEFITS

Normally, you will receive retirement benefits as long as you live. Your benefits, however, could be reduced or suspended if:

- you return to a position covered by the PERS and are required to reenroll (see “Employment After Retirement” on page 24).
- you become mentally or physically incompetent. Your benefits will not be reinstated until a legal representative has been appointed.
- you have an outstanding purchase arrears balance or a shortage at the time of your retirement.
- you receive salary from your employer for service rendered after your date of retirement.
- you waive your right to a portion of any pension to which you are entitled.
- as a disability retiree, you fail to appear for a periodic medical re-examination when requested to do so.
- as an Accidental Disability retiree, you receive periodic Workers' Compensation benefits after your retirement date.
- as a disability retiree, you fail to file your annual statement of earnings if requested.
- as a disability retiree, your employment income exceeds the amount allowable by law. The Division of Pensions and Benefits monitors the earnings history of retired members on an annual basis. If any discrepancies are found, retirees will be reenrolled in the PERS immediately and any retirement benefits received during reemployment must be repaid to the PERS.
- you fail to file a *Certificate of Eligibility* when you are asked to do so. This certificate is necessary, for example, if you or one of your beneficiaries has a change in marital status.
- you go to jail (although the Board of Trustees may permit the continuance of your benefits to your dependents).
- an accounting error is made and the PERS must be repaid.
- If a retiree does not complete a policy assignment of group life insurance as requested by the Board of Trustees.

Your pension is normally exempt from any liens against it. Exceptions are: tax liens imposed by the federal Internal Revenue Service, and court orders for child support, alimony, or equitable distribution. The order is effective only when you withdraw your funds or when you begin to receive monthly retirement payments. If the order is received while you are in active employment, it is deferred until pension funds are disbursed (retirement, death, or withdrawal).

Divorce

As stated above, the Division of Pensions and Benefits will honor court orders for child support, alimony, or equitable distribution. Such matrimonial orders cannot take effect until you retire and begin to receive a monthly retirement allowance. To be implemented by the Division, the matrimonial order must designate a specific dollar amount, a specific percentage, or a percentage of the benefit you will receive based on the number of years of service you accrued while married. The amounts withheld are sent directly to the divorced spouse unless the order specifies another payee, such as a probation department.

Upon the death of either the retired member or the divorced spouse, all withholding mandated under a matrimonial order cease. If the divorced spouse is designated the beneficiary under a PERS pension option, the surviving divorced spouse is entitled to the survivor's benefit for as long as he or she lives. If another person is designated beneficiary of the pension option, the divorced spouse cannot receive any equitable distributions from the survivor's benefit.

Before a matrimonial order is issued, the text of the order should be sent for review and comment to the *Office of Professional Services, Division of Pensions and Benefits, PO Box 295, Trenton, NJ 08625-0295.*

Misconduct

The receipt of retirement benefits is expressly conditioned upon the rendering of honorable service by a public officer or employee. Your benefits may be reduced or forfeited if you are convicted of a crime in any way related to your employment, or if you are suspended or dismissed from your employment. In accordance with N.J.S.A. 43: 1-3, the Board of Trustees is required to order the forfeiture of all or part of the retirement allowance of a member for misconduct during public service, which renders the service, in whole or in part, dishonorable. The Board

evaluates the member's disciplinary and/or criminal charges using the following 11 factors to determine whether the member's public service is considered honorable.

1. The employee's length of service;
2. The basis for retirement, i.e., age, service, disability, etc. (includes the effective date of retirement);
3. The extent to which the employee's pension has vested;
4. The duties of the particular employment;
5. The employee's public employment and service (includes the date of last pension contribution);
6. The employee's other public employment and service;
7. The nature of the misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offense and whether it was continuing or isolated;
8. The relationship between the misconduct and the employee's public duties;
9. The quality or moral turpitude or the degree of guilt and culpability, including the employee's motives and reasons, personal gain and the like;
10. The availability and adequacy of other penal sanctions; and
11. Other personal circumstances relating to the employee bearing upon the justness of the forfeiture.

The Division of Criminal Justice in the Department of Law and Public Safety and the County and Municipal Prosecutor's Offices are required to inform the Division of Pensions and Benefits whenever a public official or employee is prosecuted or convicted. State and Local public employers are also required to notify the Division of Pensions and Benefits whenever a public employer takes formal disciplinary action to remove a member from public office or employment for cause on charges of misconduct or delinquency. In these cases, the Board of Trustees will consider all relevant documentation to render a determination on any appropriate action.

The Board will suspend processing of a member's application for retirement pending the receipt of the final disposition of charges against the member. All claims for retirement, death benefits, or the return of

the member's contributions cannot be processed until the criminal or administrative matter has been resolved to the satisfaction of the Board of Trustees. The Division will postpone action on all claims where there is pending litigation against the member's employment. In this case, the Division will hold all applications or requests in abeyance until such time as the matter is fully resolved. Once all the required information is provided to the Division, the Board of Trustees will consider each case on its own merits.

New Jersey law stipulates that a retired member is not eligible to collect retirement benefits if the retiree is confined in a penal institution as a result of a conviction of a crime involving moral turpitude. The law provides that an eligible dependent may continue to collect a retirement benefit if they can prove to the satisfaction of the Board of Trustees that they rely on the retiree's benefits for their maintenance.

The member should contact the Division's Board and Trustee Administration Office, in writing, if any of the conditions listed above should occur in order to obtain more specific instruction on how to proceed.

EMPLOYMENT AFTER RETIREMENT

(LRS and WCJ members see addendum)

For most PERS retirees, working for private industry, the federal government, or a government agency in another state will not affect your retirement benefits (disability retirees should see "Disability Retirees - Earnings After Retirement" on page 25).

For PERS retirees who resume public employment in New Jersey after retirement, there are several areas of concern.

Returning to Work in a Position Covered by a State of New Jersey-Administered Retirement System Other than the PERS

In this case, your retirement allowance continues and you can receive salary but you cannot become a member of that retirement system.

Returning to a Position Under the PERS

If you accept regular employment in a position covered by the PERS and expect to receive an aggregate annual salary of over \$15,000 from all PERS covered employment, you must reenroll in the

PERS as a condition of employment (see the exceptions listed below). If reenrolled, your retirement allowance and any related health benefits will be canceled for the duration of your employment. Your date of enrollment is determined under the general enrollment procedures of the PERS (see "Enrollment" on page 2) and you are treated as an active member in all respects. If you die while in the second membership, no benefits from the previous membership or retirement are payable (except for the return of any uncollected contributions). This includes optional settlements and death benefits. (If you are over age 60, you must prove insurability for life insurance coverage.)

Exceptions

Reenrollment in the PERS is **optional** if you are:

- A non-veteran elected official; or
- Any elected official whose retirement did not result entirely from service credit accrued as an elected official; or
- A special service employee hired under the federal Older American Community Service Employment Act.

If you decide not to enroll in the PERS, you are entitled to collect your PERS retirement allowance while you are receiving salary as an elected official or special service employee.

Reenrollment in the PERS is **not required** if:

- The aggregate annual salary or salaries for the position, or positions, does not exceed \$15,000 in a calendar year, or \$1,499 from a single employer if retired on a disability retirement (see also, "Disability Retirees Restored to Active Service" on page 25);
- The position is not covered by Social Security;
- You are a seasonal or intermittent employee;
- You are employed with an institution of higher education in a teaching position covered by the PERS;
- You are employed by the New Jersey Department of Education* in a position of critical need as determined by the Commissioner of Education; or
- You are employed by a board of education* in a position of critical need as determined by the superintendent of the district on a contractual basis for a term of not more than one year. You will be able to renew the employ-

ment contract for one additional year; however, your total period of employment with any individual board of education may not exceed a two-year period.

Reenrollment in the PERS

If you return to employment under the PERS and are eligible for membership and you fail to reenroll, you would be required to reimburse the retirement system for the amount of all retirement benefits you received since the date you should have enrolled. In addition, you would be required to pay pension contributions in the form of back deductions back to your enrollment date. There is no limitation on the amount of reimbursement that may be recovered by the retirement fund in these situations.

Retiring for a Second Time

When you retire again, you must file an *Application for Retirement Allowance* with the Division of Pensions and Benefits before any benefits can be paid. In no case will retirement benefits be paid retroactively for a period prior to receipt of the application.

Upon application, the first retirement allowance is restored and a second retirement allowance is calculated based solely on your second membership. Each retirement account stands alone and cannot be combined to provide a larger benefit or another type of benefit. These two calculations are paid in the same retirement check.

Disability Retirees Restored to Active Service

Before returning to active service with the PERS, disability retirees must first prove to the satisfaction of the Board of Trustees that they are no longer disabled. When you return to active service in a position covered by the PERS, you **must** enroll again in the retirement system. Deductions for pension are resumed and you are treated as an active member in all respects. Upon subsequent retirement, you will receive a benefit based on total service.

Disability Retirees - Earnings After Retirement

A disability retirement allowance may be adjusted if you have earnings from **any** occupation after retirement. If your pension, when added to the earnings from other employment, exceeds what your former position currently pays, the law states that the disability pension shall be reduced dollar for dollar by the excess earnings above what the former position currently pays. PERS disability retirees are subject to

an annual earnings test and the Division of Pensions and Benefits may request copies of your federal tax returns and *Form W-2*.

State Health Benefits Program Coverage

Returning to public employment in New Jersey may affect your eligibility to continue coverage under the State Health Benefit Program (SHBP). If your retirement allowance is canceled because you return to work in a position covered by the PERS, your retired SHBP coverage is also canceled until you retire again. Returning to a position **not** covered by the PERS will not affect your eligibility for retired group coverage under the SHBP. Maintaining SHBP retired group coverage also does not affect your eligibility for active group health coverage associated with your new employment not covered by the PERS.

Social Security Benefits

There is an earnings test for people receiving Social Security benefits under the age of 65. Check with the Social Security Administration at 1-800-772-1213 for information on their earnings limit before accepting employment after retirement.

ACTIVE AND RETIRED DEATH BENEFITS

*(LRS, Prosecutors Part, and
WCJ members see addendum)*

Noncontributory and Contributory Group Life Insurance

As an active employee you may be covered by two types of group life insurance:

- **NONCONTRIBUTORY GROUP LIFE INSURANCE** is provided by your employer through the pension fund. There is no cost to you for this coverage.
- **CONTRIBUTORY GROUP LIFE INSURANCE** is life insurance for which you pay. The cost of the insurance is 0.5 percent (.005) of your base salary. The law requires that you must be covered by contributory insurance for the first 12 months of your membership. After the 12 months have elapsed, you may cancel this coverage if you wish by filing a *Notice of Withdrawal from Contributory Group Life Insurance*. **Once you have canceled this coverage, you cannot be reinstated nor are your premium deductions refunded.**

All optional enrollees (see page 2) regardless of age, employees who are age 60 or older at the time of enrollment, or those who have converted their insurance to a private policy and returned to work, are ineligible for both noncontributory or contributory group life insurance coverage until they take and pass a medical examination.

Both noncontributory and contributory group life insurance are covered by policies issued by the insurance carrier (Prudential Financial).

The amount of death benefits paid to your beneficiaries at your death depends on three factors:

- your membership status at the time of death;
- your last 12 months of salary; and
- your age (if you are a disability retiree).

Coverage for Active Members

When an active member dies, not as a result of an accident during regular or assigned duties (see “Accidental Death Benefit” on page 30), the named beneficiaries are entitled to the payment of group life insurance benefits and the return of the member’s accumulated pension contributions with interest.

Active Group Life Insurance Amounts

Age at Death	Member with Noncontributory Insurance Only	Member with Both Noncontributory and Contributory Insurance
Any age	1½ times salary	3 times salary

Note: The definition of salary in this chart is the total base salary upon which your pension contributions were based during the year preceding your death during active service. If death occurs within the first year of enrollment, the amount of the noncontributory insurance is based on the base salary earned until the date of death. The amount of contributory insurance, however, is based on the full annual base salary.

Coverage for Retired Members

Life insurance for retired members of the PERS who enrolled on or after July 1, 1971, is payable only if the member retired with 10 or more years of pension membership credit or retired on a disability retirement.

When a retired member dies, the named beneficiaries are entitled to the payment of group life insurance benefits (if eligible) and the pension option selection made by the member at retirement (see “Optional Settlements at Retirement” on page 15).

Retired Group Life Insurance Amounts

Type of Retirement	Member with Noncontributory Insurance Only	Member with Both Noncontributory and Contributory Insurance
	Death Before Age 60	Death After Age 60
Disability	1½	3/16
Early & Veteran	3/16	3/16
Deferred Service	None	3/16
	N/A	3/16

Note: The fractions listed above are multiplied by the total base salary upon which pension contributions were based during the year preceding retirement.

Choosing a Beneficiary

Your PERS enrollment application contains a section in which you name beneficiaries for both your group life insurance benefits and the return of your pension contributions. You may name any person, organization, your estate, or trust as beneficiary. You may change your designation at any time during your active membership by filing a properly completed *Designation of Beneficiary* form.

At retirement, you are asked on your *Application for Retirement Allowance* to name a beneficiary(ies) for pension benefits and separately name beneficiaries for group life insurance benefits. Some restrictions apply to who may be named for pension benefits (see “Optional Settlements at Retirement” on page 15), however, you may name any person, organization, your estate, or trust as beneficiary for group life insurance benefits. You may also change your group life insurance designation at any time during your retirement by filing a properly completed *Designation of Beneficiary* form.

The *Designation of Beneficiary* form can be obtained over the Internet at: www.state.nj.us/treasury/pensions, by contacting the Division of Pensions and Benefits, or from your employer.

If you have additional questions regarding designations, please see Fact Sheet #68, *Designating a Beneficiary*.

For your protection, beneficiary designations cannot be accepted nor confirmed over the telephone or by e-mail. The Division will only accept a written request from the member.

Payment of Group Life Insurance

Group life insurance benefits for active members can be paid in one of several ways (group life insurance for retirees must be paid in a lump sum). The options are:

- **Lump Sum** — a single payment to your beneficiary.
- **Annuity Certain** — equal installments over a selected period of years.
- **Life Annuity** — paid monthly to your beneficiary for life.

Death benefits cannot be paid until all the necessary information and claim forms have been received from your beneficiary by the Division of Pensions and Benefits.

To report a death, contact the Office of Client Services at (609) 292-7524.

Taxation of Group Life Insurance Payments

Information regarding death claim payments are supplied to the New Jersey Division of Taxation, in accordance with their requirements. A beneficiary or beneficiaries may be considered by the Division of Taxation to be personally liable for any and all inheritance and/or estate taxes until paid.

Group Life Insurance and Leave of Absence

Your group life insurance coverage will continue in full force for an official leave of absence without pay under the following conditions:

- up to two years while on an official leave of absence for personal illness. In this case, contributions **are not** necessary to continue coverage under the contributory plan.
- up to one year while on an official leave to fulfill a residency requirement for an advanced degree or as a full-time student at an institution of higher education. In this case, contributions **are** necessary to continue coverage under the *contributory* plan (see note at right).

- up to 93 days while on official leave for personal reasons (also family leave). In this case, contributions **are** necessary to continue coverage under the *contributory* plan (see note below).

An official leave of absence requires documentation that establishes the nature of the leave and the continuing relationship between the employer and the member.

Note: You may continue contributory life insurance coverage during these periods by forwarding to the Division of Pensions and Benefits a completed *Personal Insurance Contribution Remittance* card and a check made payable to "PERS CGIPF". The amount due to cover the premium is 0.005 of your monthly base salary in effect at the time you went on leave. This premium payment must be sent in advance on a monthly basis while on leave for as long as you wish to keep your contributory life insurance in effect. The *Personal Insurance Contribution Remittance* card is available from your employer or over the Internet at: www.state.nj.us/treasury/pensions

Taxation of Group Life Insurance Premiums

The Internal Revenue Service classifies all employer-provided life insurance coverage over \$50,000 as a fringe benefit subject to taxation. The amount of life insurance coverage is not taxable but rather the premium required to pay for the life insurance coverage is taxable.

To determine the taxable amount, if any, add the amount of your noncontributory life insurance coverage to your contributory life insurance coverage then subtract \$50,000 from that total. The premium rates are then applied to the remaining life insurance amount. The premium costs for the life insurance are determined by the IRS based on your age (see chart on page 28) and your salary. The premiums you pay for your contributory life insurance coverage (.005 x salary) are subtracted from the premium costs determined by the IRS. The remaining premium cost (if any) is the taxable amount and is added to your income on the *Form W-2* for that year.

IRS Premium Rates*
as of 7/1/99
(Annual cost per \$1,000 of coverage)

<u>Age</u>	<u>Premium</u>
Under age 25	\$ 0.60
25-29	0.72
30-34	0.96
35-39	1.08
40-44	1.20
45-49	1.80
50-54	2.76
55-59	5.16
60-64	7.92
65-69	15.24
70 and older	24.72

* These rates are subject to change by the IRS.

EXAMPLE: A PERS member is age 56 and has both contributory and noncontributory life insurance coverage.

The member's annual base salary is \$60,000. The member's life insurance coverage totals \$180,000 (3 x \$60,000).

The fringe benefit amount is determined by subtracting \$50,000 from the total benefit amount, \$180,000. That equals \$130,000 (\$180,000 - \$50,000).

According to the IRS, the premium cost for an individual 56 years of age is \$5.16 per \$1,000 of coverage. The premium cost in this example is \$670.80 (130 x \$5.16).

Under the PERS, members pay premiums equal to 0.5% of base salary for contributory life insurance coverage. In this example this member pays \$300.00 per year for life insurance coverage (.005 x \$60,000).

The net taxable value of the premiums is \$370.80 (\$670.80 - \$300.00) and would be added to this member's Form W-2. This does not mean that the member would pay an additional \$370.80 in taxes but that \$370.80 would be added to the member's taxable wages for the year.

Waiving Noncontributory Group Life Insurance over \$50,000

PERS members are permitted to waive their noncontributory group life insurance over \$50,000 to avoid a possible federal and State tax liability on that benefit.

Waivers of partial amounts are not permitted. Any member who waives noncontributory group life insurance, must waive the total amount of noncontributory coverage in excess of \$50,000.

Even if a member waives the noncontributory group life insurance over \$50,000, there still may be a federal tax liability for some PERS members who have contributory group life insurance coverage.

In the example shown above, the member's noncontributory life insurance coverage equals \$90,000 (1.5 x \$60,000). In this example the member could waive \$40,000 of noncontributory life insurance coverage because members are only permitted to waive noncontributory life insurance coverage over \$50,000. The net taxable value would be reduced to \$164.40 by subtracting the premium for \$40,000 (\$206.40) from the taxable premium shown above (\$370.80 - \$206.40).

You may waive your noncontributory group life insurance coverage in excess of \$50,000 by completing a waiver form and submitting it to the Division of Pensions and Benefits. The form is available from the Division of Pensions and Benefits or your employer. The waiver form must be received by the Division of Pensions and Benefits before December 31 in order to be effective January 1 of the next calendar year. Once a waiver form has become effective it shall be irrevocable for the entire calendar year. The waiver will remain in effect until you submit a reinstatement form to the Division of Pensions and Benefits. The reinstatement will become effective the following January 1.

If a waiver is in effect at the time of termination of employment or retirement, you will not be permitted to convert any amount of your noncontributory group life insurance coverage over \$50,000.

Before completing the waiver, you should completely understand the ramifications of waiving your noncontributory life insurance. For more information, refer to Internal Revenue Service Publication 525, *Taxable and Nontaxable Income*.

CONVERSION OF GROUP LIFE INSURANCE

If you are covered by group life insurance while employed, the coverage ends 31 days after you cease employment (whether for reasons of retirement, termination of employment, or leave of absence without pay).

You are eligible to convert your group life insurance coverage to an individual policy with the Prudential Insurance Company, without medical examination and at your own expense, when you retire, terminate employment, or lose coverage while on a leave of absence without pay. This conversion to a Prudential policy is guaranteed (you cannot be denied coverage for health or other reasons), but it may be more expensive or less suitable to your needs than other policies for which you may qualify from Prudential or other insurance carriers. You should consider contacting other insurance carriers and compare the available policies and costs before you decide to purchase the conversion policy. (Other carriers may accept or reject your application based on their evaluation of the status of your health and other factors.) If you wish to purchase a conversion policy, you have a one-time option to do so prior to the 31st day after you cease employment. After that date, you will not be eligible to purchase a conversion policy.

You may convert your life insurance to any individual, non-group policy customarily offered by Prudential. You cannot convert to term insurance or a policy containing disability benefits. Under a guaranteed conversion, the premiums you would pay would be at Prudential's "standard" rates for the type of policy to which you would be converting rather than the "preferred" rates that would be used for applicants in good health. The individual policy will be effective at the end of the 31 day conversion grace period. If you do not convert to an individual policy by the end of the 31 day period, your coverage will end.

To initiate the purchase of a conversion policy, you must contact the Prudential Insurance Company (not the Division of Pensions and Benefits) through any of its local offices or, if you live in New Jersey, you may call 1-800-262-1112. You will need to provide your group insurance policy numbers, as follows:

- G-14800 - This is the policy number for the basic (noncontributory) group life insurance for the PERS.
- G-13900 - This is the policy number for the contributory group life insurance for the PERS.

The conversion policy can be for any amount of insurance up to the amount that you had while employed. In the case of a retirement, the maximum amount that you can purchase will be reduced by

the amount of any life insurance that you will automatically receive in retirement under your retirement plan.

To protect your conversion privilege it is suggested that you send your application for conversion to Prudential with at least one month's premium, at the time you file your retirement application with the Division of Pensions and Benefits.

The following sections provide more detailed information about conversion policies for the specific situations of retirement, termination of employment, leave of absence, and return to public employment.

Conversion: On Retirement

Service, Early, or Veteran Retirement

If you retire with **10 or more years** of service credit in the retirement system, the amount of your group life insurance will be substantially reduced when you retire. You will automatically be covered by this insurance and do not need to do anything to qualify. The amount of your coverage and the amount available for conversion will be listed in the *Quotation of Retirement Benefits* that you will receive prior to your retirement.

If you retire on a service retirement with **less than 10 years** of service credit in the retirement system, you will not be entitled to any group life insurance in retirement.

The reduction (or elimination) of your life insurance coverage will be effective 31 days after your termination of employment or date of retirement, whichever is earlier. If you wish to supplement this coverage with either a conversion policy from Prudential or another type of policy from either Prudential or another insurance carrier, it would be best to begin exploring your options at least four months prior to your retirement.

EXAMPLE: *If you had group life insurance of \$168,000 through the retirement system while employed, and that life insurance coverage drops to \$21,000 at retirement, you can purchase up to \$147,000 in life insurance coverage under an individual non-group policy by contacting a Prudential agent within 31 days following your termination of employment.*

Deferred Retirement

If you retire on a Deferred Retirement, your life insurance coverage will end 31 days after termination of employment. Any life insurance coverage to

which you are entitled upon retirement will not take effect until you reach age 60 and begin to receive retirement benefits.

You have the one-time option to purchase a conversion policy prior to the 31st day after termination of employment (not at the time that you reach normal retirement age). The maximum amount of coverage that you may purchase will be the difference between the amount of coverage you had while employed and the amount of coverage that you will automatically receive when you begin to receive retirement benefits.

Disability Retirement

If you retire on a disability retirement, your life insurance coverage will continue while your disability retirement benefits are being processed provided that the retirement application was filed within 30 days of ending your employment. You do not need to make contributions to the contributory life insurance plan during this time (if you are on a leave of absence during this time, see "Conversion: Termination of Employment or Leave of Absence" below).

If you are approved for a disability retirement you will automatically be covered by life insurance until you reach age 60. The amount of this coverage will be 1½ times your last year's salary. At age 60, your life insurance coverage reduces to 3/16 of your last year's salary.

You will have the option to purchase a conversion policy up until the day you reach age 60. The maximum amount of coverage that you may purchase will be the difference between the amount of non-contributory coverage you had while employed and the amount of coverage that you will automatically receive when you reach the normal retirement age of 60.

If you also had contributory life insurance while employed, you may convert the amount of your contributory insurance until 31 days after termination of employment. Whether or not you exercise this option, you will still have the option to convert the noncontributory portion of your life insurance up until the day that you reach normal retirement age.

Conversion: Termination of Employment or Leave of Absence

If you terminate employment without applying for retirement or your insured period during a leave of absence expires, you will continue to be covered for

the next 31 days. Up until the end of that 31-day period, you may convert your group life insurance, without medical examination, to any individual policy customarily offered by Prudential except term insurance or a policy containing disability benefits.

EXAMPLE: *If you had group life insurance of \$96,000 through the retirement system while employed, that life insurance coverage is eliminated at termination of employment. You can purchase up to \$96,000 in life insurance coverage under an individual non-group policy by contacting a Prudential agent before 31 days following your termination of employment.*

Conversion: Return to Public Employment

If you return to public employment after the purchase of a conversion policy, you must discontinue your individual conversion policy. If you do not, you will be required to submit satisfactory proof of insurability before you can be covered again in full under a group life insurance policy.

Group Life Insurance Coverage While Receiving Workers' Compensation Without Pay

If you are disabled due to an illness or injury that is a direct result of your regular job duties, you may be out of work on an official leave of absence for illness. If so, your contributory and noncontributory group life insurance will continue for the duration of the leave of absence, up to two years.

In order for a member to continue the contributory portion of group life insurance, the member must remit premiums in advance. Premiums may either be remitted to the Division directly, or the employer may permit the member to pay the premium through the employer.

During the interval between the time you are without pay and the actual receipt of the Workers' Compensation award, you must be on an official leave of absence granted by your employer.

ACCIDENTAL DEATH BENEFIT

If you die as a result of an accident during the performance of your regular or assigned duties, and your death is not a result of willful negligence, your beneficiaries may be entitled to Accidental Death benefits. If approved by the Board of Trustees, your widow, widower, or eligible domestic partner (see definitions on page 31) is paid an annual pension of 50 percent of your Final Salary. This benefit is a lifetime benefit to your widow or widower or until

remarriage, or to your domestic partner unless he or she enters into a new domestic partnership or marriage. If there is no eligible widow, widower, or domestic partner or if the widow, widower, or partner remarries or enters a new domestic partnership, a pension is paid to your eligible children in these amounts:

- 50 percent of Final Salary to three or more eligible children, shared equally;
- 35 percent of Final Salary to two eligible children, shared equally; or
- 20 percent of Final Salary to one eligible child.

If there is no eligible widow, widower, domestic partner, or children, a pension will be paid to your eligible dependent parent(s) in these amounts:

- 25 percent of Final Salary to one eligible parent; or
- 40 percent of Final Salary to two eligible parents.

'Final Salary' is the total base salary on which your pension contributions were based during the last year (10 or 12 months) before your death or the accident which led to your death.

Your **eligible beneficiaries** for Accidental Death benefits are:

- **Widow, Widower, or Domestic Partner**, which means:
 - the person to whom you were married before the date of death and to whom you continued to be married until the date of your death and who was receiving at least one-half support from you in the 12 months immediately preceding your death or the accident which led to your death; or
 - your same-sex domestic partner as defined by Chapter 246, P.L. 2003 to whom you were partnered until the date of your death and who was receiving at least one-half support from you in the 12 months immediately preceding your death or the accident which led to your death.

Note: Under Chapter 246, P.L. 2003, a domestic partner is defined for pension benefit eligibility as a person of the same sex to whom the employee or retiree has entered into a domestic partnership and received a *New Jersey Certificate of Domestic Partnership* through application

to a local registrar (or a valid certification from another jurisdiction that recognizes same-sex domestic partners, civil unions, or similar same-sex relationships).

- **Child(ren)**, which means your unmarried child(ren):
 - under the age of 18; or
 - of any age who at the time of your death is disabled because of mental or physical incapacity and is incapable of substantial gainful employment because of the impairment. This incapacity must last or be expected to last for a continuous period of not less than 12 months as affirmed by the Medical Board.
- **Parent** which means your parent(s) who was(were) receiving at least one-half support from you in the 12 months immediately preceding your death or the accident which led to your death. If your parent remarries after your death, benefits cease.

WITHDRAWAL FROM THE PENSION FUND

(Prosecutors Part members see addendum)

When Membership Ends

Your active membership in the PERS ends if:

- you retire or die;
- you end your employment and withdraw your contributions from the system; or
- you have not been contributing to the retirement system for two years and have less than 10 years of service credit. Two years is the limit for inactive membership before an account is expired. (See "Expired Accounts" on page 32.)

Terminating Employment

If you terminate employment before retiring, your options vary depending on your vesting status at the time of your termination (see "Vesting" on page 4).

If you are vested when you terminate employment, you could apply for a Deferred Retirement, with payments to begin at age 60 (See "Deferred Retirement" on page 13.)

If you are not vested before you terminate employment, you will not be eligible to receive a monthly

retirement benefit, unless you are age 58 or older, or eligible for an Accidental Disability Retirement benefit.

If you terminate employment before vesting, you can choose to:

- Make an immediate withdrawal of your contributions; or
- Leave your contributions on deposit with the PERS and retain all the service credit you have earned, in the event you return to covered employment and resume membership. As a general rule (see "Exceptions" listed at right), if you do not resume active membership within two years, your account will automatically expire and you will be requested to withdraw your contributions.

If your account expires or you elect to voluntarily withdraw your personal contributions, all service credit under this membership is cancelled. If you later return to covered employment, you may then be eligible to purchase the service (see "Purchasing Service Credit" on page 5) to have it credited to your new account.

Expired Accounts

If your membership has been inactive for 18 months, you are not vested, and you have not filed for and received a withdrawal of contributions, the Division of Pensions and Benefits will send an *Expiration Notice* to your last known address (and a copy to your last employer in case they have a more current address) to remind you that your money is still being held in the retirement system. When notified, you should file an *Application for Withdrawal* since contributions left in the system for over two years do not accrue interest.

After two years has passed — if the Division of Pensions and Benefits is unable to contact you, or you do not reply to the *Expiration Notice* by submitting an *Application for Withdrawal* — **your account will expire** and the funds in the account will be transferred to the Department of the Treasury, Office of Unclaimed Property. When your account is transferred, the Division of Pensions and Benefits will consider your unclaimed funds to be a deemed pension distribution subject to federal tax withholding under the federal tax rules of constructive receipt. At the end of the tax year in which the transfer occurs, you will be sent a *Form 1099-R* showing the amount you must claim as income and the tax withheld and submitted to the Internal Revenue Service (IRS).

Should you return to covered employment before the two-year period ends, you have the option of an Intrafund or Interfund Transfer if you otherwise qualify (see "Transfers" on page 3). Should you return to covered employment after your account has expired or you have withdrawn your account, you will be treated as a new member in all respects. Service credit from a former membership may be purchased by members returning to the system after the withdrawal of money from a former account.

Exceptions

Your membership will not end two years after your last contribution if:

- you are granted an official leave of absence beyond the two-year period;
- you were laid off; or
- your position was abolished.

If your leave of absence extends beyond two years, your two-year inactive period will not begin until your leave of absence ends.

If you lose your job through no fault of your own (you are laid off or your position is abolished), your inactive membership can be extended up to 10 years.

You must submit documentation from your employer showing that your leave of absence was officially extended or that your employment was not terminated voluntarily or for cause for this extension to be granted.

Note: This extension **only** gives you the right to resume contributing to the retirement system under the same membership should you again obtain public employment. It gives you no other right to benefits (If you have less than 10 years of membership credit in the PERS and you reach age 60 more than two years from the date of your last pension contribution, you would not qualify for a retirement benefit. You would have to return to employment covered by the PERS during the extended period of inactive membership, for your account to be reactivated and you would then be eligible for a retirement allowance, provided you meet all other qualifications for retirement.)

EXAMPLE: *If you were age 55 with five years of membership credit at the time of layoff, your account could remain inactive for reemployment purposes until you reach age 65; however, you would not be able to qualify for retirement benefits*

unless you returned to active employment before filing for retirement.

Withdrawing Contributions

If you terminate covered employment before retirement, you may withdraw all your contributions with two percent interest less any outstanding loan balance or other obligations. No interest is paid if you were a member for less than three years. You may withdraw only the money you have contributed and no partial withdrawal is permitted. **Upon your withdrawal, all rights and privileges of membership end.**

Since the employer/employee relationship must be severed, no withdrawal will be paid if there are unresolved legal matters concerning your termination of employment.

To withdraw, you must file a properly completed *Application for Withdrawal*, which is available from your employer or the Division of Pensions and Benefits. Multiple members (see page 3) cannot withdraw their contributions until they have terminated employment in every position covered by the PERS.

In accordance with federal law, income tax must be withheld on certain pension distributions that produce an annual taxable income of \$200 or more unless the taxable amount is directly rolled over into an individual retirement arrangement (IRA) or a new employer's retirement plan (if applicable). To qualify, this direct rollover must occur within 60 days of the withdrawal check date. If payment is made directly to you, the taxable portion is subject to 20 percent federal income tax withholding. In addition, if you receive payment before you reach age 59½ and you do not roll over the taxable amount, you may have to pay an extra tax equal to 10 percent of the taxable portion of any payment. If you have any questions concerning this federal law, call the Internal Revenue Service at 1-800-829-1040.

You may call the Division of Pensions and Benefits Automated Information System at (609) 777-1777 for general information concerning withdrawals or information pertaining to your particular withdrawal claim. If you are age 60 or older or have 10 years or more of service credit when you file for withdrawal, you must waive any rights you have to a retirement or death benefit. This written waiver is part of a letter which states the amount of retirement and death benefits to which you are entitled if you do not withdraw.

No withdrawal application can be processed until all the necessary information has been received from you and your former employer.

WORKERS' COMPENSATION

As long as you are receiving Workers' Compensation benefits (either temporary or permanent), you retain the same status as an active member. You cannot withdraw from the PERS while you are receiving Workers' Compensation, have a claim pending, or are involved in litigation regarding Workers' Compensation unless the employer/employee relationship is severed and you complete a waiver of retirement benefits.

Your employer is obligated by statute to pay your pension contribution based on the salary you were receiving immediately before you start receiving Workers' Compensation benefits if the total compensation you receive is less than 100 percent of your full salary. Your employer is not obligated, however, to make voluntary contributions, such as loans or purchase arrears payments.

The employer's obligation to make pension contributions for members receiving Workers' Compensation ceases when:

- The employee voluntarily files for a retirement allowance that is subsequently approved;
- The employer files an involuntary disability retirement application for the employee that is subsequently approved;
- The employee voluntarily resigns from employment for reasons other than the inability to perform the job's functions due to the incident that was the basis for the Workers' Compensation claim; or
- The employee is terminated by the employer for reasons unrelated to a Workers' Compensation award.

If you are approved for Ordinary Disability Retirement benefits and receive a Workers' Compensation award, your Workers' Compensation award may be reduced by the amount of your Ordinary Disability Retirement benefit.

If you are approved for Accidental Disability Retirement benefits and receive periodic Workers' Compensation benefits, the pension portion of your retirement allowance will be reduced dollar-for-dollar by the amount of the periodic benefits.

APPEALS

If you wish to appeal any administrative decision of the Division of Pensions and Benefits, address your appeal to:

**Secretary to the Board of Trustees
Public Employees' Retirement System
Division of Pensions and Benefits
PO Box 295
Trenton, New Jersey 08625-0295**

Your appeal to the Board of Trustees must include a copy of the administrative decision, a detailed explanation of your basis for disagreement with the decision, and all supporting documentation that you wish to be considered by the Board. The Board will address your appeal and issue a written determination.

If you disagree with the determination of the Board of Trustees, you may request a formal hearing before an Administrative Law Judge within the Office of Administrative Law (OAL), by sending a written statement to the Board of Trustees within 45 days from the date of the Board's decision. State in detail the reasons for your disagreement with the Board's determination and submit any and all supporting documentation if you have not already done

so. If no such written statement is received within the 45-day period, the determination shall be considered final.

If your request for a formal hearing is approved by the Board of Trustees, the Board will submit the matter to the OAL. Upon completion of this hearing, the Administrative Law Judge will submit to the Board an initial decision which the Board may adopt, reject, or modify. If the Board rejects or modifies the initial decision, it shall issue a detailed findings of fact and conclusions of law which will become the Board's final administrative determination and may then be appealed to the Superior Court, Appellate Division.

When the Board of Trustees reviews your request for a hearing in the OAL, it determines whether the matter involves contested facts or is solely a question of law. If the appeal involves solely a question of law, an OAL hearing is not likely to be approved. In that case, the Board shall reject your hearing request and issue detailed findings of fact and conclusions of law. These findings and conclusions will become the Board's final administrative determination and may be appealed to the Superior Court, Appellate Division.

Benefits and provisions of the Public Employees' Retirement System are subject to changes by the legislature, courts, and other officials. While this booklet outlines the benefit and contribution schedules of the Public Employees' Retirement System, it is not a final statement. Complete terms governing any employee benefit program are set forth in the New Jersey Statutes Annotated. Regulations, new or amended, are published in the New Jersey Register by the State Office of Administrative Law supplementing the New Jersey Administrative Code.

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM
HANDBOOK EVALUATION FORM**

Please rate the following aspects of this handbook:

1. Explanation of the provisions of the Public Employees' Retirement System.

<input type="checkbox"/>				
Excellent	Above Average	Average	Below Average	Poor

2. Ease of use (readability, ease in finding needed information, etc.).

<input type="checkbox"/>				
Excellent	Above Average	Average	Below Average	Poor

3. Usefulness as a future reference.

<input type="checkbox"/>				
Excellent	Above Average	Average	Below Average	Poor

4. I found the following section(s) or subject(s) helpful:

5. I found the following section(s) or subject(s) confusing:

6. Questions or comments:

If you need an answer to a question, be sure to include your full name, Social Security number or PERS membership number, a daytime telephone number, and return address:

Name: _____

SSN or Member Number: _____ Phone: _____

Address: _____

Please mail or fax your completed evaluation form to:

**Division of Pensions and Benefits
ATTN: Publications Unit
PO Box 295
Trenton, NJ 08625-0295
Fax: (609) 777-1779**

Thank you for your time and consideration in completing and returning this evaluation.

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