

House Bill 2814

Sponsored by Representative THATCHER (at the request of Cathy Clark) (Presession filed.)

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 may be worked by retired member of Public Employees Retirement System while still receiving retirement benefits. Eliminates limitation on reemployment of certain public safety officers by or in certain small cities and counties, based on population under 2000 federal decennial census instead of latest federal decennial census.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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 this section, any public employer may employ any
6 member who is retired for service if the administrative head of the public employer is satisfied that
7 such employment is in the public interest.

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

11 (3) A retired member who is receiving old-age, survivors or disability insurance benefits under
12 the federal Social Security Act may be employed under this section for the number of hours per-
13 mitted by subsection (2) of this section, or 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 whichever is greater.

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

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

28 (a) By the sheriff of a county **or a fire district located in a county** with a population of fewer
29 than 75,000 inhabitants, according to the *[latest]* **2000** federal decennial census;

30 (b) By the municipal police department **or fire department** of a city with a population of fewer

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 than 15,000 inhabitants, according to the *[latest]* **2000** federal decennial census;

2 (c) By the state or a county for work in a correctional institution located in a county with a
3 population of fewer than 75,000 inhabitants, according to the *[latest]* **2000** federal decennial census;

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

6 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
7 habitants, according to the *[latest]* **2000** federal decennial census; or

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

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

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

18 (8) 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 a nurse and is
20 employed by a public employer as a nurse or for the purpose of teaching nursing during the period
21 in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in
22 effect.

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

25 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
26 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the
27 date the person is employed under subsection (4) of this section.

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

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

33 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
35 **on its passage.**

36