

# TITLE 110: NORTHERN MARIANA ISLANDS RETIREMENT FUND

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## CHAPTER 110-20 AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE REGULATIONS

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Chapter Authority: 1 CMC § 8315(g) (renumbered by PL 13-60 (effective Dec. 5, 2003)).

Chapter History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: PL 1-43 (effective Jan. 18, 1980), formerly codified at 1 CMC §§ 8301, et seq., originally created the Northern Mariana Islands Retirement Fund. PL 6-17 (effective May 7, 1989), the “Northern Mariana Islands Retirement Fund Act of 1988,” codified as amended at 1 CMC §§ 8301-8394, repealed and reenacted PL 1-43, as amended. See PL 6-17, ch. 1 § 8312; see also the commission comment to 1 CMC § 8301. PL 13-60 (effective Dec. 5, 2003), the “Retirement Integrity Assurance Act,” amended numerous provisions of the 1988 NMI Retirement Fund Act.

1 CMC § 8312 creates the Northern Mariana Islands Retirement Fund (NMIRF) as an autonomous agency and public corporation of the government of the Commonwealth of the Northern Mariana Islands. NMIRF, through a Board of Trustees, is empowered to establish, maintain and operate a retirement fund program for the public employees of the Commonwealth. 1 CMC § 8315(a). 1 CMC § 8315(g) (renumbered by PL 13-60) authorizes NMIRF to adopt rules and regulations as necessary for the exercise of the funds powers, performance of its duties and administration of its operations.

### **Part 001 - General Provisions**

#### **§ 110-20-001 Authority**

Under any and by virtue of the provisions of 1 CMC § 8315(f), and the Administrative Procedure Act at 1 CMC §§ 9101, et seq., the Board of Trustees of the Northern Mariana Islands Retirement Fund hereby adopts the ADA rules and regulations codified in this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: PL 13-60 (effective Dec. 5, 2003) renumbered former 1 CMC § 8315(f) as 1 CMC § 8315(g).

#### **§ 110-20-005 Purpose**

The purpose of the grievance procedure in this chapter is to provide a mechanism for the resolution of discrimination issues as is required by ADA.

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Modified, 1 CMC § 3806(d).

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

### **Part 100 - Grievance Procedure**

#### **§ 110-20-101 Introduction**

Any person who believes that he/she is being discriminated against for reason of disability should follow the administrative grievance procedure to properly resolve the issues.

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: This section was originally an introduction to part II, codified at part 100. The Commission created the section title.

#### **§ 110-20-105 Meeting with ADA Compliance Coordinator**

(a) Any person aggrieved by the Northern Mariana Islands Retirement Fund and Workers' Compensation Commission for reason of disability shall prepare either a written, oral, or through the aid of a personal assistant or a sign language interpreter, detailed description of the complaint stating why he/she believes a violation of ADA exists; or

(b) Any person aggrieved by the Northern Mariana Islands Retirement Fund and Workers' Compensation Commission for reason of disability shall contact by phone or personally visit the ADA Compliance Coordinator for the Retirement Fund/Workers' Compensation Commission.

(c) The ADA Compliance Coordinator upon receipt of the written, oral, or through the aid of a personal assistant or a sign language interpreter, detailed description of the complaint of discrimination pursuant to the ADA shall investigate the grievance to make sure the policies and practices of the programs are not discriminatory. If the findings of the ADA Compliance Coordinator are consistent with the aggrieved party, the ADA Compliance Coordinator shall discuss with the Administrator the need to correct the situation.

(d) If a resolution is not made, the ADA Coordinator shall forward such complaint to the Administrator for proper disposition.

Modified, 1 CMC § 3806(g).

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

In subsection (c), the Commission deleted the repeated word "shall" and changed "is consistent" to "are consistent" to correct manifest errors.

#### **§ 110-20-110 Appeal to the Administrator**

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(a) If the issue is not resolved by the ADA Compliance Coordinator, the aggrieved party may seek an audience with the Administrator of the Retirement Fund/Workers' Compensation Commission. This can be accomplished by the ADA Coordinator preparing a request for the Administrator to entertain the issue; or the aggrieved party may contact the Administrator stating that he/she is not satisfied with the conclusion or findings of the ADA Compliance Coordinator.

(b) Upon receipt of this notice, the Administrator shall schedule a meeting within 15 days of receipt of the notice to appeal the findings of the ADA Compliance Coordinator. The Administrator shall hear the appeal within 30 days and the findings issued within 20 working days.

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 110-20-115 Appeal to the Board**

(a) If the aggrieved party is still not satisfied with the decision of the Administrator, he/she can appeal the decision to the Board of Trustees/Workers' Compensation Commission within 30 days of receipt of the Administrator's decision, in writing, oral or through the aid of a personal assistant or a sign language interpreter.

(b) The full Board of Trustees/Workers' Compensation Commission shall within a reasonable time hear the appeal.

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 110-20-120 Appeal to the Court**

Upon receipt of the decision of the Board and the aggrieved party is not satisfied, he/she may appeal the decision to the Commonwealth Superior Court pursuant to the Administrative Procedure Act which can be found in the Commonwealth Code [1 CMC §§ 9101, et seq.].

Modified, 1 CMC § 3806(g).

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).

Commission Comment: The Commission changed "Procedures" to "Procedure" to correct a manifest error.

### **§ 110-20-125 Representation**

Throughout the appeal process, the aggrieved party may be represented by an attorney licensed to practice law in the Commonwealth. Further, the aggrieved party may be accompanied by an expert or a teacher of the sign language for communication purposes.

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Modified, 1 CMC § 3806(f).

History: Adopted 17 Com. Reg. 13048 (Mar. 15, 1995); Proposed 17 Com. Reg. 12713 (Jan. 15, 1995).