

**EMPLOYER PARTICIPATION AGREEMENT  
IN THE  
NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM  
RETIREMENT PROGRAM**

This Agreement is entered into pursuant to Section 54-52-02.1 of the North Dakota Century Code (N.D.C.C.) by and between ORG NAME, CITY, North Dakota, as authorized by the resolution hereto attached and the state of North Dakota, by and through its NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM (NDPERS) as authorized by the Retirement Board through its chairman and executive director, and shall be effective on \_\_\_\_\_ 1, 2025.

Whereas, a referendum of the eligible employees of ORG NAME, CITY, North Dakota, has been held pursuant to N.D.C.C. § 54-52-02.2, and a majority of such eligible employees voted in favor of participation in NDPERS and ORG NAME has determined that this Agreement should be entered into; and

Whereas, the Retirement Board agrees to extend the benefits of the NDPERS to eligible employees of ORG NAME;

Now, therefore, it is agreed and understood that:

1. All of the provisions of N.D.C.C. chs. 54-52 and 54-52.6 and the current or later amended rules of the Retirement Board shall apply with regard to benefits, contributions and administration of the system.
2. The employee contribution rate has been actuarially determined to be percentage of "wages" and "salaries" as defined in N.D.C.C. §§ 54-52-01 and 54-52.6-01 for those eligible employees employed as of the date of this Agreement and for those eligible employees whose date of employment is after the effective date.
3. The employer contribution rate shall be a percentage of "wages" and "salaries" for all eligible employees as defined in N.D.C.C. §§ 54-52-01 and 54-52.6-01, which specific percentage shall be determined by the Retirement Board. See N.D.C.C. §§ 54-52-06, 54-52.1-03.2, and 54-52.6-09.
4. Eligible employees who are employed by ORG NAME at the time this Agreement is entered into have the option of not participating in the NDPERS. Eligible employees who waive participation in the NDPERS may not have their pay increased as a result of that waiver, which determination shall be made by the Retirement Board in its sole discretion, and any violation of this requirement will constitute a breach of this Agreement.
5. All eligible employees hired by ORG NAME on or after \_\_\_\_\_, 2025, must participate in the NDPERS.
6. Should ORG NAME wish to terminate membership with the NDPERS, it shall do so only after:
  - (a) Submitting a request in writing to the Retirement Board at least sixty (60) days prior to the requested date of withdrawal; and

(b) Complying with N.D.C.C. § 54-52-02.1 and the administrative rules of the Retirement Board regarding withdrawal from the system.

7. This Agreement may be amended in writing by mutual agreement of both parties.
8. If the ORG NAME fails to perform according to its statutory participation requirements, the Retirement Board may terminate the ORG NAME's enrollment in NDPERS. The termination shall be performed pursuant to the withdrawal procedures outlined in N.D.C.C. chs. 54-52 and 54-52.6.

Executed at \_\_\_\_\_, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ORG NAME

By \_\_\_\_\_

By \_\_\_\_\_

Executed at Bismarck, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM

By \_\_\_\_\_  
Executive Director Date