

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8456. Membership in Defined Contribution Plan; Limiting Participation in the Defined Benefit Plan.

Beginning on the effective date determined under § 8454, and to the fullest extent permitted by law, the Northern Mariana Islands Public Employees' Defined Contribution Retirement Plan shall be the single retirement program offered by the Commonwealth for all employees whose first time CNMI government employment commences on or after that date.

Unless otherwise provided by federal law and § 8457, first time new public employees who are hired on or after the effective date determined under § 8454 shall be enrolled in the Defined Contribution Plan. A public employee who was previously a member of the defined benefit plan and who has an interruption in government service but has not received any retirement benefits from the defined benefit plan, including but not limited to contributions withdrawals, shall be reinstated to the defined benefit plan by written request upon being rehired as a public employee if that rehiring occurs within five years of the termination date of the employee's most recent CNMI government employment and that employee meets the requirements of this Chapter.

Class I and Class II members of the Northern Mariana Islands Retirement Fund whose employment continues on or after the effective date determined under § 8454, shall continue to contribute and participate in the defined benefit plan without change in provisions or benefits, unless such members meet the conditions for transfer that are required under § 8458.

In all cases where a question exists as to the readmission to membership in a retirement plan, the Administrator shall decide the question with the assistance of the plan's legal counsel.

An employee who participates in the defined contribution plan may not concurrently participate in the defined benefit plan with respect to their employment.

Source: PL 15-13, § 3 (8456), modified.

Commission Comment: The Commission removed figures where they were a repetition of words in the section above pursuant to the authority granted by 1 CMC § 3806(e).