

Ordinance for Determining Positions Eligible for the Defined Contribution Retirement Program

WHEREAS, the Livingston Township Council previously passed Ordinance 25-2008 to determine what positions that are eligible to participate in the Defined Contribution Retirement Program (“DCRP”); and

WHEREAS, subsequent to that adoption and revised reversion of the Ordinance was obtained which provided better guidance in implementing the DCRP; and

WHEREAS, the Livingston Township Council has determined to resend Ordinance 25-2008 and replace it with this revised Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston that:

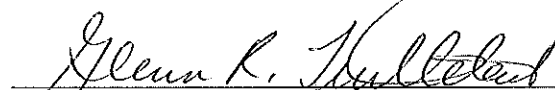
1. Ordinance No. 25-2008 “an Ordinance for Determining Positions Eligible for the Defined Contribution Retirement Program” thereby rescinded to be replaced with Ordinance 31-2008.
2. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - a. Township Manager;
 - b. Planning Board Attorney, Zoning Board Attorney, Public Defender;
 - c. Municipal Prosecutor;
 - d. Municipal Court Judge;
3. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:
 - a. Certified Health Officer;
 - b. Tax Collector;
 - c. Chief Financial Officer;
 - d. Construction Code Official;
 - e. Qualified Purchasing Agent;
 - f. Tax Assessor;
 - g. Municipal Planner;
 - h. Registered Municipal Clerk;
 - i. Licensed Uniform Subcode Inspectors;
 - j. Certified Public Works Manager.

4. 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 Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual;
 - a. was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or
 - b. has been appointed pursuant to a valid promotional process; or
 - c. 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
 - d. meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.
5. 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.
6. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
7. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

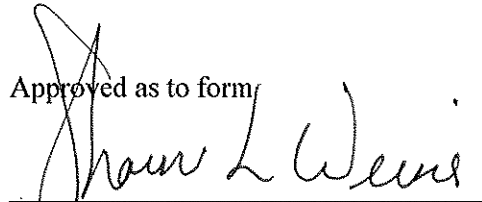
Section 2 Except as hereby amended, revised and supplemented the Code of the Township of Livingston shall remain in full force and effect.

Section 3 The Ordinance shall take effect upon final passage and twenty (20) days from publication.


Gary S. Schneiderman, Mayor


Glenn R. Turteltaub, Clerk

Approved as to form


Sharon L. Weiner
Township Attorney

Introduced: 9/2/08
Adopted: 9/15/08