



**North Dakota
Public Employees Retirement System**
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To: County Employers participating in NDPERS Retirement
From: NDPERS
Date: December 15, 2025
Subject: NDPERS Participation Requirements for County Elected Officials

As a reminder, the NDPERS Board adopted [two new policies](#) in May 2025 to clarify participation requirements for existing and newly elected county officials in the NDPERS retirement plan. Reference N.D. Administrative Code for the [Defined Benefit Plan](#) and [Defined Contribution Plan](#).

Employers must follow the participation requirements outlined in each policy and ensure all elected county officials are reported accurately in Employer Self Service (ESS).

NEWLY ELECTED COUNTY OFFICIALS – FIRST ELECTED AFTER MAY 13, 2025

It is important to distinguish between **Mandatory** and **Optional Participation** when enrolling newly elected county officials for the first time in ESS.

MANDATORY PARTICIPATION

Officials must be enrolled under Mandatory Participation if they:

- Are 18 years or older
- Work 20 or more hours per week for 20 or more weeks per year
- Hold a permanent, regularly funded position
- Fill a new position after May 13, 2025

Your organization must enroll these officials in ESS as eligible contributing "Elected Official" employees and report them to NDPERS under Mandatory Participation.

OPTIONAL PARTICIPATION

Officials who do not meet Mandatory Participation requirements are considered Optional Participants and must:

- Elect to participate within 180 days of employment or status change
- Contribute at their own expense (after-tax)
- Decline participation if contributing to another employer-sponsored retirement plan (private or public)

Employers must offer optional participants the opportunity to enroll and contribute after-tax at their own expense. Your organization must enroll these officials in ESS as non-contributing “Temporary” employees unless the employee elects to contribute within an eligible 180-day period.

EXISTING ELECTED COUNTY OFFICIALS – SERVING BEFORE MAY 13, 2025

POLICY RECAP & SUNSET PROVISIONS

- County elected officials serving before May 13, 2025, who meet normal retirement are eligible for in-service distributions.
- These officials may waive participation and either begin or continue receiving NDPERS retirement benefits while serving in their elected role.
- Retirees who are **under age 59½** without a bona fide break in service may be subject to a **10% early distribution penalty**.
- This policy is retroactive to January 1, 2007, and will sunset on August 1, 2027.

Questions? Message us through Employer Self Service (ESS) or call the NDPERS office at 701.328.2900.