

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)	THE HONORABLE
)	WILLIAM G. BASSLER
Plaintiff,)	
)	<u>ORDER</u>
v.)	C.A. No. 88-5087 (WGB)
)	
STATE OF NEW JERSEY; NEW JERSEY)	
STATE DEPARTMENT OF PERSONNEL;)	
AND ANTHONY J. CIMINO,)	
COMMISSIONER OF PERSONNEL, NEW)	
JERSEY DEPARTMENT OF PERSONNEL,)	
)	
Defendants.)	
_____)	

This matter having come before the Court pursuant to Plaintiff United States' Motion to Enforce the Consent Decree and this Court's September 29, 1998 Order; and

The Court having considered the submissions of both parties; and

The Court having heard the arguments of counsel for both parties; and

For good cause shown,

IT IS on this ____ day of _____, 2004, hereby ORDERED that Plaintiff United States' Motion to Enforce the Consent Decree and this Court's September 29, 1998 Order, is GRANTED.

IT IS FURTHER ORDERED that:

1. The State of New Jersey ("the State") shall provide a complete response to all of the requests described in the

letter of January 24, 2003 from Elaine Grant to Andrew J. Walko, attached as Exhibit 5 of Appendix to United States' Brief in Support of Motion to Enforce the Consent Decree and this Court's September 29, 1998 Order, within ten (10) days of the entry of this Order.

2. The State shall include in its response to the United States the following separately compiled information in hard copy and CD-ROM formats:

- a) a complete list of any additional individuals eligible for pension relief not already being considered, together with appropriate information for calculation purposes;
- b) a complete list of all those for whom retroactive step increase wage adjustments were actually made by the State in implementation of this Court's September 29, 1998 Order with comprehensible proof that such retroactive step increase wage adjustments were actually distributed to each individual, including the following clearly identified information for each individual:
 - i) name;
 - ii) social security number;
 - iii) State employer;
 - iv) position;

- v) Consent Decree symbol number;
- vi) Consent Decree appendix;
- vii) appointment/hire date into Consent Decree position;
- viii) retroactive seniority date;
- ix) the retroactive step increase given pursuant to this Court's September 29, 1998 Order, showing both the old and the new adjusted step;
- x) the effective date of the retroactive step increase;
- xi) the monetary amount of each individual's retroactive step increase wage adjustment pursuant to this Court's September 29, 1998 Order, with clear documentation of how the adjustment was calculated, showing the monetary calculations on a monthly basis from the individual's appointment date to a State position pursuant to the Consent Decree until the final distribution date of the retroactive step increase wage adjustment;
- xii) the distribution date(s) of the retroactive step increase wage adjustment, with a clear explanation of the reason for any distribution(s) that occurred on more than one date;
- xiii) the method of distribution (i.e., by check

or direct deposit with corresponding dates); and
xiv) all additional information upon which each
individual's retroactive step increase wage
adjustment was based;

c) a complete list of all State employees eligible for
a retroactive step increase wage adjustment pursuant
to this Court's September 29, 1998 Order not specified
in b) above, including the information described in i)
through xiv) of b) above;

d) complete documentation of proposed interest
calculations for all eligible individuals pursuant to
this Court's September 29, 1998 Order, documenting the
monthly calculations of interest running from each
individual's appointment date to a State position
pursuant to the Consent Decree until the final
distribution date of the retroactive step increase wage
adjustment, using the Internal Revenue Service
underpayment of taxes rate as prescribed in 26 U.S.C.
§ 6621(a)(2), compounded monthly, and showing the
interest rate applied and the monetary amount upon
which the interest calculations are based each month;
and

e) all information necessary to determine whether there
are any other individuals who have satisfied the

conditions precedent to receiving monetary awards from the Settlement Fund pursuant to the Consent Decree but who have not received such awards, so that the United States can determine whether payment checks should be sent to any additional individuals before the residual Settlement Fund is redistributed.

3. The State shall respond to any subsequent requests for information and/or clarification from the United States within ten (10) days of any such facsimile request from the United States.

4. Apart from any distributions that may be made to certain individuals who satisfy the conditions precedent to receiving monetary awards from the Settlement Fund pursuant to the Consent Decree but who have not received such awards, the residual Settlement Fund shall be redistributed as pension credits and/or monies in place of pension credits to the same individuals determined to be eligible for such pension credits and/or monies.

5. Interest payments on the retroactive step increase wage adjustments shall be made to all eligible individuals pursuant to this Court's September 29, 1998 Order, running from each individual's appointment date to a State position pursuant to the Consent Decree until the final distribution date of the retroactive step increase wage adjustment, using

the Internal Revenue Service underpayment of taxes rate as prescribed in 26 U.S.C. § 6621(a)(2), compounded monthly.

6. Before any of the payment distributions are made, a joint report shall be submitted by the parties to the Court.

WILLIAM G. BASSLER, U.S.D.J.