{stdlongdate} Member ID: {stdMbrPERSLinkID}

{stdMbrFullName}

{stdMbrAdrCorStreet1}

{x stdMbrAdrCorStreet2}

{stdMbrAdrCorCity} {stdMbrAdrCorState} {stdMbrAdrCorZip}

**RE: USERRA COVERED SERVICE CREDIT**

Dear {stdMbrSalutation}:

NDPERS received your request regarding obtaining service for the months that you were on active military duty from {StartDate} to {EndDate}, which interrupted your employment with {OrgName}.

Upon return from active duty, you may be entitled to have their credit while on active duty recognized by NDPERS for vesting in retirement benefits, the PEP vesting schedule and benefit eligibility purposes (i.e. meeting the Rule of 85/Rule of 80). You must make application to NDPERS by submitting a written request for the above along with a photocopy of your DD214 form.

In addition, you have the option to purchase the service credit not accrued during the leave for the purpose of determining benefit calculation. Retirement credit may be granted for this purpose upon proper documentation and receipt of past contributions.

If application is made to the employer, then the employer is required to pay the employer portion of the retirement contributions in a lump sum on your behalf. The employer is also required to pay any portion of the employee contribution in the same manner that it would have been paid had you not been activated. If the employer does not pay any or all of the employee contribution on behalf of its employees, then you are required to pay the employee contribution in order to receive the service credit.

The salary to be used in determining the cost to receive the credit must be based on the salary that would have accrued had you not been called into active duty, rather than the salary you are earning at the time of inquiry. If the salary can not be determined, then your average rate of compensation during the 12-month period immediately preceding your call to active duty should be used. The following applies to the payment of purchased credit:

1. The timeframe that you have to pay any required employee contributions to the plan is 3 times the period of active duty or 5 years, whichever is less. If you do not apply and/or purchase during this timeframe, then USERRA no longer applies. You would have to pay an actuarial cost to receive the service credit.
2. If you choose to make installment payments to the plan to purchase the service, the plan can not charge interest on the unpaid balance.
3. If you choose to purchase the service and begin payment, PERS will send a billing to your present employer for the required employer contributions. These contributions must be paid by the employer in a lump sum. As part of this billing, if any of the employee contributions are employer paid, they will be included.

I have enclosed Purchase Agreement for USERRA Covered Military Active Duty SFN 17758 for your use. You and your employer must complete this form and return it to NDPERS. Upon receipt of the form, NDPERS will compute the cost for the reservist to receive the credit and will send written notification to the reservist and/or the employer. NDPERS will then review the information for compliance with USERRA and if applicable, will bill the appropriate party(ies) for any required contributions.

If you have any questions, please call NDPERS at {stdNDPERSPhoneNumber} or {stdNDPERSTollFreePhoneNumber}.

Sincerely,

NDPERS Benefits Division

Enclosure – Purchase Agreement for USERRA Covered Military Active Duty SFN 17758

{tmp SFN-17758}