

CHAPTER 71-02-07 RETURN TO SERVICE

Section

71-02-07-01	Return to Service - Unretired Member [Repealed]
71-02-07-02	Return to Service - Retired Member
71-02-07-03	Return to Service - Disabled Member

71-02-07-01. Return to service - Unretired member.

Repealed effective November 1, 1990.

71-02-07-02. 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, except as provided in section 71-02-02-02 and subsection 1 of North Dakota Century Code section 54-52-05. 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 must be based upon service and earnings attributable to the return to work period only and be calculated as follows:

1. The member's calculated benefit must be based on the benefit provisions in effect at subsequent retirement and must include the member's and spouse's ages, salary earned during the period of reemployment, total service credits 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 must apply and the date of death must be considered the subsequent retirement date.
3. If a member's spouse dies during the subsequent employment of the member, section 71-02-04-04 applies to the member's initial and subsequent retirement benefit calculation.

History: Amended effective November 1, 1990; July 1, 1998; May 1, 2004; July 1, 2006; July 1, 2010; July 1, 2018; July 31, 2025; January 1, 2026.

General Authority: NDCC 54-52-04, 54-52-17, 54-52-23

Law Implemented: NDCC 54-52-02.15, 54-52-05, 54-52-17

71-02-07-03. Return to service - Disabled member.

If the recipient of a disability benefit under North Dakota Century Code chapter 54-52 returns to work, that 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 public employees retirement system, monthly benefits from the public employees retirement system must be suspended. 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 resume disability status with the public employees retirement system.
2. If a member returns to substantial gainful activity in employment not covered under the public employees retirement system, the disability benefit may continue for up to nine consecutive months. If the individual is not able to continue employment for at least nine months as a

result of the disability and continues to meet eligibility requirements under the plan, the member may continue disability status with the public employees retirement system.

3. Upon subsequent termination and retirement, the member is required to select the same benefit option as the option selected at initial retirement.
4. If a member dies during subsequent employment, the member's initial retirement benefit option election applies and the date of death is considered the subsequent retirement date.
5. If a member's spouse dies during the subsequent employment of the member, section 71-02-04-04 applies to the member's initial and subsequent retirement benefit calculation.

History: Effective November 1, 1990; amended effective September 1, 1992; July 1, 1994; July 1, 2000; April 1, 2002; April 1, 2020.

General Authority: NDCC 54-52-04, 54-52-17

Law Implemented: NDCC 54-52-17