TOWNSHIP OF PRINCETON

ORDINANCE
TO SET FORTH THE DETERMINATION OF THE GOVERNING BODY CONCERNING ELIGIBILITY FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP) PURSUANT TO CHAPTER 92 OF THE LAWS OF 2007

WHEREAS, Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-2 *et seq*) requires the governing body to determine by ordinance those positions in the Township that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State and are therefore eligible for enrollment and/or required to enroll in the Defined Contribution Retirement Program (DCRP), rather than the Public Employees' Retirement Program (PERS); and

WHEREAS, the Pension Certifying Officer (the Township Chief Financial Officer), is responsible to ensure that correct information is reported to the Division of Pensions and Benefits through proper enrollment procedures; and

WHEREAS, the Pension Certifying Officer, in consultation with the Township Attorney, has reviewed the requirements for compliance with Chapter 92, and the guidance provided in Local Finance Notice 2008-10, and Fact Sheet #80 promulgated by the Division of Pensions and Benefits; and

WHEREAS, the Pension Certifying Officer has recommended to the governing body a list of positions eligible for mandatory enrollment in the DCRP, subject to whether the employment or elected or appointed position commenced on or after July 1, 2007, and further subject to the various exclusions and special circumstances described in Chapter 92 and in LFN 2008-10 and Fact Sheet #80;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Princeton as follows:

Section 1. The Township Committee hereby accepts the recommendation of the Pension Certifying Officer and determines that the following positions are eligible for enrollment in the DCRP, subject to the various exclusions and special circumstances described in Chapter 92 and in LFN 2008-10 and Fact Sheet #80:

a. The Township Committee Members if sworn in on or after July 1, 2007, unless previously enrolled in PERS as an elected official prior to July 1, 2007.

b. Township Administrator, if appointed or promoted on or after July 1, 2007, unless previously enrolled in PERS prior to July 1, 2007.

c. Department Heads, if appointed or promoted by the governing body on or after July 1, 2007, unless previously enrolled in PERS prior to July 1, 2007, subject to the guidelines for exclusions set forth in N.J.S.A. 43:15C-2 *et seq*. and LFN 2008-10.

d. Municipal Court Judge, Municipal Prosecutor and Municipal Attorney if appointed on or after July 1, 2007, unless previously enrolled in PERS prior to July 1, 2007, subject to the guidelines for exclusions set forth in N.J.S.A. 43:15C-2 *et seq*. and LFN 2008-10, including but not limited to exclusions for individuals appointed through a professional services agreement.

Section 2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A.43:15C-2:

a. Certified Health Officer;
b. Tax Collector;
c. Chief Financial Officer;
d. Construction Code Official;
e. Qualified Purchasing Agent;
f. Tax Assessor;
g. Municipal Planner;
h. Registered Municipal Clerk;
i. Licensed Uniform Subcode Inspector;
j. Principal Public Works Manager.

Section 3. The Pension Certifying Officer will ensure that the specific individuals in the listed positions who are eligible for DCRP enrollment are duly enrolled, and that any future employee or elected or appointed individual who is deemed eligible, shall be enrolled in the DCRP.

Section 4. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the laws of 2007 as amended from time to time, any Regulations promulgated pursuant to Chapter 92, and any guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

Section 5. The Pension Certifying Officer is hereby authorized and directed to make all future determinations concerning retirement plan enrollment, in accordance with the requirements of this ordinance, and subject to review by the Division of Pensions and Benefits.

Section 6. The operative provisions of this ordinance shall be included in the Township Personnel Manual, which may be amended from time to time to conform to any amendments to Chapter 92, to any Regulations adopted pursuant to Chapter 92, or any amended guidelines from the Local Finance Board or the Division of Pensions and Benefits.

Section 7. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

Section 8. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

Section 9. This ordinance shall take effect upon its passage and publication as required by law.

Linda McDermott
Township Clerk

Bernard P. Miller, Acting Mayor