

Answers to your questions about Retirement Plan Elections for Legislators

1. When can I elect a retirement plan?

You must make an election within 30 days of taking office in each term using the Legislators: Retirement Plan Election form, which can be found on the PERS website at www.oregon.gov/PERS.

The election remains in force as long as you maintain continuous service as a legislator. You can only change it at the beginning of each term within 30 days of taking office.

2. I was not a member of PERS on August 29, 2003, nor do I currently work for a public employer. What are my options?

ORS 237.650 allows you to:

- join the Oregon Public Service Retirement Plan (OPSRP),
- join the Oregon Savings Growth Plan (OSGP),
- decline to join either one, or
- do nothing; OSGP will automatically begin 30 days after you take office.

3. I was a member of the PERS Chapter 238 Program and a member of the Legislative Assembly on August 29, 2003. I will not work concurrently for a public employer during my service as a legislator. What are my options?

Sec. 46b, Oregon Laws 2003 allows several options.

- You can remain a PERS/IAP member. This option is only available as long as you maintain continuous service as a legislator (i.e., continue in office without a "Break in Service"*)
- You can join the OPSRP Pension Program. Once you join, you can also roll over your regular account in the PERS Chapter 238 Program over into the IAP.

If you have a variable account, it must remain in the PERS Chapter 238 Program.

- You can join OSGP. Once you join, you can also roll over your regular account in the PERS Chapter 238 Program into your OSGP individual account.

If you have a variable account, it must remain in the PERS Chapter 238 Program.

- You can decline to join either one.
- You can do nothing, and participation in OSGP will automatically begin 30 days after you take office.

4. I am a public employee and an active member of the PERS Chapter 238 Program. I will continue to work in a PERS-qualifying position during my service as a legislator. What are my options?

Under ORS 237.660(1), you will continue to accrue benefits under the PERS Chapter 238 Program for your non-legislative service. With respect to your service as a legislator, you have several options.

- You can join OPSRP. Once you join, you can roll over your regular account in the PERS Chapter 238 Program into the IAP.

If you have a variable account, it must remain in the PERS Chapter 238 Program.

- You can join OSGP. Once you join, you can roll over your regular account in the PERS Chapter 238 Program into your OSGP individual account.

If you have a variable account, it must remain in the PERS Chapter 238 Program.

- You can decline to join either one.
- You can do nothing, and participation in OSGP will automatically begin 30 days after you take office.

5. I am a public employee and a member of OPSRP. What are my options?

Under ORS 237.660(2), you must participate in OPSRP for your service as a legislator as well. It is not necessary to fill out an election form. This applies whether or not you continue non-legislative public employment during your term in office.

6. I am a PERS Chapter 238 retired member. What are my options?

If you have incurred a break in service*, you can:

- participate in OPSRP during your service as a legislator (your PERS retirement benefits would cease),

- participate in the OSGP (your PERS retirement benefits would continue during your service as a legislator), or
- you can do nothing, in which case you will continue receiving benefits as a retired member and will not default to participation in the OSGP.

If you have not yet incurred a break in service and you retired as other than a member of the Legislative Assembly, you have several options.

- Under ORS 238.092(1)(a), you can elect to continue receiving retirement benefits while also becoming an active member of PERS Chapter 238 for the purposes of your legislative service.
- You can elect to participate in OSGP while continuing to receive your retirement benefits.
- You can elect to stop your retirement benefits and choose any of the options listed in question 2.

7. I decline participation in OSGP, can I still make voluntary contributions to the OSGP?

Yes.

*Break in service – An active or inactive PERS member incurs a break in service when he or she performs no hours of service in a qualifying position for a period of six consecutive months or longer [HB 2020 §2(3)(b)]. See the PERS Q & A *Break in Service* for complete information.

This Q&A is for general informational purposes only and is not intended to provide legal advice. If there is any conflict between this brochure and federal law, Oregon law, or administrative rules, the law and administrative rules shall prevail.

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