

A-Engrossed
Senate Bill 112

Ordered by the House May 28
Including House Amendments dated May 28

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows member of Public Employees Retirement System who has been retired for service for more than six months, and who elected to receive lump sum payment or installment payments, to be reemployed by public employer without repayment of lump sum or installment amounts received by member.

Allows retired member who elected to receive lump sum payment or installment payments to be reemployed by public employer, subject to limitations on number of hours of employment.

Provides that if retired member is reemployed by public employer in position that is not subject to limitations on hours of employment, hours worked by retired member in that position do not count toward limitations on hours of employment with other public employers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reemployment of retired members of Public Employees Retirement System; creating new
3 provisions; amending ORS 238.078, 238.082, 238.092 and 399.075 and section 2, chapter 499,
4 Oregon Laws 2007, and section 3, chapter 774, Oregon Laws 2007; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 238.082 is amended to read:

7 238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may
8 employ any person receiving a service retirement allowance if the administrative head of such em-
9 ployer is satisfied that such employment is in the public interest.

10 (2) The period or periods of employment by one or more public employers of any person receiv-
11 ing a service retirement allowance may not total 1,040 hours or more in any calendar year; but if
12 the person is receiving old-age, survivors or disability insurance benefits under the federal Social
13 Security Act, the person may be employed for the number of hours for which the salary equals the
14 maximum allowed for receipt of the full amount of those benefits to which the person is entitled.

15 (3) The limitations on employment imposed by subsection (2) of this section do not apply to a
16 retired member who is employed as a teacher or as an administrator, as those terms are defined in
17 ORS 342.120, if the retired member is employed by a school district or community college district
18 located within a county with a population of not more than 35,000 inhabitants according to the lat-
19 est federal decennial census, or is employed by an education service district and the retired mem-
20 ber's primary work duties are performed in a county with a population of not more than 35,000
21 inhabitants according to the latest federal decennial census. A retired member who is employed
22 under this subsection as a teacher, as defined in ORS 342.120, by the same public employer that

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 employed the member at the time of retirement remains in the same collective bargaining unit that
2 included the member before retirement.

3 (4) The limitations on employment imposed by subsection (2) of this section do not apply to a
4 retired member who is employed:

5 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to
6 the latest federal decennial census;

7 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-
8 itants, according to the latest federal decennial census;

9 (c) By the state or a county for work in a correctional institution located in a county with a
10 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

11 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service
12 District or the Sunriver Service District;

13 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
14 habitants, according to the latest federal decennial census; or

15 (f) As a deputy director or assistant director of the Department of Human Services, if the Gov-
16 ernor approves the exemption for the person from the limitations on employment imposed in sub-
17 section (2) of this section.

18 (5) The limitations on employment imposed by subsection (2) of this section do not apply to a
19 retired member who is employed to temporarily replace an employee who serves in the National
20 Guard or in a reserve component of the Armed Forces of the United States and who is called to
21 federal active duty.

22 (6) The limitations on employment imposed by subsection (2) of this section do not apply to a
23 retired member who is employed by a road assessment district organized under ORS 371.405 to
24 371.535.

25 (7) The limitations on employment imposed by subsection (2) of this section do not apply to a
26 retired member who is a nurse and is employed by a public employer as a nurse or for the purpose
27 of teaching nursing during the period in which a nursing workforce shortage declared by the Leg-
28 islative Assembly or the Governor is in effect.

29 (8)(a) Except as provided in paragraph (b) of this subsection, subsections (3) to (7) of this section
30 do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) or (3).

31 (b) Subsection (3) of this section applies to a person who retires under the provisions of ORS
32 238.280 (1) or (3) as long as the person's date of retirement is more than six months before the date
33 the person is employed under subsection (3) of this section.

34 (9) Employment under this section does not affect the status of a person as a retired member
35 of the system and a recipient of retirement benefits under this chapter.

36 **(10) Hours worked by a person employed under subsections (4) to (8) of this section shall**
37 **not be counted for the purpose of the limitations on employment imposed by subsection (2)**
38 **of this section.**

39 **SECTION 2.** ORS 399.075 is amended to read:

40 399.075. (1) The Adjutant General, with the approval of the Governor, may order members of the
41 organized militia to active state duty. Members, while on active state duty, shall receive not less
42 than the pay and allowances of their corresponding grades in the Armed Forces of the United States
43 in accordance with a schedule approved by the Adjutant General for the period of time in active
44 state duty. Active state duty under this subsection includes, but is not limited to, support of federal,
45 state and local drug eradication, interdiction and other counterdrug operations under a counterdrug

1 support plan approved by the Governor, and reasons related to homeland security. When partic-
2 ipating in such support operations, and to the extent authorized by 32 U.S.C. 112, applicable regu-
3 lations of the National Guard Bureau and the Oregon Counterdrug Support Plan, the Oregon
4 Military Department is designated as a law enforcement agency for the purpose of carrying out
5 federal asset forfeiture laws only.

6 (2) Members of the organized militia serving on courts-martial, courts of inquiry, efficiency
7 boards, medical boards or other special duty requiring absence from their stations or business under
8 competent orders may be reimbursed for necessary expenses incurred at the rate established for
9 state employees under appropriate travel regulations issued by the Oregon Department of Adminis-
10 trative Services.

11 (3) In lieu of other provisions of this chapter, a medical examiner may be paid for services and
12 necessary disbursements and a properly appointed judge advocate may be paid for legal services and
13 necessary disbursements in any suit, action or proceeding, such amounts as shall be approved by the
14 Governor.

15 (4) Members of the organized militia shall not receive from the state the pay or the pay and
16 allowances provided for by this section when eligible for such pay and allowances from federal
17 funds.

18 (5) Notwithstanding any of the provisions of this chapter, members of the organized militia may
19 with their consent perform without pay or without pay and allowances any of the types of military
20 duty prescribed in this chapter and ORS chapters 396 and 398 pursuant to orders issued by compe-
21 tent military authority; provided however, that necessary traveling expenses, subsistence and per
22 diem allowances may be furnished such members within the discretion of the Adjutant General and
23 within the amount appropriated therefor.

24 (6) All pay and allowances provided for by this chapter, except per diem, mileage and expenses
25 while traveling under orders shall be subject to be applied to the payment of penalties and fines
26 imposed by military courts, and to the payment of any shortage of or injury to state or United States
27 property or funds for which a member of the organized militia is responsible or accountable where
28 such responsibility has been fixed by competent authority.

29 (7)(a) Except as provided in paragraph (b) of this subsection, members of the organized militia
30 who are ordered to active state duty shall be considered temporary employees of the military de-
31 partment.

32 (b) Members of the organized militia who are ordered to active state duty are not subject to
33 ORS chapter 240 and ORS 243.650 to 243.782.

34 (8) The limitations on employment imposed by ORS 238.082 (2) do not apply to a retired member
35 of the Public Employees Retirement System who has attained normal retirement age and is on active
36 state duty. **Hours served by a person under this subsection shall not be counted for the pur-
37 pose of the limitations on employment imposed by ORS 238.082 (2).**

38 **SECTION 3.** Section 2, chapter 499, Oregon Laws 2007, is amended to read:

39 **Sec. 2.** (1) The limitations on employment imposed by ORS 238.082 (2) do not apply to a retired
40 member who is a registered nurse and who is employed by a public employer as a nursing instructor.

41 (2) The limitations on employment imposed by ORS 238.082 (2) do not apply to a retired member
42 who is employed by the Department of Public Safety Standards and Training for the purpose of
43 providing training under ORS 181.610 to 181.712.

44 (3) This section does not apply to any member who retires under the provisions of ORS 238.280
45 (1) or (3).

1 **(4) Hours worked by a person employed under this section shall not be counted for the**
2 **purpose of the limitations on employment imposed by ORS 238.082 (2).**

3 [(4)] (5) Employment under this section does not affect the status of a person as a retired
4 member of the Public Employees Retirement System and a recipient of retirement benefits under this
5 chapter.

6 **SECTION 4.** Section 3, chapter 774, Oregon Laws 2007, is amended to read:

7 **Sec. 3.** (1) The limitations on employment imposed by ORS 238.082 (2) do not apply to a retired
8 member who is employed by a school district or education service district to provide services as a
9 speech-language pathologist or speech-language pathologist assistant.

10 (2) This section does not apply to any member who retires under the provisions of ORS 238.280
11 (1) or (3) unless the person's date of retirement is more than six months before the date the person
12 is employed under this section.

13 **(3) Hours worked by a person employed under this section shall not be counted for the**
14 **purpose of the limitations on employment imposed by ORS 238.082 (2).**

15 [(3)] (4) Employment under this section does not affect the status of a person as a retired
16 member of the Public Employees Retirement System and a recipient of retirement benefits under this
17 chapter.

18 **SECTION 5.** **The amendments to ORS 238.082 and 399.075 and section 2, chapter 499,**
19 **Oregon Laws 2007, and section 3, chapter 774, Oregon Laws 2007, by sections 1 to 4 of this**
20 **2009 Act apply to all hours of work or service by a retired member of the Public Employees**
21 **Retirement System performed on or after January 1, 2004.**

22 **SECTION 6.** ORS 238.078 is amended to read:

23 238.078. (1)(a) A [*retired*] member who has been retired for **service for** more than six consec-
24 utive calendar months may be reemployed by a participating public employer in the manner provided
25 by this subsection.

26 (b) Any person reemployed as provided in this subsection shall resume making **employee** con-
27 tributions [*to the retirement fund*], and the employer shall make contributions on behalf of the person
28 as provided in ORS 238.225. **Except as provided in paragraph (c) of this subsection,** payments
29 of retirement allowance **and other benefits** received by [*such person during separation from the*
30 *service*] **the person, including lump sum or installment payments received by the person under**
31 **ORS 238.305 (2) or (3),** shall not be repaid into the retirement fund after the person reenters public
32 employment [*except as provided in paragraph (c) of this subsection; but the amount of such payment*
33 *shall be deducted from such employee's reserve in the retirement fund and the remainder shall be*
34 *credited pro rata to the funds from which it was derived*]. **Upon reemployment under this sub-**
35 **section, the board shall cease making payments of retirement allowance and other benefits**
36 **to the person, including installment payments to the person under ORS 238.305 (4). The board**
37 **shall reestablish the member account of the person and reduce the account by all payments**
38 **of retirement allowance and other benefits, including installment payments, that were pre-**
39 **viously received by the person and that were derived from the member account. Amounts**
40 **that were credited to the reserve established by the board for the payment of the person's**
41 **benefits that were not derived from the member account shall be credited pro rata to the**
42 **funds from which the amounts were derived.**

43 (c) Upon [*reentering public employment as provided in*] **reemployment under** this subsection, the
44 former retirement of [*such*] **the reemployed** person and any election of option for payment of re-
45 tirement benefits [*theretofore*] made by the person shall be canceled.[: *and thereafter upon retiring*

1 *such person*] **When the person again retires the person** may elect any option for payment of re-
 2 tirement benefits authorized by this chapter, except that a person who elected to receive [*lump sum*
 3 *payment of benefits*] **a service retirement benefit** pursuant to ORS 238.305 (2) or (3) at the time of
 4 former retirement may not elect any other option at the time of subsequent retirement unless an
 5 amount equal to the lump sum and the interest that would have accumulated on the sum has been
 6 repaid by the employee to the fund. Upon such subsequent retirement any prior service pension due
 7 the employee shall be derived from the unused portion of the prior service credit reserve and shall
 8 be calculated on the basis of then attained age.

9 (2) A [*retired*] member who has been retired for **service for** less than six consecutive calendar
 10 months may be reemployed by a participating public employer only upon immediate repayment in a
 11 lump sum by the member of the amount of retirement benefits drawn. The member account of the
 12 member shall be reestablished just as it was at the time of [*earlier*] **former** retirement after the lump
 13 sum repayment is made.

14 (3) If a member of the system who retired before August 21, 1981, is reemployed, as provided in
 15 subsection (1) or (2) of this section, beginning on or after August 21, 1981, the service retirement
 16 allowance received upon subsequent retirement by the member shall be:

17 (a) For service before August 21, 1981, an allowance including a current service pension com-
 18 puted on the basis of ORS 237.147 (2) (1979 Replacement Part).

19 (b) For service on or after August 21, 1981, an allowance including a current service pension
 20 computed on the basis of ORS 238.300 (2).

21 (4) A person may be reemployed by a public employer that is not participating in the system,
 22 or may be employed by a participating public employer in a position that is in a class of employees
 23 that was not designated by the public employer under ORS 238.035 as a class of employees that
 24 become members of the system, without affecting the person's status as a retired member or the
 25 person's continued receipt of retirement benefits.

26 (5) Subsection (4) of this section does not apply to any member who retires under the provisions
 27 of ORS 238.280 (1), (2) or (3).

28 **SECTION 7.** ORS 238.082, as amended by section 1 of this 2009 Act, is amended to read:

29 238.082. (1) Subject to the limitations in [*subsection (2) of*] this section, any public employer may
 30 employ any [*person receiving a service retirement allowance*] **member who is retired for service** if
 31 the administrative head of [*such*] **the public** employer is satisfied that such employment is in the
 32 public interest.

33 [*(2) The period or periods of employment by one or more public employers of any person receiving*
 34 *a service retirement allowance may not total 1,040 hours or more in any calendar year; but if the per-*
 35 *son is receiving old-age, survivors or disability insurance benefits under the federal Social Security*
 36 *Act, the person may be employed for the number of hours for which the salary equals the maximum*
 37 *allowed for receipt of the full amount of those benefits to which the person is entitled.]*

38 (2) **Except as provided in this section, the period or periods of employment by one or**
 39 **more public employers of a retired member who is reemployed under this section may not**
 40 **total 1,040 hours or more in any calendar year.**

41 (3) **A retired member who is receiving old-age, survivors or disability insurance benefits**
 42 **under the federal Social Security Act may be employed under this section for the number**
 43 **of hours permitted by subsection (2) of this section, or for the number of hours for which**
 44 **the salary equals the maximum allowed for receipt of the full amount of those benefits to**
 45 **which the person is entitled, whichever is greater.**

1 [(3)] (4) **Except as provided in subsection (9) of this section**, the limitations on employment
 2 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member
 3 who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if
 4 the retired member is employed by a school district or community college district located within a
 5 county with a population of not more than 35,000 inhabitants according to the latest federal
 6 decennial census, or is employed by an education service district and the retired member's primary
 7 work duties are performed in a county with a population of not more than 35,000 inhabitants ac-
 8 cording to the latest federal decennial census. A retired member who is employed under this sub-
 9 section as a teacher, as defined in ORS 342.120, by the same public employer that employed the
 10 member at the time of retirement remains in the same collective bargaining unit that included the
 11 member before retirement.

12 [(4)] (5) **Except as provided in subsection (9) of this section**, the limitations on employment
 13 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member
 14 who is employed:

15 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to
 16 the latest federal decennial census;

17 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-
 18 itants, according to the latest federal decennial census;

19 (c) By the state or a county for work in a correctional institution located in a county with a
 20 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

21 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service
 22 District or the Sunriver Service District;

23 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
 24 habitants, according to the latest federal decennial census; or

25 (f) As a deputy director or assistant director of the Department of Human Services, if the Gov-
 26 ernor approves the exemption for the person from the limitations on employment imposed in [sub-
 27 section (2)] **subsections (2) and (3)** of this section.

28 [(5)] (6) **Except as provided in subsection (9) of this section**, the limitations on employment
 29 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member
 30 who is employed to temporarily replace an employee who serves in the National Guard or in a re-
 31 serve component of the Armed Forces of the United States and who is called to federal active duty.

32 [(6)] (7) **Except as provided in subsection (9) of this section**, the limitations on employment
 33 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member
 34 who is employed by a road assessment district organized under ORS 371.405 to 371.535.

35 [(7)] (8) **Except as provided in subsection (9) of this section**, the limitations on employment
 36 imposed by [subsection (2)] **subsections (2) and (3)** of this section do not apply to a retired member
 37 who is a nurse and is employed by a public employer as a nurse or for the purpose of teaching
 38 nursing during the period in which a nursing workforce shortage declared by the Legislative As-
 39 sembly or the Governor is in effect.

40 [(8)(a)] (9)(a) Except as provided in paragraph (b) of this subsection, subsections [(3) to (7)] (4)
 41 **to (8)** of this section do not apply to any member who retires under the provisions of ORS 238.280
 42 (1), (2) or (3).

43 (b) Subsection [(3)] (4) of this section applies to a person who retires under the provisions of
 44 ORS 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before
 45 the date the person is employed under subsection [(3)] (4) of this section.

1 ~~[(9)]~~ **(10)** Employment under this section does not affect the status of a person as a retired
2 member of the system and a recipient of retirement benefits under this chapter.

3 ~~[(10)]~~ **(11)** Hours worked by a person employed under subsections ~~[(4) to (8)]~~ **(5) to (9)** of this
4 section shall not be counted for the purpose of the limitations on employment imposed by sub-
5 sections **(2) and (3)** of this section.

6 **SECTION 8.** ORS 238.092 is amended to read:

7 238.092. (1) Notwithstanding any other provision of this chapter:

8 (a) A retired member of the system who has retired as other than a member of the Legislative
9 Assembly and who thereafter becomes a member of the Legislative Assembly and elects to become
10 an active member of the system as a member of the Legislative Assembly may also elect, by giving
11 the board written notice of desire to do so, to receive the pension and annuity provided by this
12 chapter for service as other than a member of the Legislative Assembly, and be an active member
13 of the system as a member of the Legislative Assembly for the period the member holds office as a
14 member of the Legislative Assembly. The notice provided for in this paragraph shall be given within
15 30 days after the retired member takes office as a member of the Legislative Assembly.

16 (b) A member of the Legislative Assembly who is a member of the system as a member of the
17 Legislative Assembly and who becomes eligible to retire by reason of service as other than a mem-
18 ber of the Legislative Assembly, without regard to when that service was performed, may elect, by
19 giving the board written notice of desire to do so, to retire and receive the pension and annuity
20 provided by this chapter for service as other than a member of the Legislative Assembly, and to
21 continue, for the period the member holds office as a member of the Legislative Assembly, as an
22 active member of the system as a member of the Legislative Assembly.

23 (c) Upon receipt of the notice provided for in paragraphs (a) and (b) of this subsection, the board
24 shall determine that portion of the accumulated contributions, if any, of the member and interest
25 thereon attributable to service as other than a member of the Legislative Assembly, which shall be
26 used in determining the amount of the annuity the member shall receive for that service. The por-
27 tion of the accumulated contributions, if any, of the member and interest thereon attributable to
28 service as a member of the Legislative Assembly shall remain in the member account of the member
29 and, together with any subsequent contributions and interest thereon, be used in determining the
30 amount of the additional annuity the member shall receive for that service upon ceasing to hold
31 office as a member of the Legislative Assembly. If the member does not have a member account, the
32 board shall determine the member's retirement allowance for nonlegislative service based on the
33 number of years of nonlegislative service, and shall determine any additional benefit to be received
34 after the member ceases to hold office as a member of the Legislative Assembly based on the number
35 of years of service in the Legislative Assembly.

36 (2) If a retired member of the system is employed by the Legislative Assembly, or by the Oregon
37 State Police, for the purpose of service during a regular or special session of the Legislative As-
38 sembly, the hours worked during the session shall not be counted for the purpose of the limitations
39 on employment imposed by ORS 238.082 **(2) and (3)**.

40 **SECTION 9.** ORS 399.075, as amended by section 2 of this 2009 Act, is amended to read:

41 399.075. (1) The Adjutant General, with the approval of the Governor, may order members of the
42 organized militia to active state duty. Members, while on active state duty, shall receive not less
43 than the pay and allowances of their corresponding grades in the Armed Forces of the United States
44 in accordance with a schedule approved by the Adjutant General for the period of time in active
45 state duty. Active state duty under this subsection includes, but is not limited to, support of federal,

1 state and local drug eradication, interdiction and other counterdrug operations under a counterdrug
 2 support plan approved by the Governor, and reasons related to homeland security. When partic-
 3 ipating in such support operations, and to the extent authorized by 32 U.S.C. 112, applicable regu-
 4 lations of the National Guard Bureau and the Oregon Counterdrug Support Plan, the Oregon
 5 Military Department is designated as a law enforcement agency for the purpose of carrying out
 6 federal asset forfeiture laws only.

7 (2) Members of the organized militia serving on courts-martial, courts of inquiry, efficiency
 8 boards, medical boards or other special duty requiring absence from their stations or business under
 9 competent orders may be reimbursed for necessary expenses incurred at the rate established for
 10 state employees under appropriate travel regulations issued by the Oregon Department of Adminis-
 11 trative Services.

12 (3) In lieu of other provisions of this chapter, a medical examiner may be paid for services and
 13 necessary disbursements and a properly appointed judge advocate may be paid for legal services and
 14 necessary disbursements in any suit, action or proceeding, such amounts as shall be approved by the
 15 Governor.

16 (4) Members of the organized militia shall not receive from the state the pay or the pay and
 17 allowances provided for by this section when eligible for such pay and allowances from federal
 18 funds.

19 (5) Notwithstanding any of the provisions of this chapter, members of the organized militia may
 20 with their consent perform without pay or without pay and allowances any of the types of military
 21 duty prescribed in this chapter and ORS chapters 396 and 398 pursuant to orders issued by compe-
 22 tent military authority; provided however, that necessary traveling expenses, subsistence and per
 23 diem allowances may be furnished such members within the discretion of the Adjutant General and
 24 within the amount appropriated therefor.

25 (6) All pay and allowances provided for by this chapter, except per diem, mileage and expenses
 26 while traveling under orders shall be subject to be applied to the payment of penalties and fines
 27 imposed by military courts, and to the payment of any shortage of or injury to state or United States
 28 property or funds for which a member of the organized militia is responsible or accountable where
 29 such responsibility has been fixed by competent authority.

30 (7)(a) Except as provided in paragraph (b) of this subsection, members of the organized militia
 31 who are ordered to active state duty shall be considered temporary employees of the military de-
 32 partment.

33 (b) Members of the organized militia who are ordered to active state duty are not subject to
 34 ORS chapter 240 and ORS 243.650 to 243.782.

35 (8) The limitations on employment imposed by ORS 238.082 (2) **and** (3) do not apply to a retired
 36 member of the Public Employees Retirement System who has attained normal retirement age and is
 37 on active state duty. Hours served by a person under this subsection shall not be counted for the
 38 purpose of the limitations on employment imposed by ORS 238.082 (2) **and** (3).

39 **SECTION 10.** Section 2, chapter 499, Oregon Laws 2007, as amended by section 3 of this 2009
 40 Act, is amended to read:

41 **Sec. 2.** (1) The limitations on employment imposed by ORS 238.082 (2) **and** (3) do not apply to
 42 a retired member who is a registered nurse and who is employed by a public employer as a nursing
 43 instructor.

44 (2) The limitations on employment imposed by ORS 238.082 (2) **and** (3) do not apply to a retired
 45 member who is employed by the Department of Public Safety Standards and Training for the purpose

1 of providing training under ORS 181.610 to 181.712.

2 (3) This section does not apply to any member who retires under the provisions of ORS 238.280
3 (1) or (3).

4 (4) Hours worked by a person employed under this section shall not be counted for the purpose
5 of the limitations on employment imposed by ORS 238.082 (2) **and (3)**.

6 (5) Employment under this section does not affect the status of a person as a retired member
7 of the Public Employees Retirement System and a recipient of retirement benefits under this chap-
8 ter.

9 **SECTION 11.** Section 3, chapter 774, Oregon Laws 2007, as amended by section 4 of this 2009
10 Act, is amended to read:

11 **Sec. 3.** (1) The limitations on employment imposed by ORS 238.082 (2) **and (3)** do not apply to
12 a retired member who is employed by a school district or education service district to provide ser-
13 vices as a speech-language pathologist or speech-language pathologist assistant.

14 (2) This section does not apply to any member who retires under the provisions of ORS 238.280
15 (1) or (3) unless the person's date of retirement is more than six months before the date the person
16 is employed under this section.

17 (3) Hours worked by a person employed under this section shall not be counted for the purpose
18 of the limitations on employment imposed by ORS 238.082 (2) **and (3)**.

19 (4) Employment under this section does not affect the status of a person as a retired member
20 of the Public Employees Retirement System and a recipient of retirement benefits under this chap-
21 ter.

22 **SECTION 12.** (1) **The amendments to ORS 238.078, 238.082, 238.092 and 399.075 and section**
23 **2, chapter 499, Oregon Laws 2007, and section 3, chapter 774, Oregon Laws 2007, by sections**
24 **6 to 11 of this 2009 Act become operative January 1, 2010.**

25 (2) **The amendments to ORS 238.078, 238.082, 238.092 and 399.075 and section 2, chapter**
26 **499, Oregon Laws 2007, and section 3, chapter 774, Oregon Laws 2007, by sections 6 to 11 of**
27 **this 2009 Act apply to any retired member of the Public Employees Retirement System who**
28 **is employed by a participating public employer before January 1, 2010, and who is an em-**
29 **ployee of the employer on January 1, 2010, and to any retired member who is employed by a**
30 **participating public employer on or after January 1, 2010.**

31 **SECTION 13.** **This 2009 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
33 **on its passage.**

34