

**CHAPTER 71-04-09**  
**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

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**71-04-09-01. Eligibility requirements.**

To be eligible to make up contributions to the 457 deferred compensation plan for missed contributions during military time under this chapter, a veteran must have had an interruption of the veteran's employment and been discharged under honorable conditions.

**History:** Effective May 1, 2004.

**General Authority:** NDCC 54-52-04, 54-52.6-04

**Law Implemented:** NDCC 54-52.6-09.3

**71-04-09-02. Documentation requirements.**

The burden of proof will be on the member for providing documentation necessary to determine what military time is eligible for makeup contributions. At a minimum, the following documentation is required:

1. The member must provide a legible copy of military discharge papers (DD214, DD215, or NGB22).
2. The member must provide proof of the last day of employment prior to reporting for active duty and the first day of employment following the return from active duty. This information must be certified by the authorized agent of the employing agency using a record of previous service or notice of change form if returning from leave of absence.
3. Members who elect to contribute missed contributions for military time must submit a completed missed contributions agreement.

**History:** Effective May 1, 2004.

**General Authority:** NDCC 54-52-04

**Law Implemented:** NDCC 54-52.6-09.3

**71-04-09-03. Payment.**

The payment for missed contributions for eligible military service under the deferred compensation plan may be paid in a lump sum or in installments pursuant to the rules established under section 71-04-05-02.

**History:** Effective May 1, 2004.

**General Authority:** NDCC 54-52.2-04, 54-52.6-04

**Law Implemented:** NDCC 54-52.6-09.3

**71-04-09-04. Recording of missed contributions.**

To determine eligibility for vesting of employer contributions pursuant to North Dakota Century Code section 54-52-11.1, payments for missed contributions during military time under this chapter will be allocated to each month, beginning with the first month of missed contributions. Vested employer contributions will then be calculated pursuant to North Dakota Century Code section 54-52-11.1.

**History:** Effective May 1, 2004.

**General Authority:** NDCC 54-52-04, 54-52.6-04

**Law Implemented:** NDCC 54-52.6-09.3