

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II,
PERSONNEL, AND CREATING ARTICLE 20 ENTITLED POSITIONS
ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

MC 2008 -

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 *N.J.S. 43:15C-1 et. seq., to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advise and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

WHEREAS, the Plainfield City Council of the City of Plainfield has considered the guidelines issued by the Local Finance Board; and

WHEREAS, the City Council of the City of Plainfield deems it necessary to amend and supplement Chapter II, Personnel, by creating Article 20, so as to comply with Chapter 92 of the Laws of 2007;

NOW THEREFORE BE IT ENACTED, by the City Council of the City of Plainfield, County of Union, State of New Jersey that Chapter II, Personnel Article 20, Positions Eligible for the Defined Contribution Retirement Program is hereby created and supplemented as follows:

Section I.

ARTICLE 20. POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM

Sec. II:20-1. Eligible Titles for the Defined Contribution Retirement Program

A. Consistent with the provisions of N.J.S. 43:15C-2 the following positions are deemed eligible for and shall participate in the Defined Contribution Retirement program.

1. Mayor
2. City Council Member
3. City Administrator
4. Department Director, Administration, Finance, Health & Social Services
5. Department Director, Public Works and Urban Development
6. Department Director, Public Affairs and Safety
7. Deputy City Administrator in charge of Economic Development
8. Police Director
9. Corporation Counsel
10. Attorney, Board of Adjustments

11. Municipal Prosecutor
12. Chief Municipal Prosecutor
13. Municipal Public Defender
14. Chief Municipal Public Defender
15. City Solicitor
16. Planning Board Attorney
17. Municipal Attorney
18. Special Counsel
19. Chief Municipal Court Judge
20. Municipal Court Judge
21. Municipal Engineer

Section II:20-2 Titles Exempted From Participation in the Defined Contribution Retirement Program

A. Individuals serving in the following positions are exempt from the Defined Contribution Retirement Program membership, pursuant to

N.J.S. 43:15C-2:

1. Chief Financial Officer
2. City Clerk
3. Construction Official
4. Health Officer
5. Municipal Planner
6. Qualified Purchasing Agent
7. Tax Assessor
8. Tax Collector
9. Electrical Sub-code Official
10. Plumbing Sub-code Official
11. Public Works Manager

B. If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in section 2 above, the City's Certifying Officer may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual:

1. Was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or
2. Has been appointed pursuant to a valid promotional process; or
3. Is appointed on a temporary, interim or "acting" basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification; or
4. Meets such other exceptions that may be approved by the Local Finance Board or the New Jersey Division of Pensions and Benefits.

Section 2.

All ordinances or portions of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Section 3.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section or clause is declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4.

This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

Section 5.

This Ordinance shall take effect twenty (20) days after final passage and approval, and shall be published as provided by law.

Section 6.

A certified true copy of this Ordinance shall be filed with the Director of the Division of Pensions and Benefits of the New Jersey Department of the Treasury.