

City of North Wildwood, NJ  
Thursday, August 3, 2017

## Chapter 71. Personnel Policies

### Article IV. Beach Patrol Pension Plan

[Adopted 12-18-1990 by Ord. No. 1078]

#### § 71-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

##### **DISABILITY**

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 is medically considered permanent in nature and has lasted for a continuous period of at least 12 months. 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 regulations thereunder with regard to social security disability benefits.

##### **PERFORMANCE OF DUTY**

Any activity required for employment by the Beach Patrol, including but not limited to daily lifeguarding duties. 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 alcohol or substance abuse are not in the performance of his duty. Any behavior or activity prohibited by the Beach Patrol is not in the performance of duty.

##### **YEAR OF SERVICE**

Consists of such part of the calendar year as the Lifeguard Force is normally employed. At least 45 days shall constitute a year of service.

##### **YEAR'S SALARY**

The salary a lifeguard receives during the time of his normal employment in any calendar year.

#### § 71-20.1. Requirements for plan membership; contributions.

- A. A lifeguard shall become eligible for the Beach Patrol Pension Plan upon employment on the Lifeguard Force of the City of North Wildwood as of June of 1990. All lifeguards eligible for the pension plan shall receive retroactive credit for their years of service with the Beach Patrol of the City of North Wildwood, commencing with their first year of service on the Beach Patrol of the City of North Wildwood.
- B. 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.

#### § 71-20.2. Retirement for service and age.

[Amended 8-5-1997 by Ord. No. 1265; 9-4-2001 by Ord. No. 1390; 10-6-2015 by Ord. No. 1685]

Any member of the Lifeguard Force of the City of North Wildwood, whether employed as an officer or as a guard, who has served on the Force for at least 20 years, and for a period of 10 consecutive years prior to leaving the force, shall be considered fully vested in the City of North Wildwood Lifeguard Pension Plan. However, said members shall not be eligible to receive pension benefits until they have attained the age of 47. Notwithstanding the foregoing, any member who is fully vested in the City of North Wildwood Lifeguard Pension Plan who shall have attained the age of 45 years, and who, for a period of 10 consecutive years immediately preceding his/her application for retirement had been continuously in such service with the Lifeguard Force of the City of North Wildwood, shall be eligible to receive pension benefits immediately upon their application. A plan member's annual pension shall be equal to 50% of the average of the last three years' salary received by the lifeguard during his/her employment on the Beach Patrol of the City of North Wildwood, which shall be paid in quarterly installments, starting on his/her actual retirement date and ending with the payment for the month in which his/her death occurs. A member of the force who leaves the force prior to retirement age and without being fully vested may be reimbursed for monies deducted from his/her salary for the pension fund, if there is sufficient money in the fund to meet the requirements of the fund. To obtain said reimbursement, said member must, in writing, terminate his employment with the City of North Wildwood Beach Patrol and petition the commission for the return of the monies deducted from his/her salary all within 12 months after he/she has last worked on the City of North Wildwood Beach Patrol. If said documents are not filed with the commission within said time period, said member shall lose his/her right to reimbursement. The member shall not be entitled to any income, interest, or dividends earned on his/her contributions. Any member who leaves the force, and receives reimbursement for monies deducted from his/her salary, shall not be entitled to "buy back" any previous employment time with the City of North Wildwood Beach Patrol.

### § 71-20.3. Retirement election.

Members of the Lifeguard Force who are qualified to retire and collect the pension benefits, as described herein, shall forward a written notice of their intention to retire to the Pension Commission established hereafter, with copies to the Beach Supervisor of the City of North Wildwood and the Administrator of the City of North Wildwood.

### § 71-20.4. Retirement for disability.

- A. Any member of the Lifeguard Force of the City of North Wildwood who shall have received permanent disability in the performance of his/her duty shall, upon the certification by the Beach Surgeon or other physician designated by the Pension Commission, be retired on a pension equal to 50% of the average of his/her last three years' salaries at the time of retirement, regardless of age or years of service.
- B. The disability pension shall commence on the first day of the 13th month, following the onset of the employee's disability, and continue until the month of his death. If during any period prior to the employee's, death, it is determined by the Pension Commission that his condition no longer satisfies the definition of disability, his disability pension may be discontinued by the Commission, until the earlier of the dates as of which his condition meets the definition of disability, or if he otherwise complies with the retirement for service conditions set forth in § 71-20.2. above.

### § 71-20.5. Widow's, children's or dependant's pension.

When a lifeguard loses his/her life in the performance of his/her duty, or dies from natural causes while a member of the Force, or has retired under the within pension plan, the widow or widower of said lifeguard shall receive a pension so long as he/she remains unmarried. Said pension shall be equal to 50% of the average of his/her last three years' salaries at the time of his/her death, or if the lifeguard has been retired under the within pension plan, 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 or children shall receive the pension for their support until the youngest child reaches 21 years of age. If there are no children under 21 years of age, the pension shall be paid to the dependent parent or parents of the lifeguard.

## § 71-20.6. 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 North Wildwood shall raise by taxation and pay into the fund, yearly, an amount equal to 4.0% of the total salaries paid to members of the Lifeguard Forces.
- 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 1/2 of any reward paid to the Force or any member thereof shall be added to the fund.
- D. 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 the 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 Pension Commission from time to time determines to be adequate for the fund, no monies, except the 4.0% contribution from lifeguards' salaries and the fines, donations and rewards specified in this section, shall be required to be paid by the City into the fund, unless and until the fund falls below the amount so determined to be adequate by the Pension Commission.

## § 71-20.7. Pension Commission.

- A. The Mayor shall appoint, with the advice and consent of the governing body of the City, a Lifeguard Pension Commission of four 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. Each member shall serve for a term of four years until their successors are appointed and have qualified, and members shall not receive compensation for their services. Each person so appointed shall take an oath of office before the Mayor of the City that he will faithfully discharge the duties of his office. Members of the Pension Commission may be reappointed for an additional term or terms of four years at the discretion of the Mayor.
- B. 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. Any member of the Pension Commission may be removed by the remaining members of the Commission, if such member misses three or more meetings of the Pension Commission in any one year without a sufficient medical excuse.
- C. 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:
  - (1) 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;
  - (2) Decide all claims and questions with respect to plan membership, entitlement to benefits and the amount and commencement date thereof;
  - (3) Approve and direct all disbursements from the pension fund, including benefit and expense disbursements;
  - (4) Direct the investment of the fund assets; and
  - (5) Establish rules, procedures and forms necessary for the administration of the plan.

- D. 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 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 omission 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 for out of the proceeds of the pension plan fund.

## § 71-20.8. Management and control of fund; treasurer; investment; payments.

- A. 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.
- B. All monies belonging to the fund shall be paid over to the Chief Financial Officer of the City of North Wildwood, 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. No monies shall be paid out of the fund by the Chief Financial Officer 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.

## § 71-20.9. Rules of construction; word usage; titles.

- 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, and masculine pronouns include the feminine, unless context clearly indicates to the contrary.
- D. The titles and heading in this plan are, for the convenience of reference only and are not to be considered in the interpretation of any provision hereof.