

CHAPTER 71-04-04 RETIREMENT BOARD RESPONSIBILITIES

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71-04-04-01. Enrollment.

The board shall design and provide employees with a participant agreement to facilitate the enrollment in the plan. The participant agreement must provide for the collection of all information regarding identification of the employee, starting date of the deduction, the payroll period affected, name of the provider company, and the provider representative.

History: Effective April 1, 1989; amended effective September 1, 1997; May 1, 2004; July 1, 2010.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-01, 54-52.2-02, 54-52.2-05

71-04-04-02. Booklets.

The board shall, upon request of the employee, make available a descriptive booklet setting forth the enrollment requirements of the plan, explanation of the deferred compensation plan under section 457 of the Internal Revenue Code, and investment options under the plan.

History: Effective April 1, 1989; amended effective September 1, 1997; May 1, 2004; July 1, 2010.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-03

71-04-04-03. Provider agreement.

The board shall establish a written provider agreement for the authorization of companies or organizations who offer investment options to public employees. This agreement may include registration and reporting requirements, educational requirements of sales representatives, and limitations of investment options.

History: Effective April 1, 1989; amended effective July 1, 2010.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-03

71-04-04-04. Employer agreement.

The board shall establish a written agreement for all employers, other than state departments, agencies, boards, or commissions, which appoint the state to administer their deferred compensation plan. This agreement includes requirement for the employer to adopt the board's rules, employers to make the requested payroll deductions upon proper application by the employee, remit the deductions directly to the board along with a listing of deferred compensation deductions for all employees participating in the plan, submit all provider participant contracts to the board, hold all participant account information as confidential, and notify the board within thirty days of participant's termination of employment.

History: Effective April 1, 1989; amended effective April 1, 2002; July 1, 2006; July 1, 2010.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-03

71-04-04-05. Payroll deduction authorization.

The office shall make available to the payroll division of each employer direction to begin, modify, or discontinue deductions pursuant to the completed participant agreement as the payroll division's authorization to begin deductions.

History: Effective April 1, 1989; amended effective July 1, 2010; April 1, 2016.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-02, 54-52.2-03

71-04-04-06. Participant accounts.

The board shall have each provider of investment services establish individual accounts to record the participant's contributions, earnings, and other account activity.

History: Effective April 1, 1989; amended effective July 1, 2010.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-03

71-04-04-07. Separation from service.

The board may notify the participant, provider company, and provider representative of the employee's separation from service and eligibility for payment of benefits.

History: Effective April 1, 1989; amended effective July 1, 1994; May 1, 2004; July 1, 2010; April 1, 2016.

General Authority: NDCC 28-32-02, 54-52.2-03.2

Law Implemented: NDCC 54-52.2-03, 54-52.2-03.2

71-04-04-08. Authorization.

The executive director or the executive director's designee is authorized to sign all provider agreements, employer agreements, or benefit applications that meet the requirements under article 71-04 and under North Dakota Century Code chapter 54-52.2.

History: Effective July 1, 1994; amended effective May 1, 2004; April 1, 2016.

General Authority: NDCC 54-52.2-03.2

Law Implemented: NDCC 54-52.2-01, 54-52.2-02, 54-52.2-03, 54-52.2-03.2

71-04-04-09. Provider suspension.

The board shall suspend a provider that does not meet the requirements under article 71-04 or North Dakota Century Code chapter 54-52.2. The board may apply either of the following two types of suspension:

1. **Loss of active provider status.** Under this type of suspension, the provider may not enroll any new participants. The provider may continue to receive contributions from existing members.
2. **Loss of provider status.** Under this type of suspension, the provider may not enroll any new participants nor receive any further contributions from existing members.

At least thirty days prior to suspension, the board shall send a certified letter to the provider indicating the board's intent to suspend and the reasons for the suspension. Any response from the provider must

be reviewed by the board at the board's next scheduled meeting. A letter of intent does not need to be sent if the provider fails to meet the requirements of section 71-04-06-11. If the board decides to suspend a provider, the board shall send a certified letter of suspension to the provider stating the reasons for the suspension and the type of suspension.

History: Effective July 1, 1994.

General Authority: NDCC 54-52.2-03.2

Law Implemented: NDCC 54-52.2-03.2

71-04-04-10. Processing deductions.

The board will process and remit employee deferred compensation deductions to the designated provider company within three business days following receipt in good order of all funds and documentation from the employer.

History: Effective July 1, 2006; amended effective July 1, 2010.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-52.2-03