

A-Engrossed
House Bill 2838

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representatives DOHERTY, NOBLE, STARK; Representatives BONHAM, EVANS, HELT, SOLLMAN
(at the request of Oregon School Board Association)

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.

Provides that hours worked by [*retired police officer employed by school district to provide law enforcement, security or safety services*] **certain law enforcement employees** do not count for purposes of limitations on reemployment of retired member of Public Employees Retirement System.

A BILL FOR AN ACT

1
2 Relating to reemployment of retired members of the Public Employees Retirement System; creating
3 new provisions; and amending ORS 238.082.

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

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 imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed:

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

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

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

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

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

12 **(e) By the Oregon State Police:**

13 **(A) For work in a county with a population of fewer than 75,000 inhabitants, according**
14 **to the latest federal decennial census;**

15 **(B) To provide security for the residence of the Governor or for judges of the courts**
16 **operating under the Judicial Department; or**

17 **(C) To provide law enforcement related to access and habitat programs, as described in**
18 **ORS 496.232;**

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

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

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

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

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

37 **(9) Except as provided in subsection (10) of this section, the limitations on employment**
38 **imposed by subsections (2) and (3) of this section do not apply to a retired member who re-**
39 **tired as a police officer and who is employed by a school district or public charter school to**
40 **provide law enforcement, security or safety services.**

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

44 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
45 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the

1 date the person is employed under subsection (4) of this section.

2 ~~[(10)]~~ **(11)** Employment under this section does not affect the status of a person as a retired
3 member of the system and a recipient of retirement benefits under this chapter.

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

7 **SECTION 2. The amendments to ORS 238.082 by section 1 of this 2019 Act apply only to:**

8 **(1) Retired members who are employed by the Oregon State Police on or after the effec-**
9 **tive date of this 2019 Act.**

10 **(2) Retired members who are employed by a school district or public charter school to**
11 **provide law enforcement, security or safety services on or after the effective date of this 2019**
12 **Act.**

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