



**North Dakota
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Memorandum

TO: Defined Benefit Plan Participating Employers

FROM: NDPERS Benefits Division

SUBJECT: Re-elected, Newly Elected and Appointed Officials

-- REMINDER --

As many of our employers have newly elected and appointed officials filling positions effective each December or January, we felt it would be beneficial to have this reminder regarding eligibility to participate in the NDPERS Defined Benefit Plan. Outlined below is the eligibility information for this plan.

Mandatory Participation Requirements

If an employee works a minimum of 20 hours per week for 20 or more weeks of the year, is at least eighteen years of age, filling a permanent position that is regularly funded and not of limited duration, and are not a non-classified state employee, he/she must participate in the defined benefit plan unless he/she waived participation in writing when your employer joined NDPERS.

For mandatory participation requirements for the Law Enforcement Plan, please review the "[Law Enforcement Retirement Plan Brochure](#)".

If an employee meets the above requirements and is a non-classified state employee, she must elect to participate in either the defined benefit plan or the defined contribution plan. The employee should be [enrolled](#) the first month of eligible employment, even when hired subject to a probationary period. There is no maximum age limit applicable for enrollment purposes.

Participation Requirements for State Elected and Appointed Officials

State officials elected on or after December 31, 1999, who meet the mandatory participation requirements may [enroll](#) or [waive](#) participation in the defined benefit plan within the first 6 months of their term. If the state official elects to join NDPERS they must be a participating member of the defined benefit plan unless an election is made within six months to join the defined contribution plan.

State appointed officials initially appointed on or after July 1, 1979 must be participating members of the defined benefit plan. The state appointed official must be a participating member of the defined benefit plan unless an election is made within six months to join the defined contribution plan.

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 6 months of their term. All other elected officials who meet the above mandatory participation requirements must be enrolled in defined benefit plan within the first 6 months of their term.

Participation Requirements For Other [Non-State] Appointed Officials

Officials of all other participating employers appointed on or after August 1, 1999, who meet the above mandatory participation requirements must be [enrolled](#) in the defined benefit plan effective with the first month of taking office.

Optional Participation Requirements

If an employee is at least eighteen years old, and is not covered under the above provisions, he/she may [elect](#) to participate in NDPERS within the first 180 days of employment, or within 180 days of changing to part-time or temporary employment.

Please make sure that you review these eligibility requirements with any officials beginning employment with your agency or political subdivision. Please also review these eligibility requirements with any officials that have been re-elected and are not in the Defined Benefit Plan and that may be eligible. If you have any questions or concerns, please contact our office.