Law Enforcement Retirement System GROUP RETIREMENT PLAN

NORTH DAKOTA
PUBLIC EMPLOYEES RETIREMENT SYSTEM

EFFECTIVE AUGUST 1, 2005 TO JULY 31, 2007

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INTRODUCTION

The Law Enforcement retirement plan became effective August 1, 2003 following the passage of SB 2033. The plan was designed to provide retirement benefits in recognition of your service as a public employee.

Your retirement program provides you with benefits at retirement or upon disability or death. Because these benefits represent an important source of security to you and your family, please read this publication carefully to ensure you understand your rights and responsibilities in becoming eligible for benefits.

This publication is intended to provide general information and may not be considered to be a legal interpretation of retirement law. Statements contained in this handbook do not supersede the North Dakota Century Code or Administrative Code or restrict the authority granted to the Retirement Board.

Material in this publication is current as of the 2005 session of the North Dakota legislature. This information is subject both to changes made by the legislature and rules and regulations established by the Board of the North Dakota Public Employees Retirement System (NDPERS).

The benefits described in this publication pertain to NDPERS Law Enforcement Defined Benefit plan only. Retirement Plan eligibility requirements and benefits for the NDPERS Defined Benefit plan-Mainsystem, the Air National Guard, Security Police and Firefighters, the justices of the Supreme Court or judges of the District Courts, the Highway Patrol, and the NDPERS Defined Contribution plan are addressed in separate publications.

In compliance with the Americans with Disabilities Act, this document can be provided in alternate formats. To request an alternative format, please call the NDPERS ADA coordinator at (701)328-3918 or call toll-free at 1-800-803-7377 if you are outside the Bismarck local calling area.

All questions, comments and correspondence can be directed to the following address:

North Dakota Public Employees Retirement System

400 East Broadway Ave, Suite 505

P.O. Box 1657

Bismarck, North Dakota 58502-1657

(701) 328-3900—Telephone

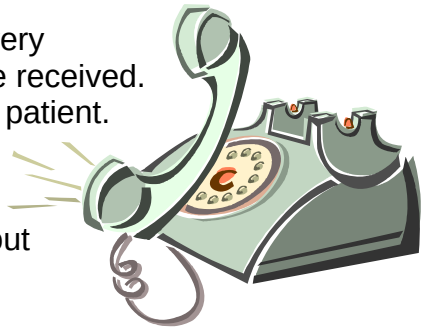
(701) 328-3920 — Fax Number

1-800-803-7377 — Toll-Free Outside the Bismarck Calling Area

WHEN CALLING THE NDPERS OFFICE

While NDPERS staff makes every effort to take your calls and answer your questions immediately, it is not always possible to do so. In an effort to serve you more efficiently, we have a voice mail system. If it is necessary for you to leave a voice mail message, please provide the following information: your name, social security number, telephone number, and a brief explanation about your call. If NDPERS staff has this information at the outset, we are able to address your concerns more quickly and efficiently the first time!

We also have a Member Service Unit who can assist you with general questions about NDPERS programs, including updates on program changes. The representatives will also take requests for forms, brochures, and benefit books. If you require additional services outside the scope of Member Services, the representative will be happy to transfer you to the staff member best qualified to assist you.



Our busiest times are the day after a holiday and the first week of every month. Calls are placed in queue and answered in the order they are received. If you place a call to us during these high volume periods, please be patient. Your call is important to us.

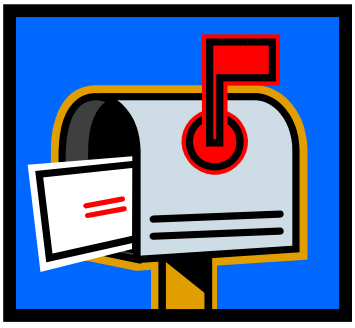
Remember all your benefit information is confidential. For your protection, staff cannot release benefit information to any party without first obtaining your written authorization or your Durable Power of Attorney, or upon being served with a subpoena. Although you may request information over the phone, only you may do so and only after you have provided the correct response to at least three of five criteria established by the NDPERS Board.

WHEN VISITING THE NDPERS OFFICE

Please make an appointment before stopping by the NDPERS office. Although staff will accommodate walk-ins when possible, an appointment will ensure that someone is available to assist you at the time you arrive. An appointment also allows staff to prepare appropriate benefit information for your individual needs.

WHEN WRITING TO THE NDPERS OFFICE

Always include your name and social security number on your correspondence.



NDPERS WEBSITE

The address for the NDPERS Website is **www.nd.gov/ndpers**.

NDPERS E-MAIL ADDRESS

The NDPERS address is **ndpers-info@state.nd.us**.

NDPERS ON-LINE SERVICES

You have the ability to access your individual account. If you participate in the Group Retirement Plan, you may access the following account information:

- Retirement Benefit Estimates
- Disability Benefit Estimates
- Member Account Balance
- Current Annual Statement

GOVERNING AUTHORITY

The North Dakota Public Employees Retirement Board is the governing authority of the:

Public Employees Retirement System (N.D.C.C. Chapter 54- 52)

Highway Patrol Retirement System (N.D.C.C. Chapter 39-03.1)

Defined Contribution Plan (N.D.C.C. Chapter 54-52.6)

Deferred Compensation Program (N.D.C.C. Chapter 54-52.2)

Retiree Health Insurance Credit Program (N.D.C.C. Chapter 54-52.1-03.2)

Uniform Group Insurance Program (N.D.C.C. Chapter 54-52.1)

Flex-Comp Program (N.D.C.C. Chapter 54-52.3)

Dental Plan (N.D.C.C. Chapter 54-52.1-04.7)

Vision Plan (N.D.C.C. Chapter 54-52.1-04.7)

Long-Term Care Plan (N.D.C.C. Chapter 54-52.1-04.8)

Employee Assistance Program (N.D.C.C. Chapter 54-52.1-04.9)

The Board generally meets monthly and is composed of seven voting members who serve staggered terms.

A North Dakota citizen who is neither a state nor a school district employee is appointed by the Governor to serve as Chairman of the Board. A member of the Attorney General's legal staff and the State Health Officer are also appointed to serve on the Board. One member is elected by retired NDPERS members and the remaining three Board members are elected from active employees currently contributing to NDPERS.

NDPERS BOARD MEMBERS

Board Members	Term Expires
Jon Strinden *Chairman*	July 31, 2006
Sandi Tabor *Attorney General Appointee*	January 1, 2006
Rosey Sand *Employee Representative*	June 20, 2007
Howard G. Sage *Employee Representative*	June 30, 2008
L. David Gunkel *Employee Representative*	June 30, 2009
Ron Leingang *Retiree Representative*	June 30, 2009

Arvy Smith
Health Department Appointee (**Dr. Terry Dwelle**, *State Health Officer)*

YOUR RETIREMENT PLAN

Employees of political subdivisions may participate in NDPERS if their governing boards elect to participate.

ELIGIBILITY

If you are a Correctional or Peace officer of a participating political subdivision, you are eligible to participate in the NDPERS Law Enforcement Defined Benefit Plan.

DEFINITIONS

"Peace Officer" means a public servant authorized by law or government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.

"Correctional officer" means a person who has completed a correctional officer course approved/certified by the North Dakota Department of Corrections and Rehabilitation and is employed by a correctional facility as defined in the North Dakota Century Code Section 12-44.1.

1. Upon an employer's initial enrollment in the Law Enforcement Plan, correctional officers not certified will remain in the NDPERS Defined Benefit Plan-Mainsystem or current employer sponsored plan until such a time that they become certified. Once certified, the correctional officer will be given 30 days to either elect to join or waive participation in the Law Enforcement plan. If no election is made, the correctional officer will remain a member of the NDPERS Defined Benefit Plan-Mainsystem or current employer sponsored retirement plan.

2. All correctional officers hired after the date a group adopts the Law Enforcement retirement, upon completion of the certification, must be enrolled in the Law Enforcement plan.

Mandatory Participation Requirements

If you work a minimum of 32 hours per week for twenty (20) or more weeks of the year, are at least eighteen years of age, filling a permanent position that is regularly funded and not of limited duration, and are a classified state employee, you must participate in the Law Enforcement defined benefit plan unless you waived participation in writing when your employer joined NDPERS.

You should be enrolled the first month of eligible employment, even when hired subject to a probationary period. There is no maximum age limit for enrollment purposes.

Participation Requirements for Other (Non-State) Elected Officials

Elected officials of participating counties, at their individual option, may enroll or waive participation in the defined benefit plan within the first six (6) months of their term. All other elected officials, who meet the above mandatory participation requirements, must be enrolled in the defined benefit plan within the first six (6) months of their term.

CONTRIBUTIONS

NDPERS is funded by contributions from members, employers, and earnings from investments. The contribution rates for employees and employers are established in the North Dakota Century Code and are as follows:

Permanent/Full-Time Employees (Includes Mandatory Participants, Appointed Officials, and Elected Officials)

Current Employer Groups:

Employee Retirement Contribution	4.00%
Employer Retirement Contribution	8.31%
Employer Health Insurance Credit Contribution	1.00%

New Employer Groups:

Employee Retirement Contribution	4.00%
Employer Retirement Contribution	6.43%
Employer Health Insurance Credit Contribution	1.00%

Contributions are calculated as a percentage of your gross pay. It is possible for an employer to pay all or part of the employee contribution for permanent employees. The employer must treat all employees covered under PERS equally. Please refer to the glossary for a complete definition of “Wages and Salaries”.

Employee contributions are automatically credited to individual member’s accounts. Employer contributions are paid into the retirement fund and retiree health insurance credit fund. It is possible for you to vest in the employer contribution (PEP) for cash distribution purposes. However, this vesting is not automatic and requires you to participate in a deferred compensation program approved by the retirement board.

PORTABILITY ENHANCEMENT PROVISION (PEP)

The Public Employees Retirement System is a "defined benefit" plan, which allows members to compute their future retirement benefits from a mathematical formula as set forth in N.D.C.C. 54-52- 17(4). Under this program, the employer contribution is paid to you in the form of monthly benefit payments and is not available for lump sum distribution purposes. However, effective January 1, 2000, a new feature was added which is designed to add portability to your plan. The Portability Enhancement Provision or "PEP" allows you to "vest" in the employer contribution for cash distribution purposes. This means that if you decide to leave employment, and do not elect to draw a pension from the system, you have the opportunity to take both the employee contribution and the corresponding PEP contribution out of the NDPERS system.

As an active member of the NDPERS program, you are able to vest in the employer contribution by participating in the Deferred Compensation (457) Program.

The vesting schedule for "PEP" contributions is based upon your existing service credit in the retirement program and the amount you defer into an approved Deferred Compensation Program. See the following schedule for details:

Minimum Retirement Service Credit	Maximum Vesting Contribution	Vesting Contribution
0-12 Months	$25	1% of gross salary
13-24 Months	$25	2% of gross salary
25-36 Months	$25	3% of gross salary
37+ Months	$25	4% of gross salary

If you participate in an approved Deferred Compensation Program through your employer, your member account balance will be automatically credited with the amount of employer contribution you have vested in each month. All contributions for each month are posted to the system the month following the month you earned them and are based upon information submitted to NDPERS by your payroll office. Interest on your member account balance is updated at the end of each month.

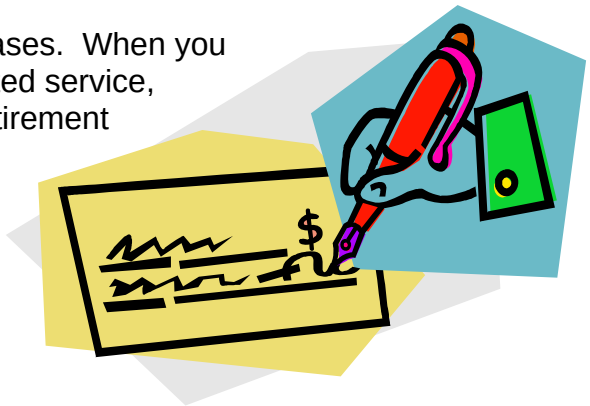
You are not required to participate in an approved deferred compensation program to vest in the defined benefit retirement program. However, if you do not participate, you will not be eligible for the PEP portion of your employers' contribution for lump sum distribution purposes. **For detailed information, read the "Portability Enhancement Provision" brochure.**

SERVICE CREDIT

Service credit is an important aspect of your records because each additional month of credit can increase your monthly retirement benefits. Presently, you receive one month of service credit for each month that contributions are received by NDPERS on your behalf.

PURCHASE OF SERVICE CREDIT

Eligible service credit may be purchased in specific cases. When you purchase service, you add to your total years of credited service, which increases the amount of your future monthly retirement benefit.



You may not claim service credit under NDPERS if the same years claimed can also qualify for retirement benefits from another retirement system.

You may elect to purchase all eligible months of service, or a portion thereof.

ADDITIONAL SERVICE CREDIT

If you are a vested, active employee of a participating employer, you may purchase up to 60 months of additional service credit for the purpose of increasing your retirement and retiree health insurance benefits.

LEAVE OF ABSENCE

If you are an active employee of a participating employer and are granted an employer approved leave of absence from your position, you will remain a member of NDPERS on inactive status. You will not receive service credit for any unpaid leave of absence because no contributions will be made during that time. However, you may purchase service credit for a leave of absence upon returning to work.

LEGISLATIVE SERVICE

If you are an active employee of a participating employer and you served as a member of the Legislative Assembly while a member of NDPERS, you may be eligible to purchase legislative service credit. Service credit must be purchased within one year after the adjournment of the legislative session.

MILITARY SERVICE

If you are an active employee of a participating employer and served time in the military you may be eligible to purchase up to 48 months of active duty service credit for retirement purposes.

USERRA

Special provisions under the Uniformed Services Employment and Re-employment Rights Act (USERRA) may apply if your covered employment under NDPERS was interrupted because you were drafted or you enlisted for active service in the Armed Forces of the United States.

Upon return from active duty, you may be entitled to have your credit while on active duty recognized by NDPERS for vesting in retirement benefits and benefit eligibility purposes (i.e. meeting the Rule of 85). You make application to NDPERS by submitting a written request for the above along with a photocopy of your DD214 form.

In addition, you have the option to purchase the service credit not accrued during the leave for the purpose of determining benefit calculation. Retirement credit may be granted for this purpose upon proper documentation and receipt of past contributions.

If application is made to your employer, then your employer is required to pay the employer portion of the retirement contributions in a lump sum on your behalf. Your employer is also required to pay any portion of the employee contribution in the same manner that it would have been paid had you not been activated. If your employer does not pay any or all of the employee contribution on behalf of its employees, then you are required to pay the employee contribution in order to receive the service credit.

The salary to be used in determining the cost to receive the credit must be based on the salary that would have accrued had you not been called into active duty, rather than the salary you are earning at the time of inquiry. If the salary can not be determined, then your average rate of compensation during the 12-month period immediately preceding your call to active duty should be used. The following applies to the payment of purchased credit:

The timeframe that you have to pay any required employee contributions to the plan is 3 times the period of active duty or 5 years, whichever is less. If you do not apply and/or purchase during this timeframe, then USERRA no longer applies. You would have to pay an actuarial cost to receive the service credit.

If you choose to make installment payments to the plan to purchase the service, the plan can not charge interest on the unpaid balance.

If you choose to purchase the service and begin payment, NDPERS will send a bill to your present employer for the required employer contributions. These contributions must be paid by the employer in a lump sum. As part of this billing, if any of the employee contributions are employer paid, they will be included.

Upon receipt of the "**Purchase Agreement for USERRA Covered Military Active Duty SFN 17758**", NDPERS will compute the cost receive the credit and will send written notification to you and/or your employer.

PREVIOUS PUBLIC EMPLOYMENT

If you have previous public employment as a permanent employee for which you are not receiving retirement credit, you may purchase this past service. The following are eligible types of previous public service that may be eligible:

- Service credit in NDPERS defined benefit system that was forfeited by taking a refund/rollover.
- Employment by political subdivision participating in NDPERS which your employer did not purchase upon joining NDPERS.
- Employment with a public employer either within or outside the state of North Dakota.
- Employment with the Federal government.

UNUSED SICK LEAVE CONVERSION (PURCHASE)

At termination of eligible employment, you may convert all or part of your sick leave (as certified by your employer) into service credit. One month of service credit will be awarded for each 173.3 hours of unused accumulated sick leave. Hours of sick leave equal to a fraction of a month are deemed to be a full month.

Special provisions apply for members transferring from one participating employer without terminating eligible employment. NDPERS will record unused sick leave of a participating member if the new employer certifies that it will not transfer that leave. The certification must include documentation from the previous employer detailing the number of hours of sick leave. See the "**Notice of Transfer Kit SFN 53728**". NDPERS must receive the certification within sixty days after the member leaves employment with the former employer.

Conversion of sick leave is optional and does not affect any employer lump sum sick leave payment policies.

HOW TO APPLY FOR PURCHASE

Complete and submit a "**NDPERS Request for Purchase Information SFN 53718**" to the NDPERS office. You will be contacted if additional information or service documentation will be required. A written response containing the cost of purchase will be sent to you within 60 days of NDPERS receiving the request form. Any cost estimate provided expires 90 days from the date the response is generated.

COST OF PURCHASE

The cost to obtain all additional service credit, with the exception of unused sick leave conversion, will be determined through an actuarial cost calculation. The components used to determine the cost calculation are: 1) your date of birth, 2) your current final average salary, 3) the age when you are first eligible for unreduced retirement benefits, 4) number of months being purchased, 5) the plan's current benefit multiplier, and 6) current retiree health insurance credit.

COST OF NDPERS REFUNDED SERVICE

You must pay an amount equal to the greater of the actuarial cost, or the amount you received as a refund, plus interest at the actuarial rate of return from the time you were issued the refund.

COST OF CONVERTING (PURCHASING) UNUSED SICK LEAVE

The cost to purchase unused sick leave is calculated by taking the required Employer and Employee Contribution Rates multiplied by your Final Average Salary at separation of eligible NDPERS covered employment multiplied by the number of months to be converted. The number of months available for purchase is determined by dividing the total number of unused sick leave hours at termination by 173.3 hours. One month of retirement service will be credited for each 173.3 hours of unused sick leave. Partial months will be rounded up to the next full month.

Example: ***Member has 1000 hours of unused sick leave upon retirement and a Final Average Salary of $2,000.***

Step 1: ***1000 hours divided by 173.3 = 5.77 rounded up equals 6 months available to purchase***

Step 2: ***$2,000 (FAS) X 13.31% X 6 months = $1,597.20 (Total Cost to purchase Unused Sick Leave)***

Payment Provisions for Purchase

PRE-TAX PAYMENTS

State of North Dakota employees have the option of making monthly payroll deductions towards the purchase contract on a pre-tax basis. Employees of participating Political Subdivisions have this option if your employer has elected to sign an Employer Agreement making this available to their employees. If available, an “Irrevocable Salary Reduction Agreement for Purchase of Service Credit SFN 54004” must be completed by you and NDPERS prior to deductions being made on a pre-tax basis.

The IRS requires strict compliance in order to allow the Plan to accept purchase payments through pre-tax payroll deductions. The deduction must be made on a monthly basis, for a specific dollar amount and for a specific time period, which is the length of the purchase contract. The amount of the deduction can not be increased, decreased or suspended at anytime unless due to the employee’s termination, retirement, disability or death. Also, supplemental payments can not be made towards the purchase contract and you will be required to make a lump sum payment for the retiree health insurance credit portion of the purchase prior to entering into the irrevocable salary reduction agreement.

By electing this option, an additional 8% simple interest will accrue annually on the unpaid balance. This interest will be taken into consideration when your “Irrevocable Salary Reduction Agreement” is prepared by NDPERS.

All payments must be received by NDPERS prior to the 15th of the month to ensure your account has been credited for that month.

AFTER-TAX PAYMENTS

Unless you are eligible for a direct rollover/transfer contribution or have completed an Irrevocable Salary Reduction Agreement, purchase payments must be paid as after-tax employee contributions. Payments can be made in a lump sum or on an installment basis. Payments may be made on a monthly, quarterly, semi-annual, or annual basis. However, the minimum monthly payment cannot be less than $50. If you choose, you can make a down payment and make payments on the remaining balance. If the installment method is selected, an additional 8% simple interest will accrue annually on the unpaid balance. There is no penalty assessed if you choose to pay off you purchase contract early.

Some employers have the capability to set up an automatic after-tax payroll deduction. Please check with your payroll office to make these arrangements.

All payments must be received by NDPERS prior to the 15th of the month to ensure your account has been credited for that month. Payments 30 days late are considered delinquent and may result in the closing of your account.

PAYMENT PROVISIONS FOR CONVERSION (PURCHASE) OF UNUSED SICK LEAVE

Payment for the conversion of unused sick leave will be calculated by NDPERS upon receiving proper verification from your payroll office after date of termination/retirement. Payment must be made within 60 days of separation of employment and before you receive a retirement benefit. Payment must be an after-tax employee contribution, unless you are eligible for a direct rollover contribution.

PAYMENT BY DIRECT ROLLOVER OR TRANSFER OF ELIGIBLE FUNDS

Under limited circumstances, you may apply to roll over an account from another eligible plan for the purpose of purchasing service credit. Pursuant to IRS requirements, your funds must be certified by the financial institution as **pre-tax dollars** and must come from a 401(a), 401(k), 403(b), 457, traditional IRA, Federal Employee Retirement System Thrift Savings Plan, or 401(c) Keogh plan whose deposits came only from a qualified 401(a) or (k). The amount rolled over to NDPERS may not exceed the cost to purchase the retirement benefit portion of the purchase and must be made in a lump sum. You must also make a personal payment in a lump sum for the retiree health credit portion of the purchase.

As a general rule, the Plan/Provider Company may take up to 30 days to process your request for a trustee to trustee transfer of funds. It is your responsibility to ensure the transfer of funds is accomplished within the 90 day cost quote time limit. **Therefore, you should follow-up with your plan/company as soon as possible and no later than 60 days from the date you receive the cost quote letter.** Please contact your Plan/Provider representative regarding possible exit fees and/or penalties and to determine the amount of funds available for rollover.

FEDERAL LIMITATIONS

Your payments for purchase or sick leave conversion may be subject to limitations established under Internal Revenue Code Section 415. Current law may limit after-tax employee contributions in a calendar year to the retirement plan to the lesser of $42,000 or 100 percent of your includable compensation. This may limit the amount of service you are allowed to purchase or convert from sick leave. NDPERS will notify you if it has determined that federal limits apply to your purchase payment(s).

VESTING

To be vested in a defined benefit program means that you have become legally entitled to a monthly benefit from NDPERS when you reach retirement age and terminate employment.

Under NDPERS you become vested upon:

- 36 months (3 years) of consecutive service credit

See “Portability Enhancement Provision (PEP)” section for additional information on vesting for cash distribution purposes.

DUAL MEMBERSHIP

Service credit you may have earned in six other North Dakota state sponsored retirement plans can be combined with your NDPERS credit for purposes of achieving the “Rule of 85”. These retirement plans are:

1. Defined Benefit Plan – Main System (NDPERS)
2. Highway Patrol Retirement System (NDHPRS)
3. Air National Guard, Security Police and Firefighters (NDPERS)
4. Judicial Retirement System (NDPERS)
5. Teachers Fund for Retirement (TFFR)
6. Teachers Insurance and Annuity Association — College Retirement Equities Fund (TIAA-CREF) (coverage through the North Dakota University System only)

Eligibility for retirement benefits will be based on the length of service in all plans in which you have an account. However, at retirement, dual members with NDPERS, TFFR, or NDHPRS will be given the option of receiving their retirement benefits from the retirement systems under one (1) of the following calculations:

1. Each retirement system will use its final average salary (FAS) formula and all the service credit earned in its system; or
2. The retirement systems’ will combine salaries to create the FAS. However, the service credit recognized cannot exceed one (1) year in any fiscal year. If overlapped service credit occurs, only one (1) of the retirement systems will recognize the credit.

If a dual member elects to receive retirement benefits from one plan while still contributing to another retirement system (if eligible), the FAS, service credit, and member’s age used to calculate the benefit may not be adjusted after the benefit effective date.

BENEFITS AVAILABLE AT TERMINATION

To be eligible for the following benefits, you must terminate employment or terminate membership. “Termination of employment” means a severance of employment by not being on the payroll of a covered employer for a minimum of one month. Approved leave of absence does not constitute termination of employment. “Termination of participation” means termination of eligibility to participate in the retirement plan.

MEMBER ACCOUNT BALANCE OPTIONS

Member Account Balance

The member account balance consists of the monthly employee contributions, the vested portion of your employer contributions, and interest. This interest is compounded monthly up to the time you receive a refund/rollover of your account or begin receiving a monthly benefit. The interest paid on your account is based on a rate establish by the Board and is currently 7.5% annually and builds on a tax deferred basis. If you take a refund or rollover, your retirement funds will not be available until you have been off covered payroll for approximately 60-90 days, subject to **tax notification** requirements.

Option 1

You can choose to have your Member Account Balance paid directly to you. If you choose this option, only 80 percent of the taxable amount of your Member Account Balance is payable to you because NDPERS is required to withhold 20 percent of the payment for federal tax purposes. In addition, if you are under age 59 1/2, you may be subject to an additional 10 percent penalty for early withdrawal. If you elect this option you will need to complete a “**Refund/Rollover Kit SFN 53725**”.

Option 2

Note: Be sure to check to see if the employer plan or IRA will accept a rollover from a 401(a) plan.

You can choose to have all or a portion of your Member Account Balance directly rolled over into a traditional IRA or an eligible employer plan. Any taxable amount not rolled over will automatically be mailed to you and subject to the taxes indicated in “Option 1”. The rolled over portion would not be taxed until such a time when you take it out of the traditional IRA or eligible employer plan.

If you elect to have any non-taxable portion of your member account balance rolled over, it is a requirement that NDPERS receive a letter of acceptance from the traditional IRA or employer plan prior to the distribution being made. The letter of acceptance must indicate that the institution will accept the funds, including any after-tax contributions (non-taxable income) and will provide separate accounting for those amounts rolled over. If a letter of acceptance is not received within 6 (six) months of the rollover request, then NDPERS will initiate a rollover of the taxable portion only to the institution. The remaining non-taxable income will be sent to you.

If no election is made regarding the amount to be rolled over, then NDPERS will automatically rollover the taxable portion only. Any remaining non-taxable income will be sent to you. If you elect this option, you will need to complete a "**Refund/Rollover Kit SFN 53725**".

Option 3

Whether vested or not, you can leave your Member Account Balance intact with NDPERS and take a refund or rollover at a later date. If you elect this option, you will need to complete a "**Deferred Retirement Kit SFN 53724**".

If you are not vested and you do not indicate you wish to leave your account intact, you will be issued a refund automatically upon termination.

*Option 4 [*This option is only available for vested members*]*

You can elect a Deferred Vested Benefit. Under this option, you leave your account with NDPERS and elect to receive a monthly benefit at a later date. The earliest age a member can begin to receive a monthly benefit is age 50 with three (3) consecutive years of service or the Rule of 85, whichever occurs first.

Under the Deferred Vested Benefit Option, monthly benefits must begin no later than age 55 with three (3) consecutive years of service or the Rule of 85, whichever occurs first.

Interest continues to compound on your Member Account Balance until you begin receiving a monthly benefit. If you choose this option you will need to complete "**Deferred Retirement Kit SFN 53724**". Please refer to the "Benefits at Retirement" section for more information.

ADMINISTRATIVE REQUIREMENTS FOR REFUNDS/ROLLOVERS

Upon termination of employment, you and your employer must complete and file a "**Refund/Rollover Kit SFN 53725**" with NDPERS. Refunds and direct rollovers will not be issued until you have been off your employer's payroll system for approximately 60 to 90 days, subject to tax notification requirements. By receiving a refund/rollover distribution of your member account balance you forfeit all service credit to the date of the distribution, as well as:

- Retirement Benefits
- Disability Benefits
- Non-Vested Employer Contributions
- Retiree Health Credit
- Health Insurance Coverage
- Dental Insurance Coverage
- Vision Insurance Coverage
- Long-Term Care Insurance Coverage

Should you become re-employed with a participating employer before 31 days have passed, no refund or direct rollover will be issued and your retirement account will pick up where it left off with your previous employment. If you are transferring to another job where you will be covered by one of the other state sponsored retirement plans, see dual membership provisions.

REFUND/ROLLOVER KIT
NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM
SFN 53725 (Rev. 04-09)

NDPERS • PO Box 1657 • Bismarck • North Dakota 58502-1657
(701) 328-3900 • 1-800-803-7377 • Fax 701-328-3920
www.discovernd.com/ndpers

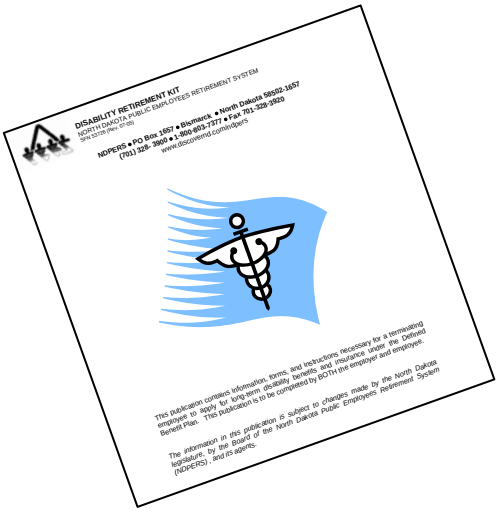
This publication contains information, terms, and instructions necessary for a terminating employee to apply for a **refund/rollover of retirement account balance and continuation of insurance administered by NDPERS** under either the Defined Benefit or the Defined Contribution Plans. This publication is to be completed by BOTH the employer and employee.

The information in this publication is subject to changes made by the North Dakota legislature, by the Board of the North Dakota Public Employees Retirement System (NDPERS), and its agents.

DISABILITY RETIREMENT BENEFITS

DISABILITY BENEFIT ELIGIBILITY

After you have accumulated 6 (six) months of service credit in NDPERS, you are covered under the Plan's Disability Retirement program. To be eligible for NDPERS disability retirement benefits the following must apply:


DISABILITY RETIREMENT KIT
NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM
SFN 53726 (Rev. 07-09)
NDPERS • PO Box 1657 • Bismarck, • North Dakota 58502-1657
(701) 328- 3900 • 1-800-803-7377 • Fax 701-328-3920
www.discovernd.com/ndpers

This publication contains information, forms, and instructions necessary for a terminating employee to apply for long-term disability benefits and insurance under the Deferred Benefit Plan. This publication is to be completed by BOTH the employer and employee.

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- Your disability must have occurred during a period of eligible employment.
- You must be unable to engage in any substantial gainful activity due to a medically determinable physical or mental impairment expected to result in death or which will or has lasted for a continuous period of not less than 12 (twelve) months.
- You must submit a "**Disability Retirement Kit SFN 53726**" to the NDPERS office **within 12 (twelve) months of termination of employment due to disability**.
- You must be determined to be disabled by the NDPERS' medical advisor, who is responsible for making disability eligibility determinations for the Board. In lieu of a review by the NDPERS' medical advisor, a member who qualifies for Social Security Disability benefits and submits a "**Disability Retirement Kit SFN 53726**" with a copy of the Social Security Notice of Award, will be deemed eligible for NDPERS disability benefits without requiring a determination from the medical advisor. The Social Security Notice of Award must provide proof that the member's disability was determined during his/her period of eligible employment. Eligibility for disability benefits will be subject to ongoing recertification requirements as specified by the NDPERS' medical advisor.

DISABILITY BENEFIT PAYMENTS

If you are deemed eligible for NDPERS disability benefits, you will receive 25 percent of your final average salary each month for as long as you are disabled under the Single Life payment option. This payment will not be reduced by any other benefits you may be receiving as a result of your disability. Payment will be retroactive to the first of the month following the later of your termination date or last pay date.

Example: ***For an employee with a final average monthly salary of $3,000***

25% of $3,000 = $750 Monthly Single Life Disability Payment

Your disability benefit is funded by your employer's contributions. Payment of a disability benefit does not reduce your member account balance until you are age 65.

The minimum disability benefit is $100 per month.

DISABILITY APPLICATION PROCEDURE

You must submit a "**Disability Retirement Kit SFN 53726**" to the NDPERS office **within 12 (twelve) months of termination due to disability**.

When applying for disability, individuals who are at least 50 years old and have a minimum of thirty-six (36) months of service credit should also apply for early retirement benefits. This will allow NDPERS to begin paying you under Early Retirement provisions of the plan while your disability application is being processed.

Applications for disability or retirement benefits may be submitted to the NDPERS office up to four (4) months prior to your termination of employment.

If the medical advisor determines you are permanently and totally disabled according to this program, NDPERS will pay you the greater of either the Early Retirement benefit or the Disability benefit. Your disability status may also impact your retiree health credit.

RECERTIFICATION OF DISABILITY ELIGIBILITY

A disabled annuitant's eligibility must be recertified within eighteen (18) months after the first check is issued and there after as specified by the medical consultant. NDPERS will send an "Application for Recertification of Disability Benefits SFN 50149" and a "Statement of Annual Earnings for Disability Annuitants SFN 53157" to the disabled annuitant to be completed and returned to NDPERS prior to the recertification date.

DISABILITY PAYMENT OPTIONS

Single Life

This amount is payable to you for as long as you are disabled. Under this option there is no monthly income provision for your beneficiary. However, if you should die while receiving disability benefits, your beneficiary will get a lump sum payment of the amount in your member account balance, if any.

50% Joint and Survivor

This amount is payable to you for as long as you are disabled, but is actuarially reduced based upon your age and the age of your spouse. In the event of your death, your spouse will receive 50 percent of your monthly disability benefit amount for the rest of his/her life. If your spouse dies first, your benefit will be adjusted back to the single life disability option amount upon written notification and a photocopy of your spouse's Certificate of Death.

100% Joint and Survivor

This amount is payable to you for as long as you are disabled, but is actuarially reduced based upon your age and the age of your spouse. In the event of your death, your spouse will receive 100 percent (the same amount as you were receiving prior to death) of your monthly disability benefit amount for the rest of his/her life. If your spouse dies first, your benefit will be adjusted back to the single life disability option amount upon written notification and a photocopy of your spouse's Certificate of Death.

Twenty (20) Year Term Certain

This amount is also reduced based upon actuarial factors, and is payable to you for as long as you are disabled. If you die within the first twenty years of your disability retirement, your beneficiary will continue to receive monthly payments of the same amount until the end of the twenty-year period. If you die after receiving benefits for twenty years, there will be no payments made to your beneficiary.

Ten (10) Year Term Certain

This amount is also reduced based upon actuarial factors, and is payable to you for as long as you are disabled. If you die within the first ten years of your disability retirement, your beneficiary will continue to receive monthly payments of the same amount until the end of the ten-year period. If you die after receiving benefits for ten years, there will be no payments made to your beneficiary.

REVIEW PROCEDURE

A member, who receives notice that his or her application for disability benefits or recertification of benefits is denied, may request a review of the decision. A written request for review must be received in the NDPERS office within 60 days of the member receiving a denial notice.

PRE-RETIREMENT DEATH BENEFITS

Death benefits for members who die prior to retiring are covered in the "Death Benefits" section. In the event a member who is applying for disability benefits passes away prior to receiving benefits, the provisions covered in the "Death Benefits" section will apply.

BENEFITS AT RETIREMENT

The Public Employees Retirement System is a “defined benefit” plan, which allows members to compute their future retirement benefits from a mathematical formula as set forth in N.D.C.C. 54-52-17(4).

Regardless of the earnings performance of the funds, you or your beneficiaries are guaranteed to receive no less than your member account balance. This amount is referred to as your minimum guarantee.

Your NDPERS defined benefit is based on the following calculation:

Final Average Salary

X

Benefit Multiplier (2.00%)

X

Years of Service Credit

=

Monthly Single Life Retirement Benefit

Final Average Salary is the average of your highest salaries in 36 of the last 120 months you worked.

Benefit Multiplier is the rate established by the legislature, at which you earn benefits. The current benefit multiplier is 2.00%.

Service Credit is the amount of public service you have accumulated under NDPERS for retirement purposes. Your credited service is reported to you each August in your Annual Statement of Account.

As previously stated, your NDPERS service provides you with 2.00 percent of your final average salary for each year of service you have credit for in NDPERS. To determine what percentage of your Final Average Salary you will receive as a retirement benefit at normal retirement age, you can use the table on the next page.

Years of Service	Percent of Final Average Salary
3	6%
4	8%
5	10%
6	12%
7	14%
8	16%
9	18%
10	20%
11	22%
12	24%
13	26%
14	28%
15	30%
16	32%
17	34%
18	36%
19	38%
20	40%
21	42%
22	44%
23	46%
24	48%
25	50%
26	52%
27	54%
28	56%
29	58%
30	60%

For each additional year of service in excess of 30, add 2.00 percent.

AGE REDUCTION FOR EARLY RETIREMENT

You are eligible to retire and draw benefits as early as age 50 under early retirement provisions. If you begin drawing retirement benefits before you are age 55 or meet the Rule of 85, your normal retirement benefit will be reduced by one-half of one percent (.005) for each month in which you are less than age 55 or would have met the Rule of 85, whichever occurs first. This amounts to a reduction of 6 percent per year from your single life retirement benefit.

NORMAL RETIREMENT

Normal retirement date, pursuant to N.D.C.C. 54-52-17(3), is age 55 or when you reach the Rule of 85, whichever happens first, with three (3) years of consecutive service. After you reach the normal retirement date, you can retire anytime with full benefits. Keep in mind, full benefits = Final Average Salary x 2.00% x Credited Service.

RULE OF 85

If your age plus your years of service credit added together equal 85 or more, you can retire prior to age 55 without receiving any reductions in your monthly benefit. There is no minimum age requirement. If you meet the Rule of 85 before age 55, you are eligible to retire and begin your monthly payments. You may count years of service while participating in six other North Dakota state sponsored retirement plans towards years of service necessary to meet the Rule of 85. See the dual membership section.

TAXATION OF BENEFITS

Annuity benefits are subject to federal and state income tax. Taxes will be withheld monthly pursuant to current tax withholding tables, unless you elect otherwise. The taxable portion of your benefit is calculated using the simplified general rule (IRS Publication 575 “Pension and Annuity Income”). Tax withholding forms may be obtained from NDPERS or downloaded from the NDPERS website.

You will receive a 1099R tax form annually to be used for filing federal and state income tax.

PAYMENT OF BENEFITS

Eligibility for benefits will be effective on the first day of the month following the date of your final paycheck from your employer. The first benefit payment will be made on the first working day of the month following the eligibility date. However, if you deferred your benefits, your benefit effective date is the first day of the month following the month your application process has been completed. See the “Administrative Requirements for Monthly Benefits” section.

RETIREMENT PAYMENT OPTIONS

There are several different payment options to choose from when you elect to start receiving monthly benefits. Keep in mind, each of the payment options available will pay you, the member, for as long as you live. These payment options only differ in how they pay your beneficiary in the event of your death, and in the actuarial reduction necessary to provide these benefits to your beneficiary.

All payment options, with the exception of the Social Security Level Income Option, are available at both early and normal retirement ages. It is possible you may receive much more than your minimum guarantee in monthly retirement benefits, depending on your life span and the retirement option you choose. Your member account balance is reduced by each monthly benefit payment you receive.

Single Life

This amount is payable to you for as long as you live. There is no monthly income provision for your beneficiary under this option. However, if you should die while receiving retirement benefits, your beneficiary will get a lump sum payment of the remaining amount in your member account, if any.

50% Joint and Survivor

This amount is payable to you for as long as you live, but is actuarially reduced based upon your age and the age of your spouse. In the event of your death, your spouse will receive 50 percent of your monthly retirement benefit amount for the rest of his/her life. If your spouse dies first, your benefit will be adjusted back to the single life option amount upon written notification and a photocopy of your spouse’s Certificate of Death.

100% Joint and Survivor

This amount is payable to you for as long as you live, but is actuarially reduced based upon your age and the age of your spouse. In the event of your death, your spouse will receive 100 percent (the same amount as you were receiving prior to death) of your monthly retirement benefit amount for the rest of his/her life. If your spouse dies first, your benefit will be adjusted back to the single life option amount upon written notification and a photocopy of your spouse’s Certificate of Death.

Twenty (20) Year Term Certain

This amount is reduced based upon actuarial factors, and is payable to you for as long as you live. If you die within the first twenty (20) years of your retirement, your beneficiary will continue to receive monthly payments of the same amount until the end of the twenty (20) year period. If you die after receiving benefits for twenty (20) years, there will be no payments made to your beneficiary.

Ten (10) Year Term Certain

This amount is also reduced based upon actuarial factors, and is payable to you for as long as you live. If you die within the first ten (10) years of your retirement, your beneficiary will continue to receive monthly payments of the same amount until the end of the ten (10) year period. If you die after receiving benefits for ten (10) years, there would be no payments made to your beneficiary.

Social Security Level Income

This option is only available to those who retire before the normal retirement age set by the Social Security Administration. The Social Security Level Income option is similar to the Single Life option in that it does not provide any monthly income for your beneficiary in the event of your death. This option is intended to coordinate with your Social Security benefits to provide you with a level income both before you are old enough to draw Social Security benefits and after you begin receiving benefits from Social Security. Under this option, you may choose to begin receiving your Social Security benefits at an age no earlier than 62 and no later than full retirement age as specified by social security. Your NDPERS benefit will be reduced automatically at the age you selected to begin drawing your Social Security benefits. The example below shows a person retiring at age 55 who selected age 62 to begin drawing social security benefits.

------Example of Social Security Level Income Option------

	Age 55	**Age 62**
NDPERS Benefit	*$1,684.51*	*$944.51*
Social Security Benefit	*$0.00*	*$740.00*
Total Income	*$1,684.51*	*$1684.51*

Partial Lump Sum Option (PLSO)

This option is only available to members who retire at or after full retirement age. This option is not available to members who select the Social Security Level Income option, members receiving disability benefits, or to beneficiaries of deceased members. This option allows you to take a partial lump sum distribution equal to 12 monthly payment of the Single Life option and is payable at the same time as your first monthly retirement benefit. You will still be eligible to select a Joint and Survivor or Term Certain option as your ongoing retirement benefit. The ongoing retirement benefit will be actuarially reduced in exchange for the partial lump sum payment.

The lump sum payment will be eligible to rollover to an IRA or another eligible retirement plan. If not rolled over, the lump sum is taxed as ordinary income and subject to automatic 20 percent federal withholding. If you are under age 59½, you may be subject to a 10% penalty tax for early withdrawal.

SEE RETIREMENT OPTIONS EXAMPLE ON NEXT PAGE.

Retirement Benefit Example WITHOUT PLSO

Assumptions:

Member's Age:	55
Spouse's Age:	50
Service Credit:	25.0000 Years
Final Average Salary:	$3,990.50/Month

Basic Retirement Benefit Calculation:

$3,990.50 x 2.00% x 25.0000 = $1,995.25

RETIREMENT OPTION	MONTHLY BENEFIT
Single Life Benefit	$1,995.25
Beneficiary Benefit	$ 0.00
50% Joint & Survivor Benefit	$1,890.30
Surviving Spouse Benefit	$ 945.15
100% Joint & Survivor Benefit	$1,795.73
Surviving Spouse Benefit	$1,795.73
Twenty Year Term Certain	$1,895.68
Beneficiary Benefit (if any)	$1,895.68
Ten Year Term Certain	$1,965.92
Beneficiary Benefit (if any)	$1,965.92

Retirement Benefit Example WITH PLSO

Assumptions:

Member's Age:	55
Spouse's Age:	50
Service Credit:	25.0000 Years
Final Average Salary:	$3,990.50/Month

Basic Retirement Benefit Calculation:

$3,990.50 x 2.00% x 25.0000 = $1,995.25

-184.36 (PLSO Repayment Reduction)

$1,810.89 (Reduced Single Life Monthly Benefit)

PLSO LUMP SUM PAYMENT $23,943.00

RETIREMENT OPTION	MONTHLY BENEFIT
Single Life Benefit	$1,810.89
Beneficiary Benefit	$ 0.00
50% Joint & Survivor Benefit	$1,715.63
Surviving Spouse Benefit	$ 857.81
100% Joint & Survivor Benefit	$1,629.80
Surviving Spouse Benefit	$1,629.80
Twenty Year Term Certain	$1,720.52
Beneficiary Benefit (if any)	$1,720.52
Ten Year Term Certain	$1,784.26
Beneficiary Benefit (if any)	$1,784.26

ADMINISTRATIVE REQUIREMENTS FOR MONTHLY BENEFITS

You must complete a "**Retirement Kit SFN 53723**" and send it to NDPERS within 30-60 days prior to retirement. In accordance with laws governing processing retirement benefits, NDPERS must receive an "Application for Retirement Benefits SFN 2562" and appropriate legal documentation at least 31 days before retirement or before the distribution of the first retirement check. If documents are ***filed*** too late, the payment will be delayed.

CHANGING RETIREMENT BENEFIT OPTION AFTER RETIREMENT

Once you elect your benefit option and start drawing a pension, the election becomes irrevocable. The only exception is if your spouse passes away and you are drawing benefits under a Joint & Survivor benefit option. Upon notification of the spouse's death, NDPERS will change the Joint & Survivor benefit option to a Single Life option.

RETIREMENT KIT
NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM
SFN 53723 (Rev. 04-03)

NDPERS • PO Box 1657 • Bismarck • North Dakota 58502-1657
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Retirement

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BENEFITS & RETURN TO WORK

To be eligible for benefits, you must terminate employment or terminate membership. "Termination of employment" means a severance of employment by not being on the payroll of a covered employer for a minimum of one month (31 days). Approved leave of absence does not constitute termination of employment. "Termination of participation" means termination of eligibility to participate in the retirement plan.

Refunds/Rollovers

If you applied for a refund/rollover distribution of your member account balance and became re-employed with a participating employer before 31 days have passed, no refund/direct rollover will be issued and your retirement account will pick up where it left off with your previous employment.

If you are transferring to another job where you will be covered by one of the other state sponsored retirement plans dual membership provisions. If you are transferring to another job, you are not eligible to apply for a refund/rollover distribution.

Retirement

a) If you return to permanent non-law enforcement employment with a NDPERS participating employer, your hours of employment must be restricted if you wish to continue receiving your pension payment. Your employment must be limited to less than 20 hours per week if employed 20 weeks or more months per year. You may work more than 20 hours per week if employed less than 20 weeks per year.

   If you are employed for 20 or more hours a week for 20 or more weeks per year then your retirement benefit will be suspended. Upon termination of employment, you may resume retirement benefit. Your previous retirement account will be combined with your current service.

b) If you return to permanent Law Enforcement employment with a NDPERS participating employer, your hours of employment must be restricted if you wish to continue receiving your pension payment. Your employment must be limited to less than 32 hours per week if employed 20 weeks or more months per year. You may work more than 32 hours per week if employed less than 20 weeks per year.

   If you are employed for 32 or more hours a week for 20 or more weeks per year then your retirement benefit will be suspended. Upon termination of employment, you may resume retirement benefit. Your previous retirement account will be combined with your current service.

c) If you are eligible for normal retirement (Rule of 85 or age 55) and accept a retirement benefit and become reemployed with a NDPERS participating employer other than the employer with which you were employed at the time you retired, you may, before reenrolling in the retirement plan, elect to permanently waive future participation in the Defined Benefit plan and the Retiree Health Insurance Credit program.

If you make this election you are not required to make any future employee contributions to NDPERS nor is your employer required to make any further contributions on your behalf.

Under N.D.C.C. 54-52-01(8), a "Governmental unit" means the state of North Dakota, except the highway patrol for members of the retirement plan created under chapter 39-03.1, or a participating political subdivision thereof. Therefore, North Dakota state agencies are considered one employer group and any member retiring with one state agency and becoming reemployed with another state agency **would not be eligible** for this return to work provision.

The following retired members may be eligible for this provision:

Past Employer	New Employer
State	Political Subdivision
Political Subdivision	State
Political Subdivision	Political Subdivision

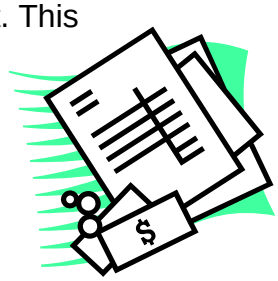
Disability

If you return to work in a permanent full-time position and are eligible to participate in NDPERS, your disability benefits must be suspended. If you are not able to continue employment for a consecutive period of time resulting in nine (9) months of service credit as a result of the disability and continue to meet the eligibility requirements under the plan, you may resume disability.

If you return to substantial gainful activity in employment not covered under NDPERS, your disability benefit may continue for up to nine (9) consecutive months. If you are not able to continue employment for at least nine (9) months as a result of the disability and continue to meet the eligibility requirements under the plan, you may continue disability status.

RETIREE HEALTH INSURANCE CREDIT PROGRAM

Pursuant to N.D.C.C. 54-52.1-03.2, your employer contributes one (1) percent of your gross monthly salary to the retiree health insurance credit program. The program offers you a credit, which reduces your health insurance premiums upon retirement. This credit can only be used if you choose to participate in the NDPERS Dakota Plan (the **NDPERS Group Health Insurance Plan**) and are drawing a monthly NDPERS retirement benefit. The Dakota Plan is available to you even if you did not participate in the Dakota Plan prior to your retirement. You may enroll in the Dakota Plan without evidence of insurability if you do so within 31 days of retirement. You receive $4.50 for every year of retirement service credit, subject to reduction for early retirement (see table below for age reduction factors). Your retiree health insurance credit will not be reduced if you are age 55, meet the Rule of 85, or are receiving NDPERS disability benefits.



For instance, if you are 55 years old at retirement and have 30 years of service, you will receive $135 towards your NDPERS health insurance because you meet your Normal retirement age. However, if you are 50 and have 29 years of service, your retiree health insurance credit will be $95.26 (29 x $4.50, reduced by 73 percent age reduction).

Your retiree health insurance credit will be applied automatically when you retire and participate in the Dakota Plan. To apply for health insurance coverage when retiring, complete a "**Retirement Kit SFN 53723**".

REDUCTION FACTORS:

Age at Retirement	Reduction Factor
54 to 55	3%
53 to 54	9%
52 to 53	15%
51 to 52	21%
50 to 51	27%

RETIREE HEALTH INSURANCE CREDIT OPTIONS

Under the **Standard Option**, upon your death, your retiree health insurance credit will be transferred to your surviving spouse if your surviving spouse receives a monthly payment from NDPERS and participates in the Dakota Plan. He or she can use the health insurance credit for as long as the benefit payments continue.

Under the **Alternate Health Credit Options**, if you are married and choose a Single Life, Ten or Twenty Year Term Certain, or Social Security Level Income retirement option, you have the opportunity to elect an alternate form of retiree health insurance credit. You may choose an actuarially reduced 50% or 100% Joint & Survivor retiree health credit option that applies only to the health credit portion of your retirement benefits.

The alternate option is actuarially reduced based upon your age and the age of your spouse. If you elect an alternate health credit option, upon your death, your surviving spouse will receive a health insurance credit amount, if covered by the NDPERS health insurance plan, for the spouse's lifetime.

SEE RETIREE HEALTH INSURANCE CREDIT PROGRAM EXAMPLE ON NEXT PAGE.

Retiree Health Credit Program Example

Member's Age: 52

Spouse's Age: 50

Service Credit: 20 Years

Benefit Calculation

$4.50 X 20 Years = $90.00

X 85% Age Reduction for Early Retirement

= $76.50 Reduced Health Credit

RETIREMENT BENEFIT OPTION	HEALTH CREDIT OPTION	MEMBER'S BENEFIT	SURVIVING SPOUSE BENEFIT
Single Life	Standard	$76.50	$ 0.00
	50% J/S	$71.33	$35.66
	100% J/S	$66.83	$66.83
50% J/S	Standard	$76.50	$76.50**(only option available)**
100% J/S	Standard	$76.50	$76.50**(only option available)**
20 YR T/C	Standard	$76.50	$76.50*
	50% J/S	$71.33	$35.66
	100% J/S	$66.83	$66.83
10 YR T/C	Standard	$76.50	$76.50*
	50% J/S	$71.33	$35.66
	100% J/S	$66.83	$66.83

*Surviving Spouse receives this amount only for as long as a monthly benefit is payable.

DEATH BENEFITS

The Public Employees Retirement System provides a death benefit for members who die before they terminate employment.

NOT VESTED

If you are not “vested” in the defined benefit plan at the time of your death, your member account balance will be paid in a single lump sum payment to the beneficiaries you have indicated. If your designated beneficiary is your spouse, he/she can elect to have your member account balance paid directly to them or have the funds rolled over directly into an IRA or other qualified plan.

VESTED AND MARRIED

If you are vested in the defined benefit plan, married and you have designated your surviving spouse as your primary beneficiary; your spouse will be able to choose from one of the following payment options:

- A single lump sum payment (refund/rollover) of your member account balance.
- 60 monthly payments in an amount equal to what you would have received as a Single Life Retirement Benefit
- Monthly payments of one-half of your Single Life Retirement Benefit for your spouse’s lifetime.
- Monthly payments in an amount equal to your accrued 100% Joint and Survivor retirement benefit (available only if you have reached your normal retirement date prior to your date of death).

If your surviving spouse elects to receive a monthly retirement benefit, he or she may make use of the retiree health insurance credit you earned as an active member. This credit is only available:

- if applied to NDPERS Dakota Plan health insurance premiums
- to surviving spouses
- as long as the surviving spouse receives a monthly retirement benefit from NDPERS

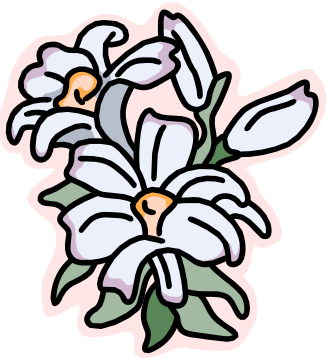
If your surviving spouse elects to receive a monthly retirement benefit, he or she may be eligible to participate in the NDPERS group vision, dental and long-term care insurance plans.

VESTED AND SINGLE

If you are vested at the time of your death, but are single, or your spouse has consented in writing to waive any right to a death benefit, your member account balance will be refunded in a single lump sum payment to your beneficiary or beneficiaries on record. If you die and have no beneficiary on record, your member account balance will be refunded to your estate.

BENEFICIARY REQUIREMENTS

If you are vested, married, and have listed someone other than or in addition to your spouse as your primary beneficiary, your spouse's written consent is required. Please be advised, that if your primary beneficiary election is someone in addition to or in lieu of your spouse, there is no monthly pre-retirement death benefit provision. Always keep your beneficiary designation current.



BENEFIT COUNSELING

Individual benefit counseling is available at the NDPERS office. If you would like a counseling appointment, please make an appointment before coming to the NDPERS office.

PRE-RETIREMENT SEMINARS

This service is available through NDPERS for employees and their spouses. The program not only addresses crucial issues to be considered in planning, but also provides an informational base from which to work. Topics include financial planning, NDPERS benefits, Social Security benefits, and Legal Aspects of Retiring. The seminars must be sponsored by an employer for a minimum of 20 participants, with a suggested maximum of 40 NDPERS members plus spouses. Coordinating the program is the responsibility of the employers, although employers may co-sponsor a seminar. The cost of the program materials is split between the employer and NDPERS. Seminars are approximately eight hours in duration and can be scheduled Monday through Friday during normal business hours. Your payroll/personnel office has received more detailed information on this program.

CONFIDENTIALITY LAW

All records of a member or beneficiary are confidential and not public records. Information and records may be disclosed under limited circumstances:

- A person to whom a member/beneficiary has given written consent.
- A person legally representing the member/beneficiary upon proper proof of representation, unless member/beneficiary withholds consent.
- A person authorized by court order.
- A member's spouse or former spouse, that individual's legal representative, and the judge presiding over the member's dissolution of marriage proceedings for the purpose of drafting a **Qualified Domestics Relations Order**.
- A member's participating employer's authorized agent, under limited circumstances.
- A member's designated beneficiaries after the member's death. Information relating to beneficiaries may be disclosed to other beneficiaries of the same member.

- The general public, but only after the board has been unable to locate the member for a period in excess of two years, and limited to the member's name and the fact that NDPERS has been unable to locate the member.
- Any person whom the NDPERS board determines disclosure is necessary for treatment, operational, or payment purposes, including the completion of necessary documents.

A penalty for disclosure of confidential information is a Class C felony which includes a five-(5) year prison term and a $5,000 fine (N.D.C.C. 12.1-13-01).

QUALIFIED DOMESTIC RELATIONS ORDERS

The NDPERS Board may approve the equitable distribution of a members retirement benefits in divorce if certain requirements are met. If applicable, your attorney should contact the NDPERS office to obtain a copy of the latest requirements prior to beginning or constructing a domestic relations order (a **copy** can be obtained on the NDPERS website). After a domestic relations order is deemed to be qualified, retirement benefits must be paid in accordance with any Qualified Domestic Relations Order (QDRO) issued in compliance with North Dakota Century Code Chapter 54-52-17.6, and North Dakota Administrative Code Chapter 71-02-10.

Benefits are payable at the earlier of the member's date of termination or when the member reaches early retirement age. Although domestic relations orders may be entered and approved prior to a member's retirement or termination, no monies can be paid out until the member's account is in pay status or the member is eligible for early retirement.

If you contact NDPERS regarding information about your account in relation to a divorce, please alert NDPERS staff so your information request can be provided in the proper format.

GLOSSARY

Air National Guard, Security Police and Firefighters Retirement System

A retirement fund for the Air National Guard, Security Police and Firefighters that promises to pay a specified amount or benefit to each person who retires after a specified number of years of service. Contributions are normally made by employers, sometimes by employees, and sometimes both. The investment risk under such a plan rests with the plan sponsor since the sponsor must make up any deficiency in assets necessary to buy the promised benefit.

Benefit Multiplier

A percentage of final average salary used in calculating your retirement benefit.

Correctional Officer

A person who has completed a correctional officer course approved/certified by the North Dakota Department of Corrections and Rehabilitation and is employed by a correctional facility as defined in N.D.C.C. Chapter 12-44.1.

Dakota Plan Health Insurance

The uniform group health insurance plan as provided in N.D.C.C. 54-52.1.

Deferred Compensation

A supplemental retirement savings program allowing you to defer income on a “before tax” basis, under the provisions of the Internal Revenue Code Section 457.

Defined Benefit Plan – Main System (NDPERS)

A plan that promises to pay a specified amount or benefit to each person who retires after a specified number of years of service. Contributions are normally made by employers, sometimes by employees, and sometimes both. The investment risk under such a plan rests with the plan sponsor since the sponsor must make up any deficiency in assets necessary to buy the promised benefit.

Dual Membership

For the purpose of determining eligibility for benefits, if you have a retirement account with NDPERS, NDTFFR, TIAA-CREF (ND University System Only) or NDHPRS, the total of those years of service can be used to achieve vesting and the Rule of 85 sooner.

Elected Officials

Any person who is elected to a position with a participating employer.

Eligible Employee

All permanent employees who meet all of the eligibility requirements set by Chapter 54-52 of the North Dakota Century Code and who are eighteen years or more of age, including employees of the judicial branch and the board of higher education, appointive and elective officials who elect to remain members of the defined benefit system.

Employee Contribution

Monthly payment of 4 percent of an eligible employee's wages and salary, excluding overtime.

Employer Contribution

The monthly payment is variable and is based on an eligible employee's eligible wages and salaries, excluding overtime.

Final Average Salary

The highest 36 months out of the last 120 months worked. If less than 120 months are available, the highest 36 months will be taken from the available months.

Highway Patrol Retirement System (NDHPRS)

A retirement fund for sworn officers of the North Dakota State Highway Patrol that promises to pay a specified amount or benefit to each person who retires after a specified number of years of service. Contributions are normally made by employers, sometimes by employees, and sometimes both. The investment risk under such a plan rests with the plan sponsor since the sponsor must make up any deficiency in assets necessary to buy the promised benefit.

Judicial Retirement System (NDPERS)

A retirement fund for justices of the Supreme Court or judges of the District Courts of North Dakota that promises to pay a specified amount or benefit to each person who retires after a specified number of years of service. Contributions are normally made by employers, sometimes by employees, and sometimes both. The investment risk under such a plan rests with the plan sponsor since the sponsor must make up any deficiency in assets necessary to buy the promised benefit.

Law Enforcement Retirement System (NDPERS)

A retirement fund for correctional and peace officers of participating political subdivisions that promises to pay a specified amount or benefit to each person who retires after a specified number of years of service. Contributions are normally made by employers, sometimes by employees, and sometimes both. The investment risk under such a plan rests with the plan sponsor since the sponsor must make up any deficiency in assets necessary to buy the promised benefit.

Mandatory Participants

Any employee, who works a minimum of 32 hours per week for at least 20 weeks of the year, is at least 18 years old, and who fills a permanent, regularly funded position with a participating employer must participate.

Member Account Balance

Employee contributions, vested portion of employer contribution, plus interest. The amount of your account balance is reported to you once a year in August on your Annual Statement of Account.

Minimum Guarantee

The dollar amount guaranteed by the Plan to be paid as retirement benefits to the member or paid to the member's beneficiary if the member dies before receiving the guaranteed amount. This amount will be no less than your member account balance.

Peace Officer

A public servant authorized by law or government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.

Portability Enhancement Provision (PEP)

Provision in the defined benefit retirement program that allows members who participate in an approved deferred compensation plan to receive up to 4 percent of salary credited to their member account in addition to the 4 percent employee contribution. This corresponding PEP contribution is allocated to a member's account from the employer contribution received and earns interest monthly.

QDRO

Qualified Domestic Relations Orders.

Refund Distribution

You can choose to have your Member Account Balance paid directly to you. If you choose this option, only 80 percent of the taxable amount of your Member Account Balance is payable to you because NDPERS is required to withhold 20 percent of the payment for federal tax purposes. In addition, if you are under age 59 1/2, you may be subject to an additional 10 percent penalty for early withdrawal.

Retiree Health insurance Credit

An employer funded benefit available to all NDPERS retirees who participate in the Dakota Plan upon retirement. (The Dakota Plan is available to all retirees regardless of whether they participated while they were employed).

Rollover Contribution

Under limited circumstances, you may apply to roll over an account from another eligible plan for the purpose of purchasing service credit. Pursuant to IRS requirements, your funds must be certified by the financial institution as **pre-tax dollars** and must come from a 401(a), 401(k), 403(b), 457, traditional IRA, Federal Employee Retirement System Thrift Savings Plan, or 401(c) Keogh plan whose deposits came only from a qualified 401(a) or (k). The amount rolled over to NDPERS may not exceed the cost to purchase the retirement benefit portion of the purchase and must be made in a lump sum.

Rollover Distribution

You can choose to have all or a portion of your Member Account Balance directly rolled over into an IRA or another qualified Plan. If you have all or a portion of your Member Account Balance amount rolled over, any taxable amount not rolled over will automatically be mailed to you and subject to the taxes. The portion rolled over is not taxed until you take it out of the IRA or other qualified plan.

Rule of 85

A point in time where, if your age plus your years of service equal 85 or more, you can retire with no age reduction applied to your benefit, even though you are not age 65 yet.

Termination of Employment

Severance of employment by not being on the payroll of a NDPERS covered employer for a minimum of 31 (thirty-one) days. Approved leave of absence does not constitute termination of employment.

Termination of Participation

Termination of eligibility to participate in the retirement plan.

Teachers Fund for Retirement (TFFR)

A retirement fund for certified North Dakota teachers.

Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA-CREF)

A retirement fund for eligible persons employed by the ND Department of Higher Education.

Vested

To be vested means that you are legally entitled to a monthly benefit from NDPERS. You are vested after accumulating 3 years of consecutive years of service.

Uniformed Services Employment and Re-employment Rights Act (USERRA)

Federal legislation that provides protection to those veterans who were drafted or who enlisted during times of war and national conflict. These individuals may apply for retirement credit even though they were away from their regular employment.

Wages and Salaries

Means the member's earnings in eligible employment under this chapter which were reported as salary on the member's federal income tax withholding statements plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or 457.

Salary ***does not*** include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement incentive pay, severance pay, individual employee incentive benefits, medical insurance, workers compensation benefits, disability insurance premiums or benefits, or salary received by a member in lieu of previously employer-provided fringe benefits under an agreement between the member and participating employer. Bonuses maybe considered as salary under this section if reported and annualized to Rules adopted by the Board.

INDEX OF FORMS YOU MAY REQUEST FROM YOUR PERSONNEL/PAYROLL OFFICER OR OBTAIN ON-LINE

IF YOU ARE TRYING TO	OBTAIN THIS FORM
Change your address	**Notice of Change SFN 10766**
Change your name	**Notice of Change SFN 10766**
Change your marital status	**Notice of Change SFN 10766**
Change your beneficiary for retirement benefits	**Designation of Beneficiary SFN 2560**
Notify NDPERS of your retirement and election to receive a monthly benefit	**Retirement Kit SFN 53723**
Notify NDPERS of your termination of employment and application for disability benefits	**Disability Retirement Kit SFN 53726**
Notify NDPERS of your termination of employment and election to withdraw retirement money	**Refund/Rollover Kit SFN 53725**
Notify NDPERS of your termination of employment and election to directly rollover your retirement funds	**Refund/Rollover Kit SFN 53725**
Notify NDPERS of your termination of employment and election to defer distribution of your retirement account to a later date	**Deferred Retirement Kit SFN 53724**

REFUND/ROLLOVER CHECKLIST

Suggested procedure for terminating employees who wish to cash out of NDPERS

- Before leaving employment, see your payroll officer or the NDPERS website for a **Refund/Rollover Kit SFN 53725**.

- Be sure to read all the information contained Refund/Rollover Kit SFN 53725 very carefully before completing any forms.

- Be sure all the applicable forms in the Refund/Rollover Kit SFN 53725 are fully and accurately completed. Incomplete or incorrectly completed forms may cause a delay in issuing funds from NDPERS.

- If you wish to have your payment directly deposited into your checking or savings account, you and your financial institution must complete the Direct Deposit Authorization SFN 53802. You must return the Direct Deposit Authorization SFN 53802 by the 10th of the month prior to the month in which the payment will be made. Direct Deposit Authorization SFN 53802 received after the 10th may be delayed and payment may be sent one month later.

- If you are having your NDPERS retirement account directly rolled over into an IRA or eligible employer plan, be certain the other Plan/Financial Institution will accept a direct rollover of your NDPERS retirement account before submitting your forms to NDPERS.

- If you wish, call the NDPERS office for a statement of your member account balance. (Please allow at least a week after your inquiry for a written statement.) You may view your monthly account balance through the NDPERS on-line services.

- Before leaving employment, check with your payroll officer to make sure your completed Refund/Rollover Kit SFN 53725 has been sent to the NDPERS office.

- Be sure your address is correct with the NDPERS office. NDPERS staff must send all benefit information to your last recorded address and cannot make address changes over the telephone. *Please submit any address changes in writing or complete a "**Notice of Change SFN 10766**".*

RETIREMENT CHECKLIST

Suggested procedures for retiring employees who wish to draw monthly benefits from NDPERS.

At least six (6) months prior to retirement:

* Request a benefit estimate from the NDPERS office. Complete and submit a "**NDPERS Request for Benefit Information SFN 53603**" or view through NDPERS on-line services.

* Review:

  - retirement options and amount of benefits
  - date pension payment begins
  - direct deposit policy of pension check
  - taxes on pension benefit

* Review completion of:
  - any service credit purchases
  - unused sick leave purchases

* Review participation in NDPERS:
  - health insurance plan/retiree health insurance
  - dental insurance
  - vision insurance
  - long-term care plan

* Review continuation of term life insurance (if applicable)

* Review return to work provisions

* Have realistic plans for day-to-day living in retirement

* Review what your financial needs will be after retirement. Be sure to consider your long range financial requirements

Three (3) months prior to retirement, register with your Social Security office (if you are 62 or older)

Sixty (60) days prior to retirement date:

- submit a completed "**Retirement Kit (SFN 53723)**"
- indicate whether or not you will be purchasing sick leave for service credit on your retirement application
- submit photocopy of birth record with application (if married, submit copy of spouse's birth record and marriage certificate)
- check with your payroll office on accrued vacation and sick leave pay available