

CHAPTER 71-05-07 RETURN TO SERVICE

Section

71-05-07-01

Return to Service - Retired Member

71-05-07-02

Return to Service - Disabled Member

71-05-07-01. Return to service - Retired member. The benefits of a retired member who returns to permanent employment must be suspended. Upon final retirement, the member's benefit must be recalculated as follows:

1. The member's benefit must be based on the benefit provisions in effect at final retirement and shall include the member's and spouse's ages, salary earned during the period of reemployment, and total service earned before and after reemployment, adjusted to take account of benefit payments received prior to reemployment. If a different option is selected at the second retirement date, the member and office will submit information as required to make an actuarial determination of the elected benefit and the related payment of such.
2. If a member dies during subsequent employment, the member's initial retirement benefit option election will apply. The member's benefit shall be based on the benefit provisions in effect at final retirement and shall include the member's and spouse's ages, salary earned during the period of reemployment, and total service credits earned before and after reemployment, adjusted to take account of benefit payments received prior to reemployment.

History: Effective October 1, 1991; amended effective May 1, 2004; July 1, 2010.

General Authority: NDCC 39-03.1-06

Law Implemented: NDCC 39-03.1-11

71-05-07-02. Return to service - Disabled member. If the recipient of a disability benefit returns to work, said member is responsible for reporting employment to the public employees retirement system.

1. If a member is working in a permanent full-time position and is eligible to participate in the North Dakota highway patrolmen's retirement system, monthly benefits from the North Dakota highway patrolmen's retirement system must be suspended. If an individual is not able to continue employment for at least nine months, said member may resume disability status with the North Dakota highway patrolmen's retirement system.
2. If a member is receiving disability benefits from the North Dakota highway patrolmen's retirement system, and returns to employment not covered under the highway patrolmen's retirement system, disability benefits may continue for up to nine months.

3. If a member becomes ineligible for a disability benefit from the North Dakota highway patrolmen's retirement system, the disability benefit will be discontinued on the date the member becomes ineligible for disability status.

History: Effective October 1, 1991.

General Authority: NDCC 39-03.1-06

Law Implemented: NDCC 39-03.1-11