

Requested by HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND TRADE

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 1044**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
2 “238.082.”.

3 After line 12, insert:

4 **“SECTION 3.** ORS 238.082 is amended to read:

5 “238.082. (1) Subject to the limitations in this section, any public employer  
6 may employ any member who is retired for service if the administrative head  
7 of the public employer is satisfied that such employment is in the public in-  
8 terest.

9 “(2) Except as provided in this section, the period or periods of employ-  
10 ment by one or more public employers of a retired member who is reemployed  
11 under this section may not total 1,040 hours or more in any calendar year.

12 “(3) A retired member who is receiving old-age, survivors or disability  
13 insurance benefits under the federal Social Security Act may be employed  
14 under this section for the number of hours permitted by subsection (2) of this  
15 section, or for the number of hours for which the salary equals the maximum  
16 allowed for receipt of the full amount of those benefits to which the person  
17 is entitled, whichever is greater.

18 “(4) Except as provided in subsection (9) of this section, the limitations  
19 on employment imposed by subsections (2) and (3) of this section do not apply  
20 to a retired member who is employed as a teacher or as an administrator,  
21 as those terms are defined in ORS 342.120, if the retired member is employed

1 by a school district or community college district located within a county  
2 with a population of not more than 35,000 inhabitants according to the latest  
3 federal decennial census, or is employed by an education service district and  
4 the retired member's primary work duties are performed in a county with a  
5 population of not more than 35,000 inhabitants according to the latest federal  
6 decennial census. A retired member who is employed under this subsection  
7 as a teacher, as defined in ORS 342.120, by the same public employer that  
8 employed the member at the time of retirement remains in the same collec-  
9 tive bargaining unit that included the member before retirement.

10 “(5) Except as provided in subsection (9) of this section, the limitations  
11 on employment imposed by subsections (2) and (3) of this section do not apply  
12 to a retired member who is employed:

13 “(a) By the sheriff of a county with a population of fewer than 75,000  
14 inhabitants, according to the latest federal decennial census;

15 “(b) By the municipal police department of a city with a population of  
16 fewer than 15,000 inhabitants, according to the latest federal decennial cen-  
17 sus;

18 “(c) By the state or a county for work in a correctional institution located  
19 in a county with a population of fewer than 75,000 inhabitants, according to  
20 the latest federal decennial census;

21 “(d) By the Black Butte Ranch Rural Fire Protection District, the Black  
22 Butte Ranch Service District or the Sunriver Service District;

23 “(e) By the Oregon State Police for work in a county with a population  
24 of fewer than 75,000 inhabitants, according to the latest federal decennial  
25 census;

26 “(f) As a deputy director or assistant director of the Department of Hu-  
27 man Services, if the Governor approves the exemption for the person from  
28 the limitations on employment imposed in subsections (2) and (3) of this  
29 section; [or]

30 “(g) As a deputy director or assistant director of the Oregon Health Au-

1 thority, if the Governor approves the exemption for the person from the  
2 limitations on employment imposed in subsections (2) and (3) of this  
3 section[.]; or

4 **“(h) By the Oregon Liquor Control Commission, if the person’s**  
5 **primary work duties relate to the ORS chapter 471 license investi-**  
6 **gation, complaint response or liquor law violation investigation activ-**  
7 **ities of the commission.**

8 “(6) Except as provided in subsection (9) of this section, the limitations  
9 on employment imposed by subsections (2) and (3) of this section do not apply  
10 to a retired member who is employed to temporarily replace an employee who  
11 serves in the National Guard or in a reserve component of the Armed Forces  
12 of the United States and who is called to federal active duty.

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

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

23 “(9)(a) Except as provided in paragraph (b) of this subsection, subsections  
24 (4) to (8) of this section do not apply to any member who retires under the  
25 provisions of ORS 238.280 (1), (2) or (3).

26 “(b) Subsection (4) of this section applies to a person who retires under  
27 the provisions of ORS 238.280 (1), (2) or (3) as long as the person’s date of  
28 retirement is more than six months before the date the person is employed  
29 under subsection (4) of this section.

30 “(10) Employment under this section does not affect the status of a person

1 as a retired member of the system and a recipient of retirement benefits un-  
2 der this chapter.

3 “(11) Hours worked by a person employed under subsections (4) to (8) of  
4 this section shall not be counted for the purpose of the limitations on em-  
5 ployment imposed by subsections (2) and (3) of this section.

6 **“SECTION 4.** ORS 238.082, as amended by section 3 of this 2017 Act, is  
7 amended to read:

8 “238.082. (1) Subject to the limitations in this section, any public employer  
9 may employ any member who is retired for service if the administrative head  
10 of the public employer is satisfied that such employment is in the public in-  
11 terest.

12 “(2) Except as provided in this section, the period or periods of employ-  
13 ment by one or more public employers of a retired member who is reemployed  
14 under this section may not total 1,040 hours or more in any calendar year.

15 “(3) A retired member who is receiving old-age, survivors or disability  
16 insurance benefits under the federal Social Security Act may be employed  
17 under this section for the number of hours permitted by subsection (2) of this  
18 section, or for the number of hours for which the salary equals the maximum  
19 allowed for receipt of the full amount of those benefits to which the person  
20 is entitled, whichever is greater.

21 “(4) Except as provided in subsection (9) of this section, the limitations  
22 on employment imposed by subsections (2) and (3) of this section do not apply  
23 to a retired member who is employed as a teacher or as an administrator,  
24 as those terms are defined in ORS 342.120, if the retired member is employed  
25 by a school district or community college district located within a county  
26 with a population of not more than 35,000 inhabitants according to the latest  
27 federal decennial census, or is employed by an education service district and  
28 the retired member’s primary work duties are performed in a county with a  
29 population of not more than 35,000 inhabitants according to the latest federal  
30 decennial census. A retired member who is employed under this subsection

1 as a teacher, as defined in ORS 342.120, by the same public employer that  
2 employed the member at the time of retirement remains in the same collec-  
3 tive bargaining unit that included the member before retirement.

4 “(5) Except as provided in subsection (9) of this section, the limitations  
5 on employment imposed by subsections (2) and (3) of this section do not apply  
6 to a retired member who is employed:

7 “(a) By the sheriff of a county with a population of fewer than 75,000  
8 inhabitants, according to the latest federal decennial census;

9 “(b) By the municipal police department of a city with a population of  
10 fewer than 15,000 inhabitants, according to the latest federal decennial cen-  
11 sus;

12 “(c) By the state or a county for work in a correctional institution located  
13 in a county with a population of fewer than 75,000 inhabitants, according to  
14 the latest federal decennial census;

15 “(d) By the Black Butte Ranch Rural Fire Protection District, the Black  
16 Butte Ranch Service District or the Sunriver Service District;

17 “(e) By the Oregon State Police for work in a county with a population  
18 of fewer than 75,000 inhabitants, according to the latest federal decennial  
19 census;

20 “(f) As a deputy director or assistant director of the Department of Hu-  
21 man Services, if the Governor approves the exemption for the person from  
22 the limitations on employment imposed in subsections (2) and (3) of this  
23 section; **or**

24 “(g) As a deputy director or assistant director of the Oregon Health Au-  
25 thority, if the Governor approves the exemption for the person from the  
26 limitations on employment imposed in subsections (2) and (3) of this  
27 section[; *or*].

28 “[*h*] *By the Oregon Liquor Control Commission, if the person’s primary*  
29 *work duties relate to the ORS chapter 471 license investigation, complaint re-*  
30 *sponse or liquor law violation investigation activities of the commission.*]

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

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

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

16 “(9)(a) Except as provided in paragraph (b) of this subsection, subsections  
17 (4) to (8) of this section do not apply to any member who retires under the  
18 provisions of ORS 238.280 (1), (2) or (3).

19 “(b) Subsection (4) of this section applies to a person who retires under  
20 the provisions of ORS 238.280 (1), (2) or (3) as long as the person’s date of  
21 retirement is more than six months before the date the person is employed  
22 under subsection (4) of this section.

23 “(10) Employment under this section does not affect the status of a person  
24 as a retired member of the system and a recipient of retirement benefits un-  
25 der this chapter.

26 “(11) Hours worked by a person employed under subsections (4) to (8) of  
27 this section shall not be counted for the purpose of the limitations on em-  
28 ployment imposed by subsections (2) and (3) of this section.

29 **“SECTION 5. The amendments to ORS 238.082 by section 4 of this**  
30 **2017 Act become operative July 1, 2019.”.**

- 1 In line 13, delete “3” and insert “6”.
- 2 On page 3, line 38, delete “4” and insert “7”.
- 3 On page 4, line 32, delete “5” and insert “8”.
- 4 On page 5, line 28, delete “6” and insert “9”.
- 5 In line 33, delete “7” and insert “10”.
- 6 On page 6, line 26, delete “8” and insert “11”.
- 7 In line 45, delete “9” and insert “12”.
- 8 On page 7, line 22, delete “10” and insert “13”.
- 9 On page 8, line 10, delete “11” and insert “14”.
- 10 In line 11, delete “12” and insert “15”.
- 11 In line 14, delete “6” and insert “9”.
- 12 In line 16, delete “7 to 9” and insert “10 to 12”.
- 13 In line 19, delete “13” and insert “16”.
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