



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

JON S. CORZINE  
Governor

Mailing Address:  
PO Box 295  
Trenton, NJ 08625-0295  
Location:  
50 West State Street  
Trenton, New Jersey  
BRADLEY I. ABELOW  
State Treasurer  
FREDERICK J. BEAVER  
Director

April 17, 2007

**TO:** Certifying Officers of the Police and Firemen's Retirement System (PFRS)

**FROM:** Janice F. Nelson *Janice F. Nelson*  
Assistant Director, Board and Trustee Administration

**SUBJECT: Chapter 381, P.L. 2005 — Mandatory Retirement Under the Police and Firemen's Retirement System (PFRS)**

Chapter 381, P.L. 2005, permits an extension of the Police and Firemen's Retirement System's (PFRS) mandatory retirement age for certain New Jersey police officers and firefighters.

This law became effective January 12, 2006, and is being discussed in this letter as a result of the receipt of a clarification of several administrative details from the Office of the New Jersey Attorney General.

#### ELIGIBILITY

Chapter 381 allows a member who was ***hired to a PFRS eligible position between July 11, 1984 and March 1, 1987\**** as a result of the federal prohibition against the enforcement of the PFRS maximum enrollment age, to remain a member of the PFRS until the member attains either age 68 years or 25 years of creditable service, whichever comes first.

The legislation does not apply to any individual who may have been over the age of 35 as of the date of hire or their enrollment in the Public Employees' Retirement System (PERS) and who thereafter elected to transfer to the PFRS under the provisions of Chapter 247, P.L. 1993, or Chapter 204, P.L. 1989.

#### BACKGROUND

For a brief period in the 1980's, federal law prohibited states from imposing a maximum enrollment age or a mandatory retirement requirement based on age. The federal law was amended in 1986 to again permit such requirements.

---

\*Although the Age Discrimination and Employment Act (ADEA) was amended October 31, 1986 and became effective January 1, 1987, therefore requiring New Jersey to enforce its maximum hiring age of 35 for police and firefighters, pursuant to advice from the Attorney General's office the entry age restrictions in the PFRS were not reinstated by the Division until March 1, 1987.

At that time the PFRS reinstated New Jersey's mandatory police officer and firefighter maximum enrollment age (age 35) and mandatory retirement age (age 65).

One consequence of the reinstatement of the mandatory retirement age was that police officers and firefighters hired when the maximum appointment age was suspended are today being required to retire due to age without the ability to qualify for certain retirement benefits offered under the PFRS (e.g. Special Retirement at 25 years of service). Chapter 381 provides a limited window of opportunity for those PFRS members to remain in employment in order to qualify for these benefits upon retirement.

### **ADMINISTRATION**

Most members of the PFRS remain subject to mandatory retirement at age 65. While the Division of Pensions and Benefits is attempting to identify those individuals who could qualify to remain in the PFRS under the provisions of Chapter 381, individuals approaching age 65 who will have not established 25 years of service in the PFRS as of the date they attain the age 65, and who believe they may be eligible to remain in employment under the provisions of Chapter 381 should contact the Division of Pensions and Benefits for a determination.

Because the legislation specifies that the extension of retirement is based upon the "date of hire" to the PFRS eligible position, rather than the member's date of enrollment into the retirement system, proof of a member's date of hire may be required from the PFRS employer before a final determination of eligibility can be made.

### **ADDITIONAL INFORMATION**

If you have additional questions regarding Chapter 381, or any of the information provided in this letter, contact the Division's Office of Client Services at (609) 292-7524, or e-mail the Division at: [pensions.nj@treas.nj.us](mailto:pensions.nj@treas.nj.us)