

Beach Patrol Pension Information

New Jersey Statutes on Lifeguard Pensions

N.J.S.A. 43:13-23 to N.J.S.A. 43:13-29

NEW JERSEY STATUTES ANNOTATED

TITLE 43. PENSIONS AND RETEREMENT AND UNEMPLOYMENT COMPENSATION

SUBTITLE 4. MUNICIPAL PENSIONS

CHAPTER13. PENSION FUNDS

ARTICLE 3. LIFE GUARDS; CITIES OF FOURTH CLASS

43:13-23. Definitions

As used in this article, “a year of service” shall consist of such part of the calendar year as the life guard force is normally employed and the “year’s salary” means the salary a life guard receives during the time of his normal employment in any calendar year. If the salary is payable on a per diem basis, the pension commission may determine the length of service and the amount of the year’s salary by averaging the salary theretofore received by the life guard or officer during the then past three years or in any other equitable manner and may determine in that case what constitutes a year’s salary and a year’s service.

43:13-24. Retirement for Service and Age

In all cities of the fourth class any member of the life guard force, whether employed as an officer or a guard, who has or shall have served on such force for a period of twenty years, and shall have attained the age of forty-five years, and for a period of ten years preceding his application has been continuously in such service, may, either by the governing body of any such city or upon his own application, be retired upon half pay.

43:13-25. Retirement for Disability

An officer or member of the life guard force who shall have received permanent disability in the performance of his duty shall, upon the certificate of the beach surgeon, or other physician designated by the governing body, be retired on a pension equal to one-half of his salary at the time of retirement.

43:13-26. Widow's, Children's or Dependent's Pension

The widow of a life guard, officer or member of the life guard force who loses his life in the performance of his duty, dies from natural causes or has been retired on pension shall receive a pension, so long as she remains unmarried equal to one-half of the amount of the annual salary of her husband at the time of his death. At her death, or if there is no widow or she remarries, her minor child or children shall receive the pension for their support until the youngest reaches sixteen years of age. If there are no children under sixteen years of age, the pension shall be paid to the dependent parent or parents of such life guard officer or life guard.

43:13-27. Pension Fund

For the purpose of paying the pensions hereunder, a fund shall be created as follows:

- a. There shall be deducted from every payment of salary to each member of the life guard force in the city four per cent of the amount thereof.
- b. The city shall raise by taxation and pay into the fund yearly an amount equal to four percent of the total salaries paid to members of the life guard force.
- c. Any fines imposed upon a member of the force, money given or donated for the purpose of the fund, money deducted from the salary of a member of the force because of absence or loss of time and half of any reward paid to the force or an member thereof shall be added to the fund.

If at any time there is not sufficient money in the pension fund for the purposes thereof, the governing body shall include in any tax levy a sum in addition to amounts theretofore contributed which shall be sufficient to meet the requirements of the fund. This sum shall be raised by tax levy no longer than is necessary to meet the requirements of the fund. Whenever the fund exceeds an amount which the governing body by resolution from time to time determines to be adequate for the fund, no moneys, except the four per cent of salaries and the fines, donations and rewards specified in this section, shall be paid in to the fund unless and until the fund falls below the amount so determined to be adequate.

43:13-28. Pension Commission

The mayor or chief executive officer shall appoint, with the advice and consent of the governing body of the city, a life guard pension commission of four members. One member shall be a superior officer of the life guard force, one a life guard and two citizens who are not members of the force. They shall serve a term of four years and until their successors are appointed and have qualified and shall not receive any compensation for their services. Each person so appointed shall take an oath of office before the mayor or other chief executive officer of the city that they will faithfully discharge the duties of his office.

43:13-29. Management and Control of Fund; Treasurer; Investments; Payments

The life guard pension commission shall have the management and control of the fund and may make all necessary rules and regulations not inconsistent with this article.

All moneys belonging to the fund shall be paid over to the city treasurer, who shall give bond in such amount, from time to time, as the governing body of the city determines. All moneys not needed for the immediate payment of the pensions shall be invested by the life guard pension commission in interest bearing bonds of the city or in other interest bearing securities in which savings banks of this state may invest their funds. No moneys shall be paid out of the fund by the treasurer except upon the warrant of the life guard pension commission, to be signed by such member or members of the commission as shall be designated by the commission.

NEW JERSEY STATUTES ANNOTATED

TITLE 40A. MUNICIPALITIES AND COUNTIES

CHAPTER 6. CLASSIFICATION OF COUNTIES AND CITIES

ARTICLE 2. CITIES

40A:6-4. Classification of Cities for Legislative Purposes

For legislative purposes, cities shall be classified as follows based upon population as ascertained by the most recent Federal decennial census:

- a. First class – cities having a population of more than 150,000:
- b. Second class – cities having a population of not less than 12,000 but not more than 150,000;
- c. Third class – all cities which are not first- or second-class cities except cities bordering on the Atlantic Ocean being seaside or summer resorts;
- d. Fourth class – cities bordering on the Atlantic Ocean which are seaside or summer resorts.

SEA ISLE CITY BEACH PATROL MUNICIPAL PENSION PLAN

SECTION 1

DEFINITIONS

A. As used in this Article, a “year of service” shall consist of such part of the calendar year as the Lifeguard Force is normally employed. At least fifty (50) days shall constitute a year of service.

B. “Disability” in the performance of duty shall mean the inability to engage in any substantial, gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted for a continuous period of at least twelve (12) months as a result of an injury sustained as a lifeguard. To the extent that additional clarification or guidance is needed in applying the preceding definition to determine whether a Plan member qualifies for a disability pension, the

Pension Committee may look to the Federal Social Security Law and Regulation thereunder with regard to Social Security Disability Benefits.

C. "Performance of Duty" means any activity required for employment by the Beach Patrol or encouraged by the Beach Patrol, including but not limited to daily lifeguarding duties and lifeguard competitions. For purposes of this Plan, criminal or negligent acts by a Lifeguard are not in the performance of his duty. Injuries sustained by a Lifeguard as a result of his voluntary intoxication are not in the performance of his duty. Any behavior or activity prohibited by the Beach Patrol is not in the performance of duty. Travel to and from the work site is not in the performance of duty. Travel to and from Lifeguard Competitions and functions, when for the purpose of transporting equipment or supplies for the competition or function, is in the performance of duty.

D. "Year's Salary" means the salary a Lifeguard receives during the time of his normal employment in any calendar year.

SECTION 2

REQUIREMENTS FOR PLAN MEMBERSHIP

A Lifeguard shall become eligible for the Beach Patrol Pension Plan upon employment on the Lifeguard Force, Eligibility for the Pension Plan is meant to be retroactive, commencing with the Lifeguard's first year of service on the Beach Patrol, regardless of the enactment date of this Plan, provided the Lifeguard has complied with the buy-back provisions set forth in this pension plan generally, and specifically at Section 6 of this Plan.

CONTRIBUTIONS

Contributions shall be withheld from a Lifeguard's compensation at the rate of 4.0% and contributed to the Plan on his behalf, commencing with his employment on the Beach Patrol.

SECTION 3

RETIREMENT FOR SERVICE AND AGE

Any member of the Lifeguard Force of the City of Sea Isle, whether employed as an Officer or a Guard, who has served on the Force for twenty (20) years, and shall have attained the age of 45 years, and who, for a period of ten (10) years preceding his application has been continuously in such service, may be retired upon half pay. A Plan member's annual pension shall be equal to fifty (50%) per cent of the greatest yearly salary received by the Lifeguard during his employment on the Beach Patrol, which shall be paid in monthly installments starting on his actual retirement date and ending with the payment for the month in which his death occurs.

SECTION 4

RETIREMENT FOR DISABILITY

Any member of the Lifeguard Force of the City of Sea Isle shall have received permanent disability in the performance of his duty shall, upon the certificate of the Beach surgeon or other physician appointed by the Board of Commissioners, be retired on a pension equal to one-half (1/2) of his year's salary at the time of retirement.

SECTION 5

WIDOW'S, CHILDREN'S OR DEPENDENT'S PENSION

When a Lifeguard loses his/her life in the performance of his/her duty, dies from natural causes, or has been retired on Pension, the widow or widower of said Lifeguard shall receive a Pension so long as he/she remains unmarried. Said Pension shall be equal to fifty (50%) of the year's salary of the Lifeguard at the time of his/her death, or if the Lifeguard has been retired on pension, the pension received by the widow or widower shall be equal to the amount of the Lifeguard's pension. At the death of the widow/widower or if there is no widow/widower or he/she remarries the minor child shall receive the pension for their support until the youngest reaches eighteen (18) years of age. If there are no children under eighteen (18) years of age, the pension shall be paid to the dependent parent or parents of the Lifeguard.

SECTION 6

PENSION FUND

For the purpose of paying the pensions hereunder, a fund shall be created as follows:

- A. From the salary of each member of the Lifeguard Force, an amount of 4.0% shall be deducted.
- B. The City of Sea Isle shall raise by taxation and pay in to the Fund yearly an amount equal to 4.0% of the total salaries paid to members of the Lifeguard Force.
- C. Any fines imposed upon a member of the Force, money given or donated for the purpose of the Fund, money deducted from the salary of a member of the Force because of absence or loss of time, and half of any reward paid to the Force or any member thereof shall be added to the Fund.

If at any time there is not sufficient money in the Pension fund for the purposes thereof, the governing body shall include in any tax levy a sum in addition to an amount theretofore contributed which shall be sufficient to meet the requirements of the Fund. This sum shall be raised by tax levy no longer than is necessary to meet the requirements of the Fund. Whenever the Fund exceeds an amount which the governing body by resolution from time to time determines to be adequate for the Fund, no monies except the 4.0% of salaries and the fines, donations and rewards specified in this section, shall be paid into the Fund, unless and until the Fund falls below the amount so determined to be adequate.

BUY-BACK PROVISION

Those members of the Lifeguard Force, whether employed as an officer or a guard, who worked for the Sea Isle City Beach Patrol prior to December 1, 1990, may apply service time prior to December 1, 1990, to meet the conditions of retirement specified in the Pension Plan, upon compliance with the following terms and conditions.

1. Any Lifeguard wishing to utilize years of service prior to December 1, 1990, for computation of pension benefits herein, must agree to pay back the City of Sea Isle City for each year of said prior service time, up to and including a maximum of five (5) years to be credited with service prior to December 1, 1990. In calculating said payback, the Lifeguard will be required to pay four per cent (4%) of the annual gross wages earned for each specified year he intends to buy back, up to the maximum of five (5) years. (For example, if a Lifeguard elects to apply his ten (10) years of service prior to December 1, 1990, the Lifeguard will be required to pay four per cent (4%) of his gross earned wages for his 1986, 1987, 1988, 1989, and 1990 seasons.) The purchase of the prior five (5) years' service will allow credit for all eligible years the Lifeguard has worked for the Sea

Isle City beach Patrol. The election to purchase past years must be made on or before December 1, 1991, at which time this option shall be terminated.

2. A Lifeguard electing to buy back years of service prior to December 1, 1990, must do so in writing by notifying the Pension Commission, as well as the Sea Isle City City Clerk.

3. All records of attendance and employment must be verified by the payroll officer of Sea Isle City and the City Clerk in terms of personnel records on an annual basis. This verification shall be completed by December 1st of each year.

BUY-FORWARD PROVISION

Any Lifeguard who has served on the Beach Patrol Forces for fifteen (15) years or more, but who has not served the required twenty (20) years set forth in Section 3 of this Pension Plan, and who is permanently disabled not in the line of duty as defined under this Plan, may elect to buy forward the requisite number of years under this Plan in order to meet the conditions of retirement specified in this Plan, upon complying with the following terms and conditions:

1. Any Lifeguard wishing to buy credit for years of service which he is unable to serve because of his disability to meet the conditions of retirement specified in this Pension Plan, must agree to pay the City of Sea Isle city for each year of service time required to meet said conditions, up to a maximum of five (5) years to be credited with service subsequent to the date of his disability. In calculating said payment, the Lifeguard will be required to pay four percent (4%) of the gross amount of his year's salary at the time he became permanently disabled, for each year he intends to buy forward.

2. A Lifeguard electing to buy forward years of service must do so in writing by notifying the Pension Commission as well as the Sea Isle City City Clerk, within one (1) year from the date that his permanent disability is determined.

3. Any Lifeguard electing to buy forward years of service in order to meet the conditions of retirement specified in this Pension Plan pursuant to Section 3 need not comply with the minimum age requirement and the requirement that the Lifeguard must have served a period of ten (10) years continuously preceding his application, as set forth in Section 3 of this Plan.

SECTION 7

PENSION COMMISSION

The Mayor or Chief Executive Officer shall appoint, with the advice and consent of the governing body of the City, a Lifeguard Pension Commission of four (4) members. Two members of the Commission shall be members of the Lifeguard Force, at least one of whom shall be a superior officer of the Lifeguard Force. Two members of the Commission shall be citizens who are not members of the Lifeguard Force. They shall serve for a term of four (4) years and until their successors are appointed and have qualified and shall not receive any compensation for their services. Each person so appointed shall take an oath of office before the Mayor or other Chief Executive Officer of the city that he will faithfully discharge the duties of his office. Members of the Pension Commission may be re-appointed for an additional term or terms of four (4) years at the discretion of the Mayor or Chief Executive Officer.

REMOVAL OR RESIGNATION

The Mayor may remove a member of the Pension Commission by giving written notice to the member and with the voting approval of the remaining Commission members. A member may resign from the Pension Commission by giving written notice to the Mayor.

DUTIES AND RESPONSIBILITIES

The Commission shall be responsible for the administration of this Plan in accordance with the terms and provisions herein contained. It shall possess such general authority and powers as are necessary for the discharge of its duties, including but not limited to, the power to:

- A. Construe, interpret and apply the Plan, and in so doing, to correct any defect, omission or inconsistency as may be required to carry out what it reasonably believes to be the intent and objective of the Plan;
- B. Decide all claims and questions with respect to Plan membership, entitlement to benefits and the amount and commencement date thereof;
- C. Approve and direct all disbursements from the Pension Fund, including benefit and expense disbursements.
- D. Direct the investment of the Fund assets; and
- E. Establish rules, procedures and forms necessary for the administration of the Plan.

OPERATING PROCEDURES

All acts and decisions of the Pension commission shall be by majority vote of those present at any duly called meeting. A duly called meeting shall be that which is attended by at least three (3) members of the Commission. All decisions shall be binding and conclusive, subject to a claim review procedure which might be established by the Commission. No Commission member shall vote or otherwise participate in a decision pertaining specifically to his own benefits from the Plan. The members of the Commission accept no liability for any act or mission except those for which they are responsible under the terms of this Plan. All liability insurance or security bonds required for members of the Commission shall be provided out of the proceeds of the Pension Plan Fund.

SECTION 8

MANAGEMENT AND CONTROL OF FUND; TREASURER; INVESTMENTS; PAYMENTS

The Lifeguard Pension commission shall manage and control the Pension Fund and shall make all necessary rules and regulations not inconsistent with N.J.S.A.43:13-23 et seq.

All monies belonging to the Fund shall be paid over to the City Treasurer, who shall give bond in such amount, from time to time, as the governing body of the City determines. All monies not needed for the immediate payment of the pensions shall be invested by the Lifeguard Pension Commission in interest bearing securities in which savings banks of this Sate may invest their funds. No monies shall be paid out of the fund by the Treasurer except upon the direction of the Lifeguard Pension commission to be signed by such member or members of the Commission as shall be designated by the Commission.

SECTION 9

RULES OF CONSTRUCTION

A. If any provision hereof is subject to more than one interpretation or construction, it shall be interpreted or construed in such a manner as is consistent with the intent that this Plan comply with the requirements of the laws of New Jersey.

B. If any provision of this Plan is held invalid or unenforceable such invalidity or unenforceability shall not effect any other provision, and the Plan shall be construed and enforced as if such provisions had not been included.

C. Whenever used herein, singular words include the plural, the masculine pronouns include the feminine, unless the context clearly indicates to the contrary.

D. The titles and headings in this Plan are for the convenience of reference only and are not to be considered in the interpretation of any provision hereof.