

# Senate Bill 768

Sponsored by Senators MONNES ANDERSON, KNOPP, ROBLAN, HANSELL

## 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 as teacher by school district or education service district.

## A BILL FOR AN ACT

1  
2 Relating to reemployment of retired members of the Public Employees Retirement System; creating  
3 new provisions; amending ORS 238.082; and repealing sections 2 and 3, chapter 475, Oregon  
4 Laws 2015.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) Section 2, chapter 475, Oregon Laws 2015, is repealed.**

7 **(2) Section 3, chapter 475, Oregon Laws 2015, as amended by section 1, chapter 48, Oregon**  
8 **Laws 2018, is repealed.**

9 **SECTION 2. ORS 238.082 is amended to read:**

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

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

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

21 (4) 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 as a  
23 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is  
24 employed by a school district or community college district located within a county with a popu-  
25 lation of not more than 35,000 inhabitants according to the latest federal decennial census, or is  
26 employed by an education service district and the retired member's primary work duties are per-  
27 formed in a county with a population of not more than 35,000 inhabitants according to the latest  
28 federal decennial census. A retired member who is employed under this subsection as a teacher, as  
29 defined in ORS 342.120, by the same public employer that employed the member at the time of re-  
30 tirement remains in the same collective bargaining unit that included the member before retirement.

31 (5) Except as provided in subsection (9) of this section, the limitations on employment imposed

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

15 (g) As a deputy director or assistant director of the Oregon Health Authority, if the Governor  
16 approves the exemption for the person from the limitations on employment imposed in subsections  
17 (2) and (3) of this section; **or**

18 **(h) As a teacher employed by a school district or education service district.**

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

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

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

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

33 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS  
34 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the  
35 date the person is employed under subsection (4) of this section.

36 (10) Employment under this section does not affect the status of a person as a retired member  
37 of the system and a recipient of retirement benefits under this chapter.

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

41 **SECTION 3. The amendments to ORS 238.082 by section 2 of this 2019 Act apply only to**  
42 **retired members who are employed as teachers by a school district or an education service**  
43 **district or become employed as teachers by a school district or an education service district**  
44 **on or after the effective date of this 2019 Act.**