

**MEMORANDUM OF UNDERSTANDING
STATE RETIREMENT PLAN**

WHEREAS North Dakota Century Code (N.D.C.C.) § 54-52-02.9 provides temporary employees the opportunity to elect, within one hundred eighty days of beginning employment or change in employment from permanent to temporary, to participate in the State Retirement Plan administered by the Public Employees Retirement System (NDPERS).

WHEREAS NDPERS requires temporary employees to waive their opportunity to participate in the State Retirement Plan in writing and for participating employers to forward that waiver to NDPERS.

WHEREAS NDPERS keeps and maintains a record of temporary employee waivers of participation in order to document that temporary employees are provided notice of the employees opportunity to participate pursuant to N.D.C.C. § 54-52-02.9.

WHEREAS the _____ (Employer) hires a number of temporary employees.

WHEREAS it is administratively difficult for the Employer to forward individual waiver requests for all of its temporary employees to NDPERS.

THEREFORE, the Employer and NDPERS hereby agree that the employer shall provide temporary employees notice of the opportunity to participate in the State Retirement Plan pursuant to the provisions of N.D.C.C. § 54-52-02.9 and to document those temporary employees waiving such participation. The Employer shall maintain such documentation for a period of six years. The employer shall allow NDPERS the opportunity, from time to time, to review any and all records relating to temporary employee participation in the State Retirement Plan.

Dated and effective this _____ day of _____, 20__.

Sparb Collins, Executive Director
North Dakota Public Employees
Retirement System

Executive Personnel/Contracting Authority

Employer

NDPERS Organization Id

PART-TIME/TEMPORARY EMPLOYEES PARTICIPATION IN THE STATE RETIREMENT PLAN

A part-time/temporary employee who does not qualify for mandatory participation in the retirement plan may elect to participate in NDPERS, at their own cost, within the first 180 days of employment, or within 180 days of changing to part-time or temporary employment. A part-time/temporary employee may not participate in NDPERS if you are covered by another employer-sponsored plan. This applies to both private and public pension funds.

An Agreement/Waiver of Participation for Optional Retirement plan must be completed within the first six (6) months of hire for all temporary and part-time employees who do not qualify for mandatory participation. It must also be completed for an employee whose job status is changing from permanent employment to temporary/part-time employment to indicate whether they will participate or decline to participate in the retirement plan. Failure to enroll in NDPERS will result in an irrevocable waiver of participation.

Applicable forms:

SFN 17627-Agreement/Waiver of Participation for Defined Benefit Optional Retirement Plan

SFN 54366-Agreement/Waiver of Participation for Defined Contribution Optional Retirement Plan