

Senate Bill 34

Sponsored by Senator MONROE (Pre-session 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**.

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 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*] **the** 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)] **(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 as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member
19 is employed by a school district or community college district located within a county with a pop-
20 ulation 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)] **(10)** of this section, the limitations on employment
27 imposed 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 with a population of fewer than 75,000 inhabitants, according to
29 the latest federal decennial census;

30 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-

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

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

18 **(8) The limitations on employment imposed by subsections (2) and (3) of this section do**
19 **not apply to a retired member who is employed by a school district or an education service**
20 **district as other than a teacher, as defined in ORS 342.120, or management employee, or by**
21 **a community college as other than a faculty member or management employee. A retired**
22 **member who is employed under this subsection by the same public employer that employed**
23 **the member at the time of retirement remains in the same collective bargaining unit that**
24 **included the member before retirement.**

25 [(8)] (9) Except as provided in subsection [(9)] (10) of this section, the limitations on employment
26 imposed by subsections (2) and (3) of this section do not apply to a retired member who is a nurse
27 and is employed by a public employer as a nurse or for the purpose of teaching nursing during the
28 period in which a nursing workforce shortage declared by the Legislative Assembly or the Governor
29 is in effect.

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

33 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
34 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the
35 date the person is employed under subsection (4) of this section.

36 [(10)] (11) Employment under this section does not affect the status of a person as a retired
37 member of the system and a recipient of retirement benefits under this chapter.

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

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

42 238A.245. (1) Except as provided in [subsection (3) of] this section, the Public Employees Retirement
43 Board shall cease making pension payments to a retired member of the pension program who
44 is reemployed by a participating public employer in a qualifying position. A retired member of the
45 pension program who is employed in a qualifying position becomes an active member of the pension

1 program without serving the probationary period provided for in ORS 238A.100.

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

6 (3) A retired member of the pension program who becomes a member of the Legislative Assem-
7 bly shall continue to receive the pension elected by the member. A retired member of the pension
8 program who becomes a member of the Legislative Assembly may not elect under ORS 237.650 to
9 become an active member of the Oregon Public Service Retirement Plan or a legislator member of
10 the state deferred compensation plan.

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

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

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