

Bond Case Briefs

Municipal Finance Law Since 1971

PENSIONS - NEW JERSEY

Piatt v. Police and Firemen's Retirement System

Superior Court of New Jersey, Appellate Division - November 18, 2015 - A.3d - 2015 WL 7260608

State corrections officers, who were hired after they turned 35 years old and were enrolled in Public Employees Retirement System (PERS), brought action against Department of Corrections and Police and Firemen's Retirement System (PFRS), claiming that they should be transferred to PFRS.

The Superior Court granted summary judgment for Department and PFRS and denied partial summary judgment for officers. Officers appealed.

The Superior Court, Appellate Division, held that a person who becomes state corrections officer after age 35 is not age eligible for membership in PFRS.

Administrative rule setting forth age limitation of 35 years for membership in Police and Firemen's Retirement System (PFRS) did not conflict with statute governing requirements for county sheriff's membership in PFRS, which set age limit of 37 years, as to invalidate rule. Statute was part of amendment that permitted incumbent sheriff to transfer from Public Employees Retirement System (PERS) to PFRS under some circumstances and only created 37-year entry-age on transferees during 90-day period allowed and, thus, statute did not invalidate otherwise-applicable 35-year age limit set forth in rule and statute governing membership in PFRS.