

# Senate Bill 343

Sponsored by Senator ROSENBAUM (at the request of Oregon School Employees Association)

## 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 **as introduced**.

Removes limit on number of hours retired member may work and still qualify for retirement under Public Employees Retirement System if retired member is employed by school district or education service district as other than teacher or management employee, or by community college as other than faculty member or management employee. Applies to Oregon Public Service Retirement Plan.

## A BILL FOR AN ACT

1  
2 Relating to public employee retirement; amending ORS 238.082 and 238A.245.

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

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

5 238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may  
6 employ any person receiving a service retirement allowance if the administrative head of [*such*] **the**  
7 employer is satisfied that [*such*] **the** employment is in the public interest.

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

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

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

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

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

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

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

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

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

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

12 (6) The limitations on employment imposed by subsection (2) of this section do not apply to a  
13 retired member who is employed by a road assessment district organized under ORS 371.405 to  
14 371.535.

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

19 **(8) The limitations on employment imposed by subsection (2) of this section do not apply**  
20 **to a retired member who is employed by a school district or an education service district as**  
21 **other than a teacher, as defined in ORS 342.120, or management employee, or by a commu-**  
22 **nity college as other than a faculty member or management employee. A retired member**  
23 **who is employed under this subsection by the same public employer that employed the**  
24 **member at the time of retirement remains in the same collective bargaining unit that in-**  
25 **cluded the member before retirement.**

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

29 (b) Subsection (3) of this section applies to a person who retires under the provisions of ORS  
30 238.280 (1) or (3) as long as the person's date of retirement is more than six months before the date  
31 the person is employed under subsection (3) of this section.

32 [(9)] **(10)** Employment under this section does not affect the status of a person as a retired  
33 member of the system and a recipient of retirement benefits under this chapter.

34 **SECTION 2.** ORS 238A.245 is amended to read:

35 238A.245. (1) Except as provided in [subsection (3) of] this section, the Public Employees Retire-  
36 ment Board shall cease making pension payments to a retired member of the pension program who  
37 is reemployed by a participating public employer in a qualifying position. A retired member of the  
38 pension program who is employed in a qualifying position becomes an active member of the pension  
39 program without serving the probationary period provided for in ORS 238A.100.

40 (2) If a retired member of the pension program is reemployed under the provisions of this sec-  
41 tion, any option chosen by the member under ORS 238A.190 is canceled, and upon retiring thereafter  
42 the member may elect any option provided for in ORS 238A.180 and 238A.190. The board shall re-  
43 calculate the pension of the member upon subsequent retirement.

44 (3) A retired member of the pension program who becomes a member of the Legislative Assem-  
45 bly shall continue to receive the pension elected by the member. A retired member of the pension

1 program who becomes a member of the Legislative Assembly may not elect under ORS 237.650 to  
2 become an active member of the Oregon Public Service Retirement Plan or a legislator member of  
3 the state deferred compensation plan.

4 **(4) A retired member may be employed in a qualifying position by a school district or an**  
5 **education service district as other than a teacher or management employee, or by a com-**  
6 **munity college as other than a faculty member or management employee, without loss of**  
7 **pension or limitation on the number of hours employed. A retired member who is employed**  
8 **under this subsection by the same participating public employer that employed the member**  
9 **at the time of retirement remains in the same collective bargaining unit that included the**  
10 **member before retirement.**

11 **(5) Subsection (4) of this section does not apply to any member who retires under the**  
12 **provisions of ORS 238A.185.**

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