

employee is prosecuted or convicted. State and Local public employers are also required to notify the Division of Pensions and Benefits whenever a public employer takes formal disciplinary action to remove a member from public office or employment for cause on charges of misconduct or delinquency. In these cases, the Board of Trustees will consider all relevant documentation to render a determination on any appropriate action.

The Division may suspend processing of a member's application for retirement pending the receipt of the final disposition of charges against the member. All claims for retirement, death benefits, or the return of the member's contributions cannot be processed until the criminal or administrative matter has been resolved to the satisfaction of the Board of Trustees. The Division will postpone action on all claims where there is pending litigation against the member's employment. In this case, the Division will hold all applications or requests in abeyance until such time as the matter is fully resolved. Once all the required information is provided to the Division, the Board of Trustees will consider each case on its own merits.

New Jersey law stipulates that a retired member is not eligible to collect retirement benefits if the retiree is confined in a penal institution as a result of a conviction of a crime involving moral turpitude. The law provides that an eligible dependent may continue to collect a retirement benefit if they can prove to the satisfaction of the Board of Trustees that they rely on the retiree's benefits for their maintenance.

The member should contact the Division's Board and Trustee Administration Office, in writing, if any of the conditions listed above should occur in order to obtain more specific instruction on how to proceed.

For additional information, see Fact Sheet #76, *Honorable Service*, which is available on the Division of Pensions and Benefits Web site at: www.state.nj.us/treasury/pensions

EMPLOYMENT AFTER RETIREMENT

Working for private industry, the federal government, or a government agency in another state will not affect your retirement benefits. For PFRS retirees who resume public employment in New Jersey after retirement, there are several areas of concern.

Returning to Work in a Position Covered by a State of New Jersey-Administered Retirement System Other than the PFRS

In this case (except as noted below) your retirement allowance continues and you can receive salary but you cannot become a member of that retirement system.

Police or Fire Supervisory Positions — If a PFRS retiree is appointed to a position with a law enforcement unit or firefighting unit with administrative or supervisory duties over police officers and/or firefighters (such as Police Director, Fire Director, Director of Public Safety, etc.) less than six months after retirement from the PFRS, that retiree must suspend his or her retirement and must reenroll in the PFRS (per N.J.S.A. 43:16A-3.1).

Returning to a Position under the PFRS

If you accept regular employment in a position covered by the PFRS (and are otherwise eligible for enrollment in the PFRS) you must reenroll in the PFRS as a condition of employment (see "Exception for Elected Officials" below).

In addition, if you are newly retired, your retirement must be "bona fide" and the employer/employee relationship completely severed before you consider returning to any PFRS eligible employment on either a paid or volunteer basis (see "Failure to Reenroll in the PFRS" on page 27).

If reenrolled, your retirement allowance and any related health benefits will be canceled for the duration of your employment. If you die while in the second membership, no benefits from the previous membership or retirement are payable (except for the return of any uncollected contributions). This includes survivor and death benefits

Exception for Elected Officials — Under the provisions of Chapter 96, P.L. 1999, members of the PFRS holding public office can retire from the office to which the member was elected and continue to receive a full salary for that office if the member's retirement allowance is not based solely on service in that public office. The member will stop making pension contributions as of the retirement date. No further service credit will accrue after retirement and only the retired death benefit of 50 percent of Final Compensation would be paid (instead of 3½ times salary paid upon the death of an active member).