

House Bill 2343

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Agriculture, Natural Resources and Rural Communities)

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**.

Modifies law limiting number of hours that retired member of Public Employees Retirement System may work while still receiving retirement benefits. Eliminates limitation on reemployment of certain retired employees by or in certain cities and counties with specified populations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reemployment of retired workers; amending ORS 238.082 and 238.088; and declaring an
3 emergency.

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

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

6 238.082. (1) Subject to the limitations in this section, any public employer may employ any
7 member who is retired for service if the administrative head of the public employer is satisfied that
8 such employment is in the public interest.

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

12 (3) A retired member who is receiving old-age, survivors or disability insurance benefits under
13 the federal Social Security Act may be employed under this section for the number of hours per-
14 mitted by subsection (2) of this section, or for the number of hours for which the salary equals the
15 maximum allowed for receipt of the full amount of those benefits to which the person is entitled,
16 whichever is greater.

17 (4) Except as provided in subsection (9) of this section, the limitations on employment imposed
18 by subsections (2) and (3) of this section do not apply to a retired member who is employed as a
19 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is
20 employed by a school district or community college district located within a county with a popu-
21 lation of not more than *[35,000]* **70,000** inhabitants according to the latest federal decennial census,
22 or is employed by an education service district and the retired member's primary work duties are
23 performed in a county with a population of not more than *[35,000]* **70,000** inhabitants according to
24 the latest federal decennial census. A retired member who is employed under this subsection as a
25 teacher, as defined in ORS 342.120, by the same public employer that employed the member at the
26 time of retirement remains in the same collective bargaining unit that included the member before
27 retirement.

28 (5) Except as provided in subsection (9) of this section, the limitations on employment imposed
29 by subsections (2) and (3) of this section do not apply to a retired member who is employed:

30 (a) By the sheriff of a county with a population of fewer than *[75,000]* **150,000** inhabitants, ac-

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 cording to the latest federal decennial census;

2 (b) By the municipal police department of a city with a population of fewer than [15,000] **30,000**
 3 inhabitants, according to the latest federal decennial census;

4 (c) By the state or a county for work in a correctional institution located in a county with a
 5 population of fewer than [75,000] **150,000** inhabitants, according to the latest federal decennial cen-
 6 sus;

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

9 (e) By the Oregon State Police for work in a county with a population of fewer than [75,000]
 10 **150,000** inhabitants, according to the latest federal decennial census; or

11 (f) As a deputy director or assistant director of the Department of Human Services, if the Gov-
 12 ernor approves the exemption for the person from the limitations on employment imposed in sub-
 13 sections (2) and (3) of this section.

14 (6) Except as provided in subsection (9) of this section, the limitations on employment imposed
 15 by subsections (2) and (3) of this section do not apply to a retired member who is employed to tem-
 16 porarily replace an employee who serves in the National Guard or in a reserve component of the
 17 Armed Forces of the United States and who is called to federal active duty.

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

21 (8) Except as provided in subsection (9) of this section, the limitations on employment imposed
 22 by subsections (2) and (3) of this section do not apply to a retired member who is a nurse and is
 23 employed by a public employer as a nurse or for the purpose of teaching nursing during the period
 24 in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in
 25 effect.

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

28 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
 29 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the
 30 date the person is employed under subsection (4) of this section.

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

33 (11) Hours worked by a person employed under subsections (4) to (8) of this section shall not
 34 be counted for the purpose of the limitations on employment imposed by subsections (2) and (3) of
 35 this section.

36 **SECTION 2.** ORS 238.088 is amended to read:

37 238.088. (1) Except as provided in subsection (2) of this section, a person who is elected to a
 38 full-time salaried office of the state or one of the participating political subdivisions thereof, or who
 39 is appointed to a full-time salaried office having a term fixed by statute or charter, whether or not
 40 the person has been retired, does not forfeit any rights accrued or accruing to the person under this
 41 chapter. However, for the period that such person holds such office the person is not entitled to any
 42 pension or annuity provided by this chapter. Upon ceasing to hold such office, benefits shall be
 43 computed or recomputed by the Public Employees Retirement Board on the basis of age then at-
 44 tained.

45 (2) If a person is elected or appointed to the office of sheriff or county judge or commissioner

1 in a county with a population of fewer than [75,000] **150,000** inhabitants, according to the latest
2 federal decennial census, and the person does not elect to become an active member of the system
3 under ORS 238.015 (5), the person shall continue to be a retired member and to receive retirement
4 benefits for as long as the person holds the office.

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

7 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
9 **on its passage.**

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