

JUNE 22, 1949.

MR. GEORGE M. BORDEN, *Secretary,*  
*State Employees' Retirement System,*  
1 West State Street,  
Trenton, New Jersey.

## FORMAL OPINION—1949. No. 67.

MY DEAR MR. BORDEN :

I have your letter of the 16th instant, stating that your Retirement System became effective as to the employees of the Housing Authority of the City of Newark on July 1, 1947, and that one of the employees of the Housing Authority, who then held a temporary civil service position, finally received permanent appointment under Civil Service Law. The question is, whether he is entitled to a prior service credit. The answer is yes. The Housing Authority employees of the City of Newark were admitted to membership in your Retirement System pursuant to the provisions of Chapter 289 of the Laws of 1946, and membership in your Fund was made compulsory for all employees of such Housing Authority who entered service after such act became effective as to the employees of such Housing Authority, and being admitted to membership they are entitled to all the benefits of your Retirement System as if they were State employees. See Section 5 of Chapter 280 of the Laws of 1946. This being so, by Section 1 of Chapter 211 of the Laws of 1947 a person temporarily employed by the State, where such employment resulted in permanent employment, is permitted to make contributions covering that period of time when temporarily employed.

Accordingly, the employee of the Housing Authority of the City of Newark who was admitted to membership after the Housing Authority act became effective, is entitled to credit for all services rendered by him to the Housing Authority from the date of his first temporary employment.

Of course, in order to get the full credit, as you know, he must pay on account of the annuity feature from the time the Housing Authority act became effective.

In view of your statement in your letter that other questions similar to the one above mentioned may occur from time to time, I have concluded to render you a formal opinion covering the matter. An opinion similar to this was rendered to you on June 15, 1949, but by its very terms it is not to be considered as a precedent.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General,*

By: THEODORE BACKES,  
*Deputy Attorney General.*

TB:S