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**A PUBLICATION OF THE NEW JERSEY DIVISION OF PENSIONS AND BENEFITS**

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# REQUIREMENTS FOR REVIEW OF A TITLE FOR PARTICIPATION IN THE PFRS

Police and Firemen's Retirement System

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## HISTORICAL BACKGROUND

Prior to the enactment of Chapter 204, P.L. 1989, the New Jersey Legislature was required to approve all titles in the Police and Firemen's Retirement System (PFRS). The enactment of Chapter 204 — codified on December 20, 1989 as N.J.S.A. 43:16A-1.2 — provided that PFRS title reviews be conducted by the Division of Pensions and Benefits. Procedures were set forth and the responsibility for the review of titles in the PFRS was delegated to the Director of the Division of Pensions and Benefits.

## THE CURRENT PROCESS

The Director of the Division of Pensions and Benefits reviews specific job descriptions and titles within a law enforcement unit or firefighting unit to make an initial recommendation to the Board of Trustees of the PFRS as to whether the title meets the definitions of a "police officer" or "firefighter" under the law as defined pursuant to N.J.S.A. 43:16A-1 et seq.

**"Police Officer"** is defined as a permanent, full-time employee of a law enforcement unit (other than an officer or trooper of the Division of State Police), whose primary duties include the investigation, apprehension, or detention of persons suspected or convicted of violating the criminal laws of the State; and who:

- is authorized to carry a firearm while engaged in the actual performance of official duties;
- has police powers;
- is required to successfully complete prescribed training requirements; and
- is subject to physical and mental fitness requirements applicable to the position of municipal police officer established by an agency authorized to establish these requirements on a Statewide basis, or comparable physical and mental fitness requirements as determined by the Board of Trustees.

The term is further defined to include an administrative or supervisory employee of a law enforcement unit or the State whose duties include general or direct *supervision of employees* engaged in investigation, apprehension, or detention activities or training responsibilities for these employees. Further, the administrative or supervisory employee must also engage in the investigation, apprehension, or detention activities if necessary, and be authorized to carry a firearm while in the actual performance of these official duties and has police powers.

**"Firefighter"** is defined as a permanent, full-time employee of a firefighting unit whose primary duties include the control and extinguishment of fires; and who:

- is subject to training and physical and mental fitness requirements applicable to the position of municipal firefighter established by an agency authorized to establish these requirements on a Statewide basis, or comparable training and physical and mental fitness requirements as determined by the Board of Trustees.

The term is further defined to include an administrative or supervisory employee of a firefighting unit whose duties include general or direct *supervision of employees* engaged in fire control and extinguishment activities or training responsibilities for these employees. Further, the administrative or supervisory employee must also engage in fire control and extinguishment activities if necessary. As used in this paragraph, "firefighting unit"

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shall mean a municipal fire department, a fire district, or an agency of a county or the State which is responsible for control and extinguishment of fires.

Upon recommendation from the Director, the Board of Trustees will make the final determination whether a specific job description and title meets the definitions of "police officer" or "firefighter" and is, therefore, eligible for coverage under the PFRS.

A list of titles currently approved or denied under the PFRS is available on the Division of Pensions and Benefits Web site at: [www.nj.gov/treasury/pensions/pfrstitles.shtml](http://www.nj.gov/treasury/pensions/pfrstitles.shtml)

If the title is not found on the list, an employee or employer of a law enforcement unit or firefighting unit may submit a written request for the review of the position to:

Director  
Division of Pensions and Benefits  
50 West State Street, PO Box 295  
Trenton, NJ 08625-0295

The Director and the Board of Trustees will make a determination as to whether the duties of the position meet the required eligibility definitions of a police officer or firefighter.

**Civil Service Employers** — If your employing location has adopted the provisions of Title 11A of the New Jersey Statutes and adheres to the rules and regulations of the New Jersey Civil Service Commission, any title used at your location must first be recognized as an established Civil Service title.

If the title for which you seek approval is not on the Civil Service title list, you will be required to first have the title recognized by the Civil Service Commission prior to review by the Director of the Division of Pensions and Benefits and the PFRS Board of Trustees.

### **REVIEW PROCESS**

The Division has set forth Categories A, B, and C (listed below) which outline the required documentation to be presented with a written request. The employer should read through each category to determine which one is applicable to the specific title. To assist in the review process, the items identified in each category should be submitted in the order listed (or include information and the reason why the documentation is not available).

Employers should complete and return the appropriate documentation and checklist (see pages 7-9). If the required information is not included, the request will be returned to the employer for resubmission with the missing information.

### **CATEGORY A**

#### **Fire Positions with a Municipal Fire District**

This category is applicable to **Civil Service and Non-Civil Service** firefighting districts established by PFRS employers. A checklist for employers is provided at the end of this fact sheet.

**Employers of Civil Service jurisdictions** may not require all of the following documents; however, the Civil Service employer should address each question and indicate if the item is not applicable to that location.

1. A copy of the ordinance established by the governing body which provides the fire district with the powers, duties, and functions within said district to the same extent as in the case of municipalities relating to the prevention and extinguishment of fires and the regulation of fire hazards under the provisions of N.J.S.A. 40A:14-70 and N.J.S.A. 40A:14-81 et seq.

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2. A copy of the resolution which establishes the position and sets forth the compensation and the duties associated with such position in compliance with N.J.S.A. 40A:14-81.1.
3. Verification that the resolution was published in the newspapers in accordance with N.J.S.A. 40A:14-81.1.
4. The preamble to the contract including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position.
5. Identify the type of position (entry level, promotional, administrative/supervisory position over firefighters) and include all job titles within the fire district.

**If the title is administrative or supervisory, in addition to all items requested in this category, please refer to the section under “Administrative and Supervisory Employees” for additional information required.**

6. A description of the selection/promotional process for the candidate to this position.
7. An official job description for the position.  
**Note:** If the physical and mental requirements of the position are not listed in the job description, then you must provide a separate list.
8. A copy of an organizational chart for the fire district which identifies the positions and reporting relationships of the staff within the district. The chart must include names and pension member numbers.
9. A description of the training requirements including but not limited to the Fire Fighter I Certification issued by the Division of Fire Safety, Department of Community Affairs.

**Note:** Provide the legal authority for the training.

### CATEGORY B

#### **Fire Positions with State, County, Regional Services, or Municipal Firefighting Departments/Units**

This category is applicable to **Civil Service and Non-Civil Service** State, County, Regional Services, or Municipal Firefighting Departments or Units. A checklist for employers is provided at the end of this fact sheet.

**Employers of Civil Service jurisdictions** may not require all of the following documents; however, the Civil Service employer should address each question and indicate if the item is not applicable to that location.

1. A copy of the ordinance or the legal authority which provides the governing body of the state, county, regional services entity, or municipality to create and establish a paid or part-paid fire department and also provides the state, county, regional services entity or municipality with the powers, duties and functions relating to the prevention and extinguishment of fires and the regulation of fire hazards under the provisions of N.J.S.A. 43:16A-62, N.J.S.A. 40A:14.1 et seq., N.J.S.A. 40A:14-7.  
**Note:** Municipal fire departments must provide proof of compliance of N.J.S.A. 40A:14-41 and the appointment of volunteer firefighters was made in accordance with N.J.S.A. 40A:14-42, 43, 44.
2. A copy of the ordinance or resolution which establishes the position and sets forth the compensation and the duties associated with such position.
3. The preamble to the contract including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position.
4. Identify the type of position (entry level, promotional, administrative/supervisory position over firefighters). Also include all job titles within the fire department.

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**If the title is administrative or supervisory, in addition to all items requested in this category, please refer to this section under “Administrative and Supervisory Employees” for additional information required.**

5. A description of the selection/promotional process for the candidate to this position.
6. An official job description for the position.

**Note:** If the physical and mental requirements of the position are not listed in the job description, then you must provide a separate list.

7. A copy of an organizational chart for the fire department which identifies the positions and reporting relationships of the staff within the fire department. The chart must include names and pension member numbers.
8. A description of the training requirements including but not limited to the Fire Fighter I Certification issued by the Division of Fire Safety, Department of Community Affairs.

**Note:** Provide the legal authority for the training.

9. Does the fire department require the candidate to pass a separate agility test (physical test) other than the requirements provided for the successful completion of the Fire Fighter I Certification? If yes, provide details.

### CATEGORY C

#### **Police Positions with a State, County, or Municipal Police Department or Unit**

This category is applicable to **Civil Service and Non-Civil Service** State, County, or Municipal Police Departments or Units. A checklist for employers is provided at the end of this fact sheet.

**Employers of Civil Service jurisdictions** may not require all of the following documents; however, the Civil Service employer should address each question and indicate if the item is not applicable to that location.

1. A copy of the ordinance, resolution or legal authority of the governing body of the state, county or municipality to create and establish a state, county or municipal police department as required under the provisions of N.J.S.A. 43:16A-62, N.J.S.A. 40A:14-106, and N.J.S.A. 40A:14-118 et seq.
2. Statutory reference which provides the law enforcement unit with the authority to detect crime and enforce the general criminal laws of the state.
3. Statutory reference authorizing carrying a firearm in the performance of duty.
4. Statutory reference that identifies the police powers of the position.
5. Statutory reference to the police training requirement of the Police Training Commission (PTC) or other comparable training.
6. Identify the type of position (entry level, promotional, administrative/supervisory position over police officers). Also include all job titles within the police department.

**If the title is administrative or supervisory, in addition to all items requested in this category, please refer to the section under “Administrative and Supervisory Employees” for additional information required.**

7. A description of the selection/promotional process for the candidate to this position.
8. An official job description for the position.

**Note:** If the physical and mental requirements of the position are not listed in the job description, then

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you must provide a separate list.

9. A copy of the ordinance or resolution which establishes the position and sets forth the compensation and the duties associated with such position.
10. The preamble to the contract including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position.
11. A copy of an organizational chart for the police department which identifies the positions and reporting relationships of the staff within the police department. The chart must include names and pension member numbers.

### **ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE AND SUPERVISORY EMPLOYEES**

While most PFRS eligible titles include duties exclusively within the definitions of a "police officer" or "firefighter," under certain circumstances a PFRS eligible employee may also be employed in an administrative or supervisory title which may be considered an eligible PFRS title pursuant to N.J.S.A. 43:16A-1.

#### **Additional Questions for Administrative Employees**

1. Whether and to what extent the employee is responsible for preparing or recommending budgets, contracting for goods or services, processing employment actions, managing information systems, and the provision of administrative support;
2. Whether the administrative tasks performed by the employee are central to, rather than incidental to, the primary responsibilities of the employee; and
3. Whether the career path to become an administrative employee begins with or includes positions as non-administrative police officers or firefighters.

#### **Additional Questions for Supervisory Employees**

1. Whether and to what extent the employee is responsible for conducting performance evaluations, disciplining, adjusting the grievances, rewarding, and assigning and directing the work of non-supervisory police officers or firefighters or effectively recommending such actions;
2. Whether the individual police officers or firefighters subject to some supervision by this employee have a primary supervisor other than this employee;
3. Whether the supervision performed by this employee is central to, rather than incidental to, the primary responsibilities of this employee; and
4. Whether the career path to become a supervisor begins with or includes positions as non-supervisory police officers or firefighters.

### **PROCEDURE UPON BOARD REVIEW**

#### **Title Approved for PFRS**

If, after considering the recommendation of the Director, the Board of Trustees determines that the title meets the definition of "police officer" or "firefighter," the following steps will be taken:

1. The Board of Trustees will publish in the *New Jersey Register* a notice that it proposes to include the position in the Police and Firemen's Retirement System. Interested parties shall be given *at least 30 days* to comment on the proposal.
2. The approved title is updated on the Division's Web site: [www.nj.gov/treasury/pensions](http://www.nj.gov/treasury/pensions)

### ENROLLMENT PROCESS

The Division's Enrollment Bureau contacts the employer and provides information on how the employer should complete the new enrollment application or interfund transfer forms for the appropriate employees.

**Note:** After the Board of Trustees determines that a title is covered by the PFRS, any person employed with that employing entity in the same title on the date of the Board's approval is eligible to become a member of the PFRS.

- **If a title is approved for a Civil Service employer**, eligibility in the title applies to **all** Civil Service employers.
- **If a title is approved for a Non-Civil Service employer**, eligibility in the title applies to **that employing entity only**.

If the person is employed in the approved title prior to the Board's approval and is a member of another State-administered or county or municipal retirement system, the person may transfer membership in the other retirement system to the PFRS in accordance with the provisions of Chapter 156, P.L. 1973.

If a person is employed in the approved title on or after the effective date the Board of Trustees approval, the person is then required to enroll in the PFRS as a condition of employment, provided that person is otherwise eligible for membership by meeting the appointment, age, and health requirements prescribed for all PFRS members.

Furthermore, that person, if employed in a title eligible for membership in the PFRS, is *ineligible* for membership under that title in any other State-administered or county or municipal retirement system.

Employers cannot use the same job title for both employees whose job functions meet the definition of "police officer" or "firefighter" **and** employees whose job functions do not meet those definitions.

In the event that the Board of Trustees determines that an employee's primary duties qualify that employee as a "police officer" or "firefighter," but that employee holds a position held by other individuals whose primary duties do not qualify those employees as a police officer or firefighter, the employer will be required to take the necessary actions to create a new job title. This is to ensure that the same job title is not used both for employees whose job functions meet the definition of "police officer" or "firefighter" and employees whose job functions do not meet those definitions.

### Titles Denied for Coverage Under the PFRS

If, after considering the recommendation of the Director, the Board of Trustees determines that the title does not meet the definition of "police officer" or "firefighter," the following steps will be taken:

1. The employee or employer disagreeing with the decision of the Board may request an opportunity for a hearing in accordance with the Uniform Administrative Procedure Rules.
2. If the employee or employer requests a hearing, the Board of Trustees will publish in the *New Jersey Register* a notice that a hearing will be conducted as to whether the application for the title is deemed to meet the definition of "police officer" or "firefighter". Interested parties may seek to intervene in accordance with the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-16.
3. Pending the outcome of the hearing, the Division will update the Division's Web site to list whether the proposed title was approved or denied participation in the PFRS.

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This fact sheet has been produced and distributed by:

**New Jersey Division of Pensions and Benefits • PO Box 295 • Trenton, New Jersey 08625-0295  
(609) 292-7524 • TTY for the hearing impaired (609) 292-6683**

**URL: <http://www.nj.gov/treasury/pensions> • E-mail: [pensions.nj@treas.nj.gov](mailto:pensions.nj@treas.nj.gov)**

This fact sheet is a summary and not intended to provide total information.  
Although every attempt at accuracy is made, it cannot be guaranteed.

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Employer \_\_\_\_\_  
 Fire Title for Review \_\_\_\_\_  
 Contact Name \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Phone Number \_\_\_\_\_

	<b>CATEGORY A – CHECKLIST</b> <b>Fire Positions with a Municipal Fire District</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
1.	A copy of the ordinance established by the governing body which provides the fire district with the powers, duties, and functions within said district to the same extent as in the case of municipalities relating to the prevention and extinguishment of fires and the regulation of fire hazards under the provisions of <u>N.J.S.A. 40A:14-70</u> and <u>N.J.S.A. 40A:14-81</u> et seq.			
2.	A copy of the resolution which establishes the position and sets forth the compensation and the duties associated with such position in compliance with <u>N.J.S.A. 40A:14-81.1</u> .			
3.	Verification that the resolution was published in the newspapers in accordance with <u>N.J.S.A. 40A:14-81.1</u> .			
4.	The preamble to the contract including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position.			
5.	Identify the type of position (entry level, promotional, administrative/supervisory position over firefighters) and include all job titles within the fire district. <b>If the title is administrative or supervisory, in addition to all items requested in this category, please refer to the section under “Administrative and Supervisory Employees” for additional information required.</b>			
6.	A description of the selection/promotional process for the candidate to this position.			
7.	An official job description for the position. <b>Note:</b> If the physical and mental requirements of the position are not listed in the job description, then you must provide a separate list.			
8.	A copy of an organizational chart for the fire district which identifies the positions and reporting relationships of the staff within the district. The chart must include names and pension member numbers.			
9.	A description of the training requirements including but not limited to the Fire Fighter I Certification issued by the Division of Fire Safety, Department of Community Affairs. <b>Note:</b> Provide the legal authority for the training.			
10.	Does the fire district require the candidate to pass a separate agility test (physical test) other than the requirements provided for the successful completion of the Fire Fighter I Certification? If yes, provide details.			

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Employer \_\_\_\_\_  
 Fire Title for Review \_\_\_\_\_  
 Contact Name \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Phone Number \_\_\_\_\_

<b>CATEGORY B – CHECKLIST</b>				
	<b>Fire Positions with a State, County, Regional Services, or Municipal Firefighting Department or Unit</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
1.	A copy of the ordinance or the legal authority which provides the governing body of the state, county, regional services entity, or municipality to create and establish a paid or part-paid fire department and also provides the state, county, regional services entity or municipality with the powers, duties and functions relating to the prevention and extinguishment of fires and the regulation of fire hazards under the provisions of <u>N.J.S.A. 43:16A-62</u> , <u>N.J.S.A. 40A:14.1 et seq</u> , <u>N.J.S.A.</u> , 40A:14-7.			
2.	A copy of the ordinance or resolution which establishes the position and sets forth the compensation and the duties associated with such position.			
3.	The preamble to the contract including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position.			
4.	Identify the type of position (entry level, promotional, administrative/supervisory position over firefighters). Also include all job titles within the fire department. <b>If the title is administrative or supervisory, in addition to all items requested in this category, please refer to this section under “Administrative and Supervisory Employees” for additional information required.</b>			
5.	A description of the selection/promotional process for the candidate to this position.			
6.	An official job description for the position. <b>Note:</b> If the physical and mental requirements of the position are not listed in the job description, then you must provide a separate list.			
7.	A copy of an organizational chart for the fire department which identifies the positions and reporting relationships of the staff within the fire department. The chart must include names and pension member numbers.			
8.	A description of the training requirements including but not limited to the Fire Fighter I Certification issued by the Division of Fire Safety, Department of Community Affairs. <b>Note:</b> Provide the legal authority for the training.			
9.	Does the fire department require the candidate to pass a separate agility test (physical test) other than the requirements provided for the successful completion of the Fire Fighter I Certification? If yes, provide details.			
10.	Municipal fire departments must provide proof of compliance of <u>N.J.S.A. 40A:14-41</u> and the appointment of volunteer firefighters was made in accordance with <u>N.J.S.A. 40A:14-42</u> , 43, 44.			

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Employer \_\_\_\_\_  
 Police Title for Review \_\_\_\_\_  
 Contact Name \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Phone Number \_\_\_\_\_

<b>CATEGORY C – CHECKLIST</b>				
	<b>Police Positions with a State, County, or Municipal Police Department or Unit</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
1.	A copy of the ordinance, resolution or legal authority of the governing body of the state, county or municipality to create and establish a state, county or municipal police department as required under the provisions of <u>N.J.S.A. 43:16A-62</u> , <u>N.J.S.A. 40A:14-106</u> , and <u>N.J.S.A. 40A:14-118</u> et seq.			
2.	Statutory reference which provides the law enforcement unit with the authority of detecting crime and enforcing the general criminal laws of the state.			
3.	Statutory reference authorizing carrying a firearm in the performance of duty.			
4.	Statutory reference that identifies the police powers of the position.			
5.	Statutory reference to the police training requirement of the Police Training Commission (PTC) or other comparable training.			
6.	Identify the type of position (entry level, promotional, administrative/supervisory position over police officers). Also include all job titles within the police department. <b>If the title is administrative or supervisory, in addition to all items requested in this category, please refer to the section under “Administrative and Supervisory Employees” for additional information required.</b>			
7.	A description of the selection/promotional process for the candidate to this position.			
8.	An official job description for the position. <b>Note:</b> If the physical and mental requirements of the position are not listed in the job description, then you must provide a separate list.			
9.	A copy of the ordinance or resolution which establishes the position and sets forth the compensation and the duties associated with such position.			
10.	The preamble to the contract including the specific articles of the executed contract and salary scale negotiated between the individual or collective bargaining group for the requested position.			
11.	A copy of an organizational chart for the police department which identifies the positions and reporting relationships of the staff within the police department. The chart must include names and pension member numbers.			