

**CHAPTER 71-08-10
PERMANENT EMPLOYEE PARTICIPATION**

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71-08-10-01. Permanent employee participation.

1. Under this chapter "eligible employee" means a permanent employee who:
 - a. Meets all the eligibility requirements set by North Dakota Century Code chapter 54-52;
 - b. Is at least eighteen years of age;
 - c. Becomes a participating member after December 31, 2024; and
 - d. Is not eligible to participate in the national guard plan, bureau of criminal investigation plan, public safety plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under subsection 6 of North Dakota Century Code chapter 15-10-17 for employees of the board of higher education or state institutions under the jurisdiction of the board of higher education.
2. Effective January 1, 2025, the public employees retirement system defined benefit main plan maintained for employees is closed to new eligible employees. However, an employee who first becomes a participating or deferred member under North Dakota Century Code chapter 54-52 before January 1, 2025, remains in the defined benefit retirement plan under North Dakota Century Code chapter 54-52, regardless of being rehired after December 31, 2024.
3. Except as otherwise provided under this section and section 71-08-02-03, effective January 1, 2025, an eligible employee who begins employment with an employer as defined under subsection 6 of North Dakota Century Code chapter 54-52-01 shall participate in the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6 as provided under North Dakota Century Code chapter 54-52.6-02.1.
4. This section does not impact an employee to the extent the employee is a participating member in one or more of the following enumerated plans: national guard plan, bureau of criminal investigation plan, public safety plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under subsection 6 of North Dakota Century Code chapter 15-10-17 for employees of the board of higher education or state institutions under the jurisdiction of the board of higher education.
 - a. A participating or deferred member in the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6 who becomes eligible to participate in a plan enumerated under subsection 4 shall cease participation in the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6 and commence participation in the retirement plan enumerated under subsection 4.
 - b. Unless subsection 2 applies, a participating member of a retirement plan enumerated under subsection 4 who ceases participation in that plan and becomes an eligible employee under the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6 shall participate in the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6.
5. An eligible employee must be enrolled in the plan within the first thirty days of employment.

History: Effective January 1, 2025; amended effective July 31, 2025; January 1, 2026; July 1, 2026.

General Authority: NDCC 54-52-02.15, 54-52-04

Law Implemented: NDCC 54-52-02.15, 54-52.6-02, 54-52.6-09

71-08-10-02. Contribution.

1. A participating member who first joined the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6 after December 31, 2024, except for an employee who elects to participate in the defined contribution retirement plan under North Dakota Century Code section 54-52.6-02.2, shall contribute monthly four percent of the monthly salary or wage paid to the participating member. In addition, the participating member may elect, within thirty days of beginning employment, to contribute monthly to the defined contribution retirement plan under North Dakota Century Code chapter 54-52.6 up to an additional three percent of the monthly salary or wage paid to the participating member. All additional contributions must be in whole percentages.
2. A participating member's election for additional contributions under subsection 1 is a one-time, irrevocable election as long as the individual is a participating member with any participating employer.

History: Effective January 1, 2025.

General Authority: NDCC 54-52-04; IRC 414(h)(2), Rev. Rul. 2006-43

Law Implemented: NDCC 54-52-02.15, 54-52.6-09

71-08-10-03. Designation of beneficiary.

A member may designate a beneficiary or beneficiaries by filing such designation with the office. A member has the right to change the member's designation of beneficiary without the consent of the beneficiary, but no such change shall be effective or binding unless it is received by the office prior to the death of the member. If a vested, married member designates a beneficiary other than or in addition to spouse, the member's spouse's consent must be obtained before benefits can be paid other than to the member's spouse. For the purpose of this section, "member" means a participating member, a deferred member, or a retiree.

History: Effective January 1, 2025.

General Authority: NDCC 54-52-04, 54-52.6-11

Law Implemented: NDCC 30.1-05-02, 54-52-02.15, 54-52.6-09