

**RESOLUTION NO. 24-2017**

**AUTHORIZING THE REMITTANCE OF BACK CONTRIBUTIONS TO THE  
DEFINED CONTRIBUTION RETIREMENT PROGRAM ON BEHALF OF ELIGIBLE  
EMPLOYEES WHO INADVERTENTLY WERE NOT TIMELY ENROLLED IN SUCH  
RETIREMENT PROGRAM**

**DATED: February 21, 2017**

**WHEREAS**, the Defined Contribution Retirement Program (“DCRP”) is a retirement program administered by the State of New Jersey, Division of Pensions and Benefits, for the benefit of eligible State and local government employees, which program consists of a defined contribution retirement plan and employer-paid group life and long-term disability insurance coverage for eligible members; and

**WHEREAS**, under applicable law and the terms of the DCRP, employees who are eligible to participate in the DCRP are generally required to do so, and do not have the ability to waive their enrollment in the DCRP; and

**WHEREAS**, the employer of a DCRP-eligible employee is generally responsible for enrolling the employee as a member in DCRP, effective as of the starting date of his or her eligible employment; and

**WHEREAS**, each employee who is enrolled as a member in DCRP is generally required to contribute an amount equal to 5.5% of his or her base salary to a tax-deferred investment account that is maintained under DCRP with Prudential Financial, and the member employee’s employer is required to contribute an amount equal to 3% of the employee’s base salary to such account on his or her behalf; and

**WHEREAS**, both employee and employer contributions under DCRP are required to be made from the date of the member employee’s eligibility to participate and, in the event of late

enrollment, any missed employer and employee contributions attributable to the period after the employee became eligible to participate but prior to his or her enrollment are required to be remitted to DCRP on behalf of such employee; and

**WHEREAS**, through a periodic review of its participation in State-administered retirement programs, the Authority discovered an apparent prior inadvertent failure to timely enroll in DCRP the eligible employees who are set forth in the attached Exhibit A (“Affected Employees”), as of the eligibility dates indicated therein; and

**WHEREAS**, when these apparent enrollment issues were discovered, the Authority consulted with its legal counsel to assist it in taking the appropriate corrective action; and

**WHEREAS**, each of the Affected Employees were enrolled as members in DCRP, effective as of each such employee’s DCRP eligibility date indicated in the attached Exhibit A; and

**WHEREAS**, as a result of the inadvertent late enrollment of the Affected Employees in DCRP, the Authority has determined that back contributions, consisting of both employer and employee contributions, are required to be made on behalf of the Affected Employees in the amounts indicated in the attached Exhibit A, for the period beginning on each such Affected Employee’s DCRP eligibility date indicated therein and ending on each Affected Employee’s date of DCRP enrollment. Such back contribution amounts were calculated in good faith, based upon the guidance currently available to the Authority, including but not limited to certain informal guidance obtained from the New Jersey Division of Pensions and Benefits and Prudential Financial; and

**WHEREAS**, the Authority desires to take all appropriate action to ensure that the Affected Employees are restored, to the extent practicable, to the positions they would have been

in had their DCRP enrollments timely occurred, including making all necessary and appropriate employee and employer contributions, for the appropriate prior periods, on behalf of such employees; and

**WHEREAS**, the Executive Director has confirmed that funding is available from the Improvement Account to fund such back contributions required on behalf of the Affected Employees;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Parking Authority of the Town of Morristown as follows:

1. Funds in the aggregate amount of \$ 15,273.14, which represents the employer and employee contributions required to be made on behalf of the Affected Employees under DCRP for the period beginning on each such Affected Employee's date of eligibility to participate in DCRP and ending on each Affected Employee's date of enrollment, shall be remitted as soon as practicable to the DCRP, through Prudential Financial or in accordance with such other procedures as may be applicable under DCRP. All necessary and appropriate measures shall be taken to ensure that such funds are allocated and credited among the Affected Employee's individual DCRP accounts in the amounts of the total back contributions calculated for such employees, as indicated in the attached Exhibit A.

2. The appropriate officers and other designated employees of the Parking Authority of the Town of Morristown be, and they hereby are, authorized and directed to do, perform or cause to be done and performed, all such acts and things, in the name and on behalf of the Authority or otherwise, as each may deem necessary, advisable and/or appropriate to effectuate and implement this Resolution, and that all such actions heretofore or hereafter done or

performed in accordance with the purposes and intent of this Resolution be and hereby are ratified, approved, confirmed and adopted.

---

I hereby certify that the foregoing is a true copy of a Resolution introduced and adopted by the Parking Authority of the Town of Morristown at a meeting held on February 21, 2017.

Dated: February 21, 2017

---

Margaret Brady, Secretary

**RESOLUTION No. 24-2017**

**Exhibit A**

**Affected Employees, DCRP Eligibility Dates and  
Allocation of Back Contributions**

<u>Affected Employee</u>	<u>DCRP Enrollment Date</u>
John Ninni	February 1, 2011
Carlos Mejia	January 1, 2016
Robert Fiore	May 1, 2015
Roy Miller	May 1, 2016
Dan Capellini	July 1, 2015

<u>Affected Employee</u>	<u>Back Employer Contribution</u>	<u>Back Employee Contribution</u>	<u>Total Back Contribution</u>
John Ninni	\$2751.84	\$5045.04	\$7796.88
Carlos Mejia	\$496.88	\$910.91	\$1407.77
Robert Fiore	\$806.46	\$1478.51	\$2284.97
Roy Miller	\$ 314.34	\$ 576.29	\$ 890.63
Dan Capellini	\$ 1021.02	\$ 1871.87	\$2892.89