



Everything Jersey

Loophole allows Essex County Executive DiVincenzo to collect full salary, pension

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By



Mitsu Yasukawa/The Star-Ledger

Essex County executive Joseph DiVincenzo Jr., greets his supporters in this 2009 file photo.

NEWARK — Essex County Executive Joseph N. DiVincenzo Jr. didn't want to wait until leaving office to begin collecting his pension.

Last August, the 58-year-old politician quietly put in his retirement papers and the pension started to flow. But he continues to serve in the same position, drawing a full salary and wielding influence from Newark to Trenton as he campaigns to reform the pension system.

Due to a little-known loophole, DiVincenzo is one of the latest officials to collect a salary and pension for the same job. State law allows elected officials in the public

employee and police pension systems to "retire" but keep working.

In fact, DiVincenzo "retired" just three months before winning an unprecedented third term as county executive.

He earned \$153,207 last year in salary. Since August, he has tacked on a \$5,738 monthly pension payment.

DiVincenzo defended his decision, saying he's not double dipping after just over 29 years of public service.

"It's something I earned," he said. "Why shouldn't I be able to collect my pension?"

He insisted that he's not retired, just "drawing down" his pension, and pointed out that he's not breaking any rules or laws.

"What I'm doing is no different from what anyone else is doing," he said.

DiVincenzo emphasized that he's not going to receive another pension after leaving office and he's still paying 20 percent of his health care costs rather than getting free coverage through the retirement system.

But the Essex County law enforcement unions DiVincenzo has often feuded with harshly have criticized the move, calling it hypocritical.

"Here's a guy that has been on the soap box telling everyone we need to do more with less," said Chris Tyminski, president of Policemen's Benevolent Association Local 183, which represents sheriff's offices. "It's laughable and ironic."

He added, "When they look for what's wrong with the pension system, they need to go out and buy a few mirrors."

The loophole navigated by DiVincenzo has been used by other elected officials in the past, notably the so-called constitutional officers — sheriff, county clerk and surrogate — in each county. Last year, nine such officials in the state took advantage of the loophole. Five of them have actually retired and left public office.

State Sen. Ronald Rice (D-Essex) said that's part of a larger problem with pensions.

"(DiVincenzo) is doing what so many others have done and are doing," he said. "I am concerned with the way they are treating the present workers, the people in the pension fund."

Legislation to close the loophole has been pushed by Republican lawmakers. Michael Drewniak, a spokesman for Gov. Chris Christie, declined to comment on DiVincenzo's pension, but said the governor backs legislation that would change the law.

DiVincenzo was in a large crowd of retirees last year. More than 20,000 public employees retired in 2010, a 60 percent jump from the previous year. Many ran for the exits to avoid pending proposals that would roll back pension and health care benefits — changes DiVincenzo has largely supported. He has worked closely with Christie, who wants public employees to pay more into the pension system and roll back a 9 percent increase in pension benefits.

DiVincenzo said looming changes didn't factor into his decision to start collecting his pension, saying, "I was trying to do what was right for me and my family."

DiVincenzo has held public jobs in Essex County for nearly three decades, working as a parks supervisor, teacher, athletics coordinator and freeholder before becoming executive in 2003.

James Queally contributed to this report.

By Chris Megerian and Seth Augenstein/The Star-Ledger

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