

House Bill 2323

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon State Police)

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**.

Exempts retired member of Public Employees Retirement System from limitations on reemployment if member is reemployed for purposes of providing law enforcement or security services to Governor, Legislative Assembly, Judicial Department or Department of Revenue.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reemployment of retired public employees; creating new provisions; amending ORS
3 238.082 and 238.092; 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) of this section, the limitations on employment imposed
18 by subsections (2) and (3) of this section do not apply to a retired member who is employed as a
19 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is
20 employed by a school district or community college district located within a county with a popu-
21 lation 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) of this section, the limitations on employment imposed
28 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;

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; [*or*]

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

15 **(h) For the purpose of providing law enforcement or security services to the Governor,**
 16 **the Legislative Assembly, the Judicial Department or the Department of Revenue.**

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

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

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

29 (9)(a) Except as provided in paragraph (b) of this subsection, subsections (4) to (8) of this section
 30 do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) 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) Employment under this section does not affect the status of a person as a retired member
 35 of the system and a recipient of retirement benefits under this chapter.

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

39 **SECTION 2.** ORS 238.092 is amended to read:

40 238.092. (1) Notwithstanding any other provision of this chapter:

41 (a) A retired member of the Public Employees Retirement System who has retired as other than
 42 a member of the Legislative Assembly and who is thereafter appointed or elected as a member of
 43 the Legislative Assembly may elect, by giving the Public Employees Retirement Board written no-
 44 tice, to receive the pension and annuity provided by this chapter for service as other than a member
 45 of the Legislative Assembly, and be an active member of the system as a member of the Legislative

1 Assembly for the purpose of service in the Legislative Assembly. A person may make an election
 2 under this paragraph only if the person becomes an active member of the system under this chapter
 3 for the purpose of service in the Legislative Assembly as provided in ORS 237.650 (3). Notice of an
 4 election under this paragraph must be given by the person not more than 30 days after the person
 5 takes office.

6 (b) A member of the Legislative Assembly who is a member of the system as a member of the
 7 Legislative Assembly and who becomes eligible to retire by reason of service as other than a mem-
 8 ber of the Legislative Assembly, without regard to when that service was performed, may elect, by
 9 giving the board written notice, to retire and receive the pension and annuity provided by this
 10 chapter for service as other than a member of the Legislative Assembly, and to continue, for the
 11 purpose of service in the Legislative Assembly, as an active member of the system as a member of
 12 the Legislative Assembly.

13 (c) Upon receipt of the notice provided for in paragraphs (a) and (b) of this subsection, the board
 14 shall determine that portion of the accumulated contributions, if any, of the member and interest
 15 thereon attributable to service as other than a member of the Legislative Assembly, which shall be
 16 used in determining the amount of the annuity the member shall receive for that service. The por-
 17 tion of the accumulated contributions, if any, of the member and interest thereon attributable to
 18 service as a member of the Legislative Assembly shall remain in the member account of the member
 19 and, together with any subsequent contributions and interest thereon, be used in determining the
 20 amount of the additional annuity the member shall receive for that service upon subsequent retire-
 21 ment. If the member does not have a member account, the board shall determine the member's re-
 22 tirement allowance for nonlegislative service based on the number of years of nonlegislative service,
 23 and shall determine any additional benefit to be received after the member subsequently retires
 24 based on the number of years of service in the Legislative Assembly.

25 (2) If a retired member of the system is employed by the Legislative Assembly[, or by the Oregon
 26 State Police,] for the purpose of service during a regular or special session of the Legislative As-
 27 sembly, the hours worked during the session shall not be counted for the purpose of the limitations
 28 on employment imposed by ORS 238.082 (2) and (3).

29 **SECTION 3. The amendments to ORS 238.082 and 238.092 by sections 1 and 2 of this 2017**
 30 **Act apply only to retired members who are employed by public employers on or after the**
 31 **effective date of this 2017 Act.**

32 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
 33 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
 34 **on its passage.**