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May 26, 2011

TO: Certifying Officers of the State-administered Retirement Systems
FROM: Florence J. Sheppard, Acting Director 
Division of Pensions and Benefits
SUBJECT: Enrollment Certification and Training Requirements Under Chapter 52, P.L. 2011

Chapter 52, P.L. 2011, (N.J.S.A. 43:3C-15) establishes new procedures and employer training requirements for the enrollment and/or transfer of employees into the State-administered retirement systems. This letter outlines the changes contained within the law and provides guidance to employers for meeting the new requirements.

The provisions of Chapter 52, P.L. 2011, become effective June 19, 2011. Because of the brief implementation time frame, **immediate actions are required from employing locations**. Please see the "Immediate Employer Actions" section on page 2 and return the enclosed *Employer Database Update Form* **before the deadline of June 10, 2011**.

ENROLLMENT CERTIFICATION REQUIREMENTS

Chapter 52 requires that all enrollments and/or transfers into a New Jersey State-administered retirement system — whether by online application or a paper form — must be certified as follows:

- At the time of the enrollment and/or transfer of any employee, the **Certifying Officer**¹ must certify that the person is eligible for enrollment in accordance with the statutes and regulations of the retirement system.
- Upon the certification of an enrollment and/or transfer, the immediate **Supervisor of the Certifying Officer**² must approve the enrollment and/or transfer before the application or form may be submitted to the Division of Pensions and Benefits.

The law also requires the **Certifying Officer** and the immediate **Supervisor of the Certifying Officer** to annually certify for each member of the retirement system, that the person enrolled is eligible for enrollment in the retirement system in accordance with the statutes and regulations of the retirement system.

¹ "**Certifying Officer**" is defined in the law to mean an officer or employee of the State or of an employer other than the State who is responsible for submitting information to and performing the duties relating to matters concerning the retirement system with respect to each of the employees of the employing location, as required by law, the board of trustees or commission, and the Division of Pensions and Benefits.

² "**Supervisor of the Certifying Officer**" is designated by the employing location and is required to be the immediate supervisor of the Certifying Officer as defined above.

Note: Additional information and guidance on completing the certification processes are addressed in the “Future Employer Actions” section of this letter.

Under Chapter 52, the certification process requires acknowledgement that any person who knowingly makes a false statement, or falsifies or permits to be falsified any record, application, form, or report of a pension fund or retirement system, in an attempt to defraud the fund or system will be guilty of a crime of the fourth degree.

EMPLOYER TRAINING REQUIREMENT

Effective June 19, 2011, before either a new enrollment application **or** an annual certification can be submitted to the Division of Pensions and Benefits, the law requires that both the **Certifying Officer** and the **Supervisor of the Certifying Officer** must complete required training on eligibility for enrollment in the retirement system(s). Training will be provided over the Internet and accessed through a link on the Division of Pensions and Benefits Web site.

Note: Additional information and guidance on completing the training requirements are addressed in the “Future Employer Actions” section of this letter.

IMPLEMENTATION BY THE DIVISION

The Division of Pensions and Benefits is taking a number of actions to implement the provisions of the law. These include, but are not limited to:

- Verifying and/or identifying the Certifying Officers and Supervisors of the Certifying Officer for all employing locations.
- Producing and providing access to the required online training for the designated Certifying Officers and the Supervisors of the Certifying Officer.
- Revising the paper *Enrollment Applications* and *Transfer Forms* for all retirement systems.
- Developing programming in the Employer Pensions and Benefits Information Connection (EPIC) to identify and update Certifying Officers and Supervisors of the Certifying Officer; verify the completion of training; provide for the certification of online enrollments; and allow the annual certification of enrolled employees.

The next sections of this letter describe short-term actions that are **required immediately** from employers for the efficient implementation of Chapter 52, as well as pending changes that will allow for full employer compliance in the long-term.

IMMEDIATE EMPLOYER ACTIONS REQUIRED FOR IMPLEMENTATION

Immediate action is required from employers to identify or designate the employing location’s **Certifying Officer** and the immediate **Supervisor of the Certifying Officer** and provide this information to the Division of Pensions and Benefits.

In order to comply with the June 19, 2011 effective date of Chapter 52, the identification of the Certifying Officer and the Supervisor of the Certifying Officer must be done using the *Employer Database Update Form* which is included with this letter (or printable from the Division’s Web site).

- **Complete all of the information** requested on the *Employer Database Update Form*;
- Have the Certifying Officer and the Supervisor of the Certifying Officer **sign the form** — thereby agreeing to the conditions of Chapter 52, P.L. 2011 (on second page of form); and
- **Fax the form before June 10, 2011**, to the Division of Pensions and Benefits at **(609) 633-9297**.

By completing and returning the *Employer Database Update Form* before the June 10, 2011 deadline the Certifying Officer and the Supervisor of the Certifying Officer acknowledge and agree to the certification requirements included with the form. This will allow the Division to identify the individuals whose certifications are required on any online or paper *Enrollment Applications* or *Transfer Forms*, provide these individuals access to the required training, and permit the certification and submission of future enrollments and/or transfers.

Until the Certifying Officer and the Supervisor of the Certifying Officer are properly identified to the Division and trained, enrollments and/or transfers received from the employing location after June 19, 2011, will not be accepted for processing.

Programming changes are being made to the Demographic Information application in EPIC that will allow for future updates of the Certifying Officer and the Supervisor of the Certifying Officer to be made online. Additional details of this process will be provided when the programming nears completion.

FUTURE EMPLOYER ACTIONS TO BE REQUIRED

Online Training — Once identified by the Division, the **Certifying Officer** and the **Supervisor of the Certifying Officer** must complete the required online training. The enrollment training presentations will be provided over the Internet — at no charge to employers — and accessed through a link on the Division of Pensions and Benefits Web site.

Enrollment training is currently in development by the Division with its technical partners. In the immediate future, when the online training becomes available, employers will receive a follow-up letter with detailed instructions and will have up to 30 days to access and complete the training.

Because of the differences in the retirement systems, if you are the Certifying Officer or the Supervisor of the Certifying Officer for more than one retirement system, separate enrollment training will be required for each retirement system.

Enrollment and Transfer — Upon the completion of training being confirmed by the Division of Pensions and Benefits, both the **Certifying Officer** and the **Supervisor of the Certifying Officer** will be required to sign/approve all enrollments or transfers prior to being submitted to the Division.

- **Online Enrollments** — The online Enrollment applications in EPIC will be temporarily disabled as of June 19, 2011. Upon receipt of the *Employer Database Update Form* by the Division and completion of training by both the Certifying Officer and the Supervisor of the Certifying Officer, access to the Enrollment applications in EPIC will be restored.

This restoration of access will be with the understanding that the Certifying Officer and the Supervisor of the Certifying Officer acknowledge responsibility for all enrollments pending programming changes that will require specific action from the Certifying Officer and the Supervisor of the Certifying Officer.

Note: Please hold any enrollments that would normally be submitted online until your EPIC access is restored.

Upon completion of programming, assigned staff will be permitted EPIC access to *enter employee information* into the online Enrollment applications; however, direct online certification by the Certifying Officer and the Supervisor of the Certifying Officer will be required in order to *submit* the online enrollment to the Division. This certification and submit function will only be available to designated and trained Certifying Officer and the Supervisor of the Certifying Officer.

- **Paper Enrollments and Transfers** — Updated paper *Enrollment Applications* and *Transfer Forms* – requiring 2 signatures -- are available on Division's Web site in the Employers' Pensions and Benefits Administration Manual (EPBAM) for employees that require manual processing (please hold enrollments that would normally be submitted online until your EPIC access is restored as paper applications submitted in these cases will be returned).

Note: *Enrollment Applications* and/or *Transfer Forms* received after June 19, 2011, that do not have signatures from both the Certifying Officer and the Supervisor of the Certifying Officer — or bear signatures that are not of the designated Certifying Officer and/or Supervisor of the Certifying Officer — will not be accepted for processing.

Annual Certification — Chapter 52 requires the **Certifying Officer** and the **Supervisor of the Certifying Officer** to annually certify for each member of the retirement system, that the person enrolled is eligible for enrollment in the retirement system in accordance with the statutes and regulations of the retirement system. The Division of Pensions and Benefits will provide this annual certification online and is currently in the process of developing the programming needed to produce and certify an annual roster of employees. Additional details on this process will be provided when the programming nears completion.

ADDITIONAL INFORMATION

If you have questions regarding the information provided in this letter, contact the Division's Employer Education Unit at (609) 292-7524, or e-mail the Division at: pensions.nj@treas.state.nj.us

Enclosures

Employer Database Update Form – with Certification Required Under N.J.S.A. 43:3C-15
Chapter 52, P.L. 2011

EMPLOYER DATABASE UPDATE FORM

Employer Pension and Benefits Information Connection (EPIC)

EMPLOYING LOCATION INFORMATION (Please print legibly or type)

Location Name _____ Location #(s) _____

Street Address, PO Box _____

City _____ State _____ ZIP _____

ABP Location Number _____ ABP Contact Person _____
(if applicable) *(if applicable)*

CERTIFYING OFFICER INFORMATION

(Read requirements on page two, complete form, and sign below)

Certifying Officer _____ Title _____

Phone Number _____ Ext. _____ Fax Number _____

E-Mail Address _____

Payroll/Personnel Phone Number _____ Ext. _____

Member of a Pension Fund? Yes No Pension Membership Number _____

Is this Certifying Officer also the contact for the State Health Benefits Program or School Employees' Health Benefits Program? Yes No

If not, please list the SHBP/SEHBP contact person _____
(if applicable)

Should the **former** Certifying Officer still have access to EPIC? Yes No

CERTIFYING OFFICER'S SUPERVISOR *(Required by N.J.S.A. 43:3C-15)*

(Read requirements on page two, complete form, and sign below)

Name _____ Title _____

Phone Number _____ Ext. _____ Fax Number _____

E-Mail Address _____

Member of a Pension Fund? Yes No Pension Membership Number _____

Should the **former** Supervisor still have access to EPIC? Yes No

SIGNATURES

I certify that I have read and agree to the requirements pursuant to N.J.S.A. 43:3C-15 (see next page); that I must complete all required training; and I acknowledge that I am subject to penalty for falsifying or permitting to be falsified any record, application, form, or report in an attempt to defraud the retirement system. *(Two Signatures Required)*

Signature of Certifying Officer _____ **Date** _____

Signature of Supervisor _____ **Date** _____

CERTIFICATION AS REQUIRED UNDER N.J.S.A. 43:3C-15

- 1) As the designated Certifying Officer for the employing location indicated on this form, I acknowledge that I am responsible for performing the duties relating to matters concerning the New Jersey State-administered Retirement Systems with respect to each of the employees of this employing location, as required under the provisions of N.J.S.A. 43:3C-15.
- 2) As the designated Supervisor of the Certifying Officer for the employing location indicated on this form, I acknowledge that I am responsible for performing the duties relating to matters concerning the New Jersey State-administered Retirement Systems with respect to each of the employees of this employing location, as required under the provisions of N.J.S.A. 43:3C-15.
- 3) I understand that I must complete all required training on the eligibility, enrollment, and/or transfer of employees into the retirement systems, or any other training that may be required, in accordance with the statutes governing the retirement systems and the regulations promulgated thereto.
- 4) I understand that the Certifying Officer — at the time of the enrollment and/or transfer of each member of the retirement systems — must certify that the person is eligible for enrollment in accordance with the provisions of the statutes and regulations promulgated thereto.
- 5) I understand that upon the certification of an enrollment and/or transfer of each member of the retirement systems, the immediate Supervisor of the Certifying Officer must approve the enrollment and/or transfer before the application or form may be submitted to the Division of Pensions and Benefits in accordance with the provisions of the statutes and regulations promulgated thereto.
- 6) I understand that a certification of eligibility for enrollment and continued membership is required annually for all employees.
- 7) I understand that any time there is a change in the designation of Certifying Officer or his/her Supervisor, notice of such a change must be immediately made to the Division of Pensions and Benefits.
- 8) I understand that the information to which I have access in my capacity as Certifying Officer or as the Supervisor of the Certifying Officer is confidential and may not be shared with anyone for purposes other than described herein.
- 9) I acknowledge that if I knowingly make a false statement, or falsify or permit to be falsified any record, application, form, or report of a pension fund or retirement system, in an attempt to defraud the fund or system as a result of such act, I shall be guilty of a crime of the fourth degree.

CHAPTER 52

AN ACT concerning compliance by public employers with the requirements for the State-administered retirement systems and supplementing chapter 3C of Title 43 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.43:3C-15 State-administered pension systems, requirements for employers.

1. The boards of trustees of the Teachers' Pension and Annuity Fund, established pursuant to N.J.S.18A:66-1 et seq., the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), the Police and Firemen's Retirement System, established pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), and the State Police Retirement System, established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.), and the State House Commission in the case of the Judicial Retirement System, established pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), shall require a certifying officer to complete training on eligibility for enrollment in the pension fund or retirement system in accordance with the provisions of the laws governing those funds or systems and the rules or regulations promulgated thereto. The Division of Pensions and Benefits shall develop, and the respective board or commission shall approve, the form and content of the training and each board or commission shall determine when a certifying officer shall complete the training. Each board or commission may require the training to include such additional pension fund or retirement system matters as it deems necessary to ensure compliance. The training shall be provided through the Internet and shall be accessible from the official Internet site of the State. A certifying officer required to complete the training shall submit to the division an acknowledgement of such completion in the manner required by the division.

Each board of trustees or commission shall require a certifying officer and the officer's immediate supervisor to certify in writing or electronically, at the time of an enrollment of a member and annually for each member of the retirement system, that the person enrolled is eligible for enrollment in the pension fund or retirement system in accordance with the relevant law and the rules or regulations promulgated thereto. The certification shall require the certifying officer and the officer's immediate supervisor to acknowledge that any person who knowingly makes a false statement, or falsifies or permits to be falsified any record, application, form, or report of a pension fund or retirement system, in an attempt to defraud the fund or system as a result of such act shall be guilty of a crime of the fourth degree. Each board or commission may require a similar certification for any other record, application, form, or report as it may deem necessary to ensure compliance.

As used in this section, "certifying officer" means an officer or employee of the State or an employer other than the State who is responsible for submitting to a pension fund or retirement system such information, and for performing the duties relating to matters concerning the pension fund or retirement system with respect to each of the employees of the employer, as required of the employer by law and the rules or regulations promulgated thereto, and by the division and the board of trustees or the State House Commission, as appropriate.

C.2C:58-8.1 Rules, regulations.

2. This act shall take effect on the 60th day following enactment, but the boards of trustees of the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Police and Firemen's Retirement System, the State Police Retirement System, and the State House Commission, and the Division of Pensions and Benefits in the Department of the Treasury may take such anticipatory administrative action as may be necessary to implement the provisions of this act.

Approved April 20, 2011.