

TITLE 10: CIVIL SERVICE COMMISSION

CHAPTER 10-40 LAW ENFORCEMENT OFFICERS' BENEFIT ACT REGULATIONS

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Chapter Authority: 1 CMC § 8285.

Chapter History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).

Commission Comment: PL 8-40 (effective Jan. 7, 1994), the "Law Enforcement Officers' Benefit Act," is codified as amended at 1 CMC §§ 8281-8285. 1 CMC § 8285 directs the Civil Service Commission to prescribe rules and regulations to carry out the purpose of the act.

Regarding the history of the Civil Service Commission in the Commonwealth, see the general commission comment to chapter 10 of this title.

Part 001 - General Provisions

§ 10-40-001 Authority and Purpose

This chapter implements the Law Enforcement Officers' Benefit Act, PL 8-40, found at 1 CMC §§ 8281, et seq. It is promulgated by the Civil Service Commission under the authority of 1 CMC § 8285 and applies equally to all law enforcement officers, whether or not members of the civil service system.

Modified, 1 CMC § 3806(d).

History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).

Part 100 - Implementation of the Law Enforcement Officers' Benefit Act

§ 10-40-101 Law Enforcement Officers

For the purpose of this chapter, law enforcement officers shall include the following:

- (a) The Attorney General and assistant attorneys general;
- (b) Judicial officers;
- (c) Police officers;
- (d) Corrections officers;
- (e) Firefighters;

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- (f) Customs officers;
- (g) Alcoholic beverage control officers;
- (h) Quarantine officers;
- (i) Conservation officers;
- (j) Immigration officers;
- (k) Labor officers;
- (l) Sanitation inspectors; and
- (m) Any other category of workers identified in the future by the legislature as being qualified for benefit under the Law Enforcement Officers' Benefit Act.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).

Commission Comment: With regard to subsection (m), the legislature has identified two other categories of workers since the promulgation of the regulations in this chapter. PL 11-8 § 4 (effective April 8, 1998) added parole officers to the list of law enforcement officers covered by the Law Enforcement Officers' Benefit Act. See 1 CMC § 8282(m). PL 12-60 § 2 (effective July 25, 2001) amended 1 CMC § 8282 to add Commonwealth Ports Authority police officers and firefighters. See 1 CMC § 8282(n).

§ 10-40-105 Benefit

When a law enforcement officer dies as the direct and proximate result of a personal injury sustained in the line of duty, regardless of employment status, the department or agency employing the officer shall, in accordance with the Law Enforcement Officers' Benefit Act, and this chapter, upon approval of the claim, pay \$50,000 to:

- (a) The officer's designated beneficiaries who survive the officer, to be divided equally among them unless otherwise stated in the designation of beneficiaries form, or,
- (b) The estate of the officer, if the officer has no designated beneficiary that survives him or her, to be distributed according to the Commonwealth's probate law.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).

§ 10-40-110 Designation of Beneficiaries

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The Office of Personnel Management shall make available to each department or agency employing law enforcement officers a form by which each law enforcement officer can designate the individual or individuals who will be the beneficiary of the death benefit. The completed form will be retained by the department or agency and in the official personnel record of the officer.

History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).

§ 10-40-115 Making Claims for Benefit

(a) Upon the death of a law enforcement officer, a beneficiary entitled to receive the death benefit shall, in writing, request the department or agency employing the law enforcement officer to pay the death benefit. If the benefit is to be paid to the estate of the law enforcement officer, the claim for the benefit shall come from the personal representative of the estate.

(b) If the department or agency responsible for payment determines that the law enforcement officer died as a direct result of a personal injury sustained in the line of duty and that the person making the claim is entitled to payment, the department or agency shall promptly, within 30 days after making such determination, make payment to the beneficiary in the amount due that beneficiary.

(c) If the department or agency responsible for payment determines payment is not authorized, it shall immediately notify the person making the claim, in writing, that the claim is denied and the specific reason or reasons therefore.

History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).

§ 10-40-120 Appeal of Denial of Benefit

Any party denied payment of benefit may appeal the denial of payment to the Civil Service Commission. The appeal must be filed at the Commission office, within fifteen days after the appellant receives the denial of the claim, in the same manner prescribed by the Personnel Service System Rules and Regulations, § 10-20.2-277, for appeals from adverse actions. The appeal shall be processed in the same way an appeal from an adverse action is processed under Personnel Service System Rules and Regulations [NMIAC, title 10, subchapter 20.2], part 200, subpart F.

Modified, 1 CMC § 3806(c).

History: Adopted 19 Com. Reg. 15697 (Sept. 15, 1997); Proposed 19 Com. Reg. 15405 (July 15, 1997).