

Senate Bill 486

Sponsored by Senator PROZANSKI (at the request of University of Oregon) (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**.

Exempts retired members of Public Employees Retirement System from limitations on reemployment if member is reemployed as police officer by public university or Oregon Health Science University.

Provides that no more than 25 percent of police officers employed in police department established by public university or Oregon Health and Science University may be retired members of Public Employees Retirement System.

A BILL FOR AN ACT

1
2 Relating to police officers commissioned by universities; creating new provisions; and amending ORS
3 238.082, 352.121 and 353.125.

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

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[.]; **or**

16 **(h) As a police officer by a university under ORS 352.121 or ORS 353.125.**

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 352.121 is amended to read:

40 352.121. (1) The governing board of a public university listed in ORS 352.002 may authorize the
41 university to establish a police department and commission one or more employees as police officers.
42 A police department established under this section has all of the authority and immunity of a mu-
43 nicipal police department of this state.

44 (2) Police officers commissioned under this section:

45 (a) May enforce criminal laws and any administrative rules and policies adopted by the gov-

erning board; and

(b) Have all the authority and immunity of a peace officer or police officer of this state.

(3) When a university establishes a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

(4) The governing board may:

(a) Enter into an agreement, or authorize the university under its control to enter into an agreement, with a municipal corporation or any department, agency or political subdivision of this state for the provision of mutual aid by their respective police officers.

(b) Adopt standards to carry out the provisions of this section.

(5) No more than 25 percent of the police officers employed in a police department established under this section may be retired members of the Public Employees Retirement System.

SECTION 3. ORS 353.125 is amended to read:

353.125. (1) The Oregon Health and Science University Board of Directors, or Oregon Health and Science University officials acting under the authority of the board, may establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state.

(2) Police officers commissioned under this section:

(a) May enforce criminal laws and any administrative rules and policies adopted by the university; and

(b) Have all the authority and immunity of a peace officer or police officer of this state.

(3) When the university establishes a police department and commissions one or more employees as police officers under this section, the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

(4) The university may:

(a) Enter into an agreement with a municipal corporation or any department, agency or political subdivision of this state for the provision of mutual aid by their respective police officers; and

(b) Adopt rules to carry out the provisions of this section.

(5) No more than 25 percent of the police officers employed in a police department established under this section may be retired members of the Public Employees Retirement System.

SECTION 4. The amendments to ORS 238.082 by section 1 of this 2017 Act apply only to retired members who are employed as police officers by universities or become employed as police officers by universities on or after the effective date of this 2017 Act.