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October 22, 2001

Via Hand Delivery

James M. Flynn, Acting Clerk of Appellate Division
Superior Court of New Jersey, Appellate Division
25 Market Street
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625-0006

Re: Title I/M/O G. Philip Lewis
Docket No.: A-005660-00T3
Case Manager: Katherine Trupin, Team 3

Dear Mr. Flynn:

Enclosed please find the original and five copies of the Brief of Appellant, G. Philip Lewis, along with a Proof of Mailing, in the above captioned matter.

Would you kindly file the Brief and Proof of Mailing and then please return a conformed copy in the self-addressed stamped envelope provided herein for your convenience.

If you have any questions, please feel free to contact the undersigned.

Very truly yours,



JOHN G. DeSIMONE, ESQUIRE

JGD/jld - Enclosures

cc: Wendy Jamison, Secretary, Board of Trustees, Public Employees Retirement System, two
(2) copies, via Hand Delivery
Debra A. Allen, DAG, two (2) copies, via Hand Delivery
Mr. G. Philip Lewis

G. PHILIP LEWIS, Appellant,

Civil Action

I/M/O IN THE MATTER OF G. PHILIP LEWIS

On Appeal from
State of New Jersey Department of
Treasury, Department of Pensions
and Benefits Final Administration
Determination

PROOF OF SERVICE

I, Joyce Dougan, of full age, do hereby certify that two copies of Plaintiff's/Appellant's Brief were served upon Wendy Jamison, at the State of New Jersey, Department of Treasury, Division of Pensions and Benefits, 50 West State Street, Trenton, New Jersey, by having same hand delivered, as well as two copies to Debra A. Allen, Deputy Attorney General at offices located at R. J. Hughes Justice Complex, 25 Market Street, Trenton, NJ 08625 via hand delivery on October 22, 2001.

Dated: October 22, 2001

DeSIMONE LAW OFFICES
Attorneys for Appellant, G. Philip Lewis



Joyce Dougan

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

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Civil Action

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Determination

BRIEF OF APPELLANT, G. PHILIP LEWIS

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John G. DeSimone

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October 22, 2001

VIA HAND DELIVERY

James M. Flynn, Acting Clerk of Appellate Division
Superior Court of New Jersey
Hughes Justice Complex
25 West Market Street
Trenton, NJ 08625

Re: G. Philip Lewis, Appellant I/M/O
In the Matter of G. Philip Lewis
Docket No. A-005660-00T3

Dear Mr. Flynn:

Please accept this letter brief in lieu of a more formal submission on behalf of Appellant, G. Philip Lewis (hereinafter "Appellant").

PROCEDURAL HISTORY

Following Appellant, G. Philip 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 by the County of Salem 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). Salary: \$8,000 annually; in March 1976: the Appellant transferred from the Department of Health to the Community Development Department. Salary: \$8,957 annually; in December 1976: A title change

occurred that resulted in a Salary of \$11,500 annually; in July 1977: the Appellant received another raise and title change. Salary: \$14,600 annually; in July 1978 a pay raise was given because of a new Salem County contract with the Union. Salary: \$15,535 annually; and then in August 1979: A fourth raise in two (2) years due to new County contract was awarded. Salary: \$16,436 annually; then in August 1980: the Appellant was promoted to Manpower Coordinator (Deputy Director) of CETA. Salary: \$18,700 annually; and then in January 1981: the Appellant became the Department Head of the Salem County CETA Program. Salary: \$22,000 annually.

The Appellant remained employed as the Human Resource Coordinator (JTPA) (non-union position) until June 30, 2000 when the Appellant accepted layoff/retirement after twenty-six (26) years. Final salary: \$52,736 annually plus service award of 6% annually, paid during the month of employment anniversary.

The Appellant 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. Shortly thereafter, he applied to purchase additional service credit in the Public Employee Retirement System (hereinafter "PERS") program, which was denied; however under prior correspondence membership was accepted. See Pa 1, Pa 2 and Pa 3.

Additionally, on September 24, 1993, the Appellant 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. See Pa 4 and 5.

STATEMENT OF FACTS

When Board of Trustees of the Public Employees Retirement System (hereinafter "PERS Board") denied the Appellant's request to purchase additional service credit, the Appellant requested an appearance before the PERS Board. Appearance was made on March 21, 2001, where the PERS Board considered submissions and granted an extension to permit production of documents and argument as to why N.J.S.A. 43:15A-7(h) was inapplicable to the Appellant's request. See Pa 13 for N.J.S.A. 43:15A-7(h).

On April 3, 2001, the PERS Board received answers to five issues asked by the PERS Board following the March 21, 2001, proceeding. The matter was relisted for April 18, 2001.

At the April 18, 2001 PERS Board Meeting, the PERS Board reviewed the Appellant's correspondence and voted again to deny the request to allow the Appellant to purchase a portion of his JTPA employment from September 1986 through April 1993. See Pa 6 and Pa 7. The Appellant requested a hearing in the Office of Administrative Law. That request was denied resulting in a Final Administrative Determination forwarded to the Appellant dated May 17, 2001. See Pa 8 - Pa 10, which is the subject of this appeal.

LEGAL ARGUMENT

- I. **WHETHER OR NOT G. PHILIP LEWIS' JOB TRAINING PARTNERSHIP ACT (JTPA) TIME SHOULD NOT BE CONSIDERED UNDER THE PROVISIONS OF N.J.S.A. 43:15-7 ET SEQ.**

The Appellant, 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.

The Appellant was a member of our armed services as acknowledged by the New Jersey Department of the Treasury. See Pa 1. 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 Pa 11. In further support of the Appellant receiving benefits as a veteran is shown in *N.J.S.A.* 43:15A-7(d), which 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**. See Pa 11. Therefore, the membership into the retirement system is not optional for veterans but membership in the retirement system should be automatic for veterans. *N.J.S.A.* 43:15A-7(b) clearly says that 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. The Appellant is a veteran and should be considered a member. See Pa 1. The statute should be reviewed in its entirety from *N.J.S.A.* 43:15A-7(a) through (j); therefore, making the Appellant eligible to receive benefits because of his veteran status. See Pa 11 - Pa 13.

II. WHETHER OR NOT G. PHILIP LEWIS' EMPLOYMENT STATUS BE CONSIDERED A PERMANENT EMPLOYEE MAKING HIM ELIGIBLE TO RECEIVE BENEFITS FROM THE STATE OF NEW JERSEY RETIREMENT FUND.

The PERS Board made an inquiry as to how the Appellant's 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.

In response to the PERS Board inquiry the Appellant was not a temporary employee as described in sentence one and sentence two of N.J.S.A. 43:15A-7(h). See Pa 13. The Appellant was a permanent employee who is eligible to receive benefits. The issue of permanent employment status versus temporary employment status has been addressed by the Courts. In the matter of *Hudson County Probation Department - Title IV-D Investigators*, 178 N.J. Super. 362; A. 2d 368; 1981 N.J. Super. Lexis 542, 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 were "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. and accordingly are subject to the provisions of N.J.S.A. Title XI Civil Service. In another case entitled *Kyer v City of East Orange*, 315 N.J. Super. 524; A. 2d 184; 1998 N.J. Super. Lexis 424, the issue raised in that matter was

whether a merit system for a provisional employee in a municipal classified service who was 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 case before the Court is similar in that because of the employee's unawareness of the merit system requirements from 1974 through 1993, he should not be precluded from receiving benefits. The Department of Personnel should have the authority to grant a retroactive competitive examination or waiver of the Appellant's objective to be considered a permanent employee. This Court will see the Appellant was approved on December 21, 1998. See Pa 3.

The Appellant began his employment on December 23, 1974 and continued through June 30, 2000, having been notified on April 7, 1993 of the change in his employment status being "temporary" pursuant to *N.J.S.A. 43:15A-(h)*.

However, in the further response to the PERS Board inquiry the Appellant should not be considered a temporary employee in that the Appellant had "continuous" employment, which if continuous would thereby make him eligible to receive benefits. As held in *Mel Kennedy, Anthony Longo, Martin Devoursney, Joseph Scerbo, Edward Wiese, Ben. Chivalk,*

William E. Reynolds, Sr., and Walter Geisler v. Westinghouse Electric Corp., a Corporation of Pennsylvania, 29 N.J. Super. 68, 101A.2d 592; 1953 N.J. Super., Lexis 407; 33L.R.R.M 2741; 24 Lab. Cas (CCH) P68, 071, the Court held:

[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.

Assuming *arguendo*, even if the Appellant was classified as temporary pursuant to N.J.S.A. 43:15A-7(h), he would still be considered a member of the retirement system provided he met the "continuous" criteria described in *Mel Kennedy*.

As to New Jersey Statutes Annotated, specifically, N.J.S.A. 43:15A-7(h) See Pa 12, when interpreting the words **temporary employee** [emphasis added]... for someone employed under the Federal JTPA, the statute entitled N.J.S.A. 43:13-22.52(d) must also be considered by the PERS Board in that the Appellant applied for benefits according to N.J.S.A. 43:13-22.52, and has followed the conditions for membership. See Pa 14 and Pa 15.

When determining an employee's status as either temporary or permanent the determining party cannot ignore the expression of "continuous service" and in this instance the Appellant's employment was of continuous service. See Pa 16 - Pa 33, for the Appellant's employment history.

Interpretation of the word temporary as found in *N.J.S.A. 43:15A-7(h)* requires that the word temporary be more clearly defined.

Generally, *BLACK'S LAW DICTIONARY*, page 1464 (6th 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 the Appellant's 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 *Mel Kennedy, Supra* at page 6, for the employment definition of continuous employment.

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

Under *N.J.A.C. 4A:4-1.7 (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 excess of the period set forth in *N.J.A.C. 4A:4-1.7(a)* are prohibited". See Pa 34. The Appellant's record or employment history does not reflect the commissioner having approved him as a temporary employee nor does the Appellant's employment record show any consecutive temporary appointments in excess of the period set forth. As shown in the Appellant's Appendix at Pa 16 - Pa 33, the Appellant had consecutive permanent employment by the County of Salem as further shown in Pa 2 for positions, which were funded by the JTPA and those grant monies were then distributed to each of those departments in which the Appellant was employed.

The Appellant is also asking the Court to consider N.J.A.C. 17:2-2.4(d) as to the enrollment date of his service, See Pa 36, 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:

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.

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. See Pa 36 for the specific statute.

As described above and shown at Pa 19 the Appellant's employment history began in 1974 and continued until June 2000. This is further supported where it shows promotions were continued. See Pa 18 - Pa 35. The Appellant's employment continued into a second year. In fact, the Appellant's employment continued for nearly twenty-six (26) years and, therefore, he should be required to enroll in the membership immediately. The Appellant, much like the case of *Kyer*, the Appellant 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 until Salem County adopted a Resolution dated April 7, 1993, classifying the Appellant as temporary. Moreover, much like *Kyer*, the Appellant should not be prejudiced because of his own unawareness of the merit system from the beginning of his employment until the adopted Resolution. See Pa 37.

When determining the Appellant's employment status, consideration must be given to 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.

See Pa 38 for the specific statute.

The Appellant had one year of continuous service and does not fit the category of temporary employment as described in N.J.S.A. 43:15A-7(h). **See** Pa 12, but he does meet the criteria shown in N.J.A.C. 17:2-2.3(a)(4) because his employment was continuous. **See** Pa 38. Again, his continuous service exceeded one year and, therefore, he should be considered eligible for membership.

III. THE STATE OF NEW JERSEY, DEPARTMENT OF TREASURY, DIVISION OF PENSIONS AND BENEFITS (PERS) ERRED IN THEIR INTERPRETATION OF SENATE BILL NO. 1471 (2ND OCR) SUBMITTED BY GOVERNOR THOMAS H. KEENE TO THE SENATE, APRIL 21, 1986

The PERS Board should approve the Appellant's request to purchase additional service.

The basis for the PERS Board to approve the Appellant's request is that, pursuant to N.J.S.A. 43:15A.7(b), the statute says: "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 to be included as a member of PERS. **See** Pa 11, and copy of Senate Bill No. 1471 (2nd OCR) amendment forwarded to the Senate by Governor Thomas H. Keene on April 21, 1986. **See** Pa 41 - Pa 44. This echoes the statute.

The Appellant has shown the PERS Board that every veteran, including the Appellant, is eligible. Additionally, any temporary employee with at least one year's continuous service is eligible.

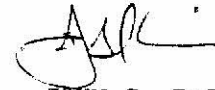
As to *N.J.S.A. 43:15A-7(h)*, Governor Keene's veto is absent any specificity as to the term "temporary" found in that particular section of the Senate Bill, however, in reviewing the statute and applying all relevant terms defined in the statute, the reader cannot ignore *N.J.S.A. 43:15A-7(b)* of the Senate Bill which says that a temporary employee with at least one year of continuous service is eligible to become a member. This status applies to the Appellant if the standard as shown in *Mel Kennedy* is used. See *Supra* at 6. Therefore, the Appellant should be considered eligible to receive the full benefits offered by PERS. See Pa 41 - Pa 44 and also Pa 11 - Pa 13.

The PERS Board will notice Governor Keene submitted *N.J.S.A. 43:15A-7(h)* as an addition to this amended Senate Bill which appears to broaden its scope, however, by doing such this has created confusion within the same statute at *N.J.S.A. 43:15A-7(b)* and other statutes cited throughout this letter in lieu of a more formal brief. *N.J.S.A. 43:15A-7(a)* through *N.J.S.A. 43:15a-7(j)* must be considered in its totality. When viewing this statute in its totality, the reader must take into consideration all subsections of not only this statute, but the others cited and how those subsections to other statutes affect this individual Appellant.

CONCLUSION

The information described above sets forth the reasons the Appellant, G. Philip Lewis, should be given the opportunity and ability to purchase additional service and allowing his pension payments to begin.

Respectfully submitted,

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

JOHN G. DeSIMONE, ESQUIRE

cc: Wendy Jamison
Debra A. Allen, DAG
G. Philip Lewis



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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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

B



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
(609) 292-7524 TDD (609) 292-7718
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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: *SH* Sandra Horan
Chief, Enrollment and Purchase Bureau
SUBJECT: G. Philip Lewis - PERS # [REDACTED]

*LEWIS
2-1065648*

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

Systems Analyst



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. D'EULETERIO, 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)

DUTIES QUESTIONNAIRE

(DO NOT WRITE IN THIS SPACE)

**STATE OF NEW JERSEY • DEPARTMENT OF PERSONNEL
DIVISION OF COUNTY AND MUNICIPAL GOVERNMENT SERVICES**

INSTRUCTIONS: Please supply all information requested. Items 1 through 17 must be answered by the employee. If the completion of this form is done for the employee, this questionnaire should be signed only after a thorough review by the employee.

1. NAME (Last) (First) (Middle) Lewis, G. Philip			2. DEPARTMENT J.T.P.A.		3. DIVISION OR INSTITUTION		
4. JURISDICTION (County or Municipality) Salem County			5. LOCATION (Address, Building, Floor or Room Number) 90 Market Street Salem, New Jersey 08079		SOCIAL SECURITY NUMBER [REDACTED]		
6. PRESENT TITLE Human Resources Coordinator		7. CHECK ONE <input checked="" type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME		8. REGULAR DAILY WORKING SCHEDULE from 8:30 A.M. to 4:30 P.M.		9. TOTAL HOURS YOU WORK PER WEEK 35-40	
10. DATE OF THIS REPORT September 24, 1993		11. NAME AND TITLE OF YOUR IMMEDIATE SUPERVISOR Herbert R. Strong, Chairman, Freeholder Planning & Transportation Committee					

12. DESCRIBE YOUR DUTIES IN DETAIL - List below each distinct duty, task or process of work you now perform and give approximate percentage of time spent on each duty or task. (Attach additional sheets if necessary)

DESCRIPTION OF DUTIES	PERCENT OF TOTAL TIME
Administer state and federally funded employment and training programs for the County under its cooperative agreement with the bi-county Private Industry Council	
Review federal and state regulations and laws in order to plan and execute policies and procedures to provide countywide employment and training services under their authority.	
Direct local staff and office operations to ensure provision of services such as recruitment, eligibility determination, testing and assessment, counseling, appropriate training and placement.	
Prepare budget and allocations of available resources for staff, supplies and training activities.	
Negotiate agreements with other county and out-of-county agencies to provide training services in classrooms and on the job with private sector employers.	
Oversee the public relations efforts including print media, public service announcements, promotional brochures and speaking engagements.	
Review operational reports to determine effectiveness of programming.	
In the capacity of Salem County staff to the consortium Private Industry Council confer with members of the local industrial and business community to determine work force training needs within the service delivery area.	
Cooperate with business, civic and other organizations to develop curricula to meet the needs and interests of the eligible population and the community.	
Attend conferences and meetings with government officials, employers, labor leaders and other individuals to secure assistance in formulating policies for new or ongoing programs.	

13. GIVE LENGTH OF TIME YOU HAVE BEEN PERFORMING ABOVE DUTIES	13 Years Months
---------------------------------------------------------------	-----------------------

DUTIES QUESTIONNAIRE (Continued)

<p>14. MACHINES AND EQUIPMENT USED - List below the type of machines or equipment used and give approximate percentage of time used daily, weekly or monthly. IF NONE, WRITE NONE.</p>	<p>PERCENT OF TOTAL TIME</p>
<p>Computers (networked - as system administrator), associated office equipment such as calculators, copiers, etc.</p>	

15. SUPERVISION - Describe fully the nature and extent of supervisory responsibilities, including the number you supervise, the names and titles of employees and degrees of supervision exercised, (i.e. Issuing work assignments, reviewing work, etc.) IF NONE, WRITE NONE.

Oversee the operation and work of all employees assigned to this department. At present this includes:

Joan Cole, Deputy Director (Assistant Human Resources Coordinator)
 Paul Fredricks, OJT/Monitoring (Assistant Human Resources Coordinator)
 Edith McClurg, Senior Employment Specialist
 Rebecca Sobelman, Senior Employment Specialist
 Stephen Battersby, Employment Specialist
 Dianna Stewart, Senior Employment Counselor
 Ira Mallory, Senior Employment Specialist
 Douglas Whitzell, Senior Employment Specialist

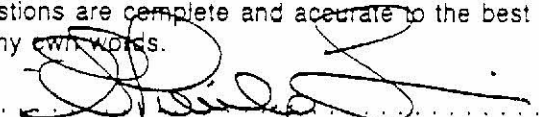
During the period of April to September we hire 4 to 5 temporary staff who are college students and assist in the operation of the Summer Youth Employment and Training Program. They are referred to internally as Team Leaders.

16. EDUCATION AND TRAINING RECORD

TYPE OF SCHOOL	GRADE SCHOOL	HIGH SCHOOL	COLLEGE	OTHER	TOTAL YEARS	DESCRIBE ANY SPECIAL TRAINING, CERTIFICATES, DEGREES, ETC.
NO. YEARS ATTENDED	8	4	4	5	21	I have a Doctorate of Jurisprudence and am admitted to practice law in New Jersey and Penns.

17. CERTIFICATION OF EMPLOYEE

I CERTIFY that the statements given in answer to the preceding questions are complete and accurate to the best of my knowledge and that the answers to questions 12, 14, and 15 are in my own words.

DATE 9/24/93 YOUR SIGNATURE 

18. FOR IMMEDIATE SUPERVISOR OF EMPLOYEE

A. I HAVE EXAMINED the above entries and have no corrections, additions or comments, except as here stated or attached.

B. THE ABOVE STATEMENTS concerning the present employment of this individual (as amended in 18-A) are complete and accurate. I am satisfied to have the classification of the position based on the information given.

DATE TITLE SIGNATURE

19. FOR DEPARTMENT HEAD OR REPRESENTATIVE

A. I HAVE EXAMINED the above entries and have no corrections, additions or comments, except as here stated or attached.

B. TO THE BEST OF MY KNOWLEDGE the statements on this form are accurate and complete. I am satisfied to have the classification of the position based on the information given.

DATE TITLE SIGNATURE



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

PETER R. LAWRENCE
Acting State Treasurer

THOMAS P. BRYAN
Director

DONALD T. DIFRANCESCO
Acting Governor

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

DONALD T. DiFRANCESCO
Acting Governor

Mailing Address:
PO Box 295
Trenton, NJ 08623-0295
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,



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

1 of 10 DOCUMENTS

NEW JERSEY STATUTES
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*** THIS SECTION IS CURRENT THROUGH P.A. 2001, CHAPTER 50 ***
*** NEW JERSEY 209TH LEGISLATURE, SECOND ANNUAL SESSION (2001) ***

TITLE 43. PENSIONS AND RETIREMENT AND UNEMPLOYMENT COMPENSATION
SUBTITLE 5. STATE, COUNTY AND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM
CHAPTER 15A. PUBLIC EMPLOYEES' RETIREMENT SYSTEM
ARTICLE III. PUBLIC EMPLOYEES' RETIREMENT SYSTEM
GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

N.J. Stat. § 43:15A-7 (2001)

§ 43:15A-7. Public Employees' Retirement System, established, membership

There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions and Benefits of the Department of the Treasury. The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954, who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, 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) and 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 year's continuous service; and

c. Every employee veteran in the employ of the State or other employer on January 2, 1955, who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. Any such part-time school crossing guard who is eligible for benefits under any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting from the compensation paid to the member. State employees who become members of any other retirement system

supported wholly or partly by the State as a condition of employment shall not be eligible for membership in this retirement system. Notwithstanding any other law to the contrary, all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age. No 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.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1985 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former "State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligations of such member shall be continued.

g. Any school crossing guard electing to terminate his membership in the retirement system pursuant to subsection d. of this section shall, upon his request, receive a refund of his accumulated deductions as of the date of his appointment to the position of school crossing guard. 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.

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.

i. Membership in the retirement system shall be optional for a special service employee who is employed under the federal Older American Community Service Employment Act, Pub.L.94-135 (42 U.S.C. s.3056). Any special service employee employed under the federal Older American Community Service Employment Act, Pub.L.94-135 (42 U.S.C. s.3056), who is in the retirement system on the effective date of P.L.1996, c.139, may terminate membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving the application, the board shall terminate enrollment in the system and the member shall receive a refund of accumulated deductions as of the date of commencement of employment in a federal Older American Community Service Employment Act program. This refund of contributions shall serve as a waiver of all benefits payable to the employee, to any

dependent or dependents, or to any beneficiary under the retirement system.

j. An employee of the South Jersey Port Corporation who was employed by the South Jersey Port Corporation as of the effective date of P.L.1997, c.150 (C.34:1B-144 et al.) and who shall be re-employed within 365 days of such effective date by a subsidiary corporation or other corporation, which has been established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the Delaware River Port Authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), shall be eligible to continue membership while an employee of such subsidiary or other corporation.

HISTORY: 1996, c. 139; 1997, c. 23, § 1; 1997, c. 150, § 23.

1 of 7 DOCUMENTS

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*** THIS SECTION IS CURRENT THROUGH P.A. 2001, CHAPTER 50 ***
*** NEW JERSEY 209TH LEGISLATURE, SECOND ANNUAL SESSION (2001) ***

TITLE 43. PENSIONS AND RETIREMENT AND UNEMPLOYMENT COMPENSATION

SUBTITLE 4. MUNICIPAL PENSIONS

CHAPTER 13. PENSION FUNDS

ARTICLE 2. EMPLOYEES; CITIES OF THE FIRST CLASS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

N.J. Stat. § 43:13-22.52 (2001)

§ 43:13-22.52. Members and conditions for membership

The members and conditions of membership in the retirement system created by this act shall be as follows:

(a) Any person who shall become an employee of the city after the effective date of this act and prior to his attainment of the age of 40 years, shall become a member of the retirement system, 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, at said time, as the commission shall require.

(b) Upon written application made to the commission within 6 months after the effective date of this act, any employee of the city who became such on or before said date and prior to his attainment of the age of 40 years who is not a member of the pension fund in effect in said city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes, shall be entitled to become a member of the retirement system. Such member shall receive credit for all of his prior service in the employ of said city provided that payments are made by such member in an amount or amounts calculated in accordance with the rules of the commission as may be necessary to provide the entire actuarial cost of such prior service credit. In the event that such member retires before he completes the payment for all of his prior service credit, credit for such service shall be given in direct proportion as the amount paid bears to the total amount of the obligation.

(c) Any employee who on the effective date of this act is a member of the pension fund in effect in said city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes, shall, upon such date, automatically become a member of the retirement system, and any such employee shall be deemed to agree and consent to such transfer of his membership.

(d) Upon written application made to the commission within 6 months after the effective date of this act, any employee of the city as of such date, with or without veteran's status, who has not attained the age of 60 years and who has 20 or more years of prior service credit in the Public Employees' Retirement System of the State of New Jersey or in the Teachers' Pension and Annuity Fund of the State of New Jersey, or who has less than 20 years of such prior service credit and whose present age reduced by the total years of such prior service credit is less than 40 years, who shall become a member of the retirement system may transfer such prior service credit to the retirement system. Such transfer shall become effective upon the remittance to the retirement system by the said State pension systems of all accumulated member's contributions, with interest, standing to the credit of the member and of that portion of the actuarial reserve accumulated on his account provided for by contributions of the city.

(e) Upon written application made to the commission within 6 months after the effective date of this act, any permanent employee of the city who became such on or before February 22, 1965 and prior to his attainment of age 50 but on or after his attainment of age 40, who was not a member of the pension fund in effect in said city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes, shall be entitled to become a member of the retirement system. Such member shall receive credit for all or any part of his prior service, as he may elect, in the employ of said city provided that payments are made by such member in an amount or amounts as may be necessary to provide the entire actuarial cost of such prior service credit.

(f) The failure of any member to comply with the rules and regulations prescribed by the commission, pursuant to this act, shall result in the suspension or termination of membership in, or benefits of, this retirement system as may be provided from time to time by the commission.

“1933”

C. E. P. A.

REMYL COMPANY

ROSSITER

C. E. T. A. ADMINISTRATIVE

<u>NAME</u>	<u>DEPARTMENT</u>	<u>JOB CLASSIFICATION</u>	<u>HOURS</u>	<u>HIRE DATE</u>	<u>RATE</u>
Ayres, George W.	C.E.T.A.	Manpower Coordinator (CETA) PT	AR-S		4,000
Lewis, G. Phillip	Comm. Dev.	Deputy Director, Community Development	AR-S	12-23-74	17,504
Jennings, Leland	Comm. Dev.	Community Service Planner	AR-S	2-3-75	7,838 Title I Adm. 4,930 Comm. Dev. 12,768
Brown, Elizabeth	CETA Office	Assistant Manpower Coord. (CETA)	AR-S	1-19-79	9,554 - 10,000
Haskell, John	Comm. Dev.	General Public Works Foreman	AR-S	6-6-77	11,437
Johnson, Cindy Jo	CETA Payroll	Account Clerk (Typing)	30	8-28-78	3.86 Term. 3-18-
Trapani, Tara	CETA Payroll	Clerk Typist	30	2-24-78	3.72
DeAngelo, Denise	CETA Office	Account Clerk	30	2-26-79	3.72 Trans. from IID 3-21-80

"1931"

C.H.T.A.

EMERALD COYTES

ROSTHER

C. E. F. A. TITLE I - ADMINISTRATIVE

<u>NAME</u>	<u>DEPARTMENT</u>	<u>JOB CLASSIFICATION</u>	<u>HOURS</u>	<u>HIRE DATE</u>	<u>RATE</u>
Lewis, G. Philip	CETA	Manpower Coordinator (CETA)	AR-S	12-23-74	22,000
Haskell, John	CETA	Asst. Manpower Coordinator (CETA) eff. 8-3-81	AR-S 35	6-6-77	12,188 14,671
Fredricks, Paul	CETA	Asst. Manpower Coordinator (CETA) eff. 9-3-81	AR-S 35	9-18-78	12,298 14,542
Paladino, George	CETA	Employment Specialist eff. 9-3-81	AR-S 35	4-7-75	13,188 15,583
DeAngelo, Denise	CETA Payroll	Senior Account Clerk Typing eff. 9-3-81	30 35 30	2-26-79 eff. 7-1-81 eff. 1-1-81	4.00 4.66 4.41
Hewitt, Leslie	CETA Personnel	Clerk Typist	30	10-14-80	4.05 5.80

Trans. from IIRC
eff. 5-1-81

Trans. from IIRC
& title change
eff. 5-1-81

Title & Salary
Change eff.
7-24-81

eff. 7-1-81
eff. 1-1-81

eff. 7-1-81
eff. 1-1-81



WILMINGTON
ROSE RICE
SECRETARY

BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

LEE M. MUNYON
Clerk of the Board

December 29, 1981

609-935-7510
Ext. 202

TO: DEPARTMENT HEADS
FROM: LEE M. MUNYON, Clerk of the Board
ROSE RICE, County Treasurer
SUBJ: JANUARY 1, 1982 SALARY AND WAGE
ADJUSTMENTS

Salary and wage adjustments which are effective January 1, 1982 for employees in your department are listed on the attached schedule.

You may begin using these rates effective with the payroll payable on January 14, 1982.

Sincerely,

Lee M. Munyon
Lee M. Munyon
Clerk of the Board

Rose Rice
Rose Rice
County Treasurer

LMM/RR:jsk
Att.

“ZIGI”

C.H.T.A.

REXINGTON

ROSSITER

C. E. T. A. TITLE I - ADMINISTRATIVE

<u>NAME</u>	<u>DEPARTMENT</u>	<u>JOB CLASSIFICATION</u>	<u>HOURS</u>	<u>HIRES DATE</u>	<u>RATE</u>
Lewis, G. Phillip	CETA	Manpower Coordinator (CETA)	AR-S	12-23-74	23,100
Haskell, John	CETA	Asst. Manpower Coordinator (CETA)	AR-S (35)	6-6-77	15,405
Fredricks, Paul	CETA	Asst. Manpower Coordinator (CETA)	AR-S (35)	9-18-78	15,059
Paladino, George	CETA	Employment Specialist	AR-S (35)	4-7-75	16,152
DeAngelo, Denise	CETA Payroll	Senior Account Clerk Typing	35	2-26-79	5.17
Hewitt, Leslie	CETA Personnel	Senior Clerk Typist	35	10-14-80	14.48



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

August 19, 1983

LEE M. MUNYON
Clerk of the Board

609-935-7510
Ext. 202


Mr. Phil Lewis
CETA Office

Dear Phil:

On behalf of the Board of Freeholders I am pleased to advise that your salary as of July 1, 1983 will be \$27,162. Please instruct your clerk to change your salary on the payroll voucher you submit for the payroll ending September 8, 1983.

Every attempt will be made to have your retroactive check payable on September 8th.

Sincerely,


Lee M. Munyon
Clerk of the Board

LMM/es

NOV 20 1984



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

LEE M. MUNYON
Clerk of the Board

November 19, 1984

609-935-7510
Ext. 202

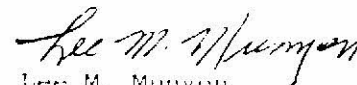
Phil Lewis
J.T.P.A.
Johnson Building
Salem, New Jersey 08079

Dear Phil:

We are pleased to advise your salary has been increased to \$29,063 retroactive to July 1, 1984.

We are in the process of making these changes and hope to have the retro checks to the employees in the near future.

Sincerely,


Lee M. Munyon
Clerk of the Board

LMM:lm



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

LEE M. MUNYON
Clerk of the Board

June 25, 1985

609-935-7510
Ext. 202


G. Philip Lewis, Manpower Coordinator
J.T.P.A.
Johnson Building
Market Street
Salem, New Jersey 08079

Dear Phil:

We are pleased to advise that your salary has been increased to \$30,807 effective July 1, 1985.

This change will appear in your check, payable on July 11, 1985.

Sincerely,


Lee M. Munyon
Clerk of the Board

LMM:lm



JUL 30 1986

BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

LEE M. MUNYON
Clerk of the Board

July 29, 1986

609-935-7510
Ext. 202

Mr. G. Philip Lewis
Manpower Coordinator
Salem/Cumberland Job Training Consortium
Johnson Building
Salem, New Jersey 08079

Dear Phil:

Please be advised that your salary will be increased to \$31,000 effective July 1, 1986.

This change will appear in your check payable on August 21, 1986. Retro pay will be paid by separate check as soon as possible.

Sincerely,

Lee M. Munyon
Lee M. Munyon
Clerk of the Board

LMM:lem



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

LEE M. MUNYON
Clerk of the Board

December 2, 1987

609-935-7510
Ext. 202

Mr. G. Philip Lewis
Manpower Coordinator, JTPA
Johnson Building
Salem, New Jersey 08079

Dear Mr. Lewis:

On behalf of the Board of Freeholders, I am pleased to advise that your salary as of July 1, 1987 will be \$31,500 a year.

Every attempt will be made to have your retroactive check to you before the end of the year.

Sincerely,

Lee M. Munyon
Lee M. Munyon
Clerk of the Board

LMM:jem

JUN 24 1988



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

JOSEPH J. DYER
Freeholder Director

(609) 935-7510
Ext. 202

June 23, 1988

Mr. Phil Lewis
Salem County JTPA Program

Dear Phil:

On behalf of the Board of Freeholders I am pleased to advise that as of July 1, 1988 your salary will be increased to \$ 33,233.

Yours truly,

Joseph J. Dyer
Joseph J. Dyer
Freeholder Director

JJD/es



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

DAVID A. MULFORD
Clerk of the Board

September 29, 1989

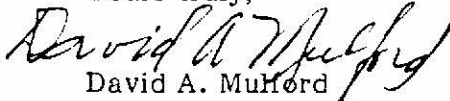
(609) 935-7510
EXT. 202

Mr. G. Phillip Lewis
Manpower Coordinator
JTPA Program

Dear Phil:

On behalf of the Board of Freeholders, I am pleased to advise
that as of July 1, 1989 your salary will be increased to \$34,895.

Yours truly,


David A. Mulford
Clerk of the Board

DAM:lem



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

JOSEPH J. DYER, SR.
Clerk of the Board

December 11, 1990

(609) 935-7510
EXT. 202

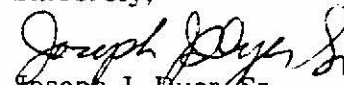
Mr. G. Philip Lewis, Director
Salem County Office of Employment & Training

Dear Phil:

On behalf of the Board of Freeholders, I am pleased to advise that as of July 1, 1990, your salary will be increased to \$37,093. This change reflects an increase for the period July 1, 1990 to June 30, 1991.

I would like to take this opportunity to wish you and yours a very Merry Christmas and a Happy, Healthy New Year.

Sincerely,


Joseph J. Dyer, Sr.
Clerk/Administrator

JJD Sr:lem

8/6/11/91

JOBS TRAINING & PARTNERSHIP ACT

TITLE	EMPLOYEE	PRESENT RATE	HRS.	"T" "B" "MAX."	PRES. STAT.	DATE OF HIRE	FIRST DATE OF PERM. SERV.	ADJ. SERV. DATE FOR SERV. AWARD	COMMENTS	SALARY GRANCE
Human Resource Coord. (JTPA)	G. Phillip Lewis	37,093	AR-S	21,953-37,093		12-23-74			100% Admin.	1426.65
Asst. Human Resource Coordinator (JTPA)	Paul Predriche	24,648	35	18,741-26,977		9-18-78			All Training	948.00
Sr. Human Resource Program Analyst (JTPA)	Joan Cole	22,466	35	21,492-31,309		3-17-75			All Training	864.08
Senior Employment Specialist	Ira Mallory	21,444	35	19,815-28,909		3-28-79			All Training	824.71
Emp. Specialist	George Paladino	26,193	35	18,951-27,469		4-7-75			All Training	1007.42
Emp. Specialist	E. McClurg	18,951	35	18,951-27,469		9-28-90			100% Training	728.88
Sr. Employment Counselor	Dianna Stewart	18,004	35	16,695-23,828		3-28-79			90% Training 10% Admin.	692.46
Sr. Employment Specialist (Non Training)	D. Whitzell	19,849	35	19,815-28,909		3-5-87			100% Training	763.42
Employment Specialist	R. Sobelman	18,951	35	18,951-27,469		9-4-90				728.88
Sr. Clerk Typist	I. Davie	7.71	35*	7.61-7.77-10.41		2-18-88			17.50 = Training 17.50 = Admin.	543.90



BOARD OF CHOSEN FREEHOLDERS
COURT HOUSE
SALEM, NEW JERSEY 08079

JOSEPH J. DYER, SR.
Clerk of the Board

(609) 935-7510
EXT. 202
FAX (609) 935-9102

July 2, 1992

G. Philip Lewis,
Human Resource Coordinator
JTPA

Dear Phil:

On behalf of the Board of Freeholders, I am pleased to advise that effective July 1, 1992, your salary will be increased five percent to \$40,837. This change reflects an increase for the period July 1, 1992 to June 30, 1993.

Sincerely,

Joseph J. Dyer, Sr.
Clerk of the Board/Administrator

JJD, Sr./es

1 Control number 0000429		Company # MTBR		Void 931	
2 Employers' name, address, and ZIP code COUNTY OF SALEM 1001 92 MARKET STREET TREASURER'S OFFICE 854 SALEM NJ 08079 510 NJSUI#439547-00-4				1 Wages, tips, other compensation 42470.48	
				2 Federal income tax withheld 5424.64	
				3 Social security wages 42470.48	
				4 Social security tax withheld 2633.17	
				5 Medicare wages and tips 42470.48	
				6 Medicare tax withheld 615.70	
Employer's identification number 21-6001147				7 Social security tips	
Employer's social security number [REDACTED]				8 Allocated tips	
Employee's name, address, city, state, and ZIP code G. PHILIP LEWIS RR#1 BOX 1215 WOODSTOWN NJ 08098				9 Advance EIC payment	
				10 Dependent care benefits	
				11 Nonqualified plans	
				12 Benefits included in Box 1	
				13 See Instrs. for Box 13	
				14 Other TDI 80.50 NJHCS 96.60 NJWDP 4.03	
15 Statutory employee		Deceased		Pension plan	
Legal rep.		942 employee		Subtotal	
Deferred comp					
16 State Employer's state I.D. No. NJ 216-001-147/000		17 State wages, tips, etc. 42470.48		18 State income tax 1064.48	
19 Locality name		20 Local wages, tips, etc.		21 Local income tax	

Department of the Treasury - Internal Revenue Service OMB No. 1545-0008

FORM W2 1992 - COPY C

1 Control number 0000427		Company # MTBR		OMB No. 1545-0008 PRP No. CS-01841 (12/92)			
2 Employers' name, address, and ZIP code COUNTY OF SALEM 1001 92 MARKET STREET SALEM NJ 08079 8305 NJSUI#439547-00-4 415				6 Statutory emp		Deceased	
				Pension plan		Legal rep.	
				942 emp		Subtotal	
				Deferred comp.		Void	
				7 Allocated tips		8 Advance EIC payment	
				9 Federal income tax withheld 5342.10		10 Wages, tips other compensation 41533.96	
3 Employer's identification number 21-6001147		4 Employer's state ID number 216-001-147/000		11 Social security tax withheld 2575.11		12 Social security wages 41533.96	
5 Employee's social security number [REDACTED]				13 Social security tips		14 Medicare wages and tips 41533.96	
19 Employee's name, address, and ZIP code G. PHILIP LEWIS RR#1 BOX 1215 WOODSTOWN NJ 08098				15 Medicare tax withheld 602.13		16 Nonqualified plans	
				17		18 Other UI 95.58 TDI 76.50	
20		21		22 Dependent care benefits		23 Benefits included in Box 10	
24 State income tax 1033.70		25 State wages, tips, etc. 41533.96		26 Name of State NJ		27 Local income tax	
				28 Local wages, tips, etc.		29 Name of Locality	

Wage and Tax Statement
For employee's records
Department of the Treasury - IRS

FORM W2 1991 - COPY C

1 Control number 0000412		Company # MTBR		OMB No. 1545-0008 PRP No. CS-01841 (12/91)			
2 Employers' name, address, and ZIP code COUNTY OF SALEM 1001 92 MARKET STREET SALEM NJ 08079 2704 NJSUI#439547-00-4 280				6 Statutory emp		Deceased	
				Pension plan		Legal rep.	
				942 emp		Subtotal	
				Deferred comp.		Void	
				7 Allocated tips		8 Advance EIC payment	
				9 Federal income tax withheld 5032.40		10 Wages, tips other compensation 39758.18	
3 Employer's identification number 21-6001147		4 Employer's state ID number 216-001-147/000		11 Social security tax withheld 2465.01		12 Social security wages 39758.18	
5 Employee's social security number [REDACTED]				13 Social security tips		14 Medicare wages and tips 39758.18	
19 Employee's name, address, and ZIP code G. PHILIP LEWIS RR#1 BOX 1215 WOODSTOWN NJ 08098				15 Medicare tax withheld 576.48		16 Nonqualified plans	
				17		18 Other UI 90.00 TDI 72.00	
20		21		22 Dependent care benefits		23 Benefits included in Box 10	
24 State income tax 949.08		25 State wages, tips, etc. 39758.18		26 Name of State NJ		27 Local income tax	
				28 Local wages, tips, etc.		29 Name of Locality	

Wage and Tax Statement
For employee's records
Department of the Treasury - IRS

LEXSTAT N.J.A.C. 4A:4-1.7

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*** NEW JERSEY REGISTER, VOL. 33, NO. 13, JULY 2, 2001 ***

TITLE 4A. DEPARTMENT OF PERSONNEL

CHAPTER 4. SELECTION AND APPOINTMENT

SUBCHAPTER 1. TYPES OF APPOINTMENTS

N.J.A.C. § 4A:4-1.7

§ 4A:4-1.7 Temporary appointments

(a) The Commissioner may approve temporary appointments to positions in which the job assignment is for an aggregate period of not more than six months in a 12-month period. A temporary appointment for a maximum of 12 months may be approved by the Commissioner to a position established as a result of a short-term grant.

(b) A temporary appointee shall meet the minimum qualifications for the title.

(c) See N.J.A.C. 4A:4-4.7 for effect on permanent appointment rights.

(d) Consecutive temporary appointments in excess of the periods set forth in (a) above are prohibited.

NOTES:

HISTORY:

Amended by R.1993 d.270, effective June 7, 1993.

See: 25 New Jersey Register 1085(b), 25 New Jersey Register 2509(a).

Chapter Note

LEXSTAT N.J.A.C. 17:2-2.4

NEW JERSEY ADMINISTRATIVE CODE

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TITLE 17. TREASURY--GENERAL

CHAPTER 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

SUBCHAPTER 2. ENROLLMENT

N.J.A.C. § 17:2-2.4

§ 17:2-2.4 Enrollment date

(a) New employees in the classified service shall be considered as beginning their service on the date of their regular appointments.

1. For employers who report on a monthly basis, the compulsory enrollment date shall be fixed as the first of the month for an employee whose regular appointment date falls between the first through the 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an employee whose regular appointment date falls between the 17th and the end of the month.

2. For employers who report on a biweekly basis, the compulsory enrollment date shall be fixed as the first day of the pay period for an employee whose appointment date falls on the first through seventh day of the biweekly pay period. The compulsory enrollment date shall be fixed as the first day of the following biweekly pay period for an employee whose appointment date falls on any subsequent date within that pay period.

(b) If an employee is an optional enrollee the employee shall be enrolled as of the first of the month for those whose employers report on a monthly basis or the first day of the next biweekly pay period for those whose employers report on a biweekly basis following the receipt of the enrollment application.

(c) An employee in the unclassified service or an elected position shall be considered as beginning service on the date of the original appointment, or the date when the employee assumed duties of the elective office, as the case may be.

1. For local employers not covered by Civil Service, a regular appointment shall constitute the date the employee originally accepted employment in a regular budgeted position.

2. For employers who report on a monthly basis, the compulsory enrollment date shall be fixed as the first of the month for an employee whose beginning employment date falls between the first through 16th of the month and the compulsory enrollment date shall be fixed as the first of the following month for an employee whose beginning employment date falls between the 17th and the

end of the month.

3. For employers who report on a biweekly basis, the compulsory enrollment date shall be fixed as the first day of the pay period for an employee whose date of hire falls on the first through seventh day of the biweekly pay period. The compulsory enrollment date shall be fixed as the first day of the following biweekly pay period for an employee whose date of hire falls on any subsequent date within that pay period.

(d) 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 biweekly basis, the compulsory enrollment date will be the first day of the pay period following the end of the one-year (12-month) period.

NOTES:

HISTORY:

Amended by R.1979 d.399, effective October 9, 1979.

See: 11 New Jersey Register 411(a), 11 New Jersey Register 596(b).

Amended by R.1987 d.144, effective April 6, 1987.

See: 18 New Jersey Register 2320(b), 19 New Jersey Register 565(a).

Amended by R.2000 d.26, effective January 12, 2000.

See: 31 New Jersey Register 3229(a), 32 New Jersey Register 304(a).

Chapter Note

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
JOHN M. LAKE, JR., 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, Sr.
JOSEPH J. DYER, SR.
Clerk of the Board

RECORD OF VOTE

FREEHOLDER	Aye	Nay	N.V.	A.B.	Res.	Sec.	FREEHOLDER	Aye	Nay	N.V.	A.B.	Res.	Sec.
Timberman	X						Sparks	X					X
Ware	X						Strong	X					
Gill	X						Lake	X					
Simmermon	X					X							

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

1 of 1 DOCUMENT

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TITLE 17. TREASURY--GENERAL

CHAPTER 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

SUBCHAPTER 2. ENROLLMENT

N.J.A.C. § 17:2-2.3

§ 17:2-2.3 Ineligible persons

(a) The following classes of persons are ineligible for membership in the system:

1. Motor vehicle agents and their non-State employees;
2. Licensing agents of the Fish and Game Division and their non-State employees;
3. Any person paid from State, county, local public, or Federal funds who is a member of or required to join the Federal Civil Service Retirement System on total salary;
4. 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 the employee receives a regular Civil Service appointment, or has one year of continuous service. This does not apply to anyone who is already enrolled as a member. Breaks in service of less than 30 days do not negate the continuity of service;
5. Any employee who is employed on a seasonal basis. Seasonal employment is a category of occasional employment which the employer, consistent with past practices, does not expect to lead to permanent employment and is not a temporary position as defined under N.J.A.C. 17:2-2.4(c). To qualify as seasonal employment, work periods shall not extend beyond six consecutive months for locations that report contributions on a 12-month basis, or five consecutive months for locations that report contributions on a 10-month basis, and severance of the employer/employee relationship shall occur during breaks in employment, and such breaks shall exceed 30 consecutive days;
6. Any person not in the career, senior executive and unclassified service, or a regular budgeted position, who is employed on an on-call basis and works on average less than 10 days a month throughout the regular work year of the employer. This type of employment is temporary employment which is not continuous;
7. Any retired member who returns to a PERS eligible position for which the

N.J.A.C. § 17:2-2.3

calendar year compensation is less than the calendar year compensation limit for exclusion from membership pursuant to N.J.S.A. 43:15A-57.2b. To determine if the calendar year compensation for employment received by a retired member is below the calendar year compensation limit, all of the calendar year compensation received from employment with the same employer shall be combined, and all of the calendar year compensation from employment with more than one employer shall be considered separately. For the purposes of this paragraph, a "retired member" is a former member who has terminated all employment covered by the retirement system, who has not received compensation from employment covered by the retirement system for at least 30 consecutive calendar days, who is not receiving a disability retirement allowance and whose retirement benefit has become due and payable as provided in N.J.A.C. 17:2-6.2;

8. Any person who is employed in an intermittent title. The designation "intermittent" shall be used for those titles in the career service in which work responsibilities are characterized by unpredictable work schedules and which do not meet the normal criteria for regular, year-round, full-time or part-time assignments; and

9. Any temporary employee hired under the Workforce Investment Act of 1998. Temporary employees hired under the Workforce Investment Act shall be deemed to be Job Training Partnership Act (JTPA) employees and therefore ineligible for PERS membership pursuant to N.J.S.A. 43:15A-7h.

NOTES:

HISTORY:

Amended by R.1981 d.58, effective February 20, 1981.

See: 12 New Jersey Register 554(b), 13 New Jersey Register 247(b).

Amended by R.1983 d.7, effective February 7, 1983.

See: 14 New Jersey Register 1150(a), 15 New Jersey Register 162(d).

Amended by R.1989 d.312, effective June 19, 1989.

See: 21 New Jersey Register 437(b), 21 New Jersey Register 1743(a).

Amended by R.1998 d.321, effective July 6, 1998.

See: 30 New Jersey Register 1025(a), 30 New Jersey Register 2513(c).

Amended by R.1999 d.290, effective August 16, 1999.

See: 31 New Jersey Register 1580(a), 31 New Jersey Register 2366(a).

Administrative change.

See: 32 New Jersey Register 2925(a).

Amended by R.2001 d.117, effective April 2, 2001.

See: 32 New Jersey Register 4239(a), 33 New Jersey Register 1114(a).

Chapter Note

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 21, 1986

SENATE BILL NO. 1471 (2nd OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 1471 (2nd OCR) with my recommendations for reconsideration.

Senate Bill No. 1471 (2nd OCR) would supplement the law governing the Public Employees' Retirement System (PERS) to make membership in the pension system optional for employees working in a federal Job Training Partnership Act (JTPA) program in any of the 19 service delivery areas of the State. An affected employee must provide written notice of a decision not to enroll in the PERS within 90 days of the effective date of this act, or within 90 days of eligibility for membership, whichever date is later. The provisions of this act would apply only to JTPA employees not enrolled in the PERS as of the effective date of this act.

I support the purpose for which Senate Bill No. 1471 (2nd OCR) was introduced. This bill is designed to ensure that JTPA employees will not be terminated because employers must use their limited financial resources for pension contributions, rather than for salaries.

Job Training Partnership Act programs have limited financial resources for two reasons. The programs are limited in the amount that they may spend on administration. Administrative expenses include pension contributions and salaries. Additionally, JTPA programs are being affected by budget reductions in domestic programs at the federal level. The combination of a limitation on administrative expenses and a decline in federal funding means that if administrators of JTPA programs must spend administrative dollars on pension contributions, less will remain for employee salaries. The result will be immediate layoffs.

While I support the purpose for which Senate Bill No. 1471 (2nd OCR) was introduced, I must return the bill so that it may be amended in two areas.

Senate Bill No. 1471 (2nd OCR) must be amended to broaden its scope. In its current form, Senate Bill No. 1471 (2nd OCR) would apply only to

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

JTPA employees not currently enrolled in the PERS. I am advised that this will not assist the majority of service delivery areas in the State because many of their employees are already in the system. Accordingly, I recommend that Senate Bill No. 1471 (2nd OCR) be amended to make its provisions apply to all JTPA employees, regardless of whether they are currently enrolled in the PERS.

I also recommend that Senate Bill No. 1471 (2nd OCR) be amended to delete the provision making membership in the PERS optional for JTPA employees. The Division of Pensions advises that making pension membership optional for any group of public employees would set an undesirable precedent that could affect the actuarial stability of the State-administered pension systems.

The effect of these amendments will be to exempt all JTPA employees in this State from membership in the PERS. This is a necessary step if we wish to keep JTPA employment at current levels.

Accordingly, I herewith return Senate Bill No. 1471 (2nd OCR) and recommend that it be amended as follows:

Page 1, Title, Line 2: Omit "supplementing" insert "amending"

Page 1, Title, Line 3: Omit "(C.43:15A-1 et seq.)"

Page 1, Section 1, Lines 1-8: Omit in its entirety and insert new Section 1 as follows:

"1. Section 7 of P.L. 1954, c. 84 (C.43:15A-7) is amended to read as follows:

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions of the Department of the Treasury.

The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954 who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, 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 year's continuous service;

[and]

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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c. Every employee veteran in the employ of the State or other employer on January 2, 1955 who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. Any such part-time school crossing guard who is eligible for benefits under any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting from the compensation paid to the member. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible to membership in this retirement system. Notwithstanding any other law to the contrary all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age. No person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$500.00 shall be eligible to become a member of the retirement system.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1955 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former

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"State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligations of such member shall be continued.

g. Any school crossing guard electing to terminate his membership in the retirement system pursuant to subsection d. of this section shall, upon his request, receive a refund of his accumulated deductions as of the date of his appointment to the position of school crossing guard. 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.

h. A temporary employee who is employed under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. §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. §1501) who are in the system on the effective date of this 1986 amendatory act 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."

Page 1, Section 2, Lines 1-4: Omit "and shall apply to" on line 1, omit lines 2-3 entirely and "Retirement System prior to the effective date of this act" on line 4

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Michael R. Cole

Chief Counsel