

CHAPTER 71-08-08 TEMPORARY EMPLOYEE PARTICIPATION

Section

71-08-08-01 Temporary Employee Participation

71-08-08-01. Temporary employee participation.

For each eligible temporary employee who elects to participate as such in the defined contribution plan, the following applies:

1. A temporary employee hired before January 1, 2025, must submit a completed participation agreement within six months of the date of hire as a temporary employee or within six months of a change in status from a permanent to temporary position. If no application is made and filed with the office, an irrevocable waiver of participation will occur for as long as the employee is in temporary status.
2. Contributions for temporary employees must be submitted no later than the sixth working day of the month for the previous month's salary.
3. Delinquent payments of over thirty days, for reasons other than leave of absence or seasonal employment, will result in termination of eligibility to participate as a temporary member.
4. Upon taking a refund, future participation as a temporary member is waived.
5. A member may not participate as both a permanent and a temporary member. Permanent employment has precedence.
6. All temporary employee contributions must be made on an after-tax basis. An employer may not enter into a pickup arrangement under IRC 414(h) with any temporary employee.
7. A temporary employee first employed after December 31, 2024, may elect, within one hundred eighty days of beginning employment, to participate in the defined contribution retirement plan under this chapter. If an application is not made and filed with the office, a waiver of participation must occur for as long as the employee is in temporary employee status. Monthly, the temporary employee shall contribute an amount equal to nine and twenty-six hundredths percent times the temporary employee's present monthly salary, and may elect to contribute up to an additional one, two, three, four, five, or six percent. The election to contribute an additional percent is a lifetime election and will continue for as long as the temporary employee is employed by any participating employer.
8. A temporary employee may continue to participate as a temporary employee until termination of employment or reclassification of the temporary employee as a permanent employee. For a temporary employee who becomes a permanent employee, all provisions applicable to permanent employees apply upon eligibility as a permanent employee.

History: Effective July 1, 2006; amended effective January 1, 2025.

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

Law Implemented: NDCC 54-52-02.9, 54-52.6-09.6