

Senate Bill 211

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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**.

Makes permanent provisions allowing employee of Department of Public Safety Standards and Training who is retired under Public Employees Retirement System to be employed full-time by public employer as department instructor without loss of retirement benefits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to employment of retired public employees; amending ORS 238.082 and section 2, chapter
3 499, Oregon Laws 2007; and declaring 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

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 the latest federal decennial census;

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

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

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

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

13 (g) As a deputy director or assistant director of the Oregon Health Authority, if the Governor
14 approves the exemption for the person from the limitations on employment imposed in subsections
15 (2) and (3) of this section.

16 (6) 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 to temporarily replace an employee who serves in the National Guard or in a reserve component
19 of the Armed Forces of the United States and who is called to federal active duty.

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

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

28 **(9) Except as provided in subsection (10) of this section, the limitations on employment**
29 **imposed by subsections (2) and (3) of this section do not apply to a retired member who is**
30 **employed by the Department of Public Safety Standards and Training for the purpose of**
31 **providing training under ORS 181.610 to 181.712.**

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

35 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
36 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the
37 date the person is employed under subsection (4) of this section.

38 [(10)] (11) Employment under this section does not affect the status of a person as a retired
39 member of the system and a recipient of retirement benefits under this chapter.

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

43 **SECTION 2.** Section 2, chapter 499, Oregon Laws 2007, as amended by sections 3 and 10,
44 chapter 390, Oregon Laws 2009, is amended to read:

45 **Sec. 2.** (1) The limitations on employment imposed by ORS 238.082 (2) and (3) do not apply to

1 a retired member who is a registered nurse and who is employed by a public employer as a nursing
2 instructor.

3 *[(2) The limitations on employment imposed by ORS 238.082 (2) and (3) do not apply to a retired*
4 *member who is employed by the Department of Public Safety Standards and Training for the purpose*
5 *of providing training under ORS 181.610 to 181.712.]*

6 [(3)] (2) This section does not apply to any member who retires under the provisions of ORS
7 238.280 (1) or (3).

8 [(4)] (3) Hours worked by a person employed under this section shall not be counted for the
9 purpose of the limitations on employment imposed by ORS 238.082 (2) and (3).

10 [(5)] (4) Employment under this section does not affect the status of a person as a retired
11 member of the Public Employees Retirement System and a recipient of retirement benefits under this
12 chapter.

13 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
15 **on its passage.**

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