

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 without interest accruing on the suspended account. Upon subsequent termination and retirement, the member is required to select the same benefit option as the option selected at initial retirement. The member's total benefit upon subsequent retirement must equal the original benefit plus the calculated benefit for the return-to-work period. The member's benefit attributable to any return-to-work period shall be based upon service and earnings attributable to the return-to-work period only and be calculated as follows:

1. The member's benefit must be based on the benefit provisions in effect at subsequent retirement and shall include the member's and spouse's ages, salary earned during the period of reemployment, total service earned after reemployment, and actuarial factors in effect at subsequent retirement.
2. If a member dies during subsequent employment, the member's initial retirement benefit option election will apply and the date of death will be considered the subsequent retirement date.
3. If a member's spouse dies during the subsequent employment of the member, section 71-05-05-04 applies to the member's initial and subsequent retirement benefit calculation.

History: Effective October 1, 1991; amended effective May 1, 2004; July 1, 2010; April 1, 2020.

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 a consecutive period of time resulting in nine months of service credit as a result of the disability and continues to meet eligibility requirements under the plan, that 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 substantial gainful activity in employment not covered under the highway patrolmen's retirement system, the disability benefit may continue for up to nine consecutive months. If the individual is not able to continue employment for a consecutive period of time resulting in nine months of service credit as a result of the disability and continues to meet eligibility requirements under the plan, that member may continue disability status with the North Dakota highway patrolmen's retirement system.
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; amended effective April 1, 2020.

General Authority: NDCC 39-03.1-06

Law Implemented: NDCC 39-03.1-11