

# House Bill 3364

Sponsored by Representative THATCHER (at the request of Elwood Richter)

## 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**.

Allows retired member of Public Employees Retirement System to be employed without limitation on number of hours in two calendar years after retirement. Provides that calendar years may include year in which member retires, or any of immediately following four calendar years.

Sunset December 31, 2015.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public employee retirement; creating new provisions; amending ORS 238.082; and de-  
3 claring an 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)] (10) of this section, the limitations on employment  
18 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed  
19 as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member  
20 is employed by a school district or community college district located within a county with a pop-  
21 ulation of not more than 35,000 inhabitants according to the latest federal decennial census, or is  
22 employed by an education service district and the retired member's primary work duties are per-  
23 formed in a county with a population of not more than 35,000 inhabitants according to the latest  
24 federal decennial census. A retired member who is employed under this subsection as a teacher, as  
25 defined in ORS 342.120, by the same public employer that employed the member at the time of re-  
26 tirement remains in the same collective bargaining unit that included the member before retirement.

27 (5) Except as provided in subsection [(9)] (10) of this section, the limitations on employment  
28 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed:

29 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to  
30 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 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-  
2 itants, according to the latest federal decennial census;

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

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

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

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

12 (6) Except as provided in subsection [(9)] (10) of this section, the limitations on employment  
13 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed  
14 to temporarily replace an employee who serves in the National Guard or in a reserve component  
15 of the Armed Forces of the United States and who is called to federal active duty.

16 (7) Except as provided in subsection [(9)] (10) of this section, the limitations on employment  
17 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed  
18 by a road assessment district organized under ORS 371.405 to 371.535.

19 (8) Except as provided in subsection [(9)] (10) of this section, the limitations on employment  
20 imposed by subsections (2) and (3) of this section do not apply to a retired member who is a nurse  
21 and is employed by a public employer as a nurse or for the purpose of teaching nursing during the  
22 period in which a nursing workforce shortage declared by the Legislative Assembly or the Governor  
23 is in effect.

24 **(9) Except as provided in subsection (10) of this section, a retired member may be em-**  
25 **ployed without limitation on the number of hours in two calendar years. Employment under**  
26 **this subsection must be completed not later than four calendar years after the calendar year**  
27 **in which the member retires.**

28 [(9)(a)] (10)(a) Except as provided in paragraph (b) of this subsection, subsections (4) to [(8)] (9)  
29 of this section do not apply to any member who retires under the provisions of ORS 238.280 (1), (2)  
30 or (3).

31 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS  
32 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the  
33 date the person is employed under subsection (4) of this section.

34 [(10)] (11) Employment under this section does not affect the status of a person as a retired  
35 member of the system and a recipient of retirement benefits under this chapter.

36 [(11)] (12) Hours worked by a person employed under subsections (4) to [(8)] (9) of this section  
37 shall not be counted for the purpose of the limitations on employment imposed by subsections (2)  
38 and (3) of this section.

39 **SECTION 2.** ORS 238.082, as amended by section 1 of this 2011 Act, is amended to read:

40 238.082. (1) Subject to the limitations in this section, any public employer may employ any  
41 member who is retired for service if the administrative head of the public employer is satisfied that  
42 such employment is in the public interest.

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

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

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

16 (5) Except as provided in subsection [(10)] (9) of this section, the limitations on employment  
 17 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed:

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

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

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

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

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

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

31 (6) Except as provided in subsection [(10)] (9) of this section, the limitations on employment  
 32 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed  
 33 to temporarily replace an employee who serves in the National Guard or in a reserve component  
 34 of the Armed Forces of the United States and who is called to federal active duty.

35 (7) Except as provided in subsection [(10)] (9) of this section, the limitations on employment  
 36 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed  
 37 by a road assessment district organized under ORS 371.405 to 371.535.

38 (8) Except as provided in subsection [(10)] (9) of this section, the limitations on employment  
 39 imposed by subsections (2) and (3) of this section do not apply to a retired member who is a nurse  
 40 and is employed by a public employer as a nurse or for the purpose of teaching nursing during the  
 41 period in which a nursing workforce shortage declared by the Legislative Assembly or the Governor  
 42 is in effect.

43 [(9) Except as provided in subsection (10) of this section, a retired member may be employed with-  
 44 out limitation on the number of hours in two calendar years. Employment under this subsection must  
 45 be completed not later than four calendar years after the calendar year in which the member retires.]

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

4        (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS  
5 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the  
6 date the person is employed under subsection (4) of this section.

7        [(11)] **(10)** Employment under this section does not affect the status of a person as a retired  
8 member of the system and a recipient of retirement benefits under this chapter.

9        [(12)] **(11)** Hours worked by a person employed under subsections (4) to [(9)] **(8)** of this section  
10 shall not be counted for the purpose of the limitations on employment imposed by subsections (2)  
11 and (3) of this section.

12        **SECTION 3. The amendments to ORS 238.082 by section 2 of this 2011 Act become oper-**  
13 **ative December 31, 2015.**

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

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