

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO
SENATE BILL 560**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and delete line 3 and insert “ORS 169.810, 238A.100, 238A.300 and
3 238A.330; and”.

4 Delete lines 6 through 26 and delete pages 2 through 16 and insert:

5 **“SECTION 1.** ORS 238A.100 is amended to read:

6 “238A.100. (1)(a) Except as provided by subsection (2) of this section, an
7 eligible employee who is employed in a qualifying position on or after August
8 29, 2003, **and before the effective date of this 2017 Act** by a public em-
9 ployer that is participating in the pension program and who will not receive
10 benefits under ORS chapter 238 for service with the participating public
11 employer pursuant to the provisions of ORS 238A.025 becomes a member of
12 the pension program on the first day of the month after the employee com-
13 pletes six full calendar months of employment. The six-month requirement
14 may not be interrupted by more than 30 consecutive working days.

15 **“(b) Except as provided by subsection (2) of this section, an eligible**
16 **employee who is employed on or after the effective date of this 2017**
17 **Act becomes a member of the pension program on the first day of the**
18 **month after the employee completes 12 full calendar months of em-**
19 **ployment. The 12-month requirement may not be interrupted by more**
20 **than 30 consecutive working days.**

21 “[*b*] (c) Employer contributions for new members of the pension program

1 shall first be made under ORS 238A.220 for those wages that are attributable
2 to services performed by the employee during the first full pay period fol-
3 lowing the [*six-month*] period **of employment required under paragraph**
4 **(a) or (b) of this subsection**, without regard to when those wages are
5 considered earned for other purposes under this chapter.

6 “(2) A person who is elected or appointed to an office with a fixed term
7 other than as a member of the Legislative Assembly, or who is appointed by
8 the Governor to an office as head of a department, may elect not to become
9 a member of the pension program by giving the Public Employees Retirement
10 Board written notice not later than 30 days after taking office. An election
11 under this subsection also operates as an election not to become a member
12 of the individual account program. An election under this subsection is
13 irrevocable during the term of office for which the election is made.

14 “(3) **As used in this section, ‘eligible employee who is employed on**
15 **or after the effective date of this 2017 Act’ means an eligible employee**
16 **who:**

17 “(a) **Is employed in a qualifying position on or after the effective**
18 **date of this 2017 Act by a public employer that is participating in the**
19 **pension program;**

20 “(b) **Is not a member of the pension program on the effective date**
21 **of this 2017 Act;**

22 “(c) **Has not performed any period of service for a participating**
23 **public employer before the effective date of this 2017 Act that is cred-**
24 **ited to the six-month period of employment required under subsection**
25 **(1)(a) of this section; and**

26 “(d) **Will not receive benefits under ORS chapter 238 for service with**
27 **the participating public employer pursuant to the provisions of ORS**
28 **238A.025.**

29 “**SECTION 2.** ORS 238A.300 is amended to read:

30 “238A.300. (1) Except as provided in ORS 238A.100 (2) and subsection

1 [(2)] (3) of this section, an eligible employee who is employed in a qualifying
2 position on or after August 29, 2003, **and before the effective date of this**
3 **2017 Act** by a public employer that is participating in the individual account
4 program and who will not receive benefits under ORS chapter 238 for service
5 with the participating public employer pursuant to the provisions of ORS
6 238A.025 becomes a member of the individual account program on the first
7 day of the month after the employee completes six full calendar months of
8 employment. The six-month probationary period may not be interrupted by
9 more than 30 consecutive working days.

10 **“(2) Except as provided in ORS 238A.100 (2) and subsection (3) of this**
11 **section, an eligible employee who is employed on or after the effective**
12 **date of this 2017 Act becomes a member of the individual account**
13 **program on the first day of the month after the employee completes**
14 **12 full calendar months of employment. The 12-month probationary**
15 **period may not be interrupted by more than 30 consecutive working**
16 **days.**

17 **“[(2)] (3) An inactive member of the pension program who terminated**
18 **membership in the individual account program pursuant to ORS 238A.310 (2)**
19 **becomes a member of the individual account program immediately upon re-**
20 **employment in a qualifying position.**

21 **“(4) As used in this section, ‘eligible employee who is employed on**
22 **or after the effective date of this 2017 Act’ means an eligible employee**
23 **who:**

24 **“(a) Is employed in a qualifying position on or after the effective**
25 **date of this 2017 Act by a public employer that is participating in the**
26 **individual account program;**

27 **“(b) Is not a member of the individual account program on the ef-**
28 **fective date of this 2017 Act;**

29 **“(c) Has not performed any period of service for a participating**
30 **public employer before the effective date of this 2017 Act that is cred-**

1 **ited to the six-month period of employment required under subsection**
2 **(1) of this section; and**

3 **“(d) Will not receive benefits under ORS chapter 238 for service with**
4 **the participating public employer pursuant to the provisions of ORS**
5 **238A.025.**

6 **“SECTION 3.** ORS 238A.330 is amended to read:

7 “238A.330. (1) A member of the individual account program must make
8 employee contributions to the individual account program of six percent of
9 the member’s salary.

10 “(2) Employee contributions made by a member of the individual account
11 program under this section shall be credited by the board to the employee
12 account established for the member under ORS 238A.350 (2).

13 “(3) A new member of the individual account program shall first make
14 contributions under this section for those wages that are attributable to
15 services performed by the employee during the first full pay period following
16 the [*six-month*] probationary period required under ORS 238A.300, without
17 regard to when those wages are considered earned for other purposes under
18 this chapter.

19 **“SECTION 4.** ORS 169.810 is amended to read:

20 “169.810. (1) Assumption by the regional correctional facility of those
21 custodial duties formerly performed by a county or city jail constitutes an
22 assumption of duties by a public employer subject to ORS 236.610 to 236.640.

23 “(2) An employee who transfers from employment at a county or city jail
24 to employment at a regional correctional facility operated by the county or
25 city by which the employee has been employed shall be accorded the follow-
26 ing rights:

27 “(a) If a trial or probationary service period is required for employment
28 at the county or city jail, the period of county or city employment of the
29 employee shall apply to that requirement.

30 “(b) An employee who transfers from employment at a county or city jail

1 to employment at the regional correctional facility shall retain accumulated
2 unused sick leave with pay and the accumulated unused vacation with pay
3 to which the employee was entitled under county or city employment on the
4 day before the transfer that are supported by written records of accumulation
5 and use pursuant to a plan formally adopted and applicable to the employee
6 under county or city employment.

7 “(c) Notwithstanding any other provision of law applicable to a retire-
8 ment system for county employees or city employees, an employee who
9 transfers from employment at a county or city jail to employment at the re-
10 gional correctional facility who was participating in a retirement system
11 under county or city employment may elect, not later than the first day of
12 the month following the month in which the employee transfers, to continue
13 under the retirement system in which participating and not to become, if
14 eligible, a member of another retirement system. The election shall be made
15 in writing and shall be submitted to the regional correctional facility ad-
16 ministrator, the Public Employees Retirement Board and the governing body
17 of the counties and cities that operate the regional correctional facility.

18 “(d) If an employee elects to continue under the retirement system in
19 which participating under county or city employment, the employee shall
20 continue to make required contributions to that system and the adminis-
21 tration of the regional correctional facility shall make contributions on be-
22 half of the employee required of an employer participating in that system.

23 “(e) If an employee fails to elect to continue under the retirement system
24 in which participating under county or city employment as provided in par-
25 agraph (c) of this subsection or was not participating in a retirement system
26 under county or city employment, the employee shall become, if eligible, a
27 member of the Public Employees Retirement System. If the employee is eli-
28 gible to become a member of the Public Employees Retirement System, the
29 period of continuous service of the employee under county or city employ-
30 ment immediately before the transfer of the employee shall apply to the [six

1 *months*] service requirement of ORS 238.015, 238A.100 or 238A.300 (1).

2 “(3) The county or city employment records, or a copy thereof, applicable
3 to an employee transferred under subsection (2) of this section shall be pro-
4 vided by the person having custody of the records to the regional
5 correctional facility administrator.

6 **“SECTION 5. (1) As soon as practicable after the effective date of
7 this 2017 Act, the Public Employees Retirement Board shall:**

8 **“(a) Determine the amount of savings in employer contributions
9 that are attributable to the provisions of this 2017 Act; and**

10 **“(b) Recalculate the contribution rates of all employers, pursuant
11 to ORS 238.225, to reflect the provisions of this 2017 Act.**

12 **“(2) The board shall issue corrected contribution rate orders to
13 employers affected by rates recalculated under this section as soon as
14 practicable after the effective date of this 2017 Act. The corrected rates
15 are effective on July 1, 2017.**

16 **“SECTION 6. This 2017 Act being necessary for the immediate
17 preservation of the public peace, health and safety, an emergency is
18 declared to exist, and this 2017 Act takes effect on its passage.”.**

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