



# State of New Jersey

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**TO:** Certifying Officers of PERS County Locations and Division of Criminal Justice

**FROM:** New Jersey Division of Pensions & Benefits (NJDPB)

**SUBJECT:** **P.L. 2021, c. 226 – Reopening of PERS Prosecutors Part**

Effective September 24, 2021, P.L. 2021, c. 226 (Chapter 226), reopened the Prosecutors Part of the Public Employees' Retirement System (PERS) that was previously closed to new members by P.L. 2010, c. 1 (Chapter 1), on May 21, 2010. This letter will detail employer responsibilities under this new law for employees who are currently serving in prosecutor titles and are enrolled in either the regular PERS or the Defined Contribution Retirement Program (DCRP).

## ELIGIBILITY

Employees eligible for enrollment in the PERS Prosecutors Part include:

- Any county prosecutor, first assistant county prosecutor, or assistant county prosecutor;
- The Director of the Division of Criminal Justice (DCJ) in the Department of Law and Public Safety, any assistant director, deputy director, assistant attorney general, or deputy attorney general employed by that department and assigned to that division; and
- Any criminal investigator in the DCJ ineligible for enrollment in the Police and Firemen's Retirement System (PFRS).

## REQUIRED FORMS

Employers should complete the *Eligible Employees – PERS Prosecutors Part* form, indicating each employee currently serving in a Prosecutors Part title, including their PERS or DCRP membership number, Social Security Number, official title, and dates employed as a prosecutor. An *Employment Verification Form for Prosecutor Part of the PERS* for each employee should accompany this form. In addition, an *Enrollment Application for PERS Prosecutors Part* must be completed for members currently enrolled in the DCRP. You will find these forms attached with this letter.

All completed forms should be sent in batch no later than December 30, 2021, to: Division of Pensions & Benefits, Enrollment Bureau, PERS Prosecutor Enrollment, P.O. Box 295, Trenton, NJ 08625-0295.

For new employees hired into PERS Prosecutors Part-eligible titles, employers should complete and return an *Enrollment Application for PERS Prosecutors Part* or, if already a member of PERS, a *Report of Transfer/Multiple Enrollment Form*, available on our website at [www.nj.gov/treasury/pensions](http://www.nj.gov/treasury/pensions), until such time the EPIC online enrollment system is updated to reflect the change in the law. The NJDPB will notify employers when EPIC is available for new enrollments and reports of transfer.

**Important Note:** State/county employees and temporary assignments under the Government Employee Interchange Act who are transferring to or from the Prosecutors Part of the PERS must be reported to the NJDPB. Employers should complete and submit the appropriate *Public Employees' Retirement System (PERS) Prosecutors Part Change of Position* form, available in the Employer Pension Forms section on our website.

### CONTRIBUTION RATE

The contribution rate for the Prosecutors Part of the PERS is 10 percent of pensionable salary. Members currently enrolled in the PERS who are serving in prosecutor titles will be responsible for the rate differential between regular PERS contributions (7.5 percent) and Prosecutors Part contributions retroactive to October 1, 2021. All time in the PERS when an employee was serving in a Prosecutor title from May 21, 2010, to the present, will be credited as Prosecutors Part service.

Employees serving in a prosecutor title who were enrolled in the DCRP will be responsible for the rate differential between their DCRP contribution and the PERS Prosecutors Part rate retroactive to the date when enrolled in the DCRP. These employees will have a new PERS account created and all time in the DCRP will be credited as PERS Prosecutors Part service.

Employers will receive *Certifications of Payroll Deductions* for all employees to begin payroll deductions for the amounts due. Please be advised that the back deductions will be based on the length of time it takes to verify and calculate deductions for each employee affected by this new law.

### EMPLOYEES WHO ARE RETIRING

In the case of a member who wishes to file for retirement prior to their account being updated to a PERS Prosecutors Part account, the following procedure should be followed:

**For members with a current PERS account:** These members should file for retirement via the Member Benefits Online System (MBOS). Once filed, they should send follow-up correspondence, self-identifying as a member whose account is being updated to the Prosecutors Part of the PERS. Correspondence may be sent via USPS to: Retirement Section, Attention Jayne Ehrmann, Division of Pensions & Benefits, P.O. Box 295, Trenton, NJ 08625-0295, or by email to: [Jayne.Ehrmann@treas.nj.gov](mailto:Jayne.Ehrmann@treas.nj.gov)

**For members with a current DCRP account:** These members do not have access to MBOS. Therefore, they should send a letter self-identifying as a member of the Prosecutors Part, indicating their intent to retire. The letter should include their name, DCRP membership number, and retirement date. Correspondence can be sent via USPS or email to Jayne Ehrmann at the addresses above.

Once the member's rate differential has been satisfied and a PERS Prosecutors Part account is established, the member's retirement can be processed based on the enhanced Prosecutors Part formula. Retirement payments will be retroactive to the retirement date the member requested.

### ADDITIONAL INFORMATION

If you have questions regarding any of the information provided in this letter, contact the NJDPB's Office of Client Services at (609) 292-7524, or email the NJDPB at: [pensions.nj@treas.nj.gov](mailto:pensions.nj@treas.nj.gov)

Enclosures:

*Eligible Employees – PERS Prosecutors Part form*  
*Employment Verification Form for Prosecutor Part of the PERS*  
*Enrollment Application for PERS Prosecutors Part*