

Social Impact

The Director anticipates that the proposed amendments will benefit patients who receive audiology or speech-language pathology services from individuals completing clinical internships. The proposed amendments will ensure that such individuals hold temporary licenses and are being supervised properly when they are providing services to patients.

Economic Impact

The proposed amendments will have a slight economic impact in that they require any individual completing a clinical internship to hold a temporary license. While the Director believes that most of individuals completing clinical internships already hold temporary licenses, there are some who do not. These individuals will need to obtain and pay the temporary license fee of \$50.00. The Director does not believe the proposed amendments will have any other economic impact.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the subject matter of the proposed amendments.

Jobs Impact

The proposed amendments will not increase or decrease the number of jobs in New Jersey.

Agriculture Industry Impact

The Director does not believe that the proposed amendments will have any impact on the agriculture industry of this State.

Regulatory Flexibility Statement

The Regulatory Flexibility Act (Act), N.J.S.A. 52:14B-16 et seq., requires the Director to give a description of the types and an estimate of the number of small businesses to which the proposal will apply. A regulatory flexibility analysis is not required because the proposed amendments only apply to applicants for licensure who cannot be considered "small businesses" because they do not yet have a license to practice audiology or speech-language pathology.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendments concern temporary license requirements for those completing clinical internships in audiology or speech-language pathology.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern temporary license requirements for those completing clinical internships in audiology or speech-language pathology.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. REQUIREMENTS FOR LICENSURE AS
AUDIOLOGIST OR SPEECH-LANGUAGE
PATHOLOGIST

13:44C-3.5 Requirements for clinical internship

(a) An applicant who completed a doctoral degree shall have completed a clinical internship that met the requirements of (b) through [(h)] (f) below during or after the doctoral degree program. An applicant who completed a master's degree shall have completed a clinical internship that met the requirements of (b) through [(h)] (f) below after he or she completed the master's degree program.

[(b) For purposes of this section, "professional employment" means direct clinical work with patients, consultations, recordkeeping, and any other duties relevant to a bona fide program of clinical work.

(c) For purposes of this section, "full-time employment" means a minimum of 30 clock hours of work per week or part time equivalent employment as follows:

1. Work of 15 to 19 hours per week over 18 months;
2. Work of 20 to 24 hours per week over 15 months;
3. Work of 25 to 29 hours per week over 12 months.

(d) The clinical internship shall comprise no less than nine months of full-time professional employment.

(e) In the event that part-time employment is used to fulfill a part of the clinical internship, 100 percent of the minimum hours of the weekly part-time work must be spent in direct professional employment, and the internship must be completed within a maximum period of 18 consecutive months.]

(b) An applicant who seeks to complete a clinical internship in New Jersey after he or she has completed his or her doctoral or master's degree program, including an applicant completing a clinical internship in an exempt setting, shall not begin the clinical internship until he or she obtains a temporary license pursuant to N.J.A.C. 13:44C-5.2.

(c) A clinical internship shall consist of at least 1,200 hours completed in no less than nine months and no more than 18 months.

Recodify existing (f)-(h) as (d)-(f) (No change in text.)

(a)

**DIVISION OF CONSUMER AFFAIRS
ELEVATOR, ESCALATOR, AND MOVING WALKWAY
MECHANICS LICENSING BOARD**

**Elevator, Escalator, and Moving Walkway
Mechanics Licensing Board Rules**

Proposed New Rules: N.J.A.C. 13:44M

Take notice that the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board is extending the public comment period on the above-referenced proposed new rules, published in the May 1, 2017 New Jersey Register at 49 N.J.R. 998(a). The public comment period has been extended by 74 days.

Submit comments by September 20, 2017, to:

Philomeana Tucker, Acting Executive Director
Elevator, Escalator, and Moving Walkway Mechanics
Licensing Board
PO Box 45054
124 Halsey Street
Newark, NJ 07101
or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>

TREASURY—GENERAL**(b)**

DIVISION OF PENSIONS AND BENEFITS

**General Administration
Purchases and Eligible Service**

Proposed Amendment: N.J.A.C. 17:1-4.1

Authorized By: Florence J. Sheppard, Acting Director, Division of Pensions and Benefits.

Authority: N.J.S.A. 52:14-15.1a (P.L. 1996, c. 8) and 52:18A-96 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-233.

Submit comments by November 17, 2017, to:

Susanne Culliton

Assistant Director
 Division of Pensions and Benefits
 PO Box 295
 Trenton, NJ 08625-0295
DPB.regulations@treas.nj.gov

The agency proposal follows:

Summary

The Division of Pensions and Benefits (Division) is responsible for maintaining the general administration rules at N.J.A.C. 17:1. When a change in the law or a court decision occurs that could affect the administration and operation of the State-administered retirement systems, the rules are reviewed and, if changes are required, steps are taken to propose modifications to those rules, to bring about conformity to the new statute or court decision. Additionally, the rules are periodically reviewed to determine if the existing rules are necessary, cost efficient, and reflect current procedures and practices followed by the Division.

Accordingly, the Division is proposing a number of amendments to Subchapter 4, Purchases and Eligible Service, to reflect current operating practices regarding service credit purchases by members. Specifically, N.J.A.C. 17:1-4.1, Purchases; cancellation, interest on outstanding purchases, or cash discount requested, is proposed to be amended to include significant procedural information now absent regarding the calculation of interest on an outstanding service credit purchase, requests to pay the cash discount value of the outstanding arrearage for the purchase, and any balance due for purchases made when a member's retirement application is pending. The proposed amendments will adopt the Division's current longstanding practices in these areas.

A member who is eligible to make a purchase of service credit may pay for that purchase over time through installments, and the service is credited when the payment is received. When a purchase has commenced, but the remainder of the member's service credit purchase is cancelled due to account inactivity for two years, the member receives a pro rata credit for the service purchased to the date that the installment payments ceased. The member may request to complete the full purchase by paying the cash discount value of the outstanding arrearage for the purchase in full within 60 days of receipt of the Division's notice of the pro rata credit. However, existing N.J.A.C. 17:1-4.1(c) does not specify that the Division provides written notification and that the cash discount value of the outstanding arrearage for the purchase will be calculated with interest from the date of the last installment payment in such cases. Proposed recodified paragraph (c)1 will indicate that the member will receive written notice, rather than just "be informed," from the Division regarding the cancellation of a purchase, and proposed new paragraph (c)2 will explicitly state that the cash discount value of the outstanding arrearage for the purchase will be calculated with interest from the date of the last installment payment.

Additional procedural information is needed to cover cases where installment payments have not been made toward a service credit purchase for two years for reasons other than inactivity, such as when no response is received from a member. In such cases, the installment payments are to be recertified and calculated with interest from the date of the last installment payment. Since procedures differ when installment payments for service credit cease due to account inactivity and when they cease for other reasons, proposed new paragraph (c)3 is proposed to include this clarification. As a result of this addition, existing subsection (d), covering service credit purchases when a member returns from a leave of absence, is proposed to be recodified as paragraph (c)4 and amended to include service credit purchase procedures for members returning from an approved leave of absence of under two years, which is absent from current rules.

When a member returns from a leave of absence of more than two years and requests a resumption of installment payments for a service credit purchase, the purchase cost is recalculated to include additional regular interest accrued between two years after the date of the last installment payment and the date the purchase is resumed. In cases where a member returns from a leave of absence of less than two years and requests to resume installment payments for a service credit

purchase, the installment payments will recommence without the assessment of additional regular interest. Again, since interest is assessed only when a leave of absence extends beyond a two-year period, the procedures for leaves of absence of less than two years are included at recodified paragraph (c)4, in order to adopt the Division practice. Furthermore, existing subsection (e) is proposed to be deleted, as it is obsolete and no longer applicable.

Finally, new subsection (d) is proposed to provide procedural information for purchases authorized prior to a member's retirement. Specifically, when a member authorizes a purchase of service credit and has filed for a retirement allowance that includes that service credit in the anticipated retirement benefit, any outstanding balance due must be paid in full at least 30 days prior to the member's retirement date for the purchased service to be credited for purposes of the retirement allowance. If an outstanding balance remains unpaid at the effective date of retirement, the purchased service credit will be pro-rated. If a member becomes ineligible for a retirement benefit due to the pro-rated service credit, the retirement will be cancelled. Members may then refile a new retirement application for a future retirement date when they become eligible for a retirement benefit. It is important to note that members can avoid having a service credit purchase pro-rated by paying off an outstanding balance through other means, such as by taking a loan or through a direct rollover or a trustee-to-trustee transfer of tax-deferred funds from a qualified retirement plan.

Since the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Members, retirees, and beneficiaries of the existing State-administered pension systems rely on the efficient operation of their pension systems to provide them with monthly retirement benefits, the proper crediting of service, and all other information related to their individual accounts. They rely upon the presence of clear and transparent rules that guide the effective and efficient administration of the service credit purchases they may make. Likewise, participating employers rely on the existence of efficient service credit purchase procedures that are based on current practices and reflect statutory requirements. The taxpaying public is also affected by these rules, since public monies are used to fund benefits, and they benefit from the proper and efficient administration of the pension systems in the area of purchases.

The proposed amendments to current administrative practices regarding service credit purchases will bring greater efficiency and transparency to the State-administered retirement systems, plans, and funds regarding service credit purchase arrears and the assessment of interest in cases of where an account is inactive for two years or more. The protections and guarantees that these rules afford the members, retirees, beneficiaries, and employers of the State-administered retirement systems mandate their continued existence.

Economic Impact

The efficient operation of the pension systems administered by the State of New Jersey allows for the timely delivery of member services and benefits, as well as the effective processing of employer reporting, thereby providing an invaluable benefit to members, retirees, and public employers alike. The proposed amendments will continue existing, longstanding regulatory requirements and current policies and procedures regarding service credit purchases, while bringing greater transparency and economic efficiency for members, employers, and the taxpaying public, particularly in the area of the assessment of interest when a member's account has outstanding arrears for a service credit purchase and becomes inactive. The proposed amendments will provide for proper accounting of a member's service credit, which could also affect the member's retirement benefits. In addition, since public monies are used to fund member benefits, taxpayers also benefit from the proper and efficient administration of service credit purchases and the assessment of interest in certain cases when an account remains inactive for two years.

The Division is not aware of any hardship or costs imposed by the rules on the members of the State-administered pension systems in New Jersey or on the public in general, except that the rule will now state that

members will have interest applied to their service credit purchase arrears in some cases, particularly when an account is inactive for two or more years.

Federal Standards Statement

The proposed amendments meet, but do not exceed, the applicable Federal standards, that is, 26 U.S.C. §§ 401(a), 403(b), and 414(d). There are no other Federal standards applicable to the subject matter of this chapter; therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs. The current procedures have been in effect for a number of years, and have served to guide the Division effectively and efficiently in the operation and administration of the retirement systems in the area of service credit purchases. The Division invites any interested parties to submit any data or studies concerning the jobs impact of these rules with their written comments.

Agriculture Industry Impact

The proposed amendments will not have an impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments affect members, retirees, and survivors of the State-administered retirement systems. Thus, the proposed amendments do not impose any reporting, recordkeeping, or other compliance requirements upon small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey, nor will they evoke a change in the average costs associated with housing, because the rules pertain to service credit purchases and interest, if applicable, in the State-administered retirement systems for members, retirees, and survivors of members and retirees.

Smart Growth Development Impact Analysis

The proposed amendments will not have any impact on the achievement of smart growth; nor will they evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules pertain to service credit purchases and interest, if applicable, in the State-administered retirement systems for members, retirees, and survivors of members and retirees.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 4. PURCHASES AND ELIGIBLE SERVICE

17:1-4.1 Purchases; cancellation, interest on outstanding purchases, or cash discount requested

(a)-(b) (No change.)

(c) For a member who has authorized a purchase of service credit on or after September 8, 1998, and who is inactive, or becomes inactive, the following provisions shall apply:

[(c)] **1.** A member who authorizes a purchase that requires installment payments but who has not had installment payments made toward that purchase for two years due to inactivity in the account, shall [be informed by] **receive written notice from** the Division that the remainder of the purchase will be canceled. The member shall receive a pro rata credit for the service purchased to the date that the installment payments ceased. [The member may request to pay the cash discount value of the outstanding arrearage for the purchase in full within 60 days of the Division notice.] Any subsequent requests to purchase the remaining service credit shall be based on the laws and rules in effect on the date that the subsequent request is received.

2. The member may request to pay, in full, the cash discount value of the outstanding arrearage for the purchase within 60 days of the Division notice. The cash discount value of the outstanding arrearage for the purchase will be calculated with interest from the date of the last installment payment.

3. A member who authorizes a purchase that requires installment payments but who has not had installment payments made toward that purchase for two years for reasons other than inactivity shall have the installment payments recertified. The recertified installment payments will be calculated with interest from the date of the last installment payment.

[(d)] **4.** A member returning from an approved leave of absence after two years may request that the original purchase be resumed. Such purchase shall be recalculated to include additional regular interest accrued between two years after the date of the last installment payment and the date the purchase is resumed. **A member returning from an approved leave of absence within two years shall have the original purchase resumed. Installment payments for the purchase shall recommence without the assessment of additional regular interest.**

[(e) For a member who has authorized a purchase of service credit prior to September 8, 1998 and who is inactive, or becomes inactive, the purchase shall remain outstanding. The outstanding balance on the purchase shall include additional regular interest beginning September 8, 2000, or the date of inactivity, whichever is later.]

(d) For a member who has authorized a purchase of service credit by installment and has filed for a retirement allowance, any outstanding balance due must be paid in full at least 30 days prior to the member's retirement date. If a balance remains unpaid at the effective date of retirement, the purchased service credit will be pro-rated. If a member becomes ineligible for a retirement benefit due to the pro-rated service credit, the retirement application will be cancelled and the member will be required to refile a new retirement application for a future retirement date.

OTHER AGENCIES

(a)

**PUBLIC EMPLOYMENT RELATIONS COMMISSION
Representation Procedures
Proposed Readoption with Amendments: N.J.A.C.
19:11**

Authorized By: Public Employment Relations Commission, P. Kelly Hatfield, Chair.

Authority: N.J.S.A. 34:13A-5.4.e, 34:13A-6.d, and 34:13A-11.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-241.

Submit comments by November 17, 2017, to:

P. Kelly Hatfield, Chair
Public Employment Relations Commission
PO Box 429
Trenton, New Jersey 08625-0429

Comments may also be submitted via facsimile to 609-777-0089 or via e-mail to rulecomments@perc.state.nj.us.

The agency proposal follows:

Summary

In accordance with the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the Public Employment Relations Commission ("Commission" or "PERC") proposes to readopt N.J.A.C. 19:11 with amendments. These rules contain the procedures to allow the Commission to resolve all questions concerning the representation of public employees in units appropriate for collective negotiations pursuant to the New Jersey Employer-Employee Relations Act. The rules describe: the types of petitions that can be filed; the parties permitted to file petitions; the required contents of petitions; the processing of petitions; hearing procedures; requests for Commission review; Commission review of hearing officer recommendations; and procedures for representation elections. Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 19:11 was scheduled to expire on November 3, 2017. As