

House Bill 2114

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Public Employees Retirement System)

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**.

Provides that inactive member of pension program of Oregon Public Service Retirement Plan who withdrew amounts in individual account program becomes member of individual account program immediately upon reemployment in qualifying position.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to membership in the individual account program of the Oregon Public Service Retirement
3 Plan; creating new provisions; amending ORS 169.810 and 238A.300; and declaring an emergency.

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

5 **SECTION 1.** ORS 238A.300 is amended to read:

6 238A.300. (1) Except as provided in ORS 238A.100 (2) **and subsection (2) of this section**, an
7 eligible employee who is employed in a qualifying position on or after August 29, 2003, by a public
8 employer that is participating in the individual account program and who will not receive benefits
9 under ORS chapter 238 for service with the participating public employer pursuant to the provisions
10 of ORS 238A.025 becomes a member of the individual account program on the first day of the month
11 after the employee completes six full calendar months of employment. The six-month probationary
12 period may not be interrupted by more than 30 consecutive working days.

13 **(2) An inactive member of the pension program who terminated membership in the indi-**
14 **vidual account program pursuant to ORS 238A.310 (2) becomes a member of the individual**
15 **account program immediately upon reemployment in a qualifying position.**

16 **SECTION 2.** ORS 169.810 is amended to read:

17 169.810. (1) Assumption by the regional correctional facility of those custodial duties formerly
18 performed by a county or city jail constitutes an assumption of duties by a public employer subject
19 to ORS 236.610 to 236.640.

20 (2) An employee who transfers from employment at a county or city jail to employment at a
21 regional correctional facility operated by the county or city by which the employee has been em-
22 ployed shall be accorded the following rights:

23 (a) If a trial or probationary service period is required for employment at the county or city jail,
24 the period of county or city employment of the employee shall apply to that requirement.

25 (b) An employee who transfers from employment at a county or city jail to employment at the
26 regional correctional facility shall retain accumulated unused sick leave with pay and the accumu-
27 lated unused vacation with pay to which the employee was entitled under county or city employment
28 on the day before the transfer that are supported by written records of accumulation and use pur-
29 suant to a plan formally adopted and applicable to the employee under county or city employment.

30 (c) Notwithstanding any other provision of law applicable to a retirement system for county

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 employees or city employees, an employee who transfers from employment at a county or city jail
 2 to employment at the regional correctional facility who was participating in a retirement system
 3 under county or city employment may elect, not later than the first day of the month following the
 4 month in which the employee transfers, to continue under the retirement system in which partic-
 5 ipating and not to become, if eligible, a member of another retirement system. The election shall be
 6 made in writing and shall be submitted to the regional correctional facility administrator, the Public
 7 Employees Retirement Board and the governing body of the counties and cities that operate the
 8 regional correctional facility.

9 (d) If an employee elects to continue under the retirement system in which participating under
 10 county or city employment, the employee shall continue to make required contributions to that
 11 system and the administration of the regional correctional facility shall make contributions on be-
 12 half of the employee required of an employer participating in that system.

13 (e) If an employee fails to elect to continue under the retirement system in which participating
 14 under county or city employment as provided in paragraph (c) of this subsection or was not partic-
 15 ipating in a retirement system under county or city employment, the employee shall become, if eli-
 16 gible, a member of the Public Employees Retirement System. If the employee is eligible to become
 17 a member of the Public Employees Retirement System, the period of continuous service of the em-
 18 ployee under county or city employment immediately before the transfer of the employee shall apply
 19 to the six months' service requirement of ORS 238.015, 238A.100 or 238A.300 (1).

20 (3) The county or city employment records, or a copy thereof, applicable to an employee trans-
 21 ferred under subsection (2) of this section shall be provided by the person having custody of the
 22 records to the regional correctional facility administrator.

23 **SECTION 3. The amendments to ORS 238A.300 by section 1 of this 2011 Act apply only**
 24 **to persons who are reemployed in qualifying positions on or after the effective date of this**
 25 **2011 Act.**

26 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
 27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
 28 **on its passage.**

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