

JANUARY 8, 1951.

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

FORMAL OPINION—1951. No. 3.

DEAR MR. BORDEN:

Receipt of your letter of December 13, 1950, is hereby acknowledged. As we understand, you inquire whether J. Albert Blackburn, professor of education at Rutgers University, with 17 years of service at that institution prior to July 1, 1946, can pay sufficient moneys into your retirement system to warrant payment to him of an overall allowance of half pay at the age of 62 years.

We believe that your retirement commission cannot accept this contribution.

R. S. 43:14-2 clearly gives your commission the right to elect to membership in the retirement commission a person not within the classified service, but credit for that service can only be given for a period of time in which the employee was actually employed by the State of New Jersey. In this particular case, Mr. Blackburn for the first 17 years of his employment was in the employ of Rutgers University and not the State of New Jersey.

R. S. 43:14-17 does not appear to give your commission authority because, again, under its provisions, you may only receive payments made to you based upon employment in State service.

By authority of chapter 49, P. L. 1945, the State of New Jersey took over Rutgers University and employees of the University, who were then members of the State Employees' Retirement System were allowed to continue their membership. Other employees became eligible to membership in the State Employees' Retirement System by serving the State after the effective date of this act. Mr. Blackburn, having not been a member of the State Employees' Retirement System prior to the adoption of this act, can only date his service from the effective date of the act in question.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By : JOHN W. GRIGGS,
Deputy Attorney General.

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