
A PUBLICATION OF THE NEW JERSEY DIVISION OF PENSIONS AND BENEFITS

Enrollment Eligibility and Age Limits

Police and Firemen's Retirement System

ELIGIBILITY CRITERIA

Enrollment in the Police and Firemen's Retirement System (PFRS) is required for permanent, full-time employees hired in positions of law enforcement or fire fighting in the State of New Jersey. Temporary or part-time employees working in PFRS titles are not eligible for enrollment in any State-administered pension system. Please visit the Division's Internet page at: www.nj.gov/treasury/pensions for a listing of covered positions. These employees must enroll in the PFRS as a condition of employment once they have completed the required police or fire training and have satisfied the age and health requirements for membership.

To be eligible for participation in PFRS, a position must meet the statutory definition of a "police officer" or "firefighter," **including the mandate that a candidate for a PFRS position must successfully complete specific training requirements** (As prescribed in N.J.S.A. 43:16A-1 and 52:17B-66 et seq. for police positions; and in N.J.S.A. 43:16A-1 and 52:17B-66 et seq. for firefighter positions).

- All police officers enrolled in the PFRS must be certified in the Basic Course for Police Officers, as prescribed by the Police Training Commission (PTC).
- Correction officers enrolled in the PFRS must be certified in the Basic Course for Correction Officers as prescribed by the Police Training Commission (PTC).
- County investigators enrolled in the PFRS must be certified in the Basic Course for County Investigators as prescribed by the Police Training Commission (PTC).
- Similarly, firefighters enrolled in the PFRS must complete and receive Firefighter 1 certification through the New Jersey Department of Community Affairs, Division of Fire Safety.

Anyone seeking to become a **police officer, correction officer, county investigator, or firefighter** who **does not** successfully complete the PTC or Firefighter 1 certification **will not be permitted to participate in the PFRS.**

Those employees with a permanent appointment in a PFRS eligible title who are ineligible for enrollment in the PFRS due to the incompleteness of the police or firefighter training are not eligible to participate in the Public Employees' Retirement System (PERS).

ENROLLMENT DATE

Generally, the date of enrollment in the PFRS for employees hired by a Civil Service employer is the later of the date of permanent appointment or start of the next reporting period after successful completion of the police or firefighter training.

The date of enrollment in the PFRS for employees hired by a Non Civil Service employer is the later of the date of hire or start of the next reporting period after successful completion of the police or firefighter training.

MEDICAL REQUIREMENTS

A physical examination must be completed by the employer's physician to prove medical readiness for a PFRS position. The medical exam must occur within one year of the receipt of the *PFRS Enrollment Application* by the Division. The *Report of Examining Physician* must be kept on file at the employing location in anticipation of audits by the Division.

MAXIMUM AGE LIMIT-BACKGROUND

New Jersey statutes and the New Jersey Administrative Code establish a maximum enrollment age for the PFRS. These provisions were superseded in 1993 by the federal Age Discrimination in Employment Act (ADEA) so that the state statutes and code could not be enforced. In 1996, the federal government eliminated the ADEA restrictions which applied to the PFRS governing statutes, and in Formal Opinion No. 1, published on February 25, 1997, the State Attorney General stated that the age restrictions must be enforced.

MAXIMUM AGE LIMIT-REQUIREMENTS

For Title 11 (Civil Service) Employers: The age of the candidate is determined at the announced closing date for the Civil Service examination. Candidates must not be one day past their 35th birthday on the announced closing date of the Civil Service examination. Those candidates meeting age requirements at that time will be considered as having met the age maximum requirement for the duration of the Civil Service list. (N.J.S.A. 43:16A-3(1))

For Non-Civil Service Employers: Employees must be appointed on or before their 35th birthday to qualify for enrollment. (N.J.S.A. 43:16A-3(1))

EXCEPTIONS TO MAXIMUM AGE LIMIT

There are "exceptions" to the age rule that sometimes lead to confusion. Since each employer is responsible for knowing the pension eligibility requirements for employees, the following guidelines should clarify the rules for more complex enrollment cases. If employees qualify for any of the exceptions to the maximum age limit, upon request from the Division, after submission of the *PFRS Enrollment Application*, the employer should submit proof of those exceptions.

- In accordance with N.J.A.C. 17:4-2.5 and N.J.S.A. 43:1-1.1, eligible periods of military service during times of war or conflict may be used to "reduce" enrollment age. Such military service must have occurred during periods outlined in the Employer's Pensions and Benefits Administration Manual (EPBAM) or the PFRS Member Handbook as qualifying for "Veteran Status" for pension purposes and must have been served in the area of conflict. For example, if an individual who is 35 years and 6 months old at the date of appointment saw active military service in the Arabian peninsula and the Persian Gulf as part of Operation Desert Storm/Shield from September 1, 1990 to August 31, 1991, this year of active service may be "subtracted" from the candidate's chronological age to yield an enrollment age of 34 years and 6 months. This age reduction would permit enrollment in PFRS.
- In accordance with N.J.S.A. 40A:14-127.1, any former State trooper, sheriff's officer or deputy, or county or municipal policeman is permitted to use previous service as a police officer to reduce actual age in order to meet the maximum age requirement of 35 years for the position of a municipal police officer. Prior experience in federal law enforcement agencies or in law enforcement agencies of other states would also qualify for the purpose of reducing the candidate's age for the position of a municipal police officer. In any case, no person may be appointed over the age of 45 except for those who were previously involuntarily terminated from their former employment.

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- "Age reductions" may also be granted for persons seeking employment as municipal police officers who have prior service with the Delaware River Port Authority Police, Amtrak or SEPTA police departments.
- While volunteer firefighters may be appointed to paid positions, within part-paid fire departments up to age 40 (N.J.S.A. 40A:14-44), any such firefighter over age 35 is eligible for enrollment in the PERS, but not the PFRS.

CANDIDATES WHO EXCEED THE AGE LIMIT

Individuals employed by the **State of New Jersey** or any **county**, as well as **volunteer firefighters hired by a municipality or fire district**, who exceed the maximum age requirement for membership in PFRS, but who are otherwise eligible for the position, shall establish membership in PERS.

Existing overage PERS members who are hired into a permanent PFRS title with the State or a county employer remain in the PERS after successful completion of mandatory basic "police" or "fire" training.

Individuals seeking employment with a **municipality** in an eligible PFRS title who are over age 35 on the closing date of the examination with a Civil Service employer or over age 35 on the date of hire with a Non-Civil Service employer, even after "reductions in age" have been taken into account, cannot establish membership in any State-administered retirement system. Since enrollment in the PFRS is a condition of employment (N.J.S.A. 43:16A-3(1)), these individuals cannot be hired.

MORE INFORMATION

If you have specific questions regarding PFRS enrollment, you may write to the Division of Pensions and Benefits, Enrollments Bureau, PO Box 295, Trenton, NJ 08625-0295, or e-mail the Division at: pensions.nj@treas.nj.gov

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