

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAMELA J BINDER, SPHR, SHRM-SCP  
HR DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN  
LINDSAY BROWER

March 5, 2025

RE: House Bill #1177 – Allows Correctional Officers to be Enrolled in the Public Safety Plan Upon Employment

Dear Committee Members,

I am submitting my testimony in favor of House Bill #1177. As the current Human Resource Director for Burleigh County, I see the need to change (amend) this definition N.D.A.C. 71-02-01.10.

As the definition of “Corrections Officer” reads currently within the NDPERS Public Safety Plan, that Corrections Officers do not qualify for enrollment into the NDPERS Public Safety Plan until after they complete their Correctional Officer Basic Training certificate.

Although the employee has up to twelve (12) months to complete this Correctional Officer Basic Training, The Burleigh County Sheriff’s Department has a standardized training curriculum that has the Correctional Officer Basic Training course as one of the first training sessions that a newly hired Correction (Detention) Officer completes. This Correctional Officer Basic Training certificate is usually obtained within two (2) months from the Correctional (Detention) Officer’s hire date. However, on rare occasions a new employee may not be able to attend the Correctional Officer Basic Training course in its entirety due to possible military leave, illness or injury. When this happens, the Correctional (Detention) Officer is put through the training as soon as the training schedule will allow. Usually no later than six months. If a Detention Officer does not pass the Correctional Officer Basic Training course or any other part of the training curriculum, their employment with Burleigh County is terminated.

Under normal circumstances the new Correctional (Detention) Officer would have their Correctional Officer Basic Training certificate within two months from their hire date. The current definition of Corrections Officer will not allow Burleigh County to enroll our new employee into the NDPERS Public Safety Plan until they receive that certificate. However, by state law, we as the employer; must enroll the newly hired employee into the NDPERS Defined Contribution Plan within their first 30 days of employment. Burleigh County is one of the few political subdivisions that operate on a biweekly payroll basis. As a result, the thirty days can be truncated down to as short of a time frame as one week due to the biweekly payroll processing.

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

PAMELA J BINDER, SPHR, SHRM-SCP  
HR DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN  
LINDSAY BROWER

**For example,** Detention Officer Doe is enrolled in the NDPERS Defined Contribution Plan for the first two months after their hire date. Detention Officer Doe has two months' worth of employee & employer contributions that are deposited into their Defined Contribution account through Empower (NDPERS Defined Contribution Provider).

Detention Officer Doe receives his Correctional Officer Basic Training certificate and is eligible for the NDPERS Public Safety plan at the beginning of their third month of employment. NDPERS has to suspend Detention Officer Doe's Defined Contribution Account and enroll Detention Officer Doe into the NDPERS Public Safety Plan (Defined Benefit Plan).

Now Detention Officer Doe has two different types of retirement plans associated with their Burleigh County employment. Detention Officer Doe is still employed with an NDPERS participating provider (Burleigh County) and therefore is not able to take a distribution for the two months of contributions that were deposited into the Defined Contribution (Empower) account. My understanding is this account just sits out there as Detention Officer Doe is still actively employed with Burleigh County and is now placed into the NDPERS Public Safety Plan which is a defined benefit plan. Detention Officer Doe is not allowed to make a choice of whether he wants to stay in the Defined Contribution Plan or transfer to the Public Safety Plan. Detention Officer Doe is enrolled into the Public Safety Plan and on the first of the next month after he completes the Correctional Officer Basic certificate, he starts gaining service credit in the Public Safety Plan. As Detention Officer Doe was in the Defined Contribution Plan for two months the following issues happened:

- Detention Officer Doe has lost two months of service credit in the Public Safety Plan. There is no way to transfer that service credit into the Public Safety Plan from the Defined Contribution Plan as the plans are two different types with two different benefit levels.
- Detention Officer Doe will have an account sitting at Empower through NDPERS that he can do nothing about until he is no longer employed by Burleigh County or any other NDPERS participating entity.
- If there are 100-250 (low estimate) Detention Officer Doe's with these small accounts that just have to sit out on the Empower website, that will create an administration burden which creates more work to keep accurate records for these small accounts. The record keeping process is the same no matter what the size of the account. Because of this it could potentially lead to administrative costs for these small accounts in the future (my estimation based on my background with defined contribution plans).

# BURLEIGH COUNTY

## HUMAN RESOURCES DEPARTMENT

---

**PAMELA J BINDER, SPHR, SHRM-SCP**  
HR DIRECTOR

HUMAN RESOURCE ASSISTANTS:  
MEGAN MARTIN  
DESIREE HILBORN  
LINDSAY BROWER

The other factor is how do you provide training and knowledge to a new employee on the Defined Contribution Plan and then two months later tell them they now go into the NDPERS Public Safety Plan. When we had the NDPERS Main Defined Benefit Plan and the NDPERS Public Safety Defined Benefit Plan, educating the employee was easier as these two plans were the same type of plan. We could present the employee with an apples-to-apples comparison. Now with the Defined Contribution Plan and the NDPERS Public Safety Defined Benefit Plan being two different plan types, the education for the employee is more of a comparison of Apples to Oranges. This will confuse the employee as the average employee is not an expert on retirement plans or investing.

I would like to thank you for allowing me to present my testimony in favor of House Bill #1177.

Sincerely,

Pamela J. Binder, SPHR, SHRM-SCP  
HR Director Burleigh County