**EMPLOYER PARTICIPATION AGREEMENT**

**IN THE**

**NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**DEFINED BENEFIT RETIREMENT PLAN**

This agreement is entered into pursuant to Section 54‑52‑02.1 of the North Dakota Century Code by and between {stdOrgName}, {stdOCAdrCorCity}, North Dakota, as authorized by the resolution hereto attached and the NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM (NDPERS) as authorized by the Retirement Board through its chairman and executive director and shall be effective on {qu ParticipationStartDate}.

Whereas, a referendum has been held of the eligible employees of {stdOrgName}, {stdOCAdrCorCity}, North Dakota, pursuant to Chapter 54‑52‑02.2 of the North Dakota Century Code, and a majority of such eligible employees have voted in favor of participation in the Retirement System and {stdOrgName} has determined that this agreement should be entered into; and

Whereas, the North Dakota Public Employees Retirement Board agrees to extend the benefits of the Public Employees Retirement System to eligible employees of {stdOrgName};

Now, therefore, it is agreed and understood that:

1. All of the provisions of Chapter 54‑52 of the North Dakota Century Code and the current or later amended rules of the Retirement Board shall apply with regard to benefits, contributions and administration of the system.

1. The employee contribution rate has been actuarially determined to be percentage of "wages" and "salaries" as defined in Section 54‑52‑01 of the North Dakota Century Code for those eligible employees employed at the date of this agreement and for those eligible employees whose date of employment is after the effective date.
2. The employer contribution rate shall be a percentage of "wages" and "salaries" for all eligible employees as defined in Sections 54‑52‑01 of the North Dakota Century Code, which specific percentage shall be determined by the Retirement Board. (Ref. N.D.C.C. 54-52‑06 and 54‑52.1‑03.2.)

4. Eligible employees who are employed by {stdOrgName} at the time this agreement is entered into have the option of not participating in the Public Employees Retirement System. Eligible employees who waive participation in the Public Employees Retirement System 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. Those eligible employees electing to not participate at this time whose employment with {stdOrgName} is not interrupted may join the Retirement System at a later date.

Current eligible employees electing not to join the Retirement System at this time who later elect to join the Retirement System may "purchase" the service credit for the time during which they did not participate by electing to do so in writing.

5. All eligible employees hired by {stdOrgName} on or after {qu ParticipationStartDate}, must participate in the Public Employees Retirement System.

6. Should {stdOrgName} wish to terminate membership with the Public Employees Retirement System, 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 Section 54‑52‑02.1 of the North Dakota Century Code and the 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 {stdOrgName} fails to perform according to its statutory participation requirements, the NDPERS Board may terminate the {stdOrgName}’s enrollment in NDPERS. The termination shall be performed pursuant to the withdrawal procedures outlined in N.D.C.C. Chapter 54-52.

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

{stdOrgName}

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT BOARD

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Executive Director Date