

**DeSIMONE LAW OFFICES**

**JOHN G. DESIMONE, LLC**

ATTORNEYS AT LAW

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Woodbury, New Jersey 08096-7057

(856) 848-8800

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John G. DeSimone

[www.desimonelawyer.com](http://www.desimonelawyer.com)

Samuel G. DeSimone  
Counselor to the Firm

September 27, 2001

G. Philip Lewis  
105 Stockington Road  
Woodstown, NJ 08098

Re: In the Matter of G. Philip Lewis  
Docket No.: A-005660-00T3

Dear Phil:

This past week I received the following, which I enclose herein for your file.

The packet includes a Scheduling Order. You will note our brief and appendix of appeal is due no later than Monday, October 22, 2001. As you are aware, we've done a considerable amount of work up front in this matter and I've completed the shepardizing of your cases and will begin putting together a brief for presentation very shortly.

The second portion of this packet includes the Civil Case Information Statement filed by Deborah A. Allen, Deputy Attorney General and this packet includes much of the information we presented at our prior proceedings.

Many thanks for your time and consideration. In the event you should have any questions, please do not hesitate to call.

Very truly yours,



JOHN G. DESIMONE, ESQUIRE

JGD:svv  
Enclosures

IN THE MATTER OF  
G PHILIP LEWIS

SCHEDULING ORDER

An appeal having been filed in the above matter,

IT IS HEREBY ORDERED that the time for filing and serving briefs and appendices shall not be later than as follows:

- (a) Brief and appendix of appellant: 10/22/01
- (b) Brief and appendix, if any, of each respondent: 11/21/01
- (c) Reply, if any, of appellant: 12/03/01

**FILED**  
**APPELLATE DIVISION**

**SEP 10 2001**

*[Signature]*  
**ACTING CLERK**

IT IS FURTHER ORDERED that if appellant has not already filed three additional copies of the transcript with the Clerk and served one copy on any one respondent for the use of all the respondents, same are to be filed and served within ten days hereof; and

IT IS FURTHER ORDERED that five copies of each brief and appendix shall be filed with the Clerk and within ten days thereof, a proof of service shall be filed with the Clerk indicating that two copies were served on each party to the appeal and one copy of the transcript was served on any one respondent; and

IT IS FURTHER ORDERED that in the event of default by appellant regarding any provision of this order, THE APPEAL WILL BE SUBJECT TO DISMISSAL WITHOUT FURTHER NOTICE; and

IT IS FURTHER ORDERED that if any respondent fails to file a brief within the time directed by this order, such respondent will be subject to preclusion from further participation in the appeal.

WITNESS, the Honorable Sylvia B. Pressler, Presiding Judge for Administration, at Trenton, this 10 day of September, 2001.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

*[Signature]*  
**ACTING CLERK OF THE APPELLATE DIVISION**

*[Signature]*

\_\_\_\_\_  
JAMES M. FLYNN  
ACTING CLERK OF THE APPELLATE DIVISION



## State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
RICHARD J. HUGHES JUSTICE COMPLEX  
25 MARKET STREET  
PO BOX 106  
TRENTON, NJ 08625-0106  
E-Mail: allendeb@law.dol.lps.state.nj.us  
(609) 777-3432

DONALD T. DiFRANCESCO  
*Acting Governor*

JOHN J. FARMER, JR.  
*Attorney General*

JEFFREY J. MILLER  
*Assistant Attorney General  
Director*

September 7, 2001

James Flynn, Acting Clerk  
Superior Court of New Jersey  
Appellate Division  
PO Box 006  
Trenton, NJ 08625-0006

Re: Lewis v. Board of Trustees, PERS  
Docket No. A-005660-00T3

Dear Mr. Flynn:

Enclosed is the original and five copies of the Statement of Items Comprising the Record on Appeal, the original and two copies of the Case information Statement and the original and two copies of an Affidavit of Service. Please return one copy of each marked "Filed" in the enclosed envelope. Thank you.

By copy of this letter, I am serving two copies of the Statement of Items Comprising the Record on Appeal, the Case information Statement and the Affidavit of Service on counsel for the appellant.

Sincerely yours,

JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_

*Debra A. Allen*  
Debra A. Allen  
Deputy Attorney General

cc: John G. DeSimone, Esq.  
with copy of record  
22 North Broad Street  
P.O. Box 237  
Woodbury, NJ 08096-7057



**CIVIL CASE INFORMATION STATEMENT**

<b>TITLE IN FULL:</b>	G. Philip Lewis, Appellant,	SUPERIOR COURT OF NEW JERSEY
	v.	APPELLATE DIVISION
	Board of Trustees, Public Employees' Retirement System, Respondent.	DOCKET NO.: A-005660-00T3

**APPELLANT'S ATTORNEY(S):**     Plaintiff                       Defendant                       Other (Specify)

NAME	ADDRESS	TELEPHONE	CLIENT
John G. DeSimone, Esq.	22 North Broad St. P.O. Box 237 Woodbury, NJ 08096-7057	(856) 848-8800	G. Philip Lewis

**RESPONDENT'S ATTORNEY(S)\*:**

NAME	ADDRESS	TELEPHONE	CLIENT
Debra A. Allen DAG	Hughes Justice Complex PO BOX 106, Trenton, NJ 08625-0106	(609)777-3432	Board of Trustees Public Employees' Retirement System

[\*Indicate which parties, if any, did not participate below or who were no longer party to the action at the time of entry of the judgment or decision being appealed.]

**GIVE DATE AND SUMMARY OF JUDGMENT OR DECISION BEING APPEALED AND ATTACH A COPY:**

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?

Yes \_\_\_\_\_ No

If so, has the order been certified as final pursuant to R.4:42-2? (If not, leave to appeal must be sought. R.2:2-4, 2:5-6.)

Yes \_\_\_\_\_ No \_\_\_\_\_

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R.2:5-1(h)).

Yes \_\_\_\_\_ No

**GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:**

Appellant, G. Philip Lewis, appeals a denial by the Board of Trustees, Public Employees' Retirement System (PERS) to purchase prior service time pursuant to the federal Job Training Partnership Act (JTPA) in Salem County, New Jersey. Appellant was employed in various positions by Salem County from December 1, 1974 through June 30, 2000.

Appellant's first position was as a Teachers Aide under the County's Comprehensive Employment and Training Act (CETA) program. Appellant held this position from December 1, 1974 through December 2, 1976. Appellant's next position was as the Community Service Planner under CETA from December 13, 1976 through December 31, 1976. Effective that next year on January 1, 1977, Appellant became the Senior Community Service Planner under CETA. Six months later on July 1, 1977, Appellant became the Deputy Director for the Department of Community Development with CETA. In January 1980, Appellant became the Manpower Coordinator with CETA. This position continued until October 1, 1983 when Appellant became the JTPA Administrator. On July 1, 1988, Appellant became the Human Resource Coordinator continuing in the JTPA. Only as of April 7, 1993, in accordance with a Salem County Resolution, did Appellant become a permanent employee with Salem County.

At the PERS Board meeting of March 21, 2001, the Board considered Appellant's purchase request. At that meeting, the Board considered Appellant's submissions and granted a one-month extension to permit further documentation and argument. At the April 18, 2001 PERS Board meeting, the Board reviewed Appellant's April 3, 2001 correspondence and then voted to deny Appellant's purchase request pursuant to N.J.S.A. 43:15A-7(h). This statute specifically disallows membership in the PERS for any person employed under the JTPA. At this same meeting, the Board denied Appellant's request for a hearing in the Office of Administrative Law as the matter did not involve disputed factual issues. Consequently, the Board made a Final Administrative Determination denying the purchase request, which was stated in a letter to Appellant dated May 17, 2001. This appeal followed.

TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(A)(5). (Appellant or cross-appellant only.)

IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or opinion?  
If so, on what date? \_\_\_\_\_ Yes \_\_\_ No X
2. Did the trial judge issue written findings or opinion?  
If so, on what date? \_\_\_\_\_ Yes \_\_\_ No X

Caution: Before you indicate that there was neither an opinion nor findings, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R.2:5-1(b).

Date of your inquiry: \_\_\_\_\_  
Will the trial judge be filing a statement or opinion pursuant to R.2:5-1(b)? Yes \_\_\_ No x

Civil appeals are screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.

State whether you think this case may benefit from a conference. Yes \_\_\_ No x

Explain your answer: The facts and law are clear and the dispute here is not amenable to settlement.

1. IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:
- (A) Arises from substantially the same case or controversy as this appeal? Yes \_\_\_ No x
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes \_\_\_ No x
2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY? Yes \_\_\_ No x

IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name:

Appellate Docket No.:

Board of Trustees,  
Public Employees' Retirement System

Name of Appellant or Respondent

Debra A. Allen  
Deputy Attorney General

Name of Counsel of Record

  
Signature of Counsel of Record

Date: August 8, 2001

JOHN J. FARMER, JR.  
Attorney General of New Jersey  
Attorney for Respondent  
Hughes Justice Complex  
PO BOX 106  
Trenton, New Jersey 08625-0106

By: Debra A. Allen  
Deputy Attorney General  
(609) 777-3432

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-005660-00T3

G. PHILIP LEWIS, )

Civil Action

Petitioner-Appellant, )

STATEMENT OF ITEMS  
COMPRISING THE RECORD ON APPEAL

v. )

BOARD OF TRUSTEES, )  
PUBLIC EMPLOYEES' )  
RETIREMENT SYSTEM, )

Respondent-Respondent. )

PLEASE TAKE NOTICE that the Board of Trustees of the Public Employees' Retirement System ("the PERS Board") hereby certifies and files pursuant to R. 2:5-4(b) the Statement of Items Comprising the Record on Appeal.

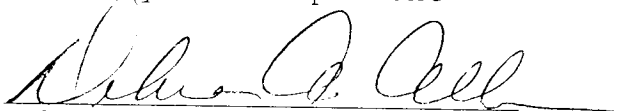
The Division reserves the right to amend or augment the following list as may be necessary or appropriate during the pendency of this appeal.

The record consists of:

1. Agenda packet of April 18, 2001 PERS Board meeting consisting of thirty-eight pages. This packet consists of correspondence leading up to the Board meeting.
2. Petitioner-Appellant's written submission and accompanying appendix (consisting of exhibits 1-36) considered by the PERS Board at its April 18, 2001 meeting.
3. Final Administrative Determination of the PERS Board dated May 17, 2001.
4. Notice of Appeal filed June 26, 2001.

JOHN J. FARMER, JR.  
Attorney General of New Jersey  
Attorney for Respondent

By:

  
Debra A. Allen  
Deputy Attorney General

Dated: September 5, 2001



State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718  
www.state.nj.us/treasury/pensions

DONALD T. DiFRANCESCO  
Acting Governor

Mailing Address  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey  
PETER R. LAWRENCE  
Acting State Treasurer  
THOMAS P. BRYAN  
Director

April 20, 2001

John G. DeSimone, Esquire  
PO Box 237  
Woodbury, NJ 08096

Re: **G. Philip Lewis**  
**PERS** [REDACTED]

Dear Mr. DeSimone:

The Board of Trustees of the Public Employees' Retirement System (PERS) at its meeting of April 18, 2001, considered your letter of April 3, 2001, and accompanying documentation regarding Mr. Lewis' request to purchase additional service in the PERS from December 23, 1974 until April 1, 1993.

The Board voted to approve the request to purchase additional service from December 23, 1974 to September 18, 1986, using a purchase request date of October 14, 1998. However, the Board denied your request to purchase service from September 19, 1986 to April 1, 1993, since this was the period of time that Mr. Lewis was in the Job Training Partnership Act (JTPA) program and was statutorily barred from participating in the PERS until his permanent appointment on April 7, 1993. The Board's decision to deny the purchase request is based on Chapter 109 of the Public Laws of 1986 which became effective on September 19, 1986 and was later codified as N.J.S.A. 43:15A-7(h). The provisions of the statute state the following:

h. A temporary employee who is employed under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. s 1501) shall not be eligible for membership in the system. Membership for temporary employees employed under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. s 1501) who are in the system on September 19, 1986 shall be terminated, and affected employees shall receive a refund of their accumulated deductions as of the date of commencement of employment in a federal Job Training Partnership Act program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.



John G. DeSimone, Esq.  
Re: G. Philip Lewis  
Page 2  
April 20, 2001

Accordingly, since Mr. Lewis was ineligible for PERS membership during the period of September 19, 1986, until April 1, 1993, he is also ineligible to purchase this service credit during this time period.

At the Board meeting of April 18, you asked the Board to consider your verbal request for a hearing to appeal the Board's decision denying Mr. Lewis' request to purchase service from September 19, 1986, until April 1, 1993. For purposes of clear record keeping and to include with Mr. Lewis' PERS file, you stated you would submit a written letter of appeal to the PERS Board. However, the PERS Board denied your request for a formal administrative hearing in the Office of Administrative Law essentially because the contested matter does not involve questions of fact. Therefore, the Board has directed the Secretary, in conjunction with the Attorney General's Office, to draft a detailed Finding of Facts and Conclusions of Law that will formally outline the Board's decision and become the Board's final administrative determination.

It is anticipated that the Board will review and adopt these findings and conclusions at its next meeting on May 16, 2001. A copy of the final decision will be mailed to you shortly after the Board's May 16 meeting. Upon receipt of this final administrative determination, you will have the right to appeal the Board's decision; hence, the 45 days to appeal this decision to the Appellate Division of the Superior Court of New Jersey will not begin until the Board adopts the final administrative determination.

By copy of this letter I am referring this matter to Ms. Mary Ellen Rathbun, Assistant Chief of the Purchase Bureau to calculate and notify you of Mr. Lewis' cost to purchase service from December 23, 1974 through September 18, 1986.

If you should have any other questions regarding this matter, please contact me at (609) 984-4297.

Sincerely,



Wendy Jamison, Board Secretary  
Board of Trustees  
Public Employees' Retirement System

wj/J-2

c: MaryEllen Rathbun (ET)  
Sandra Horan (ET)  
G. Phil Lewis



State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718  
www.state.nj.us/treasury/pensions

Mailing Address:  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey

ROLAND M. MACHOLD  
State Treasurer


THOMAS P. BRYAN  
Director


CHRISTINE TODD WHITMAN  
Governor

MEMORANDUM

DATE: February 28, 2001

TO: Wendy Jamison  
PERS Board Secretary

FROM:  Sandra Horan  
Chief, Enrollment and Purchase Bureau

SUBJECT: G. Philip Lewis - PERS 

On December 21, 1998, the PERS Board of Trustees approved the enrollment of Salem County JTPA employees. The PERS Board also voted to allow Salem County JTPA employees the ability to purchase temporary service under the provisions of N.J.S.A. 43:15A-11, if the temporary service resulted, without interruption, in a permanent appointment with the same employer. There has been some confusion surrounding this purchase provision and clarification is requested in this area.

We recently denied G. Philip Lewis the ability to purchase the period of his employment from December 23, 1974 through April 7, 1993 as the entire period of employment has been certified by the Department of Personnel as JTPA service. Joanne Bell, Chief Finance Officer of Salem County, provided a reconstruction of information on Mr. Lewis' employment (copy attached) and indicated that he was employed by CETA from December 23, 1974 through September 30, 1983. However, the Civil Service record (copy attached) reflects JTPA service from December 23, 1974.

As you will recall, Chapter 109, P. L. 1986 provided that a temporary employee who was employed under the Federal Job Training Partnership Act be ineligible for membership in PERS. The law also provided that temporary employees who were enrolled in PERS on or before September 19, 1986 would have their membership terminated and all contributions refunded. The refund served as a waiver of any future benefits payable to the employee or beneficiary. Mr. Lewis is requesting an appeal of our denial of this purchase and would like to appear before the Board to present his arguments in this matter. Please contact Mr. Lewis at 856-769-3322 to advise him of the date when this matter will be considered.

Thank you for your assistance in this matter. If you should have any questions, please let me know.

Attachments



State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718  
www.state.nj.us/treasury/pensions

Mailing Address:  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey

ROLAND M. MACHOLD  
State Treasurer

THOMAS P. BRYAN  
Director

1-856-769-3322

CHRISTINE TODD WHITMAN  
Governor

February 16, 2001

G. Philip Lewis  
105 Stockington Road  
Woodstown, NJ 08098

Re: PERS [REDACTED]

Dear Mr. Lewis:

As a result of your recent visit to our Office of Client Services, a review of your pension membership file occurred. This review determined that you had received a Purchase Cost Quotation dated November 5, 2000 for a period of ineligible service. The Division of Pensions and Benefits previously provided notification to you on October 3, 2000 that the period of employment with Salem County from December 23, 1974 to April 7, 1993 was not eligible for participation in the retirement system in accordance with the provisions of Chapter 109, P.L. 1986. Civil Service records also reflect this period of service as Job Training Partnership Act (JTPA) which is ineligible for membership and therefore, is ineligible for purchase.

Therefore, the only period that you are eligible to purchase is service with the U. S. Navy from March 14, 1967 to November 30, 1970. A Purchase Cost Quotation was issued on December 20, 2000. If you wish to authorize this purchase, please follow the instructions on the Purchase Authorization Form and remit your check to the Division of Pensions and Benefits.

I sincerely apologize for the confusion in this matter. If you should have any questions, please contact me at (609) 292-5244.

Sincerely,

Sandra Horan

Chief

Enrollment and Purchase Bureau

R

Systems analysis



Mailing Address  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey

State of New Jersey  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718

JAMES A. DiELEUTERIO, JR.  
State Treasurer

MARGARET M. MCMAHON  
Director

CHRISTINE TODD WHITMAN  
Governor

December 21, 1998

DEC 23 1998

Joan M. Cole  
Deputy Director  
Salem County Office of Employ. & Training  
JTPA  
90 Market Street  
Johnson Building  
Salem, NJ 08079

Re: JTPA Employees

Dear Ms. Cole:

The Board of Trustees of the Public Employees' Retirement System (PERS) at its meeting of December 16, 1998, reviewed your letters of December 2, 1998, and October 14, 1998, along with accompanying documentation in which you requested PERS enrollment for employees with the Salem County JTPA.

The PERS Board approved your request for enrollment in the PERS based on the provisions of N.J.A.C. 17:2-2.4, in which employees are eligible for enrollment in the PERS either the date of permanent appointment or after one year of continuous service, whichever occurs first. The employer and employee costs will be calculated based on the provisions of N.J.S.A. 43:15A-54, which deals with the correction of errors; whereby each party (employer and employee) pays exactly the amount necessary to make each PERS account actuarially whole.

The PERS Board also voted to allow Salem County JTPA employees the ability to purchase temporary service under the provisions of N.J.S.A. 43:15A-11, if the temporary service resulted, without interruption, in a permanent appointment with the same employer.

By copy of this letter, I am advising Ms. MaryEllen Rathbun, Assistant Chief of the Enrollment Bureau to implement the PERS Board's decision. Please complete and return the enclosed PERS enrollment applications within the next 15 days to Ms. Rathbun's attention at the address listed above for processing.

Sincerely,

Wendy Jamison, Secretary  
Board of Trustees  
Public Employees' Retirement System

wj/J-1  
enclosures

c: MaryEllen Rathbun (w/attachments)



# Personnel

Shaping a quality workforce through competence, caring and commitment

www.state.nj.us/personnel

Christine Todd Whitman, Governor

Janice Mitchell Mintz, Commissioner

## FAX

Date: Feb. 16, 2000

Fax Number: 2-3660

Pages to Follow: 2

To: Sandy Idaras

From: Andrew McFadden

Telephone: (609) 2-9184

Fax: (609) 7-0905

- Office of the Commissioner
- Office of External Affairs
- Office of Finance and Administration
- Merit System Practices & Labor Relations
- Equal Opportunity and Affirmative Action
- Human Resource Development Institute

- State & Local Operations
- Employee Services
- Division of Human Resource Information Services
- Division of Human Resource Management
- Division of Selection Services

Comments: Re: G. Phillip Lewis

### CONFIDENTIALITY NOTICE:

NJ/forms/dpt-562 Revised 12-1-

The information contained in this facsimile transmission may be privileged and confidential and is intended for sole use of the persons or entities named on this transmittal cover sheet. If you are not an intended recipient of this transmission the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this transmission in error, please call the sender immediately to arrange for the return of this information.

<u>LEWIS</u>	<u>G. PHILIP</u>	<u>MI</u>	<u>SALEM COUNTY</u>	<u>1</u>
Last Name	First Name	MI	Jurisdiction Name	JobNo
Current Status				
<u>06 / 30 / 2000</u>	<u>L A I D O F F</u>	<u>H M N R S R C E C O O R D R</u>		<u>FT</u>
<u>06419 C</u>	<u>J. T. P. A.</u>	<u>52737</u>	<u>AN LS LAYOFF LR.6-2-00 181</u>	
2nd				
<u>04 / 07 / 1993</u>	<u>A U D I T R A</u>	<u>H U M A N R E S O U R C E C O O R D I N A T O R</u>		<u>FI</u>
<u>06419 C</u>	<u>J. T. P. A.</u>	<u>40837</u>	<u>AN DC AUDIT LTR10/14/93 550</u>	
3rd				
<u>12 / 23 / 1974</u>	<u>R A L E G I S L A T N</u>	<u>H U M A N R E S O U R C E C O O R D I N A T O R</u>		<u>FI</u>
<u>06419 C</u>	<u>J. T. P. A.</u>	<u>40837</u>	<u>AN JTPA 4/7/93H. OF EMP 516</u>	
4th				
<u>  /  /  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
5th				
<u>  /  /  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

DEPRESS ENTER FOR SCREEN 4


F2 KEY TO RE-ENTER

F1 TO MENU

NEW JERSEY

LOCAL GOVERNMENT SEPARATION FILE

DEPT OF PERSONNEL

	<u>1</u>	<u>LEWIS</u>	<u>G. PHILIP</u>	
Social Security	Job Number	Last Name	First Name	MI

<u>SALEM COUNTY</u>	<u>J. T. P. A.</u>	<u>C01700035</u>
Jurisdiction	Department	Juris./Dept. Code

\*\*\*\*\* CURRENT STATUS \*\*\*\*\*

Complete History? Y Special Note- \_\_\_\_\_

<u>06 / 30 / 2000</u>	<u>LAI D OFF</u>	<u>HMN RSRCE COORDR</u>
Effective Date	Transaction Name	Title Name

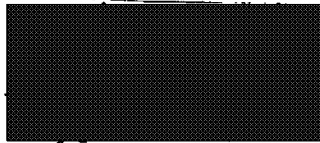
<u>06419</u>	<u>FT</u>	<u>C</u>	<u>52737</u>	<u>AN</u>	<u>LS LAYOFF LR.6-2-00</u>
Title Code	Ft/Pt	Div	Salary	Rate Period	Remarks

DEPRESS ENTER FOR SCREEN 2 F3 KEY TO MULTI-FIND F2 KEY TO RE-ENTER F1 TO MENU

Mode: DISPLAY



State of New Jersey  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718



ing Address  
Box 295  
NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey

JAMES A. DILEUTERIO, JR.  
State Treasurer

MARGARET M. MCMAHON  
Director

CHRISTINE TODD WHITMAN  
Governor

December 21, 1998

DEC 23 1998

Joan M. Cole  
Deputy Director  
Salem County Office of Employ. & Training  
JTPA  
90 Market Street  
Johnson Building  
Salem, NJ 08079

Re: JTPA Employees

Dear Ms. Cole:

The Board of Trustees of the Public Employees' Retirement System (PERS) at its meeting of December 16, 1998, reviewed your letters of December 2, 1998, and October 14, 1998, along with accompanying documentation in which you requested PERS enrollment for employees with the Salem County JTPA.

The PERS Board approved your request for enrollment in the PERS based on the provisions of N.J.A.C. 17:2-2.4, in which employees are eligible for enrollment in the PERS either the date of permanent appointment or after one year of continuous service, whichever occurs first. The employer and employee costs will be calculated based on the provisions of N.J.S.A. 43:15A-54, which deals with the correction of errors; whereby each party (employer and employee) pays exactly the amount necessary to make each PERS account actuarially whole.

The PERS Board also voted to allow Salem County JTPA employees the ability to purchase temporary service under the provisions of N.J.S.A. 43:15A-11, if the temporary service resulted, without interruption, in a permanent appointment with the same employer.

By copy of this letter, I am advising Ms. MaryEllen Rathbun, Assistant Chief of the Enrollment Bureau to implement the PERS Board's decision. Please complete and return the enclosed PERS enrollment applications within the next 15 days to Ms. Rathbun's attention at the address listed above for processing.

Sincerely,

Wendy Jamison, Secretary  
Board of Trustees  
Public Employees' Retirement System

wj/J-1  
enclosures

c: MaryEllen Rathbun (w/attachments)



County of Salem

Treasurer's Office

Lewi

92 Market Street

Salem, NJ 08079

Joanne H. Bell, Chief Finance Officer

Marianna D. Bacon, Assistant County

Treasurer

856-935-7510 x8427 FAX 856-935-9036

June 28, 2000

2000 JUL -5 A

RECEIVED  
DEPT OF TREASURY & BENEFITS

Mr. Peter Mullings  
Chief of Purchase Section  
State of New Jersey  
Division of Pensions & Benefits  
PO 295  
Trenton, NJ 08625-0295

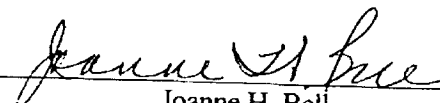
Dear Mr. Mullings:

Re: G. Phillip Lewis, S.S. [REDACTED]  
Purchase of Prior Pension Service

We were under the impression that the position that Mr. Lewis held is not an eligible position and would not qualify for purchase.

The employee forwarded to our office an Employment Verification Form to be completed, however I do not know what he intends to purchase. We have attached to this form the detail of all his prior service. Also, please find copy of a letter dated 12-21-98 from Wendy Jamison which he interprets as having permission to do same.

If you look in his file you will find a somewhat complicated enrollment. This employee has now lost his position and was terminated 06-30-00. I believe his intention is to purchase everything so that he would qualify for retirement benefits.

  
Joanne H. Bell  
Chief Finance Officer

JHB/mb  
Encls.

EP-0233-0897

1980  
BOLLY  
8-1-80

~~PENDING RETIREMENT~~

DETACH HERE BEFORE MAILING

State of New Jersey — Department of the Treasury  
Division of Pensions and Benefits, PO Box 295, Trenton, NJ 08625-0295 - (609)292-7524 / TDD# (609)292-7718

**EMPLOYMENT VERIFICATION FORM**

THIS SECTION TO BE COMPLETED BY MEMBER: Check the Pension System to which you now belong:

- Public Employees' Retirement System (PERS)
- Teachers' Pension and Annuity Fund (TPAF)
- Police and Firemen's Retirement System (PFRS)

Name (First, MI, Last) G PHILIP LEWIS Maiden Name (if applicable) \_\_\_\_\_

Date of Birth (Month, Day, Year) \_\_\_\_\_ Social Security # \_\_\_\_\_ Membership # \_\_\_\_\_

THIS SECTION TO BE COMPLETED BY FORMER EMPLOYER:

The person named on this form is an active member of a retirement system administered by the New Jersey Division of Pensions and Benefits and wishes to purchase additional service credit. To assist this member in establishing additional service credit, please provide the required information below.

1. Name of Employer: County of Salem

2. Payroll Title	3. Date of Hire	4. Date of Permanent Appointment	5. Employment Dates (month/day/year) (Certify each year separately) (Boards of Education use school years)		6. Base Salary Monthly <input type="checkbox"/> Annual <input type="checkbox"/>	7. Substitute Service (# of days)
			From	To		
See Attached						

B. (BOARD OF EDUCATION CERTIFYING OFFICERS ONLY): Please indicate the number of months in each regular school year: \_\_\_\_\_

9. Dates for Leaves of Absence		10. Reason for Leaves of Absence (maternity and child care are two separate types of leaves of absence)
From	To	
From	To	
From	To	
From	To	

11. Were the positions listed in Item 2 covered by social security?  YES  NO

12. Was this employee a member of a pension fund while in the position listed in Item 2?  YES  NO

If yes, please give the name and address of the fund's central office.

13. Is the employer a public or private entity?  PUBLIC  PRIVATE

I hereby certify that the answers and information given are based upon available authentic public records and that they are true and correct to the best of my knowledge and belief.

Certifying Officer Signature [Signature]

Title Chief Finance Officer

Date 7-3-00

Phone # (856)935-7510 X8427

Lewis

Lewis [redacted]

G. Phillip Lewis  
S.S. # [redacted]

Teacher Aide (CETA)	12-23-74	\$8,000.00
	01-01-76	\$8,640.00
Community Service Planner (CETA)	12-03-76	\$11,500.00
Sr. Community Service Planner(CETA)	01-01-77	\$12,248.00
Deputy Director, Dept. of Comm. Dev.(CETA)	07-01-77	\$14,600.00
	07-01-78	\$15,535.00
	01-01-79	\$16,436.00
Manpower Coordinator (CETA)	01-01-80	\$17,504.00
	08-01-80	\$20,000.00
	01-01-81	\$22,000.00
	01-01-82	\$23,100.00
	07-01-82	\$24,948.00
	01-01-83	\$25,385.00
	07-01-83	\$27,162.00
JTPA Administrator	10-01-83	\$27,162.00
	07-01-84	\$29,063.00
	07-01-85	\$30,807.00
	07-01-86	\$31,000.00
Human Resource Coordinator(JTPA)	07-01-88	\$33,233.00
	07-01-89	\$34,895.00
	01-01-90	\$35,593.00
	07-01-90	\$37,093.00
	07-01-91	\$38,892.00
	07-01-92	\$40,837.00
	Permanent 04-07-93	

Please see attached Resolution dated April 7, 1993 Establishing JTPA as a Department for the County of Salem.

*Joanne H. Bell*  
Joanne H. Bell  
Chief Finance Officer

6/30/80  
Laid off  
12/31/74 RA



*Optical*  
*LEWIS*  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey

State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718  
www.state.nj.us/treasury/pensions

[Redacted] A. DI ELEUTERIO, JR.  
State Treasurer

MARGARET M. MCMAHON  
Director

CHRISTINE TODD WHITMAN  
Governor

April 7, 1999

Joanne H. Bell  
Chief Financial Officer  
Salem County  
92 Market St.  
Salem, NJ 08079

re: Employer Appropriations  
JTPA Enrollments

Dear Ms. Bell,

Enclosed, please find two copies of an invoice, in the total amount of \$7,478.73, for the additional employer appropriations due for the enrollment of the following JTPA members:

Joan Cole	PERS	[Redacted]	\$1,269.34
✓ G. Philip Lewis	PERS	[Redacted]	1,867.51
[Redacted]	PERS	[Redacted]	1,000.80
[Redacted]	PERS	[Redacted]	1,110.19
[Redacted]	PERS	[Redacted]	1,007.90
[Redacted]	PERS	[Redacted]	916.34
[Redacted]	PERS	[Redacted]	306.65
Total due			<u>\$7,478.73</u>

These appropriations were calculated under the correction of errors statute, for each individual member, in accordance with the Board of Trustees letter of December 21, 1998.

In order to liquidate the additional employer appropriations due, please issue a check in the amount of \$7,478.73, made payable to the Public Employees' Retirement System, and remit it attached to a copy of this invoice.

If you have any questions on the liquidation of this balance, please feel free to call me at 609-292-4280.

Sincerely,  
*Charles DeAngelo*  
Charles DeAngelo  
Enrollments Section

NOV 23 1998



State of New Jersey  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718

Mailing Address  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey

JAMES A. DiELEUTERIO, JR.  
State Treasurer

MARGARET M. MCMAHON  
Director

CHRISTINE TODD WHITMAN  
Governor

November 19, 1998

Joan M. Cole  
Deputy Director  
Salem County Office of Employ. & Training  
JTPA  
90 Market Street  
Johnson Building  
Salem, NJ 08079

Re: JTPA Employees

Dear Ms. Cole:

The Board of Trustees of the Public Employees' Retirement System (PERS) at its meeting of November 18, 1998, reviewed your letter of October 14, 1998, in which you asked for clarification on understanding the PERS enrollment eligibility requirements for employees with the Salem County JTPA.

The PERS Board postponed action on this matter in order to obtain information from your office. Specifically, the PERS Board asked that I forward you the enclosed memorandum of February 9, 1994, from Peter Gorman, Executive Assistant, with the Division of Pensions and Benefits. The Board requests that you review the memorandum and see how this policy effects your JTPA employees. Was Salem County advised of this policy? What's the County's position in taking formalized action to convert the JTPA employees from temporary to permanent employment status? In addition, please provide a list of the names, hire date, employment status (either temporary or permanent) and annual base compensation of all JTPA employees in which you question the PERS enrollment eligibility.

Please forward the required information to me at the address listed above by no later than December 3, 1998, in order that this matter may be placed on the PERS Board's agenda for December 16, 1998.

If you should have any other questions regarding this matter, please contact me at (609) 984-4297.

Sincerely,

Wendy Jamison, Secretary  
Board of Trustees  
Public Employees' Retirement System

\* RECEIVED 12-1-98  
FROM JOAN COLE

JMB

wj/J-3  
enclosure



*H. Hill*

JIM FLORIO  
GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
CN 296  
TRENTON, N.J. 08625-0296

SAMUEL CRANE  
STATE TREASURER  
MARGARET M. MCMAHON  
DIRECTOR

October 27, 1993

Erma Halstead  
92 Market Street  
Salem, New Jersey

Dear Ms. Halstead:

Enclosed are the enrollment applications you submitted for 8 employees of the County of Salem. These employees are precluded from participating in the Public Employees' Retirement System (PERS) because their salaries are funded by the Job Training Partnership Act Program. This is in accordance with NJSA 43: 15A-7 and in keeping with the Governor's Reconsideration and Recommendation Statement Senate, No. 1471-L.1986, c. 109.

If you have any further questions concerning this matter, please contact me at 609-292-2865.

Sincerely,

*Mary Ellen Rathbun*

Mary Ellen Rathbun  
Assistant Chief  
Enrollment and Purchase Bureau



# COUNTY OF SALEM

92 Market Street, Salem, New Jersey 08079

(609) 935-7510 (Ext. 424)

FAX (609) 935-9036

ERMA A. HALSTEAD  
COUNTY TREASURER

JOANNE H. BELL  
ASST. COUNTY TREASURER

November 5, 1993

G. Philip Lewis, Director,  
JTPA Program  
Johnson Building, Market Street  
Salem, New Jersey 08079

Re: PERS Enrollment Applications  
JTPA Employees

Dear Mr. Lewis;

On September 8, 1993, Public Employees Retirement System Enrollment Applications were forwarded to the State of New Jersey, Division of Pension and Benefits, for the employees in the Salem County JTPA Office.

Upon receipt of these forms, Mary Ellen Rathbun, Assistant Chief of the Enrollment and Purchase Bureau called this office to advise she felt JTPA employees were still excluded from enrollment under PERS. She was requested to confirm this with her supervisors.

Ms. Rathbun has confirmed the status of these employees as not being eligible for participation in PERS. A copy of her letter, dated October 27 is enclosed, along with a copy of NJSA 43:15A-7 and the Governor's Reconsideration and Recommendation Statement Senate No. 1471-L. 1986, c.109.

It is with regret I inform you of these provisions. If this office can be of further assistance, please call.

Yours truly,

Erma A. Halstead,  
County Treasurer

encl.

cc: G. Gill, Clerk of the Board  
H. Strong, Chm. Plan./Tspt. Comm.

April 7, 1993 Administrative

RESOLUTION ESTABLISHING THE JOB TRAINING PARTNERSHIP ACT (JTPA) DEPARTMENT FOR THE COUNTY OF SALEM

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Salem that a department of Job Training Partnership Act (JTPA) be and is hereby established under NJSA 11A-3-5(1), effective April 7, 1993; and

BE IT FURTHER RESOLVED that the Job Training Partnership Act (JTPA) Department shall be assigned to the Planning and Transportation Committee of the Board of Freeholders; and

BE IT FURTHER RESOLVED that the employees serving in the JTPA Office, not presently governed by the Merit System Board, be consolidated into the civil service system; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to New Jersey Department of Personnel.

John M. Lake, Jr. signature and name as Director

I hereby certify the foregoing to be a true resolution adopted by the Board of Chosen Freeholders of the County of Salem at its regular meeting held on Wednesday, April 7, 1993.

Joseph J. Dyer, Jr. signature and name as Clerk of the Board

RECORD OF VOTE

Table with columns for Freeholder names and voting options (Aye, Nay, N.V., A.B., Res., Sec.) for both sides of the table.

X. - Indicates Vote / A.B. - Absent / N.V. - Not Voting / Res. - Resolution Moved / Sec. - Resolution Seconded



INVOICE #

STATE OF NEW JERSEY  
DIVISION OF PENSIONS & BENEFITS  
PO BOX 295-TRENTON, NJ 08625

FORM APPROVED BY  
DIVISION OF LOCAL GOVERNMENT SERVICES  
DEPARTMENT OF COMMUNITY AFFAIRS

PAYMENT RECORD

Salem County  
Chief Financial Officer  
92 Market St  
Salem, NJ 08079

Voucher No. \_\_\_\_\_

Warrant No. \_\_\_\_\_

Date \_\_\_\_\_

Location No. 10150

PUBLIC EMPLOYEE'S  
RETIREMENT SYSTEM

ADDITIONAL EMPLOYER CONTRIBUTIONS

Additional Employer Contributions due for the enrollment  
at Salem County of the following JTPA employees:

[REDACTED]	PERS	1,269.34
G. Philip Lewis	PERS	1,867.51
[REDACTED]	PERS	1,000.80
[REDACTED]	PERS	1,110.19
[REDACTED]	PERS	1,007.90
[REDACTED]	PERS	916.34
[REDACTED]	PERS	306.65
Total due:		\$ 7,478.73

Enrollment and costs per Board of Trustees' letter of December 21, 1998.

4 06 10 00 00.00.0.0

Employers Contrib - Add'l Employers Contrib-Local \$ 7,478.73

Please return this invoice with a check made payable to:  
Public Employees' Retirement System

Total Due \$ 7,478.73

CLAIMANT'S CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law  
that the within bill is correct in all its particulars; that the services have been  
rendered as stated therein; that no bonus has been given or received by any  
person or persons with the knowledge of this claimant in connection with  
the above claim; that the amount therein stated is justly due and owing; and  
that the amount is a reasonable one.

SIGN HERE

*Charles O. [Signature]*

OFFICIAL POSITION

Accountant I

DATE

April 7 19 99

ACCOUNT OR APPROPRIATION CHARGED

Bill Received and Checked

(Date) (Signature)

OFFICER'S OR EMPLOYEE'S CERTIFICATION

Having knowledge of the facts in the course of regular  
procedures, I certify that the services have been rendered;  
said certification is based on knowledge of a municipal official  
or employee or other reasonable procedures.

(Date) (Title or Position)

APPROVED FOR PAYMENT

(Name & Title) (Date)

(Name & Title) (Date)

(Name & Title) (Date)

CONSTRUCION OF ACCOUNT - BOARD DECISION					
CORRECTION OF ERRORS					
EMPLOYER COSTS (MEMBER HAS VET STATUS)					
SALEM COUNTY:					
LOC #10150.1					
SALARY	TOTAL	VAL	FISCAL	CONTRIB	EST
PERIOD	SALARY	DATE	YEAR	RATE	COST
4/1/93-3/31/94	41,859.00	3/31/94	1995	0.006000	251.15
4/1/94-3/31/95	44,073.00	3/31/95	1996	0.007600	334.95
4/1/95-3/31/96	46,278.00	3/31/96	1997	0.013600	629.38
4/1/96-3/31/97	47,943.00	3/31/97	1998	0.013600	652.02
4/1/97-3/31/98	49,689.00	3/31/98	1999	0.000000	0.00
4/1/98-3/31/99	51,309.00	3/31/99	2000	0.000000	0.00
<b>TOTAL EMPLOYER COSTS DUE:</b>					<b>\$1,867.51</b>



**PUBLIC EMPLOYEES RETIREMENT SYSTEM-NEW JERSEY DIVISION OF PENSIONS  
ENROLLMENT APPLICATION**

4/85

(Read the accompanying instructions carefully before completing this application.)

For Division Use Only: LOCATION NO.: 1-0150-1

MEMBERSHIP NO.: XXXXXXXXXX

**PART I: (Please Print or Type)**

1. NAME: Lewis G. Philip  
Last First (no nickname) Middle Maiden Surname

2. ADDRESS: R.R. #1 Box 463  
Woodstown, N. J. 08098  
Street City State Zip Code

3. SOCIAL SECURITY NUMBER: XXXXXXXXXX 4. SEX  M  F

5. DATE OF BIRTH: XXXXXXXXXX 6. VETERAN STATUS: (Attach Copy of Discharge or Form DD214)

7a. FORMER MEMBER OF SYSTEM:  Yes  No  
 b. ENTER ANY OTHER NAME(S) USED DURING PREVIOUS MEMBERSHIP(S)  
 8a. ENTER THE NAME OF ANY PUBLIC RETIREMENT SYSTEM IN WHICH YOU ARE OR HAVE BEEN A MEMBER IN THIS OR ANY OTHER STATE: PEDL  
 8b. ARE YOU RECEIVING BENEFITS FROM ANY RETIREMENT SYSTEM AT THIS TIME:  Yes  No

**PART II: DATE OF ENROLLMENT** - If you are permanent in your position, you must enroll 4 months following your regular or permanent appointment date. You will be so enrolled unless you elect to enroll as of your regular or permanent appointment date. If you wish to purchase the four month probationary period as well as all temporary service immediately preceding your appointment, on a retroactive basis requiring additional deductions, you may do so by checking the correct box below. If you wish to purchase the 4-month probationary period only, please check that box below. If you are temporary (provisional) in your position and have been employed in that position for 12 consecutive months, you must enroll the first day of the month following the end of the 12-month period. You may purchase your prior temporary service on a retroactive basis requiring additional deductions by checking the correct box below. Arrangements to purchase any prior service immediately preceding your date of enrollment must be made within one year following the date pension deductions begin, if you decline at this time. Complete Part II of this application by checking the appropriate box.

**IMPORTANT: LIFE INSURANCE IS ONLY AVAILABLE TO MEMBERS OF THE RETIREMENT SYSTEM WHO ARE ELIGIBLE FOR COVERAGE. IF ELIGIBLE, INSURANCE COVERAGE IS NOT EFFECTIVE UNTIL DATE OF ENROLLMENT.**

- A. PERMANENT OR UNCLASSIFIED EMPLOYEES:**
- I wish to enroll as of my regular or permanent appointment date and purchase the four month probationary period, as well as all temporary service, immediately preceding my appointment. I understand that this is on a retroactive basis and requires additional deductions.
  - I wish to enroll as of my regular or permanent appointment date and purchase the four month probationary period.
  - I wish to enroll four months following my regular or permanent appointment date. I do not wish to purchase the four month probationary period or any prior temporary service.
- B. TEMPORARY (PROVISIONAL) EMPLOYEES HAVING TWELVE CONSECUTIVE MONTHS OF SERVICE:**
- I wish to enroll upon completion of 12 consecutive months and purchase my temporary time immediately preceding my enrollment on a retroactive basis requiring additional deductions. *Ant. of temp. serv. would be before a decision is made re the offer.*
  - I wish to enroll upon completion of 12 consecutive months and do not wish to purchase my preceding temporary service.

**PART IV: RECORD OF PUBLIC EMPLOYMENT.** Indicate any public employment in this or any other state. Certain types of previous public employment are eligible to be purchased for additional credit in the retirement system. For further information regarding purchase, please refer to the instructions for completing Part IV.

**NOTE:** Any temporary service immediately preceding your permanent appointment date must be purchased within one year following the date pension deductions begin.

Name of Employing Agency	Payroll Title	Dates		Mo./Annual Salary		Length of Service Yrs. Mos. Day
		From Mo. Day Yr.	To Mo. Day Yr.	Base Salary	Maintenance	

WDL 327683

PENSION SYSTEM

**PART V: DESIGNATION OF BENEFICIARY** - It is important to name **BOTH** primary and contingent beneficiaries for benefits payable if death occurs prior to retirement while a member of the retirement system. Such benefits may include: (1) group life insurance, noncontributory and contributory, and (2) the accumulated deductions credited to your account in the retirement system. Read the accompanying instructions carefully before completing your designation of beneficiary. It is important to note that your group life insurance coverage is not effective until your date of enrollment in the system.

**GROUP LIFE INSURANCE AND RETURN OF ACCUMULATED DEDUCTIONS**

List your primary and contingent beneficiaries in the space provided. Use full given names and list all females by their given name. See additional instructions.

**PRIMARY BENEFICIARY (no nicknames)**

Lucinda R. Lewis      Wife      Same      [Redacted]

FULL NAME OF BENEFICIARY      RELATIONSHIP      ADDRESS      BIRTH DATE

**CONTINGENT BENEFICIARY (no nicknames)**

[Redacted]      Mother      [Redacted]

To My Estate

FULL NAME OF BENEFICIARY      RELATIONSHIP      ADDRESS      BIRTH DATE

**NOTE:** If you wish to name multiple beneficiaries to share equally, their names must appear in the same category. This form provides for "Lump Sum" settlement. If a different method of payment is desired for the Life Insurance, please notify the Division of Pensions and the proper forms will be mailed.

SIGNATURE OF APPLICANT [Signature]      DATE 9/26/85  
(Signature must appear same as in Part I)

**PART VI: CERTIFICATION OF EMPLOYING AGENCY (To be completed by your employer.)**

1a. Name Of Employer: County of Salem      b. Regular Or Permanent Appointment Date: \_\_\_\_\_  
 1b. County: Salem      MO. \_\_\_\_\_ DATE \_\_\_\_\_ YR. \_\_\_\_\_  
 2. A. Location No. 10150-1      B. Bureau No. \_\_\_\_\_  
 C. Payroll No. \_\_\_\_\_ (State employees only)      7a. Current Base Annual Salary Only \$ 30,807.00 (no hourly or per diem rate)  
 3. Payroll Title Of Applicant: Manpower Coord.      b.  Ten  Twelve Month Employee  
 4. Is Applicant Employed By More Than One Public Employer?  Yes  No      8. I have reviewed this application and it is correct.  
 5. Is this individual still considered a temporary (provisional) employee?  Yes  No      [Signature]  
 6a. Date Employment Began 12-23-74      Signature of Certifying Officer

**PART III: FOR DIVISION USE ONLY.**

1. Insurance Code \_\_\_\_\_ (42)      8. Contribution Age \_\_\_\_\_  
 2. Class A(1) \_\_\_\_\_ B(2)  Other(3) \_\_\_\_\_ (4) \_\_\_\_\_ (43)      9. Months of Prior Service \_\_\_\_\_  
 3. Rate \_\_\_\_\_ (49-51)      10. Enrollment Date 5-1-85  
 4. Accumulated Base Salary \$ \_\_\_\_\_ (52-56)      11. Interfund Transfer Date \_\_\_\_\_  
 5. Months of Service B \_\_\_\_\_ (64-66)      6. Months of Service A \_\_\_\_\_ (67-69)      12. Insurance Effective Date \_\_\_\_\_  
 7. Forced \_\_\_\_\_ E.O. 6 \_\_\_\_\_ (70)      13. Proof of age Rec'd \_\_\_\_\_ Required \_\_\_\_\_  
 Checked \_\_\_\_\_ Date \_\_\_\_\_

TP-10-21-784

10150

SALEM COUNTY  
CO TREASURER/COMPTROLLER  
90 MARKET ST  
SALEM NJ 08079

# State of New Jersey

## DEPARTMENT OF THE TREASURY DIVISION OF PENSIONS

CM 295  
TRENTON, N.J. 08625

### CERTIFICATION OF PAYROLL DEDUCTIONS

ALL DEDUCTIONS BEGIN 5-01-

#### PUBLIC EMPLOYEES RETIREMENT SYSTEM

NAME LEWIS, G. PHILIP

MEMBERSHIP NUMBER [REDACTED]

SOCIAL SECURITY [REDACTED]

BACK DEDUCTION SCHEDULE ARREARS SCHEDULE (C/A) SCHEDULE

ACCUMULATED BASE SALARY \$12,835.00

NUMBER

SALARY THIS QUARTER \$2,567.00

OF

FULL PENSION RATE 6.24

PAYMENTS

PENSION DEDUCTION \$108.84

AMOUNT

SUPPLEMENTAL VARIABLE ANNUITY

PER

CONTRIBUTORY INSURANCE EFFECTIVE 5-01-85

PAYMENT

INSURABILITY REQUIRED NC

TOTAL

DATE OF BIRTH [REDACTED]

AMOUNT

DATE OF ENROLLMENT 5-01-85

MONTHS OF PRIOR SERVICE

ENROLLED AS:

VETERAN

YOUR REQUEST FOR ADDITIONAL SERVICE IS BEING PROCESSED

\$1,414.92

Certified for the Retirement System by the Division of Pensions (SEE INSTRUCTIONS ON REVER



24 NOV 1986  
DIVISION OF PENSIONS

**BOARD OF CHOSEN FREEHOLDERS**  
COURT HOUSE  
SALEM, NEW JERSEY 08079

(609) 835-7510  
Ext. 363

**JAMES R. BAILEY**  
Treasurer

November 20, 1986

Ms. Carmela Sitarvo  
Supervisor of Withdrawals  
Division of Pensions  
20 West Front Street  
CN 295  
Trenton, NJ 08625

Dear Ms. Sitarvo:

In response to your memorandum of November 7, 1986, enclosed herewith is a list of temporary employees employed under the Federal Job Training Partnership Act.

If you have any questions, please give me a call.

Sincerely,

James R. Bailey  
Treasurer

JRB:vel

Encl

cc: G. Philip Lewis  
Lee Munyon

TO: Division of Pensions  
CN 295  
Trenton, New Jersey 08625  
Att: Carmela Sitarov, Supervisor  
Withdrawal Section

FROM: JAMES R. BAILEY, TREASURER

COUNTY OF SALEM

92 MARKET STREET

SALEM, NEW JERSEY 08079

I hereby certify that the employee(s) listed below have been notified that they are affected by the provisions of Chapter 109, P.L. 1986, and are ineligible for membership in the Public Employees Retirement System.

11-20-86  
DATE

  
Signature of Certifying Officer

<u>MEMBERSHIP NUMBER</u>	<u>NAME</u>	<u>ADDRESS</u>
728824		Box 343, Alloway, N.J.
728834		
716219		
723258	G. Philip Lewis	R.R. #1, Box 463, Woodstown, N.J. 08098
728843		Willis St., Penns Grove, N.J. 08069
728846		
728832		

NOV 24 1986  
DIVISION OF PENSIONS





State of New Jersey  
DEPARTMENT OF THE TREASURY

FEATHER O'CONNOR  
STATE TREASURER

DIVISION OF PENSIONS  
20 WEST FRONT STREET  
CN 295  
TRENTON, NEW JERSEY 08625

DOUGLAS R. FORRESTER  
DIRECTOR  
(609) 292-3468

MEMORANDUM

DATE: November 7, 1986  
TO: James R. Bailey  
Treasurer  
Salem County  
Board of Chosen Freeholders  
Court House  
Salem, New Jersey 08079  
FROM: Division of Pensions  
Office of Client Relations  
SUBJECT: Chapter 109, P.L. 1986

*See his letter attached*

This is in reference to the provisions of Chapter 109, P.L. 1986 which became effective on September 19, 1986.

The law provides that a temporary employee who is employed under the Federal Job Training Partnership Act (P.L. 97-300: 29 U.S.C. 1501) is ineligible for membership in the Public Employees' Retirement system. Also, the law establishes that any temporary employee under the Federal Act who was enrolled in the Public Employees' Retirement System on or before September 19, 1986 shall have their membership terminated. Upon the termination of membership, the individuals will receive a refund of their accumulated pension contributions after the third quarter contributions have been posted to membership accounts. The refund of the contributions will serve as a waiver of any future benefits payable to the employee or beneficiary. The termination of the employee's membership is mandatory; therefore, no further pension contributions should be remitted to the Division for these members effective October 1, 1986.

In order to implement the law, we are requesting that you identify any employee currently enrolled in the Public Employees' Retirement System who meets the criteria indicated above. The identification should be made on the attached form; if necessary, this form may be duplicated. The completed form should be returned to Carmela Sitarov, Supervisor of Withdrawals, as soon as possible.

Please note your permanent employees are not affected by this legislation.

If you have any questions, you may call the Office of Client Relations at (609) 292-7524.



State of New Jersey  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS  
20 WEST FRONT STREET  
CN 295  
TRENTON, NEW JERSEY 08623

HAEL M. HORN  
TREASURER

DOUGLAS R. FORRESTER  
DIRECTOR  
(609) 292-3463

Feb. 4, 1986

Salem County  
Co. Treasurer Comptroller  
90 Market St.  
Salem, NJ 08079

In reply refer to:  
MAM - New Enrollment  
RE: Philip G. Lewis

TO: Employing Agency  
FROM: Mary Anne Miller, Supervisor, Enrollment and Transfer Section  
SUBJECT: Missing Information on Enrollment Application

The enrollment application for the above named employee cannot be processed for the following reason:

- Application not completed showing birth date; please submit birth or baptismal certificate.
- Temporary/Provisional employees not eligible for membership until start of second consecutive year of employment.
- Applicant's signature has been omitted; please secure signature and return application.
- Applicant must sign application. Printing not acceptable.
- Certifying Officer's signature has been omitted.
- Name on application and discharge record do not agree. Please submit a copy of an affidavit or court order to verify that the employee is one and the same person.
- Information checked below not shown on application. Please indicate on the line shown the information requested:
  - Permanent Appointment date \_\_\_\_\_
  - Social Security # \_\_\_\_\_
  - Beginning date \_\_\_\_\_
  - Payroll Title \_\_\_\_\_
  - Annual Salary \_\_\_\_\_

Is individual a provisional employee? If not need permanent appt. date.  
Yes, employee is a temporary employee.

PLEASE RETURN THE ENCLOSED COPY OF THIS LETTER WITH THE INFORMATION OR MATERIAL REQUESTED.

MAM/

TERMID: G206 NEW JERSEY DIVISION OF PENSIONS THE: 06/30/86  
PAGE COMMAND: ACCOUNT HISTORY MEMBER DETAIL: AMHR AS OF: 08/23/86  
(09/30/86 (09/55)) PAGE 30 MIF UPDATE: 09/24/86

ID: 2-723258 NAME: LEWIS, PHILIP  
SYSTEM PERS: SEX: MALE SERVICE: INTEREST DATA: CURRENT ACCOUNT: STATU  
LOCATN: 10150 DOB: [REDACTED] MJS: 14 TOT: 0.00 BALANCE: NO PYM  
BUREAU: DOB: 05/01/28 FOS: 0 YR: 1 0.00 ASF: 217.88  
CLASS: B AGE: 38 A: 0 YR: 2 0.00 ARR: 1306.08 108  
GROUP: CR2 VET: YES CS: 0 1954 0.00 BD: 0.00  
40-12: 12 SINS: BOTH MIL: 0 1944 0.00 LOAN: 0.00  
CHRG: NO FOX: NO RATE: 4 0.00 O/S: 0.00  
MULTIF: NO VEST: NO WRD: N/A 0.00 B/C: NO

STRAN  
SYNCR/MIF: DONE (P) YES FOR THE: 15/2 (1) YES (18) YES (19) YES  
ID: 2-723258 NAME: LEWIS, PHILIP THE: 09/30/86 108  
LOCATN: 10150 DOB: 05/01/28

287 3 1 25 2 100  
108 3 1 28 3 100  
SAT: NEO  
\*\*END OF LIST\*\*

DEPARTMENT OF TREASURY—DIVISION OF PENSIONS  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NO INTEREST

WITHDRAWAL WORKSHEET—AUTHORIZATION FOR PAYMENT

1. CHECK DATE  
2. NAME  
3. ADDRESS

CHECK NO.  
6. PHILLIP LEWIS  
RR #1 BOX 463  
WOODSTOWN, NJ 08078

PREPARED BY  
MEMBERSHIP NO.  
SOCIAL SECURITY  
P/R NO.



4. LOCATION  
5. INTEREST CODE  
6. EOP BALANCE (DATE)

10150  
4 3  
7/30/86

WITHDRAWAL NO.  
CAUSE

397757

WORK AREA  
0:00  
0:00  
0:00

7. LAG ITEMS NOT POSTED  
8. LUMP SUM PAYMENTS  
9. REFUNDS/ OVERPAYMENTS/ LUMPS

681.03  
0.00  
0.00  
0.00

10. CANCEL DATE

30/86

681.03

11. ACCUMULATED INTEREST

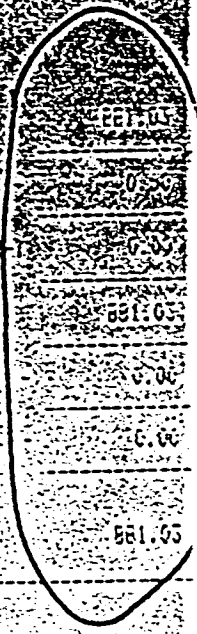
681.03

12. ACCOUNT #718.0 FEDERAL TAX WITHHELD LUMP SUM

0.00

13. CASH TO BE PAID

681.03



*Chapter 109  
P.L. 1986*

DEATH CASES ONLY

- (1) TOTAL 8/30/54 (6/30/44 + 8/30/54)
- (2) ACCUMULATED INTEREST TO DEATH
- (3) TOTAL INTEREST (FOR DEATH)

WITHDRAWAL CASES ONLY

	TOTAL INTEREST	FAYABLE FACTOR	INTEREST PAYABLE	ADJUSTED INTEREST
DATE FOR MEMBER				
CONTRIBUTIONS (NOTE 2)	681.03	51 OR 42 6/30/54	0.00	0.00
INTEREST FOR MEMBER	0.00	51 FROM MICROPHONE	0.00	0.00
FEDERAL TAX WITHHELD	0.00	42 FROM MICROPHONE	0.00	0.00
CASH TO BE PAID	681.03	6.52 (NOTE 3)	0.00	0.00
TOTALS	681.03		0.00	0.00

NOTE (1) ADD 51 & 42 (EXCLUDING 6/30/54 INTEREST). SUBTRACT RESULTANT TOTAL FROM TOTAL INTEREST ITEM 9 ABOVE. THE DIFFERENCE EQUALS INTEREST @ 6.52.  
(2) IF INTEREST PRIOR TO 6/30/54 IS PRESENT THE ASF (ITEM 2) IS REDUCED BY THE TOTAL INTEREST PRIOR TO 6/30/54 TO ARRIVE AT CONTRIBUTIONS FOR MEMBER.



ENROLLMENT APPLICATION

(See Information & Instructions on Reverse Side)

Do Not Write In This Box

LOCATION NO.

1-0150-1

MEMBERSHIP NO.

Please Print or Type:

Name: Lewis, G. Philip

Address: 14 Bowen Ave., Woodstown, N.J. 08098

Sex (X) M ( ) F ( ) Date of Birth: 3-14-67

Veteran Status (Copy of Discharge must be attached) a. Date of Induction - Yes b. Discharge Date of 11-30-70

Former Member of System: Yes ( ) No ( ) Enter name of any public retirement system in which you are or have been a member in this or any other State.

Maiden Surname And Surname Used During Previous Membership

- 8. Date of Enrollment - You must enroll four months after your permanent or regular appointment. You will be so enrolled unless you elect to enroll as of your permanent or regular appointment. If you wish to purchase the four-month period on a retroactive basis requiring additional deductions, please check below. [X] Yes [ ] No (Optional enrollees will be enrolled as of the first day of the month following the day their enrollment application is received.) Eff 8/1/80
9. Please request benefit booklets on Public Employees' Retirement System and Supplemental Annuity Program from your Personnel Officer or Payroll Clerk.

RECORD OF PUBLIC EMPLOYMENT - (Show All Public Employment in This or Any Other State - Do not include Bonus or Overtime) (For Purchase of Retirement Credit - See Reverse Side)

Table with columns: Name of Employer, PAYROLL TITLE, DATES (From, To), MO. OR ANNUAL BASIS (Base Cash Salary, Maintenance), Length of Service (Yrs, Mos, Days). Includes a large 'VETERAN' stamp.

11. DESIGNATION OF BENEFICIARY (The persons who will receive benefits at the time of your death) PRIMARY BENEFICIARY: Lucinda R. Lewis, wife, same, Birthdate [redacted]

CONTINGENT BENEFICIARY (person's who will receive benefits at the time of your death if the primary beneficiary dies before you) [redacted]

If more than one beneficiary is named the following shall apply: "Share and share alike, survivor or survivor." Payment will be made on a lump sum basis, unless an appropriate form, provided upon request, is filed.

DATE 9/9/80 SIGNATURE OF APPLICANT [Signature]

NOTE: Most employees who are less than 60 years of age at enrollment are required, by statute, to pay premiums for contributory insurance coverage during their first full year of membership.

Part II CERTIFICATION OF EMPLOYING AGENCY

1. Title: Dir. C/D-M/P Co-ord Bureau No.
2. Date Employment Began: 8/1/80 Permanent or Regular Appointment Date: 8/1/80
3. Annual Salary \$: 1,300.00 Ten [ ] Twelve [X] Months
4. Name of Employer: County of Salem
5. Part-time Employee at Appointment Date: Yes [X] No [ ]
6. Check if applicant is employed by more than 1 employer: [ ]
7. Social Security Number: [redacted]
8. [STATE EMPLOYEES ONLY] Payroll No. 9/9/80
9. Certified By: [Signature] Date: [redacted] County: Salem

Part III (For Use Of Pension Division Only)

1. Insurance Code: [redacted]
2. Class A (1) [ ] B (2) [X] Other (3) [ ]
3. Rate: [redacted]
4. Accumulated Base Salary \$: [redacted]
5. Months of Service B: [redacted]
6. Months of Service A: [redacted]
7. Forced: [redacted]
8. Contribution Age: [redacted]
9. Months of Prior Service: [redacted]
10. Enrollment Date: 8-1-80
11. Interfund Transfer Date: [redacted]
12. Insurance Effective Date: 11-1-80
13. Proof of Age Req'd: [redacted]
Figured: [Signature] Checked: [redacted] Date: 11-10-80

TP-10-21-764  
10150

SALEM COUNTY  
COUNTY TREASURER  
90 MARKET ST.  
SALEM N J

08079

State of New Jersey  
DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS

P.O. BOX #2058  
TRENTON, N.J. 08625

CERTIFICATION OF PAYROLL DEDUCTION

PUBLIC EMPLOYEES RETIREMENT SYSTEM

ALL DEDUCTIONS BEGIN 3-7-81

NAME LEWIS, G PHILIP

MEMBERSHIP NUMBER 560063

SOCIAL SECURITY [REDACTED]

ACCUMULATED BASE SALARY \$216.00

SALARY THIS QUARTER \$108.00

FULL PENSION RATE 5.73

PENSION DEDUCTION \$4.03

SUPPLEMENTAL VARIABLE ANNUITY

CONTRIBUTORY INSURANCE EFFECTIVE 11-01-80

INSURABILITY REQUIRED NO

DATE OF BIRTH [REDACTED]

DATE OF ENROLLMENT 8-01-80

MONTHS OF PRIOR SERVICE

ENROLLED AS:

BACK DEDUCTION SCHEDULE	ARREARS SCHEDULE	LOAN SCHEDULE
NUMBER OF PAYMENTS 7		
AMOUNT PER PAYMENT \$4.03		
TOTAL AMOUNT \$28.21		

VETERAN

Certified for the Retirement System by the Division of Pensions \_\_\_\_\_ (SEE INSTRUCTIONS ON REVERSE SIDE)

STATE OF NEW JERSEY  
DEPARTMENT OF THE TREASURY - DIVISION OF PENSIONS  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
CN 295 Trenton, New Jersey 08625  
APPLICATION FOR WITHDRAWAL

PART 1

Social Security No. [REDACTED]

I, G. Philip Lewis Date of Birth [REDACTED] Membership No. [REDACTED]

(Please Print Full Name) (Term of Grant)

(resigned), (was dismissed) (Term of Grant) from my position as Director in the Community Development Dept. on the 30th day of June 1981

(Department or Institution) and am not now in state service, or in the employ of any county, municipality, or public agency that is covered by the System.

I, (am, am not) am not receiving periodic benefits under a claim filed for Workers' Compensation based on an injury incurred as a result of service performed in public employment, and I (do, do not) do not have a claim pending, or litigation pending on this Workers' Compensation.

In accordance with the provisions of Section 41 of Chapter 84 P.L. 1954, I hereby apply for the return of my salary contributions. (See instructions on reverse side)

[Signature]  
Signature

State of New Jersey  
County of Salem

Address to which check is to be mailed  
[Address]

Sworn and subscribed before me this 7th day of April, 1983

Signature of Notary  
Commissioner of Deeds  
Official Title Commissioner

If you have an Official Seal, Affix it

PART 2 CERTIFICATION OF EMPLOYING AGENCY

Certifying Officer or Department Head: In order to avoid delay in honoring this withdrawal claim, your certification will be used to calculate the payment due. You, therefore, should not execute and return this form until the last deduction from salary has been made.

I hereby certify that G. Philip Lewis (Term of Grant) (resigned) (was dismissed) (OTHER)

from this department on 6/30/81 Last salary deduction was made on second half (DATE OF SEPARATION) (FIRST OR SECOND)

of June 1981 The employee (is, is not) is not receiving periodic benefits (MONTH) (YEAR) (PLEASE COMPLETE)

under a claim filed for Workers' Compensation based on an injury incurred as a result of service performed in public employment, and (does, does not) have a claim pending, or litigation pending on this Workers' Compensation. (PLEASE COMPLETE)

If military leave deductions were contributed by the employer since 1/1/55, show total deduction \$ \_\_\_\_\_ and periods covered from \_\_\_\_\_ to \_\_\_\_\_

NOTE: IF THIS MEMBER IS A PARTICIPANT IN THE SUPPLEMENTAL ANNUITY COLLECTIVE TRUST AND IS WITHDRAWING ALL ACCUMULATED SALARY DEDUCTIONS IN THE RETIREMENT SYSTEM, A SEPARATE "APPLICATION FOR WITHDRAWAL FROM S.A.C.T." MUST BE SUBMITTED TO WITHDRAW FROM THE SUPPLEMENTAL ANNUITY COLLECTIVE TRUST.

I further certify that the following deductions have been made from his/her salary during the last three quarterly periods ending with the current quarter: (SEE QUARTERLY REPORT OF CONTRIBUTION) Bi-weekly reporting agencies complete "Supplemental Bi-Weekly Certification of Employing Agency" in lieu of this item.

QUARTER ENDING	BASE SALARY SUBJECT TO CONTRIB. THIS QUARTER	FULL RATE	PENSION CONTRIBUTION	LOAN REPAYMENT	BACK DEDUCTIONS		ARREARS AMT. OR PURCHASES	TOTAL PENSION DEDUCTIONS		SUPPLEMENTAL ANNUITY	
					NO.	AMOUNT		RATE	AMOUNT		
3/81	108	5.73	4.03	7	403			8.06			
6/81	324	5.73	12.09	6	1209			24.18			

4/7/83  
DATE  
County Treasurer  
TITLE

Rose Rice  
SIGNATURE OF CERTIFYING OFFICER OR DEPARTMENT HEAD  
County of Salem  
EMPLOYING AGENCY  
Salem  
COUNTY



DEPARTMENT OF THE TREASURY - DIVISION OF PENSIONS  
 PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
 WITHDRAWAL AND DEATH WORKSHEET - AUTHORIZATION FOR PAYMENT

3% & 4% & 6%

1. Check Date MAY 23 1965 Check No. 437132 Prepared \_\_\_\_\_

2. Name G. Philip Lewis Membership No. 560063

3. Address: 14 Bowen Ave. Social Security No. [REDACTED]  
Wood Street, N.S. 05195 P/R No. \_\_\_\_\_

4. Location: City Salem IN 150 Withdrawal No. 327033

5. Interest Code 4 3 Annual Salary 1296. Cause 1

6. EDP Balance (Date) 12/31/52 104.75

7. Lag Items Not Posted: \_\_\_\_\_

A. Lump Sum Payments \_\_\_\_\_

B. Refunds, Overpayments, Loans 72.52 Misc. Trans.

8. Balance Date 12/31/52

9. Net Accumulative Interest (Date 6/30/54) 32.26

10. Unearned Interest on loan = + Charge on partial withdrawal LOAN (+ or -)

11. Total Adjusted Interest \_\_\_\_\_

12. Account 716.0 Federal Tax Withheld Lump Sum \_\_\_\_\_

13. Cash to be Paid 32.26

DEATH CASES ONLY

- (1) Total 6/30/54 (6/30/44 + 6/30/54) \$ \_\_\_\_\_
- (2) Accumulated Interest to \_\_\_\_\_ Death + \_\_\_\_\_
- (3) Total Interest (for Death) \$ \_\_\_\_\_

WITHDRAWAL CASES ONLY

DATE FOR MEMBER	Total Interest	Payable Factor	Interest Payable	Adjusted Interest
Contributions (NOTE 2)	\$ <u>32.26</u>	3% or 4% 6/30/54	<u>.5667 or .5000</u>	_____
Interest for Member	<u>↑</u>	3% from microfiche	<u>.6667</u>	_____
Federal Tax Withheld	<u>↑</u>	4% from microfiche	<u>.5000</u>	_____
Cash to be paid	\$ <u>32.26</u>	6 1/2% (NOTE 1)	<u>.3077</u>	_____
<b>TOTALS</b>	\$ _____		\$ _____	\$ _____

NOTE (1) Add 3% & 4% (excluding 6/30/54 interest). Subtract resultant total from total interest (ITEM 9 above). The difference equals interest @ 6 1/2%.

(2) If interest prior to 6/30/54 is present the ASF (ITEM 8) is reduced by the total interest prior to 6/30/54 to arrive at Contributions for Member.

Figured du Checked \_\_\_\_\_ Date 5/12/65



SALEM COUNTY  
TREASURER'S OFFICE  
COURT HOUSE, MARKET STREET  
SALEM, NEW JERSEY 08079

ROSE RICE  
COUNTY TREASURER  
TELEPHONE 609-935-7510 EXT. 255

November 22, 1982

Robert Morley, Supvr.  
Audit Department  
Public Employees' Retirement System  
CN 295, Trenton, N. J. 08625

Dear Mr. Morley:

Please be advised that contributions for  
G. Philip Lewis, membership [redacted] were sub-  
mitted in error.

Mr. Lewis was terminated from his per-  
manent position effective June 30, 1981, but  
we continued to remit his pension and group  
insurance from July 1, 1981 through September  
30, 1982.

I have discussed this matter with Mr.  
Belcavage of Mr. Murphy's office and he has in-  
dicated to me that P.E.R.S. should refund the  
pension and group insurance contributions to  
Mr. Lewis for the period July 1, 1981 through  
September 30, 1982.

If additional information is required,  
please contact me.

Very sincerely,

*Rose Rice*  
Rose Rice  
County Treasurer

*Memo to Mr. Morley  
to discuss 1981 salary \$548  
Memo to discuss  
1982 salary \$972  
Memo to discuss  
Annual 15 wage  
AIA Pension Change - \$72.52  
AIA C I Change - \$12.15  
11/23/82*

TERMID: 9400 NEW JERSEY DIVISION OF PENSIONS THE 12/30/82  
 PAGE COMMAND ACCOUNT HISTORY MEMBER DETAIL AMM: AS: OF 12/30/82  
 12/08/82(11:54) PAGE 1  
 ID: 2-560063 NAME: LEWIS, G PHILIP SSN: [REDACTED] DATE: 12/08/82  
 SYSTEM: PERS SEX: MALE SERVICE: INTEREST: DATA CURRENT ACCOUNT: STATUS  
 LOCATN: 10150 DOR: 02/47/17 MOS: 26 7782 2.00  
 BUREAU: DOE 08/01/80 PDS: 0 4281 01.00 ASSE: 104.78  
 CLASS: P AGE: 33 SA: 10 790 0.00 ARR: 0.00  
 GROUP: CR2 VET: YES SPS: 0 1954 0.00 BD: 0.00  
 10.12.12 INS: BOTH PUR: 0 1944 0.00 LOAN: 0.00  
 CH26: NO POA: NO RATE: 5.73 4% 0.00 O/S: 0.00  
 MULTIF: NO 333 WRD: N/A 3% 0.00  
 QYY TRN I SALARY PDS MOS O/S AMT BD AMT LOAN AMT ARR AMT PEN AMT ASE AMT  
 382 0 M 972.00 26 12 12.09 104.78  
 382 8 M 10150-1 324.00 3 12 12.09 104.78  
 282 0 M 10150-1 648.00 23 12 12.09 104.78  
 282 8 M 10150-1 324.00 3 12 000000.00 92.69  
 282 8 M 10150-1 324.00 3 12 12.09 12.09  
 \*\*\*MORE DATA TO DISPLAY\*\*\* (16)2 (17)YES (18)YES (19)YES  
 CMD: PG 2 ID: [REDACTED] NAME: LEWIS, G PHILIP 12/08/82(11:54)  
 QYY TRN I SALARY PDS MOS O/S AMT BD AMT LOAN AMT ARR AMT PEN AMT ASE AMT  
 182 0 M 10150-1 324.00 20 12 12.09 60.60  
 182 8 M 10150-1 324.00 3 12 000000.00 12.09 12.09  
 481 0 M 10150-1 1296.00 17 12 5.73 12.09 68.51  
 481 8 M 10150-1 324.00 3 12 000000.00 12.09 12.09  
 381 0 M 10150-1 972.00 14 12 5.73 24.18 56.42  
 381 8 M 10150-1 324.00 3 12 -12.09 000000.00 12.09 24.18  
 281 0 M 10150-1 648.00 11 12 5.73 12.09 24.18 32.24  
 281 8 M 10150-1 324.00 3 12 000000.00 12.09 24.18  
 181 0 M 10150-1 324.00 8 12 5.73 4.03 8.06 8.06  
 181 8 M 10150-1 108.00 1 12 -4.03 000000.00 4.03 8.06  
 10150-1 12 5.73 4.03  
 \*\*\*MORE DATA TO DISPLAY\*\*\* (16)2 (17)YES (18)YES (19)YES  
 CMD: PG 3 ID: 2-560063 NAME: LEWIS, G PHILIP 12/08/82(11:54)  
 QYY TRN I SALARY PDS MOS O/S AMT BD AMT LOAN AMT ARR AMT PEN AMT ASE AMT  
 181 4 M 216.00 7 28.21 0.00 0.00  
 \*\*\*END OF LIST\*\*\* (16)2 (17)YES (18)YES (19)YES

DEPARTMENT OF THE TREASURY - DIVISION OF PENSIONS

FILTER AND CONTROL

Pay Period # \_\_\_\_\_

MISCELLANEOUS TRANSACTION FORM

Payroll Loc. # \_\_\_\_\_

Soc. Sec. # \_\_\_\_\_

P&FRS

TPAF

PERS

SP

*Wilson Co - 10150*

Name *Laura L. Phelps* % M/S No.                     

	code	INCREASE	code	DECREASE
Annuity Savings Fund	3		6	
Arrears	28		2	
Loans	78		7	
Salary	3	<i>1,982</i>	6	<i>648</i> <i>972</i>
Back Deductions	48		4	
Back Ded. (No. of pmts.)				
Accumulated Interest				
Months of Service	3		6	<i>15</i>
Bi-Weekly Pay Periods	3		6	

Reason for Transaction: \_\_\_\_\_

*Per letter dated 11/22/80 signed  
by Rose Perce - transfer terminated 6/30/81  
Manual Misc added to Dec 2581  
Salary 648.*

*1/11 Personal Savings - \$ 72.52  
1/11 C.I. Savings - \$ 12.15*

Date of Request *12/19/82* Section *Audit* By *[Signature]*

Batch = \_\_\_\_\_

Quarter 19 \_\_\_\_\_

By \_\_\_\_\_

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

OVERAGE

Bi-Weekly  
Miscellaneous  
(CROSS OUT ONE)

MISCELLANEOUS TRANSACTIONS

audit of the account of the member listed below discloses an overpayment in the amount shown. Our check

this amount will be issued to:

Salem County

\$12.15

County Treasurer

7/1/81 to 9/30/82

90 Market Street

Salem Co.

Salem, New Jersey 08079

10150-1

#560063-Lewis, G. Philip

\$1,620.00	Salary
2.075%	C.I. Rate
\$12.15	Total P.E.R.S. Rec'd
-0-	Due
\$12.15	Overage

Per letter dated 11/22/82, signed by Rose Rice, and audit of account.

(FOR P.E.R.S. USE ONLY)

Membership Number	Percent	A.S.F.	401.3 Clearing	702.0 CGIFF
				\$12.15

PAYMENT AUTHORIZATION

Acc. Audit

D.J.

Date 12/9/82

Remarks

C.I. Overage

CHIEF CONTRIBUTION SECTION

Date 2 1983

Check No.

1425845

Check Dated

MAR 1 4 1983

mnc



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
(609) 292-7524 TDD (609) 292-7718  
www.state.nj.us/treasury/pensions

DONALD T. DiFRANCESCO  
*Acting Governor*

*Mailing Address:*  
PO Box 295  
Trenton, NJ 08625-0295  
*Location:*  
50 West State Street  
Trenton, New Jersey  
PETER R. LAWRENCE  
*Acting State Treasurer*  
THOMAS P. BRYAN  
*Director*

May 17, 2001

John G. DeSimone, Esquire  
PO Box 237  
Woodbury, NJ 08096

**Re: G. Philip Lewis**  
**PERS** [REDACTED]

### FINAL ADMINISTRATIVE DETERMINATION

Dear Mr. DeSimone:

I am writing in reference to the action of the Board of Trustees of the Public Employees' Retirement System ("PERS Board") in denying your request on behalf of G. Philip Lewis to purchase additional service credit in the PERS from September 19, 1986 until April 1, 1993 when Mr. Lewis was an employee, pursuant to the Job Training Partnership Act (JTPA) at the County of Salem. The PERS Board reviewed this request at its March 21, 2001, and April 18, 2001, meetings and denied your request. Findings of Fact and Conclusions of Law, as outlined below were presented and approved by the PERS Board at its May 16, 2001, meeting.

The PERS Board has reviewed your written submissions and the documentation accompanying your appeal. Based upon the facts presented in those documents and the statutes and regulations governing the PERS, the PERS Board, cannot grant your request to allow Mr. Lewis to purchase the JTPA service from September 19, 1986 to April 1, 1993.

The Board made the following findings of fact. Mr. Lewis was employed through the County of Salem under the CETA program as a Teachers Aide from December 1, 1974 through December 2, 1976. On December 13, 1976 Mr. Lewis became the Community Service Planner with CETA. On January 1, 1977 he became the Senior Community Service Planner. On July 1, 1977 Mr. Lewis became the Deputy Director for the Department of Community Development with CETA. On January 1, 1980 he became the Manpower Coordinator with CETA. This position continued until October 1, 1983 when Mr. Lewis became the JTPA Administrator. On July 1, 1988 Mr. Lewis became the Human Resource Coordinator continuing in the JTPA. Mr. Lewis' position became permanent with the County of Salem on April 7, 1993.

At its meeting of March 21, 2001, the Board considered your submissions and granted an extension of one month to permit you to provide any documentation or argument as to why N.J.S.A. 43:15A-7(h) was inapplicable to Mr. Lewis' purchase request.

John G. DeSimone, Esq.  
Re: G. Philip Lewis  
Page 2  
May 17, 2001

At its meeting of April 18, 2001, the PERS Board reviewed your correspondence of April 3, 2001, and upon consideration voted to deny your request to allow Mr. Lewis to purchase a portion of his JTPA employment from September 19, 1986 through April 1, 1993. In support of its determination the Board cited N.J.S.A. 43:15A-7(h).

At the Board's meeting of April 18, 2001, you orally requested a hearing in the Office of Administrative Law. On April 30, 2001, you forwarded a letter to the PERS Board appealing the Board's April 18, 2001 decision. This Final Administrative Determination serves as formal notice that the Board has denied your request for a hearing.

The Board made the following conclusions of law:

The provisions of N.J.S.A. 43:15A-7(h):

A temporary employee who is employed under the Federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. s 1501) shall not be eligible for membership in the system. Membership for temporary employees employed under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. s 1501) who are in the system on September 19, 1986 shall be terminated, and affected employees shall receive a refund of their accumulated deductions as of the date of commencement of employment in a Federal Job Training Partnership Act program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

N.J.S.A. 43:15A-7(h) provides that a temporary employee who was employed under the Federal Job Training Partnership Act is ineligible for membership in the PERS. The law also provided that temporary employees who were enrolled in the PERS on or before September 19, 1986, would have their membership terminated and all contributions refunded. The refund served as a waiver of any future benefits payable to the employee or beneficiary.

Because this law specifically prohibits PERS membership to JTPA employees after September 18, 1986, the Division is without discretion to permit your request. Mr. Lewis' request to purchase his employment with the County of Salem pursuant to the CETA program was granted. Additionally, the request to purchase the JTPA employment from October 1, 1983, through September 18, 1986 was approved.

As noted above, the PERS Board has reviewed your written submissions including your written request for a formal hearing, in the Office of Administrative Law in accordance with the provisions of N.J.A.C. 17:1-1.5. Because your matter does not entail any disputed questions of fact, the PERS Board was able to reach its findings of fact and conclusions of law in this matter on the basis of the retirement system's enabling statutes and without the need for an administrative hearing. Accordingly, this correspondence shall constitute the Final

John G. DeSimone, Esq.  
Re: G. Philip Lewis  
Page 3  
May 17, 2001

Administrative Determination of the Board of Trustees of the Public Employees' Retirement System.

You have the right, if you wish, to appeal this final administrative action to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Jamison".

Wendy Jamison, Secretary  
Board of Trustees  
Public Employees' Retirement System

wj/G-3

c: David Dembe, SDAG

G. Philip Lewis  
105 Stockington Road  
Woodstown, NJ 08098



**NOTICE OF APPEAL**  
**SUPERIOR COURT OF NEW JERSEY – APPELLATE DIVISION**

JOHN G. DeSIMONE, ESQUIRE  
JOHN G. DeSIMONE, LLC  
Attorneys-at-Law  
22 North Broad Street  
Woodbury, NJ 08096

Attorney for G. Philip Lewis, Appellant

ON APPEAL FROM:

PUBLIC EMPLOYEE'S RETIREMENT SYSTEM  
STATE AGENCY

PERS #1065648  
AGENCY NUMBER

NONE  
TRIAL COURT JUDGE

CIVIL [ ] CRIMINAL [ ] JUVENILE [ ]  
ADMINISTRATIVE [X]

NOTICE IS HEREBY GIVEN THAT G. PHILIP LEWIS APPEALS TO THE SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION, FROM THE JUDGMENT [ ] ORDER [ X ] STATE AGENCY DECISION [X] ENTERED IN THIS ACTION ON MAY 17, 2001.

IF NOT APPEALING THE ENTIRE JUDGMENT, ORDER OR AGENCY DECISION, SPECIFY WHAT PARTS OF PARAGRAPHS ARE BEING APPEALED:

Paragraph 1 of Final Administrative Determination to Purchase Additional Service Credit in the PERS from September 19, 1986 until April 1, 1993.

HAVE ALL ISSUES AS TO ALL PARTIES BEEN DISPOSED OF IN THIS ACTION IN THE TRIAL COURT OR AGENCY? YES [X] NO [ ]

IF NOT, HAS THE ORDER BEEN CERTIFIED AS FINAL PURSUANT TO R. 4:42-2?  
YES [ ] NO [ ]

IN CRIMINAL, QUASI-CRIMINAL, AND JUVENILE CASES: N/A  
GIVE A CONCISE STATEMENT OF THE OFFENSE AND OF THE JUDGMENT, DATE ENTERED AND ANY SENTENCE OR DISPOSITION IMPOSED.

IS DEFENDANT INCARCERATED? YES [ ] NO [ ] N/A  
WAS BAIL GRANTED OR THE SENTENCE OR DISPOSITION STAYED? YES [ ] NO [ ]  
IF IN CUSTODY, GIVE THE PLAE OF CONFINEMENT \_\_\_\_\_.

NOTICE OF APPEAL AND ANNEXED CASE INFORMATION STATEMENT HAVE BEEN SERVED ON:

TRIAL COURT JUDGE N/A DATE OF SERVICE N/A  
TRIAL COURT CLERK OR STATE AGENCY: Wendy Jamison, Secretary  
ATTORNEY GENERAL OF THE STATE OF NEW JERSEY  
PURSUANT TO R. 2:5-1(a), (e) or (h) R. 2:5-1(e)

OTHER PARTIES:

NAME AND DESIGNATION	ATTORNEY NAME, ADDRESS AND TELEPHONE NUMBER	DATE OF SERVICE
<u>N/A</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

ANNEXED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON:

NAME	DATE OF SERVICE	AMOUNT OF DEPOSIT
COURT REPORTER'S SUPERVISOR, CLERK OF COURT OR AGENCY <u>N/A</u> COURT REPORTER <u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

EXEMPT FROM ANNEXING THE TRANSCRIPT REQUEST FORM DUE TO THE FOLLOWING:

- NO VERBATIM RECORD, ADMINISTRATIVE AGENCY: PURSUANT TO R.2:5-1(f)(2), AGENCY DECISION ATTACHED HERETO
- TRANSCRIPT IN POSSESSION OF ATTORNEY OR PRO SE LITIGANT. [FOUR COPIES, ALONG WITH THE COMPUTER DISKETTE FROM THE TRANSCRIPT PREPARER, MUST BE SUBMITTED]
- MOTION FOR ABBREVIATION OF TRANSCRIPT FILED WITH THE COURT OR AGENCY BELOW
- MOTION FOR FREE TRANSCRIPT FILED WITH THE COURT BELOW

I CERTIFY THAT THE FOREGOING STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. I ALSO CERTIFY THAT, UNLESS EXEMPT, THE FILING FEE REQUIRED BY N.J.S. 22A:2 HAS BEEN PAID.

06/22/01  
DATE

  
SIGNATURE OF ATTORNEY

April 3, 2001

Via Hand Delivery and Overnight Mail

Wendy Jamison  
Board Secretary  
Board of Trustees  
Public Employees Retirement System  
State of New Jersey  
Department of the Treasury  
Division of Pensions and Benefits  
P.O. Box 295  
Trenton, NJ 08625-0295

Location: 50 West State Street  
Trenton, NJ 08625-0295

Re: G. Philip Lewis Request to Purchase Additional Service from  
December 23, 1974 through April 6, 1993  
PERS No. [REDACTED]

Dear Ms. Jamison:

In response to comments made at the conclusion of the Board of Trustees Public Employees Retirement System (PERS) meeting of March 21, 2001, please find herein one original and two copies of a letter brief in lieu of a more formal submission on behalf of G. Philip Lewis.

#### ISSUES PRESENTED

The following five issues presented are as follows:

Whether or not G. Philip Lewis' Job Training Partnership Act (JTPA) time should not be considered under the provisions of N.J.S.A. 43:15A-7 et seq. more specifically, the provisions of N.J.S.A. 43:15A-7(h); and how the board can distinguish why G. Philip Lewis' JTPA service is not considered temporary in relationship to all other JTPA employees in Salem County. The

third issue is: Documentation requested by the Board of Trustees, including payroll stubs and contracts showing CETA employment from July 1, 1981 through June 30, 1983; and the fourth issue is: Documentation requested by the Board of Trustees showing JTPA employment from July 1, 1983 through April 6, 1986; and the fifth issue is: Summary review of Senate Bill No. 1471 (2<sup>nd</sup> OCR) submitted by Governor Thomas H. Keene to the Senate April 21, 1986.

### STATEMENT OF FACTS

Following Mr. Lewis' honorable discharge from the United States Navy, he domiciled in the County of Salem, State of New Jersey.

On December 23, 1974, Mr. Lewis was employed under the Comprehensive Employment and Training Act (CETA) as a teacher's aide. CETA was encouraged to be a long-term, grant-funded program in which Salem County was able to provide Public Service Employment (PSE), which allowed state and local governments in the community and Community Based Organizations (CBO) a tremendous amount of labor at no cost to the county. Salary: \$8,000 annually; then in March 1976: Mr. Lewis transferred from the Department of Health to the Community Development Department. Salary: \$8,957 annually; then in December 1976: A title change occurred. Salary: \$11,500 annually; then in July 1977: Mr. Lewis received another raise and title change. Salary: \$14,500 annually; then in July 1978: Pay raise given because of a new Salem County contract with the Union. Salary: \$15,535 annually; then in August 1979<sup>1</sup>: A fourth raise in two years due to new county contract. Salary: \$16,436 annually; then in August 1980<sup>2</sup>: Mr. Lewis was promoted to Manpower Coordinator (Deputy Director) of CETA. Salary: \$18,700 annually; and then in January

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<sup>1</sup> During the late 1970's Mr. Lewis' salary was split between two grants. A portion of his salary was used to purchase pension services in the PERS program and when one of the two grants ended, Mr. Lewis was no longer contributing to PERS and was refunded his prior contributions.

<sup>2</sup> In the early 1980s, Salem County changed the work schedule from 30 hours per week (9:00 a.m. to 4:00 p.m.) to 35 hours per week (8:30 a.m. to 4:30 p.m.) In addition to the 10% annual raise negotiated in the new contract, all county employees, except Department Heads, were given a 16.67% increment to account for the new hours. Mr. Lewis' staff was given a 26.67% raise and advised his was not as high (10%) because he was a Department Head.

1981: Mr. Lewis became the Department Head of the Salem County CETA Program. Salary: \$22,000 annually.

Finally, on June 30, 2000 Mr. Lewis accepted layoff/retirement. Final salary: \$52,736 annually plus service award of 6% annually, paid during the month of employment anniversary.

It is important to note that Mr. Lewis was treated as a regular county employee. Mr. Lewis received medical benefits, all paid holidays, accrued sick and vacation time, travel expense reimbursement, prescription plan, eyeglass reimbursement, etc. These medical benefits have remained post-separation.

Additionally, on September 24, 1993, Mr. Lewis was asked to complete and he forwarded a Duties Questionnaire for the State of New Jersey, Department of Personnel, Division of County and Municipal Government Services. Exhibit "1". In this submission, he certified the statement and forwarded same to the Department of Personnel, State of New Jersey. It is important to note the questionnaire he submitted has never been questioned or objected to and included the following:

- a. Department: JPTA
- b. Title as of December 24, 1993: Human Resources Coordinator
- c. Employment Status: Full time
- d. Total Work Hours: 35 - 40 hours per week
- e. Job Description: Supervisor Responsibilities as of 9/24/93:  
Oversaw the operation and work performance of eight employees assigned in his department
- f. The completed questionnaire also says that annually from April through September, Department hired four to five temporary [emphasis added] college students as staff to assist in the operation of summer use employment and training program.

LEGAL ARGUMENT

ISSUE ONE: WHETHER OR NOT G. PHILIP LEWIS'

JOB TRAINING PARTNERSHIP ACT (JTPA) TIME SHOULD NOT BE

CONSIDERED UNDER THE PROVISIONS OF N.J.S.A. 43:15A-7 ET.SEQ.

MORE SPECIFICALLY, THE PROVISIONS OF N.J.S.A. 43:15A-7(h)

G. Philip Lewis should be considered a member of the retirement system pursuant to N.J.S.A. 43:15A-7(b) wherein:

Any person becoming an employee of the state or other employer after January 2, 1955 and every veteran [emphasis added], other than a retired member who returns to service pursuant to Subsection b. of Section 27 of P.L.1966, c.217 (C.43:15A-57.2) other than those whose appointments are seasonal, becoming an employee of the state or other employer after such date, including a temporary employee with at least one years' continuous service.

Mr. G. Philip Lewis was a member of our armed services and, pursuant to N.J.S.A. 43:15A-7(b), it specifically states that membership to the retirement system is for every veteran which is described in N.J.S.A. 43:15A-7(b). See Exhibit "2". In further support of Mr. Lewis' veteran status pursuant to N.J.S.A. 43:15A-7(d) it says:

Membership in the retirement system shall be optional for elected officials other than veterans [emphasis added], and for school crossing guards, who have become eligible for benefits under other pension systems are so employed on a part-time basis. . . [and] [N]o person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$1,500.00 shall be eligible to become a member of the retirement system.

As described above, membership in the retirement system is optional for elected officials other than veterans. It is interpreted to be that membership into the retirement system is not optional for veterans. Membership in the retirement system should be automatic for veterans. Any person becoming an employee of the state or other employer after January 2, 1955 and **every veteran** becomes a member of the retirement system. G. Philip Lewis is a veteran and the statute is interpreted that being a veteran is not

an option to becoming a member of the retirement system, but being a veteran is a requirement for membership to the retirement system. Pursuant to N.J.S.A. 43:15A-7(d), people with veteran status employed by the State become a member of PERS. See Exhibit "2".

The Board of Trustees of PERS has made an inquiry as to how G. Philip Lewis' JTPA time should not be considered under the provisions of N.J.S.A. 43:15A-7(h) which says:

A temporary employee who is employed under the Federal Job Training Partnership Act, PUB.L.97-300(29U.S.C. Section 1501) shall not be eligible for membership in the system. Membership for temporary employees employed under the Federal Job Training Partnership Act, PUB.L.97-300(29U.S.C. Section 1501) who are in the system on September 19, 1986 shall be terminated, and affected employees shall receive a refund of their accumulated deductions as of the date of commencement of employment in the Federal Job Training Partnership Act Program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents or any of his beneficiaries under the retirement system.

As to caselaw, in Re: Hudson City Probation Department, 178 N.J. Super 362(1981) at page 363, the freeholders of Hudson County appealed a final decision of the Civil Service Commission issued on March 18, 1980 which held that hired investigators in the County's Probation Department are "permanent" pursuant to Title IV part D of the 1975 Amendments to the Social Security Act, 42 U.S.C.A. Section 651 et seq. are "permanent" civil service employees and accordingly are subject to the provisions of N.J.S.A. Title XI Civil Service. In Kyer v City of East Orange, 315 N.J. Super, 524(1998), the issue raised in that matter is whether a merit system for a provisional employee in the municipal classified service who is denied the opportunity to become a permanent employee by reason of the municipalities negligence and her own unawareness of the merit system requirements may, after seven years of exemplary service, be summarily discharged. The court held that under circumstances in that case, the employee's job rates are a matter for determination by the department of personnel, which has the authority to

grant a retroactive competitive examination or waiver thereof to declare her status as permanent and protected employee and thus fashion an appropriate remedy.

The Kyer case compared to this (Lewis) case is a matter for determination by the Department of Personnel who should have the authority to grant a retroactive competitive examination or waiver thereof of Mr. Lewis' objective to being considered a permanent employee.

Also, a letter dated February 23, 2001, forwarded to Richard A. Dann, president of Local 1085 Communication Workers of America, AFL-CIO located in Woodbury Heights, states that employees, in particular, Joan Cole and former employer of Mr. Lewis was the Former Assistant Deputy Director (Assistant Human Resource Coordinator) and is to be considered to be Salem County merit system employees entitled to all rights forwarded under Title XI A of the New Jersey Status. See Exhibits "1" and "3".

Furthermore, N.J.S.A. 43:13-22.52a, says that temporary employees become a member of the retirement system and the condition of membership requires that:

Any temporary employee included by this act in the definition of "employee" set forth in section 1 of P.L. 1964, c.275(c.43:13-22.50), shall, unless he is a member of another retirement system or otherwise ineligible, become a member of the retirement system established pursuant to P.L. 1964, c.275 as a condition of his employment; provided that he shall submit to and pass the physical and mental examinations required by the commission and shall provide such evidence of good health. . .

G. Philip Lewis began employment in 1974 through June 2000 and submitted and passed any physical and mental examinations required and shown by his continuous promotions throughout his tenure. Reading the word continuous raises the inquiry as to what is the employment definition of "continuous promotions" or "continuous employment" or "continuous service". As held in Mal Kennedy, Anthony Longo, Martin Devoursney, Joseph Seerbo, Edward Wiese, C. Chiwalk, William E. Reynolds, Sr., and Walter Geisler v.



Westinghouse Electric Corp., a Corporation of Pennsylvania, 27 N.J. Super. 68, 101A.2d 592; 1963N.S. Super., Lexis 407, 333L.R.R.M 2741; 24 Lab. Cas (COH) P68, 071. The court said:

[T]hat the expression "continuous service" found in the contract [employment contract] is equivalent to uninterrupted employment", that the employment of the plaintiffs and their fellow employees was never discontinued because the plaintiffs remained in the employ of the defendant during the entire period of time involved in [that] controversy; that the contract had not been terminated and that the employees were continuously carried on the company's payroll; and that plaintiffs and their fellow employees did not interrupt their "continuous employment" and consequently did not forfeit their right to holiday pay merely by indulging in [the] work stoppages.

So, arguably, even if Mr. Lewis was classified as temporary, he would still be considered a member of the retirement system provided he met the "continuous" criteria described in *N.J.S.A. 43:13-22, 52a*.

Unfortunately, there is a lack of more specific case authority in New Jersey on the issues of "temporary" and "continuous" employment, but as to New Jersey Statutes Annotated, specifically, *N.J.S.A. 43:15A-7(h)* when interpreting the words *temporary employee* [emphasis added]. . . employed under the Federal JTPA, the following interpretation must be considered by the Board of Trustees for PERS. See Exhibit "2".

Interpretation of this New Jersey statute requires that all relevant terms be defined. It is necessary to look at the terms both generally and those rules published in the *New Jersey Register*, a bi-weekly publication prepared by the office of Administrative Law, and, after adoption, that rule becoming part of the *New Jersey Administrative Code*.

Generally, BLACK'S LAW DICTIONARY, page 1464 (6<sup>th</sup> ed. 1991), defines temporary as, "That which is to last for a limited time only, as distinguished from that which is perpetual, or indefinite, in its duration. Opposite of permanent." In Mr. Lewis' instance, his employment was not temporary or limited in time for it was continuous or without interruption as

a Salem County employee beginning in 1974 through June 2000. See also Mal Kennedy, *Supra* at pages 6-7, for the definition of continuous in the employment context.

In the context of the New Jersey Administrative Code, the Board of Trustees of the PERS must consider the following.

Under *N.J.A.C. 4A:4-1.7* entitled temporary appointments, subsection (a), the commissioner may approve temporary appointments to positions in which the job assignment is for an aggregate period of not more than 6 months in a 12 month period; and pursuant to *N.J.A.C. 4:4-1.7(d)*, consecutive temporary appointments in excessive of the period set forth in *N.J.A.C. 4A:4-1.7(a)* are prohibited. See Exhibit "4". Mr. Lewis' record or employment history does not reflect the commissioner having approved him as a temporary employee nor does Mr. Lewis' employment record show any consecutive temporary appointments in excess of the period set forth but the exhibits attached hereto do show Mr. Lewis had consecutive permanent employment by the County of Salem for positions which were funded by the JTPA and those grant monies were then distributed to each of those departments in which he was employed and described in Exhibits "5" through "13" which show memorandums from the Clerk of the Board with annual increases from 1983 through 1993.

As such, take under consideration *N.J.A.C. 17:2-2.4(d)* wherein it says:

An employee of a civil service employer who is not in a classified or unclassified position or an employee of a non-civil service employer who is not in a regular budgeted position may be considered a temporary employee by the employer for the one-year period following the employee's date of hire, but if the employment continues into a second year, the employee will be required to enroll immediately, as follows:

1. For employees whose employers report on a monthly basis, compulsory enrollment date will be the first of the month following the end of the one-year (12-month) period.
2. For employees whose employers report on a bi-weekly basis, the compulsory enrollment date will be the first day of the pay period following the end of the one-year (12-month) period.

As described above and shown in Exhibits "5" through "13", Mr. Lewis' employment continued into a second year. In fact, Mr. Lewis' employment continued for 25 years and, therefore, he should be required to enroll in the membership immediately. Mr. Lewis, much like the case of Kyer v. City of East Orange, 315 N.J. Super 524 (1998) should not be denied the opportunity to become a permanent employee by reason of Salem County's negligence in not informing him if they considered him temporary and, moreover, much like Kyer, Mr. Lewis should not be prejudiced because of his own unawareness of the merit system requirements. (Seen below and also shown as Exhibit "14".)

Also, consider N.J.A.C. 17:2-2.3(a)(4) where it says:

Any employee who is provisionally appointed to a civil service position is considered as an employee with temporary employment status and is ineligible to establish membership until he or she receives a regular civil service appointment, **or has one year of continuous service** [emphasis added]. This does not apply to anyone who is already enrolled as a member.

Mr. Lewis had one year of continuous service so, therefore, does not fit the category of temporary employment and ineligibility as described above. Again, his continuous service exceeded one year and, therefore, he should be considered eligible for membership.

SECOND ISSUE: HOW THE BOARD CAN DISTINGUISH WHY G. PHILIP LEWIS'  
JTPA SERVICE IS NOT CONSIDERED TEMPORARY IN RELATIONSHIP  
TO ALL OTHER EMPLOYEES IN SALEM COUNTY.

The Board of Trustees of PERS asked counsel for Mr. Lewis to indicate how the Board can distinguish why Mr. Lewis' JTPA service is not considered temporary in relationship to all other JTPA employees in Salem County. Counsel for Mr. Lewis does not represent the other JTPA employees in Salem County and counsel is not privy to the details of each of their respective employment histories and individual review as to whether or not they should be considered temporary, permanent or continuous status. However, what

information counsel has available regarding other employees who provided JTPA services is provided below.

Counsel for Mr. Lewis has in his possession and is providing the following information as to the permanency of fellow JTPA employees working in Salem County. This is being provided to assist the Board of Trustees in distinguishing why Mr. Lewis should not be considered temporary in relationship to some Salem County employees.

As previously shown in Exhibit "1" under the Duties Questionnaire completed by Mr. Lewis dated September 24, 1993, he named eight employees assigned to his department. One employee in particular named in Exhibit "1" is Joan M. Cole who was corresponded to by PERS. More specifically, I refer the Board of Trustees of PERS to a copy of a letter dated December 21, 1998 forwarded to Ms. Cole (see Exhibit "15"). The letter says: "[T]he PERS Board approved your [Joan M. Cole's] request for enrollment in PERS based on provisions N.J.A.C. 17:2-2.4, in which employees are eligible for enrollment in PERS either the date of permanent employment or one year after continuous service, whichever comes first." See Exhibit "16".

The standard set for Ms. Cole who is an employee in Mr. Lewis' department establishes the date for enrollment as either the date for permanent employment or one year after continuous service, whichever comes first. In comparing Ms. Cole's letter and the statements in Ms. Cole's letter to Mr. Lewis' circumstances, then Mr. Lewis should be eligible for enrollment after one year of continuous service. This standard was defined by an agent of PERS and as the exhibits attached hereto will show Mr. Lewis' continuous employment from 1974 through June 2000, which would qualify Mr. Lewis as a member.

Now, if the Cole letter of December 21, 1998 is considered the standard, then each of the employees of Salem County should be individually evaluated to determine whether or not those employees in Salem County are

eligible for enrollment, based on their permanent employment status or one year after continuous service, whichever comes first. See Exhibit "15".

ISSUE THREE: DOCUMENTATION REQUESTED BY THE BOARD OF TRUSTEES,  
INCLUDING PAYROLL STUBS AND CONTRACTS SHOWING CETA EMPLOYMENT

FROM JULY 1, 1981, THROUGH JUNE 30, 1983

<u>Exhibit No.</u>	<u>Description</u>	<u>Dates</u>
17	Original CETA Employee Roster	1980
18	Original CETA Employee Roster	1981
19	Original CETA Employee Roster	1982 (12/29/81)
20	Memo to CETA staff from G. Philip Lewis, Director, re: Working Hours	2/25/82
21	Memo to CETA staff from G. Philip Lewis, Director, re: Working Hours	4/13/82 9/10/82
22	Memo to all staff from G. Philip Lewis, Director, re: Confidentiality	10/12/82
23	Original CETA Employee Roster	1982 (rev. 10/82)
24	Official Salem County Directory showing G. Philip Lewis as Coordinator of the CETA Program. Directory would have been published 7 to 9 months after July 1, 1981 - the first date in question as to employment with CETA.	1982
25	Original CETA Employee Roster	1983
26	Memo to all staff from G. Philip Lewis, Director, re: Telephones	1/11/83
27	Memo to JTPA staff from G. Philip Lewis, Director, re: working hours	4/17/84
28	Official Salem County Directory showing G. Philip Lewis as Coordinator of the CETA Program.	1984
29	Official Salem County Directory showing G. Philip Lewis as Coordinator of the CETA Program.	1985
30	Official Salem County Directory showing G. Philip Lewis as Coordinator of the CETA Program.	1986
31	Memo to JTPA staff from G. Philip Lewis, Director, re: lateness & absences	10/4/88

ISSUE FOUR: DOCUMENTATION REQUESTED BY THE BOARD OF TRUSTEES

SHOWING JTPA EMPLOYMENT FROM JULY 1, 1983 THROUGH APRIL 6, 1993

Please find herein the following documents including payroll stubs, contracts, notices or personnel actions from the Department of Personnel, minutes or resolutions from Salem County Board of Chosen Freeholders and a copy of the JTPA job description including the scope of work.

Exhibit No. 32: Copy of Resolution 93 approved and adopted by the Salem County Board of Chosen Freeholders; and

Exhibit No. 33: Copy of a form completed by Mr. Lewis and submitted to the administrator showing a title, employee, effective dates, permanent or provisional appointments with date of hire, and first date of permanent service; and duties and a copy of G. Philip Lewis' job description as defined on September 24, 1993; and

Exhibit No. 34: Copies of Form W-2 listed in reverse chronological order from 1993 back to 1983, inclusive.

Exhibit No. 35: Assorted payroll stubs.

Exhibit Nos. 5-13: Notification of pay raises for the following year signed by each individual originator for the years 1983 - 1993.

ISSUE FIVE: SUMMARY REVIEW OF SENATE BILL NO. 1471 (2<sup>ND</sup> OCR)

SUBMITTED BY GOVERNOR THOMAS H. KEENE TO THE SENATE APRIL 21, 1986

The Board of Trustees of PERS should approve G. Philip Lewis' request to purchase additional service from December 23, 1974 through April 6, 1993.

The basis for the Board of Trustees from PERS approving Mr. Lewis' request is that, pursuant to N.J.S.A. 43:15A.7(b), the statute entitled above clearly states that any person becoming an employee of the State or other employer after January 2, 1955 and every veteran [emphasis added] . . . or other employer after such date including a temporary employee [emphasis added] with at least one year's continuous service [emphasis added] is

eligible to become a member and enroll in the PERS. See Exhibit "36" copy of Senate Bill No. 1471 (2<sup>nd</sup> OCR) amendment forwarded to the Senate by Governor Thomas H. Keene on April 21, 1986.

I have shown the Board of Trustees of PERS that every veteran, which includes Mr. Lewis, is eligible. Additionally, any temporary employee with at least one year's continuous service is eligible.

Assuming arguendo, even if the Board of Trustees of PERS were to consider Mr. Lewis a "temporary employee" he still has and has shown the Board of Trustees that he has at least one year of continuous service beginning in 1974 and ending June 2000. See also Mel Kennedy, Supra at page 7, for the definition of "continuous service."

As to N.J.S.A. 43:15A-7(h), Governor Keene's veto is absent any specificity as to the term temporary in that particular section of said statute, however, in reviewing the statute and applying all relevant terms defined in the statute, the reader cannot ignore N.J.S.A. 43:15A-7(b) of the same veto says that a temporary employee with at least one year of continuous service is eligible to become a member. This status applies to Mr. Lewis and, therefore, makes him eligible to receive the full benefits of PERS. See Exhibit "2".

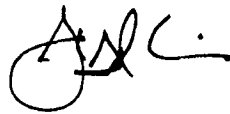
The Board of Trustees of PERS will notice Governor Keene submitted N.J.S.A. 43:15A-7(h) as an addition to this amended Senate bill with the intent of broadening its scope, however, doing such has created confusion and subsection (h) which cannot be viewed as a single paragraph. Do not view this statute in a vacuum, the whole statute must be considered in its totality. As such, interpretation of this New Jersey statute requires that all relevant terms of this statute be defined. Therefore, when viewing this statute in its totality, the reader must take into consideration all subsections of the statute and how those subsections affect Mr. Lewis, not just the single subsection (h).

On April 21, 1986, Governor Keene expressed a concern at Page 1 of the veto that JTPA programs have limited financial resources and, as such, the combination of limitation on administrative expenses and a decline in federal funding would result in immediate layoffs. In looking back on those comments, this did not occur with the exception of one municipality surveyed by Mr. Lewis in 1992 and again in 1994. See Exhibit "37".

CONCLUSION

The Board of Trustees of PERS in voting to postpone an action to obtain the information described above is appreciated. The information described above sets forth the reasons G. Philip Lewis should be given the opportunity and ability to purchase additional service from December 23, 1974 through April 6, 1993, thereby allowing his pension payments to begin.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. DeSimone", with a stylized flourish at the end.

JOHN G. DeSIMONE, ESQUIRE

cc: G. Philip Lewis