

North Dakota Public Employees Retirement System

FlexComp Employer Guide

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INTRODUCTION

For each new permanent and temporary employee, the authorized agent must complete the online "Setup New Employee". See your PERSLink Employer Self Service Guide.

Did you know that employees can complete their benefit plan enrollment(s) using PERSLink Member Self Service (MSS)?

PERSLink MSS provides online access to benefit information, the ability to complete benefit enrollments and changes, as well as updating personal profile information instead of completing paper forms and submitting to NDPERS.

Enrollments & Qualified Change in Status

If You Are Trying To:	Use the
Enroll a new employee in the FlexComp Plan	New Hire Guide and Forms
Change an election amount, or enroll or discontinue participation based on a qualified change in status event	FlexComp Change in Status-SFN 53511

Leave of Absence

Report employee payment of FlexComp contributions during leave of absence	FlexComp Change in Status-SFN 53511 *Refer to the Leave of Absence Employer Guide for NDPERS Insurances
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Separation of Employment

Notify NDPERS of an employee's separation of employment	Submit "Terminate Employee" request through Employer Self Service Provide employee the appropriate separation of employment guide and forms.
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Notice of Transfer

Report an employee transferring to another agency	Notice of Transfer Guide and Forms
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Request Reimbursement

Medical Spending Account Dependent Care Account Also review information for products and services that may have both a medical purpose and/or general health purpose.	ASIFlex web site at www.asiflex.com (must set up account with user name and password)
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FLEXCOMP ENROLLMENT SFN 53851

Eligibility Requirements

The FlexComp Plan is available to eligible employees of the State of North Dakota, participating District Health Units, and members of the Legislative Assembly. Employees of the university system and political subdivisions do not participate in the plan. To be eligible, an employee must be 18 years of age, work at least 20 hours per week for at least (20) weeks per year and be in a permanent position that is regularly funded and not of limited duration.

*New eligible employees will be permitted to enroll within 31 days of their hire date. The effective date of participation is effective when the first contribution is received by NDPERS. Participation is limited to expenses incurred from the effective date through the end of the plan year on December 31.

***The enrollment effective start date should be based on your ESS Benefit Enrollment Report (effective date listed should be first paycheck the deduction occurs on [or nearest paycheck after that date]).**

FlexComp Benefits

The FlexComp Plan is a tax favored plan established and administered under Section 125 of the Internal Revenue Code. It allows employees to save taxes on the amount they pay for eligible payroll deducted insurance premiums, medical and dependent care expenses. The FlexComp Plan is administered by the North Dakota Public Employees Retirement System (NDPERS). Benefit information for the FlexComp Plan can be found in the [FlexComp Plan Document](#).

Salary reductions as a result of FlexComp participation reduce an employee's gross salary for Federal, State, and FICA tax. However, retirement contributions are still based on the employee's gross salary. Employees may elect to participate in any combination of the three pre-tax accounts.

1. **Premium Conversion** allows the employee to pay, with pretax dollars, premiums for various insurance programs available for payroll deduction through their employer.

The following plans are administered by NDPERS and the premiums are eligible for pre-tax deduction:

Delta Dental Insurance
Superior Vision Insurance

Voluntary insurance product premiums eligible for pretax payroll deduction are:

AFLAC - Cancer, Hospital Confinement, Hospital Intensive Care, Accident, Lump Sum Critical Illness, and Specified Health Event. Disability products and the dental, vision & life insurance plans are not eligible for pre-tax payroll deduction.

Central United - Cancer

Colonial Life – Cancer, Accident, & Medical Bridge. Disability, Critical Illness, and Life Insurance plans are not eligible for pre-tax payroll deduction.

Total Dental Administrators (TDA) – Elite Choice Dental

USAbLe Life – Cancer, Accident, Hospital Confinement

Elections to pre-tax premiums must be made annually and do not carry over to a new plan year.

Premiums for the voluntary products that are not eligible for pre-tax treatment include disability products and disability riders to cancer policies [unless tax reporting procedure have been adopted by the company], long-term care insurance, whole life insurance policies, dental, vision and life policies, and employee supplemental life premium in excess of \$50,000 and any dependent or spouse supplemental coverage.

If the employee elects to pretax an insurance premium, they may not change or drop coverage during the plan year unless they experience an IRS Qualified Change of Status.

NDPERS Group Life Plan – The employee supplemental life insurance premium up to the first \$50,000 of coverage is a pre-tax deduction unless the employee declines this action by electing this on either the FlexComp Enrollment-SFN 53851 form or on Member Self Service (MSS) in the Life Insurance wizard.

2. Medical Spending Account

An employee may redirect a portion of their salary for eligible medical expenses up to the NDPERS Board approved limit. Requests for reimbursement from a medical spending account will be paid throughout the plan year according to the employee's total annual election amount.

3. Dependent Care Account

An employee may redirect a portion of their salary up to a maximum limit based upon approval by the NDPERS Board for a single parent, for a married couple filing a joint tax return or for a married person filing a separate tax return. Requests for reimbursement from a dependent care account will be paid according to the dollars available in the employee's account to date.

Dependent Care Account vs. Dependent Care Tax Credit

The dependent care account is an alternative to the employee taking a dependent care tax credit on their income tax return. The employee must choose whether to take the tax credit or enroll in a dependent care account. The IRS will not allow two tax breaks on the same expenses.

The income level of the employee or the employee and their spouse, if married, will determine whether the dependent care account or the income tax credit is more favorable. This is for general information only and is not intended to provide specific advice or recommendations. The employee must consult their accountant or tax advisor with regard to their individual situation.

Payments made from a dependent care account are not taxable, but the amount redirected will appear on the employee's W-2 form. This will inform the IRS that the employee has received a tax break on their dependent care expenses. The employee is required to file Form 2441 with their tax return.

Current participants in the Dependent Care FSA may also be eligible for the [Working Parents Child Care Relief \(WPCCR\)](#). Eligible expenses claimed under the Dependent Care FSA cannot be claimed again under the WPCCR. Approval of the WPCCR program is a qualifying event to change dependent care FSA pledge if the change request is submitted within 31 days.

New Hire Enrollment

Agencies Using the PeopleSoft Payroll System

Setting up the FlexComp record in PeopleSoft Benefits Administration

The new hire event is created when you set up the employee's job data. If the employee's participation in the FlexComp plan will start with their first paycheck, and you receive the form in time to enter it for their first paycheck, then use the new hire event to enroll the employee in medical spending or dependent care account. If the form is received after the employee has already received their first paycheck, then the participation date will be the 1st of the following month. Use a manual PRN event, with an event date equal to the 1st of the following month, to enroll the employee in a medical spending or dependent care account. Confirm the deduction set-up with the ESS Benefit Enrollment Report to ensure deductions match NDPERS system. Contact NDPERS with discrepancies.

Return to Employment

If an individual returns to employment after more than thirty (30) days he/she will not be eligible to participate in the Pre-tax premium benefit, the Qualified Health Care Expense account or the Qualified Dependent Care Expense account for the remainder of the Plan Year.

If participation terminated due to a separation from employment and the employee returns to state employment within 30 days in the same plan year, their election may be reinstated as it was immediately prior to the separation of service.

Agencies With Their Own Payroll System

Set up the employee pre-tax payroll deductions and submit payments to NDPERS.

FLEXCOMP CHANGE IN STATUS SFN 53511

FlexComp Change in Status-SFN 53511 must be completed and submitted to NDPERS within 31 days of the change in status event.

IRS Qualified Change in Status Events

In most circumstances, an employee's annual election amounts or any insurance premiums they are having payroll deducted cannot be changed. An employee may change their election if they have a qualifying life event and the election change is consistent with the event prompting the change.

Qualifying life events that may allow an employee to change their election include:

1. The employee's legal marital status changes through marriage, divorce, death, legal separation or annulment.
2. The employee's number of dependents changes because of birth, adoption (or placement for adoption), or death.
3. There is a change in the employee's employment status or the employment status of their spouse or any dependents. The employment status change must affect eligibility under this plan or a plan maintained by the employer of their spouse or dependent due to commencement or termination of employment or a change from full-time to part-time or part-time to full-time employment. The election change must correspond with the gain or loss of coverage.
4. An employee's spouse or dependent gains eligibility for medical flexible spending account or health insurance through their employer. An employee may only decrease or terminate participation in the medical flexible spending account coverage with this qualifying event.
5. An employee's dependent satisfies or ceases to satisfy the requirements of the Flexcomp Plan. This may allow the employee to make a corresponding change to increase or where appropriate, decrease coverage under this plan for the dependent.
6. An employee is served with a judgment, decree or court order (must provide documentation to NDPERS). This includes divorce, legal separation, annulment, or change in legal custody. The election change must be consistent and correspond to the court order.
7. The employee's spouse, or any of their dependents, become eligible or lose eligibility for coverage under Medicare or Medicaid. The election change must correspond with the gain or loss of coverage.
8. The employee's dependent care expenses change due to a provider rate change. This includes both increases and decreases in expenditures. However, the provider must not be the employee's relative. The new pledge amount cannot be reduced to less than what has already been paid into the flexcomp account.
9. Change in dependent care provider. The employee may make an election change to reflect the cost of the new provider. The new pledge amount cannot be reduced to less than what has already been paid into the flexcomp account.
10. For employees who go on leave of absence, military leave, or a leave covered by the Family and Medical Leave Act (FMLA), please refer to the [Leave of Absence Employer Guide](#) for guidance on a member's flexcomp options.

A change in election is allowable and consistent with IRS regulations only if the change in status results in the employee, or their spouse or dependent, gaining or losing eligibility for coverage under the employer's plan. The election change must correspond with the gain or loss of coverage.

If the change in status event is the birth of a child and the employee is a participant in the plan at the time of birth, the effective date of coverage is the first of the month in which the child was born. If the

change in status event is the birth of a child and the employee is not a participant in the plan at time of birth, the effective date of coverage is when the first payroll contribution is received.

If the change in status event is for reasons other than the birth of a child and the employee is a participant in the plan, the effective date of coverage is the first appropriate pay period after the election is received and approved.

If an employee is not enrolled in the Plan prior to the change in status event, the effective date of coverage is the date the first payroll contribution is received.

Upon receipt of the form, NDPERS will review the change in status request and send the employee notification indicating request is either approved or denied.

Important – Agency Payroll/Human Resource Staff – Do not make any changes to employee benefit record or change pre-tax deductions until you receive notification from NDPERS. The enrollment effective start date should be based on your ESS Benefit Enrollment Report (effective date listed should be first paycheck the deduction occurs on [or nearest paycheck after that date]).

Agencies Using the PeopleSoft Payroll System

Entering the FlexComp Change in Status on PeopleSoft Benefits Administration

To enter new enrollments or changes in annual pledge amounts, use a manual PRN event with an event date equal to the Approved Effective Date. Enter the annual pledge amount(s) for the medical spending or dependent care accounts.

To terminate coverage for employees who elect not to participate while on leave, use a manual PRT event with an event date equal to the last date deductions were received. (Example: if employee went on leave March 15 and received their last paycheck April, the event date would be April 1). Remove the FSA option and annual pledge amount from the election entry page.

To reinstate coverage for employees who elected not to participate while on a leave, use a manual PRN event with an event date equal to the Approved Effective Date. Enter the annual pledge amount(s) for the medical spending or dependent care accounts.

Agencies With Their Own Payroll System

Set up or change employee pre-tax payroll deduction based on information received from NDPERS and submit payment to NDPERS.

**CONTINUATION OF COVERAGE IN A MEDICAL SPENDING ACCOUNT (COBRA)
SFN 53512**

Separation from Employment

**Agencies Using the Peoplesoft Payroll System
Terminating FlexComp due to Separation from Employment for agencies on PeopleSoft
Benefits Administration System**

A termination event will be created when the employee's termination date is entered in job data. Processing the termination event will stop the FlexComp medical and dependent care deduction from being taken from the employee's last paycheck. In order for the deductions to be stopped, the termination event must be finalized/closed before the employee's last paycheck is issued.

Agencies With Their Own Payroll System

Will remove the pre-tax payroll deduction from the payment to NDPERS.

Return to Employment

If an individual returns to employment after more than thirty (30) days but in the same plan year, he/she will not be eligible to participate in the Pre-tax premium benefit, the Qualified Health Care Expense account or the Qualified Dependent Care Expense account for the remainder of the Plan Year.

If participation terminated due to a separation from employment and the employee returns to state employment within 30 days in the same plan year, their election must be reinstated as it was immediately prior to the separation of service.

COBRA Continuation – Medical Spending Account:

If an employee separates from employment they will be offered COBRA continuation coverage through the end of the plan year. The employee will have sixty (60) days from the date of the COBRA notice to elect continuation coverage and complete the Continuation of Coverage in Medical Spending Account (COBRA)-SFN 53512. Unless an employee elects COBRA, their coverage will end on the last day of the month of the separation of service.

If the employee becomes widowed, divorced, or legally separated or their dependent child ceases to be a dependent under the terms of the Plan, their spouse or dependent(s) may have the right to continuation coverage. It is the responsibility of the person seeking continuation coverage to inform NDPERS within 60 days of the occurrence of the event.

Returning to NDPERS employment: If participation terminated due to a separation from employment and the employee returns to state employment within 30 days in the same plan year, their election must be reinstated as it was immediately prior to the separation of service. If the employee returns to state employment after 30 days in the same plan year, they cannot participate for the remainder of the plan year.

COBRA Premium Payment Options

- **Pay with Pre-tax Dollars**
Employees who elect COBRA continuation coverage are permitted to pre-tax their COBRA premiums and pre-pay the premium through the end of the current plan year from their final

paychecks. However, a lump sum payout of sick leave and/or annual leave is not considered a paycheck and therefore, the deduction cannot be withheld from this type of payout.

Upon receipt of the form, NDPERS will send the agency contact, Office of Management and Budget (OMB), and the employee notification of the Flexcomp COBRA premium payment.

Agencies using the PeopleSoft Payroll System will set up a one-time pre-tax deduction to pay employee COBRA premium through the end of plan year.

Agencies with their own Payroll System will set up one-time pre-tax payroll deduction to pay employee COBRA premium through the end of the plan year and submit payment to NDPERS.

Supplemental payroll may not be used to deduct the COBRA premium.

- **Pay with After Tax Dollars**

COBRA payments may also be paid by the employee with after-tax dollars by personal check or money order through the end of the plan year. Coverage may terminate earlier if the premiums are not paid within 30 days of the 1st business day of each month.

If an employee elects to pay for COBRA continuation coverage with after-tax dollars, the premium will be the election amount in effect at separation plus a 2% administrative charge.

Dependent Care Account

If an employee separates from employment their contributions will cease and payroll deductions will stop at the end of the month of their termination date. There is no COBRA continuation option. The employee may continue to file claims for qualifying expenses incurred during the plan year until they have been reimbursed the remaining balance in their account.

The final day for accepting claims for the Plan Year from either an employee's medical spending or dependent care account, for services received while the employee was a participant, is four months after the plan year ends on December 31, or until April 30.

Returning to NDPERS employment: If participation terminated due to a separation from employment and the employee returns to state employment within 30 days in the same plan year, their election must be reinstated as it was immediately prior to the separation of service. If the employee returns to state employment after 30 days in the same plan year, they cannot participate for the remainder of the plan year.

MEMBER TRANSFERS

All instructions, terms and conditions are in the NDPERS Notice of Transfer Guide.

If the employee will begin employment with a new participating agency within 31 days from the date of employee's last regular paycheck with your agency, both the employee and the authorized agent must review a Notice of Transfer Guide and Forms.

Administrative Code Chapter 71-02-01-01(24): "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.

Often employees will terminate their position with an employer participating in NDPERS and take a job with another employer who is also participating in NDPERS.

- **When an employee transfers from one participating employer to another, the new employer is responsible for submitting the premium for the first of the month following the month of employment.**

If employee transfers employment from one participating employer to another participating employer without termination of employment, the former employer should provide termination notification to NDPERS just as any other employee who is leaving employment. New employer should provide notice of new hire just as any other new hire.

The Benefit Enrollment Specialists will transfer over flexcomp enrollment from the former employer to the new employer if that same benefit is available under the new employer. No change in yearly pledges will be allowed unless there is an IRS qualified change in status.

With the new employment, the employee may be newly eligible for insurance benefits that were not available with the previous employer. New employer must offer these newly eligible benefits to the employee. Employee must make application within 31 days of new hire/transfer date if enrolling.

Employers are not required to complete the Notice of Transfer SFN 53706 as the employment updates should be provided to NDPERS similar to all other terminations and hires. The Notice of Transfer form is for the benefit of the new employer to review enrolled benefits with the former employer to determine what NDPERS benefits need to be offered to the employee as a New Hire.

Former and new employers must complete **Transfer of Unused Sick Leave Verification – SFN 53404** if it is known that the employee is transferring.

FILING PROCEDURE: Original to NDPERS – Please retain a photocopy for your records.

REPORTING FLEXCOMP CONTRIBUTIONS & FICA TAX

Chapter **54-52.3-03** of the North Dakota Century Code requires that the FICA tax savings be remitted to defray expenses of administering the program.

Agencies on the PeopleSoft Payroll System

The Section 125 administrative fee has been setup on PeopleSoft payroll system to automatically calculate the FICA tax savings and send the payment to NDPERS.

Agencies Not on the PeopleSoft Payroll System

Agencies will use form SFN 59026 FlexComp Transmittal of Deduction to report their FlexComp contributions.

Agencies will send the form electronically to the NDPERS Secure File Transfer site.

Agencies have the option to submit their FlexComp payments by Electronic Funds Transfer (EFT) or with a check or money order.