

House Bill 2784

Sponsored by Representative WHISNANT

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**.

Directs Public Employees Retirement Board to calculate or recalculate retirement benefits of member of Public Employees Retirement System if member is convicted of certain work-related felonies. Requires board to pay convicted member only benefits that are funded by employee contributions.

A BILL FOR AN ACT

1
2 Relating to public employee retirement.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 238.**

5 **SECTION 2. (1) Notwithstanding any other provision of this chapter, the Public Employ-**
6 **ees Retirement Board shall calculate or recalculate a member's retirement benefits in the**
7 **manner provided by this section if the member is convicted of a felony and:**

8 (a) **The conduct on which the conviction is based occurred while the member was engaged**
9 **in the performance of the member's duties as an employee of a public employer; or**

10 (b) **The member's position as an employee of a public employer allowed the member to**
11 **engage in the conduct that is the basis of the felony conviction.**

12 (2) **If the board receives notice that an active or inactive member has been charged with**
13 **or convicted of a felony that the board has reason to believe would cause the member to be**
14 **subject to this section, the board may not allow the member to elect to receive the optional**
15 **refund service retirement benefit provided for under ORS 238.305 (3) until:**

16 (a) **The felony charge has been resolved; and**

17 (b) **The board has determined that the member is not subject to this section.**

18 (3) **If the board determines that a member is subject to this section and the member has**
19 **not retired, the board shall pay the member only those benefits under this chapter that are**
20 **funded by employee contributions.**

21 (4) **If the board determines that a member is subject to this section and the member has**
22 **retired, the board shall recalculate the retirement benefits payable to the member under this**
23 **chapter so that the member is paid the benefits that the member would have received if the**
24 **member's retirement benefits had been calculated in the manner provided by subsection (3)**
25 **of this section as of the member's effective date of retirement. The change in the member's**
26 **retirement benefits is effective upon written notice of the recalculated retirement benefits**
27 **being given to the member, and applies only to benefits paid thereafter.**

28 **SECTION 3. Section 4 of this 2013 Act is added to and made a part of ORS chapter 238A.**

29 **SECTION 4. (1) Notwithstanding any other provision of this chapter, the Public Employ-**
30 **ees Retirement Board shall calculate or recalculate a member's retirement benefits in the**

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 manner provided by this section if the member is convicted of a felony and:

2 (a) The conduct on which the conviction is based occurred while the member was engaged
3 in the performance of the member's duties as an employee of a participating public employer;
4 or

5 (b) The member's position as an employee of a public employer allowed the member to
6 engage in the conduct that is the basis of the felony conviction.

7 (2) If the board determines that a member is subject to this section and the member has
8 not retired under the pension program, the board may not pay the member a pension under
9 this chapter. If the member has retired, the board shall cease paying the member a pension
10 under this chapter.

11 **SECTION 5.** Sections 2 and 4 of this 2013 Act apply to all members of the Public Em-
12 ployees Retirement System, whether employed before, on or after the effective date of this
13 2013 Act, and whether retiring before, on or after the effective date of this 2013 Act.

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