

House Bill 2212

Sponsored by Representatives SMITH DB, MORGAN (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**.

Provides that telecommunicator qualifies as police officer under Public Employees Retirement System. Provides that telecommunicator employed on effective date of Act is entitled to service in retirement system as police officer for all service performed as telecommunicator.

A BILL FOR AN ACT

1
2 Relating to telecommunicators; creating new provisions; and amending ORS 238.005, 238.078, 238.082,
3 238.088, 238.280 and 238A.165 and section 2, chapter 499, Oregon Laws 2007, section 2, chapter
4 475, Oregon Laws 2015, section 2, chapter 6, Oregon Laws 2016, and section 35, chapter 355,
5 Oregon Laws 2019.

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

7 **SECTION 1.** ORS 238.005 is amended to read:

8 238.005. For purposes of this chapter:

9 (1) "Active member" means a member who is presently employed by a participating public em-
10 ployer in a qualifying position and who has completed the six-month period of service required by
11 ORS 238.015.

12 (2) "Annuity" means payments for life derived from contributions made by a member as provided
13 in this chapter.

14 (3) "Board" means the Public Employees Retirement Board.

15 (4) "Calendar year" means 12 calendar months commencing on January 1 and ending on De-
16 cember 31 following.

17 (5) "Continuous service" means service not interrupted for more than five years, except that
18 such continuous service shall be computed without regard to interruptions in the case of:

19 (a) An employee who had returned to the service of the employer as of January 1, 1945, and
20 who remained in that employment until having established membership in the Public Employees
21 Retirement System.

22 (b) An employee who was in the armed services on January 1, 1945, and returned to the service
23 of the employer within one year of the date of being otherwise than dishonorably discharged and
24 remained in that employment until having established membership in the Public Employees Retire-
25 ment System.

26 (6) "Creditable service" means any period of time during which an active member is being paid
27 a salary by a participating public employer and for which benefits under this chapter are funded by
28 employer contributions and earnings on the fund. For purposes of computing years of "creditable
29 service," full months and major fractions of a month shall be considered to be one-twelfth of a year
30 and shall be added to all full years. "Creditable service" includes all retirement credit received by
31 a member.

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 (7) "Earliest service retirement age" means the age attained by a member when the member
2 could first make application for retirement under the provisions of ORS 238.280.

3 (8) "Employee" means a person who performs services for a participating public employer, in-
4 cluding persons considered employees of a participating public employer under 26 U.S.C. 3121(d)(2),
5 as in effect on December 31, 2019, and public officers. "Employee" does not include:

6 (a) Persons engaged as independent contractors.

7 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-
8 ployer or public employers do not total 600 hours in any calendar year.

9 (c) Persons provided sheltered employment or made-work by a public employer in an employment
10 or industries program maintained for the benefit of such persons.

11 (d) Persons employed and paid from federal funds received under a federal program intended
12 primarily to alleviate unemployment. However, any such person shall be considered an "employee"
13 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects
14 to have the person so considered by an irrevocable written notice to the board.

15 (e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-
16 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph
17 shall be deemed to have been in effect since the inception of the system.

18 (f) Persons employed in positions classified as post-doctoral scholar positions by a public uni-
19 versity listed in ORS 352.002, or by the Oregon Health and Science University, under ORS 350.370.

20 (9) "Final average salary" means whichever of the following is greater:

21 (a) The average salary per calendar year paid by one or more participating public employers to
22 an employee who is an active member of the system in three of the calendar years of membership
23 before the effective date of retirement of the employee, in which three years the employee was paid
24 the highest salary. The three calendar years in which the employee was paid the largest total salary
25 may include calendar years in which the employee was employed for less than a full calendar year.
26 If the number of calendar years of active membership before the effective date of retirement of the
27 employee is three or fewer, the final average salary for the employee is the average salary per cal-
28 endar year paid by one or more participating public employers to the employee in all of those years,
29 without regard to whether the employee was employed for the full calendar year.

30 (b) One-third of the total salary paid by a participating public employer to an employee who is
31 an active member of the system in the last 36 calendar months of active membership before the ef-
32 fective date of retirement of the employee.

33 (10) "Firefighter" does not include a volunteer firefighter, but does include:

34 (a) The State Fire Marshal, the chief deputy fire marshal and deputy state fire marshals;

35 (b) An employee of the State Fire Marshal whose primary duties include fire investigation, fire
36 prevention, fire safety, fire control or fire suppression;

37 (c) An employee of the State Forestry Department who is certified by the State Forester as a
38 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
39 fires as described in ORS 477.064; and

40 (d) An employee of the Oregon Military Department whose primary duties include fighting
41 structural, aircraft, wildland or other fires.

42 (11) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 fol-
43 lowing.

44 (12) "Fund" means the Public Employees Retirement Fund.

45 (13) "Inactive member" means a member who is not employed in a qualifying position, whose

1 membership has not been terminated in the manner described by ORS 238.095 and who is not retired
 2 for service or disability.

3 (14) "Institution of higher education" means a public university listed in ORS 352.002, the
 4 Oregon Health and Science University and a community college, as defined in ORS 341.005.

5 (15) "Member" means a person who has established membership in the system and whose mem-
 6 bership has not been terminated as described in ORS 238.095. "Member" includes active, inactive
 7 and retired members.

8 (16) "Member account" means the regular account and the variable account.

9 (17) "Normal retirement age" means:

10 (a) For a person who establishes membership in the system before January 1, 1996, as described
 11 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter
 12 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

13 (b) For a person who establishes membership in the system on or after January 1, 1996, as de-
 14 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or
 15 firefighter or 60 years of age if the employee retires at that age as other than a police officer or
 16 firefighter.

17 (18) "Pension" means annual payments for life derived from contributions by one or more public
 18 employers.

19 (19) "Police officer" includes:

20 (a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions
 21 whose duties, as assigned by the Director of the Department of Corrections, include the custody of
 22 persons committed to the custody of or transferred to the Department of Corrections and employees
 23 of the Department of Corrections who were classified as police officers on or before July 27, 1989,
 24 whether or not such classification was authorized by law.

25 (b) Employees of the Department of State Police who are classified as police officers by the
 26 Superintendent of State Police.

27 (c) Employees of the Oregon Liquor and Cannabis Commission who are classified as regulatory
 28 specialists by the administrator of the commission.

29 (d) Sheriffs and those deputy sheriffs or other employees of a sheriff whose duties, as classified
 30 by the sheriff, are the regular duties of police officers or corrections officers.

31 (e) Police chiefs and police personnel of a city who are classified as police officers by the
 32 council or other governing body of the city.

33 (f) Police officers who are commissioned by a university under ORS 352.121 or 353.125 and who
 34 are classified as police officers by the university.

35 (g) Parole and probation officers employed by the Department of Corrections, parole and pro-
 36 bation officers who are transferred to county employment under ORS 423.549 and adult parole and
 37 probation officers, as defined in ORS 181A.355, who are classified as police officers for the purposes
 38 of this chapter by the county governing body. If a county classifies adult parole and probation offi-
 39 cers as police officers for the purposes of this chapter, and the employees so classified are repres-
 40 ented by a labor organization, any proposal by the county to change that classification or to cease
 41 to classify adult parole and probation officers as police officers for the purposes of this chapter is
 42 a mandatory subject of bargaining.

43 (h) Police officers appointed under ORS 276.021 or 276.023.

44 (i) Employees of the Port of Portland who are classified as airport police by the Board of Com-
 45 missioners of the Port of Portland.

1 (j) Employees of the State Department of Agriculture who are classified as livestock police of-
 2 ficers by the Director of Agriculture.

3 (k) Employees of the Department of Public Safety Standards and Training who are classified by
 4 the department as other than secretarial or clerical personnel.

5 (L) Investigators of the Criminal Justice Division of the Department of Justice.

6 (m) Corrections officers as defined in ORS 181A.355.

7 (n) Employees of the Oregon State Lottery Commission who are classified by the Director of the
 8 Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

9 (o) The Director of the Department of Corrections.

10 (p) An employee who for seven consecutive years has been classified as a police officer as de-
 11 fined by this section, and who is employed or transferred by the Department of Corrections to fill
 12 a position designated by the Director of the Department of Corrections as being eligible for police
 13 officer status.

14 (q) An employee of the Department of Corrections classified as a police officer on or prior to
 15 July 27, 1989, whether or not that classification was authorized by law, as long as the employee
 16 remains in the position held on July 27, 1989. The initial classification of an employee under a sys-
 17 tem implemented pursuant to ORS 240.190 does not affect police officer status.

18 (r) Employees of a school district who are appointed and duly sworn members of a law
 19 enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as
 20 police officers commissioned by the district.

21 (s) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,
 22 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who
 23 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the
 24 Department of Corrections or the Oregon Youth Authority.

25 (t) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-
 26 scription involves the custody, control, treatment, investigation or supervision of juveniles placed
 27 in such facilities.

28 (u) Employees of the Oregon Youth Authority who are classified as juvenile parole and pro-
 29 bation officers.

30 (v) Employees of the Department of Human Services who are prohibited from striking under ORS
 31 243.726 and whose duties include the care of residents of residential facilities, as defined in ORS
 32 443.400, that house individuals with intellectual or developmental disabilities.

33 (w) Employees appointed as judicial marshals under ORS 1.177 who are certified under ORS
 34 181A.540.

35 **(x) Telecommunicators, as defined in ORS 181A.355.**

36 (20) "Prior service credit" means credit provided under ORS 238.442 or under ORS 238.225 (2)
 37 to (6) (1999 Edition).

38 (21) "Public employer" means the state, one of its agencies or any city, county, municipal or
 39 public corporation, political subdivision of the state or instrumentality thereof, or an agency created
 40 by one or more such governmental organizations to provide governmental services. For purposes of
 41 this chapter, such agency created by one or more governmental organizations is a governmental
 42 instrumentality and a legal entity with power to enter into contracts, hold property and sue and be
 43 sued.

44 (22) "Qualifying position" means one or more jobs with one or more participating public em-
 45 ployers in which an employee performs 600 or more hours of service in a calendar year, excluding

1 any service in a job for which a participating public employer does not provide benefits under this
2 chapter pursuant to an application made under ORS 238.035.

3 (23) "Regular account" means the account established for each active and inactive member un-
4 der ORS 238.250.

5 (24) "Retired member" means a member who is retired for service or disability.

6 (25) "Retirement credit" means a period of time that is treated as creditable service for the
7 purposes of this chapter.

8 (26)(a) "Salary" means the remuneration paid an employee in cash out of the funds of a public
9 employer in return for services to the employer, plus the monetary value, as determined by the
10 Public Employees Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and
11 other advantages the employer furnishes the employee in return for services.

12 (b) "Salary" includes but is not limited to:

13 (A) Payments of employee and employer money into a deferred compensation plan, which are
14 deemed salary paid in each month of deferral;

15 (B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary
16 paid in each month of participation;

17 (C) Retroactive payments described in ORS 238.008; and

18 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
19 652.190.

20 (c) "Salary" or "other advantages" does not include:

21 (A) Travel or any other expenses incidental to employer's business which is reimbursed by the
22 employer;

23 (B) Payments for insurance coverage by an employer on behalf of employee or employee and
24 dependents, for which the employee has no cash option;

25 (C) Payments made on account of an employee's death;

26 (D) Any lump sum payment for accumulated unused sick leave;

27 (E) Any accelerated payment of an employment contract for a future period or an advance
28 against future wages;

29 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement
30 gratuitous payment;

31 (G) Payments for periods of leave of absence after the date the employer and employee have
32 agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for
33 sick leave and vacation;

34 (H) Payments for instructional services rendered to public universities listed in ORS 352.002 or
35 the Oregon Health and Science University when such services are in excess of full-time employment
36 subject to this chapter. A person employed under a contract for less than 12 months is subject to
37 this subparagraph only for the months to which the contract pertains;

38 (I) Payments made by an employer for insurance coverage provided to a domestic partner of an
39 employee;

40 (J) Compensation described and authorized under ORS 341.556 that is not paid by the community
41 college employing the faculty member;

42 (K) Compensation described and authorized under ORS 352.232 that is not paid by the public
43 university employing the officer or employee;

44 (L) Compensation described and authorized under ORS 353.270 that is not paid by Oregon Health
45 and Science University; or

1 (M) For years beginning on or after January 1, 2020, any amount in excess of \$195,000 for a
 2 calendar year. If any period over which salary is determined is less than 12 months, the \$195,000
 3 limitation for that period shall be multiplied by a fraction, the numerator of which is the number
 4 of months in the determination period and the denominator of which is 12. On January 1 of each
 5 year, the board shall adjust the dollar limit provided by this subparagraph to reflect any percentage
 6 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-
 7 lished by the Bureau of Labor Statistics of the United States Department of Labor.

8 (27) "School year" means the period beginning July 1 and ending June 30 next following.

9 (28) "System" means the Public Employees Retirement System.

10 (29) "Variable account" means the account established for a member who participates in the
 11 Variable Annuity Account under ORS 238.260.

12 (30) "Vested" means being an active member of the system in each of five calendar years.

13 (31) "Volunteer firefighter" means a firefighter whose position normally requires less than 600
 14 hours of service per year.

15 **SECTION 2.** ORS 238.280 is amended to read:

16 238.280. (1) Except as otherwise provided in this section, a member of the Public Employees
 17 Retirement System who attains the age of 55 shall be retired upon written application by the mem-
 18 ber to the Public Employees Retirement Board on a reduced service retirement allowance, that is
 19 the actuarial equivalent of the service retirement allowance provided for in ORS 238.300 at the
 20 normal retirement age.

21 *[(2) A member of the system who has 25 years or more of creditable service in the system as a*
 22 *telecommunicator, as defined in ORS 181A.355, shall be retired upon written application by the member*
 23 *to the board on a reduced service retirement allowance that is the actuarial equivalent of the service*
 24 *retirement allowance provided for in ORS 238.300 at the normal retirement age. A member who retires*
 25 *under this subsection before attaining the age of 55 shall not receive a cost-of-living adjustment under*
 26 *ORS 238.360 until the member attains the age of 55.]*

27 [(3)] (2) A police officer or firefighter who is a member of the system and attains the age of 50
 28 shall be retired upon written application by the member to the board on a reduced service retire-
 29 ment allowance, which shall be the actuarial equivalent of the service retirement allowance pro-
 30 vided for in ORS 238.300 at the normal retirement age. The provisions of this subsection apply to
 31 an inactive member of the system who was employed as a police officer or firefighter in a qualifying
 32 position immediately before becoming inactive.

33 [(4)] (3) Notwithstanding ORS 238.215 (2)(b)(B):

34 (a) A police officer or firefighter who is a member of the system, attains the age of 50 and has
 35 a combined total of 25 years or more of creditable service in the system and prior service credit
 36 shall be retired upon written application by the member to the board on a service retirement al-
 37 lowance including, without actuarial reduction, the same current service pension and prior service
 38 pension provided for in ORS 238.300 at the normal retirement age. The provisions of this paragraph
 39 apply to an inactive member of the system who was employed as a police officer or firefighter in a
 40 qualifying position immediately before becoming inactive.

41 (b) An employee who is a member of the system, has a combined total of 30 years or more of
 42 creditable service in the system and prior service credit, and is not eligible to retire under para-
 43 graph (a) of this subsection shall be retired upon written application by the member to the board
 44 on a service retirement allowance including, without actuarial reduction, the same current service
 45 pension and prior service pension provided for in ORS 238.300 at the normal retirement age.

1 **SECTION 3.** ORS 238A.165 is amended to read:

2 238A.165. (1) Except as provided in this section, earliest retirement age for a member of the
3 pension program is 55 years of age.

4 (2) Earliest retirement age for a member of the pension program who retires from service as a
5 police officer or firefighter is 50 years of age if the member has held a position as a police officer
6 or firefighter continuously for a period of not less than five years immediately before the effective
7 date of retirement. Earliest retirement date for a member described in this subsection is not later
8 than the date the member reaches 55 years of age.

9 *[(3) If a member of the pension program has 25 years or more of retirement credit as a telecom-*
10 *municator, as defined in ORS 181A.355, earliest retirement age for the member is 55 years of age or*
11 *the age of the member when the member acquires a total of 25 years or more of retirement credit as a*
12 *telecommunicator, whichever occurs first. A member who retires under this subsection before attaining*
13 *the age of 55 shall not receive a cost-of-living adjustment under ORS 238A.210 until the member attains*
14 *the age of 55.]*

15 [(4)] (3) A member of the pension program who has reached earliest retirement age may retire
16 on an early retirement date that is the first day of any month on or after the member has reached
17 earliest retirement age.

18 **SECTION 4.** ORS 238.078 is amended to read:

19 238.078. (1)(a) A member who has been retired for service for more than six consecutive calendar
20 months may be reemployed by a participating public employer in the manner provided by this sub-
21 section.

22 (b) Any person reemployed as provided in this subsection shall resume making employee con-
23 tributions, and the employer shall make contributions on behalf of the person as provided in ORS
24 238.225. Except as provided in paragraph (c) of this subsection, payments of retirement allowance
25 and other benefits received by the person, including lump sum or installment payments received by
26 the person under ORS 238.305 (2) or (3), shall not be repaid into the retirement fund after the person
27 reenters public employment. Upon reemployment under this subsection, the board shall cease mak-
28 ing payments of retirement allowance and other benefits to the person, including installment pay-
29 ments to the person under ORS 238.305 (4). The board shall reestablish the member account of the
30 person and reduce the account by all payments of retirement allowance and other benefits, including
31 installment payments, that were previously received by the person and that were derived from the
32 member account. Amounts that were credited to the reserve established by the board for the pay-
33 ment of the person's benefits that were not derived from the member account shall be credited pro
34 rata to the funds from which the amounts were derived.

35 (c) Upon reemployment under this subsection, the former retirement of the reemployed person
36 and any election of option for payment of retirement benefits made by the person shall be canceled.
37 When the person again retires the person may elect any option for payment of retirement benefits
38 authorized by this chapter, except that a person who elected to receive a service retirement benefit
39 pursuant to ORS 238.305 (2) or (3) at the time of former retirement may not elect any other option
40 at the time of subsequent retirement unless an amount equal to the lump sum and the interest that
41 would have accumulated on the sum has been repaid by the employee to the fund. Upon such sub-
42 sequent retirement any prior service pension due the employee shall be derived from the unused
43 portion of the prior service credit reserve and shall be calculated on the basis of then attained age.

44 (2) A member who has been retired for service for less than six consecutive calendar months
45 may be reemployed by a participating public employer only upon immediate repayment in a lump

1 sum by the member of the amount of retirement benefits drawn. The member account of the member
 2 shall be reestablished just as it was at the time of former retirement after the lump sum repayment
 3 is made.

4 (3) If a member of the system who retired before August 21, 1981, is reemployed, as provided in
 5 subsection (1) or (2) of this section, beginning on or after August 21, 1981, the service retirement
 6 allowance received upon subsequent retirement by the member shall be:

7 (a) For service before August 21, 1981, an allowance including a current service pension com-
 8 puted on the basis of ORS 237.147 (2) (1979 Replacement Part).

9 (b) For service on or after August 21, 1981, an allowance including a current service pension
 10 computed on the basis of ORS 238.300 (2).

11 (4) A person may be reemployed by a public employer that is not participating in the system,
 12 or may be employed by a participating public employer in a position that is in a class of employees
 13 that was not designated by the public employer under ORS 238.035 as a class of employees that
 14 become members of the system, without affecting the person's status as a retired member or the
 15 person's continued receipt of retirement benefits.

16 (5) Subsection (4) of this section does not apply to any member who retires under the provisions
 17 of ORS 238.280 (1)[, (2) or (3)] **or (2)**.

18 **SECTION 5.** ORS 238.082 is amended to read:

19 238.082. (1) Subject to the limitations in this section, any public employer may employ any
 20 member who is retired for service if the administrative head of the public employer is satisfied that
 21 such employment is in the public interest.

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

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

30 (4) Except as provided in subsection (9) of this section, the limitations on employment imposed
 31 by subsections (2) and (3) of this section do not apply to a retired member who is employed as a
 32 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is
 33 employed by a school district or community college district located within a county with a popu-
 34 lation of not more than 35,000 inhabitants according to the latest federal decennial census, or is
 35 employed by an education service district and the retired member's primary work duties are per-
 36 formed in a county with a population of not more than 35,000 inhabitants according to the latest
 37 federal decennial census. A retired member who is employed under this subsection as a teacher, as
 38 defined in ORS 342.120, by the same public employer that employed the member at the time of re-
 39 tirement remains in the same collective bargaining unit that included the member before retirement.

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

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

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

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

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

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

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

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

13 (h) As a special campus security officer commissioned by the governing board of a public uni-
 14 versity listed in ORS 352.002 under ORS 352.118;

15 (i) As a security officer for a community college, as defined in ORS 341.005; or

16 (j) By the Harney County Health District as a person licensed, registered or certified to provide
 17 health services.

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

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

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

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

32 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
 33 238.280 (1)[, (2) or (3)] **or (2)** as long as the person is absent from service with all participating
 34 public employers for at least six months before the date the person is employed under subsection (4)
 35 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 6.** ORS 238.088 is amended to read:

42 238.088. (1) Except as provided in subsection (2) of this section, a person who is elected to a
 43 full-time salaried office of the state or one of the participating political subdivisions thereof, or who
 44 is appointed to a full-time salaried office having a term fixed by statute or charter, whether or not
 45 the person has been retired, does not forfeit any rights accrued or accruing to the person under this

1 chapter. However, for the period that such person holds such office the person is not entitled to any
 2 pension or annuity provided by this chapter. Upon ceasing to hold such office, benefits shall be
 3 computed or recomputed by the Public Employees Retirement Board on the basis of age then at-
 4 tained.

5 (2) If a person is elected or appointed to the office of sheriff or county judge or commissioner
 6 in a county with a population of fewer than 75,000 inhabitants, according to the latest federal
 7 decennial census, and the person does not elect to become an active member of the system under
 8 ORS 238.015 (5), the person shall continue to be a retired member and to receive retirement benefits
 9 for as long as the person holds the office.

10 (3) Subsection (2) of this section does not apply to any member who retires under the provisions
 11 of ORS 238.280 (1)[, (2) or (3)] **or (2)**.

12 **SECTION 7.** Section 35, chapter 355, Oregon Laws 2019, provides:

13 **Sec. 35.** (1) Notwithstanding ORS 237.650 and any provision of this chapter and subject to the
 14 limitations in this section, during calendar year 2020, 2021, 2022, 2023 or 2024, a participating public
 15 employer may employ any retired member without limitation on the hours worked by the retired
 16 member if the administrative head of the public employer is satisfied that the employment is in the
 17 public interest.

18 (2) A public employer that employs a retired member during calendar year 2020, 2021, 2022, 2023
 19 or 2024 shall contribute to the Public Employees Retirement Board the percentage of the member's
 20 wages that would have been contributed to the board under ORS 238.225 if the member were an
 21 active member of the Public Employees Retirement System. Employer contributions made under this
 22 section are in addition to employer contributions made under ORS 238.225. The board shall apply
 23 contributions made by a public employer under this subsection against the liabilities of the public
 24 employer. The board shall adopt rules governing payments made under this subsection.

25 (3) This section does not apply to any member who retires under the provisions of ORS 238.280
 26 (1)[, (2) or (3)] **or (2)**, unless the person is absent from employment with all participating public
 27 employers for at least six months before the date the person is employed under this section.

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

30 **SECTION 8.** Section 2, chapter 499, Oregon Laws 2007, as amended by sections 3 and 10,
 31 chapter 390, Oregon Laws 2009, is amended to read:

32 **Sec. 2.** (1) The limitations on employment imposed by ORS 238.082 (2) and (3) do not apply to
 33 a retired member who is a registered nurse and who is employed by a public employer as a nursing
 34 instructor.

35 (2) The limitations on employment imposed by ORS 238.082 (2) and (3) do not apply to a retired
 36 member who is employed by the Department of Public Safety Standards and Training for the purpose
 37 of providing training under ORS [181.610 to 181.712] **181A.355 to 181A.670**.

38 (3) This section does not apply to any member who retires under the provisions of ORS 238.280
 39 (1) or [(3)] **(2)**.

40 (4) Hours worked by a person employed under this section shall not be counted for the purpose
 41 of the limitations on employment imposed by ORS 238.082 (2) and (3).

42 (5) Employment under this section does not affect the status of a person as a retired member
 43 of the Public Employees Retirement System and a recipient of retirement benefits under this chap-
 44 ter.

45 **SECTION 9.** Section 2, chapter 6, Oregon Laws 2016, is amended to read:

1 **Sec. 2.** (1) The limitations on employment imposed by ORS 238.082 (2) and (3) do not apply to
 2 a retired member who is employed by a school district or education service district to provide ser-
 3 vices as a speech-language pathologist or speech-language pathology assistant.

4 (2) This section does not apply to any member who retires under the provisions of ORS 238.280
 5 (1) or [(3)] (2) unless the person’s date of retirement is more than six months before the date the
 6 person is employed under this section.

7 (3) Hours worked by a person employed under this section may not be counted for the purpose
 8 of the limitations on employment imposed by ORS 238.082 (2) and (3).

9 (4) Employment under this section does not affect the status of a person as a retired member
 10 of the Public Employees Retirement System and a recipient of retirement benefits under this chap-
 11 ter.

12 **SECTION 10.** Section 2, chapter 475, Oregon Laws 2015, is amended to read:

13 **Sec. 2.** (1) As used in this section, “teacher of career and technical education” means a teacher
 14 licensed by the Teacher Standards and Practices Commission to instruct any career and technical
 15 education course or program in any career and technical education field.

16 (2) The limitations on employment imposed by ORS 238.082 (2) and (3) do not apply to a retired
 17 member who is employed by a school district or an education service district as a teacher of career
 18 and technical education.

19 (3) This section applies to a person who retires under the provisions of ORS 238.280 (1)[, (2) *or*
 20 (3)] **or (2)** as long as the person’s date of retirement is more than six months before the date the
 21 person is employed under this section.

22 (4) Employment under this section does not affect the status of a person as a retired member
 23 of the Public Employees Retirement System and a recipient of retirement benefits under this chap-
 24 ter.

25 (5) Hours worked by a person employed under subsection (2) of this section shall not be counted
 26 for the purpose of the limitations on employment imposed by ORS 238.082 (2) and (3).

27 **SECTION 11.** (1) **The amendments to ORS 238.005, 238.078, 238.082, 238.088, 238.280 and**
 28 **238A.165 and section 2, chapter 499, Oregon Laws 2007, section 2, chapter 475, Oregon Laws**
 29 **2015, section 2, chapter 6, Oregon Laws 2016, and section 35, chapter 355, Oregon Laws 2019,**
 30 **by sections 1 to 10 of this 2023 Act apply only to a person who is employed as a telecommu-**
 31 **nicator, as defined in ORS 181A.355, on or after the effective date of this 2023 Act.**

32 (2) **Any person who is employed as a telecommunicator on the effective date of this 2023**
 33 **Act is entitled to service in the Public Employees Retirement System as a police officer for**
 34 **all service performed as a telecommunicator, whether performed before, on or after the ef-**
 35 **fective date of this 2023 Act.**