

**OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 050 – DEFERRED COMPENSATION**

**459-050-0040**

**Unforeseeable Emergency Withdrawal Appeals Committee**

- (1) Purpose. The Unforeseeable Emergency Withdrawal Appeals Committee (the Committee) shall evaluate appeals denied by the Deferred Compensation Manager or designee authorized to take action on the Manager's behalf for the distribution of deferred compensation on the basis of claims of unforeseeable emergency in compliance with the Internal Revenue Code, Section 457, 26 USC 457, and the provisions of OAR 459-050-0150. The Committee shall formally approve or deny each appeal based on the merits of the appeal.
- (2) Committee composition. The Committee shall consist of not fewer than three persons.
  - (a) One person shall be a PERS staff member from the Deferred Compensation Program.
  - (b) Two persons shall be PERS staff members from other than the Deferred Compensation Program.
- (3) Committee meetings. The Committee shall meet upon the call of the Manager of the Deferred Compensation Program no later than 14 calendar days following receipt of an appeal. The Committee may meet by phone or in person. The Committee shall evaluate the participant's written request, emergency withdrawal application, financial information, and all related documentation submitted for compliance with 26 USC 457 and the provisions of OAR 459-050-0150.
- (4) Appeal approval. If an appeal is approved, the Committee authorizes the Manager to release the funds within 30 calendar days of approval.
- (5) Appeal denial. Within seven calendar days of the Committee's denial, the requestor may request an informal conference with the Deferred Compensation Manager or designee authorized to take action on the Manager's behalf.
- (6) Request for review. The requester may submit a request for review of the Committee's determination to the Director of PERS and must do so within 30 calendar days of the Committee's denial. The request must be in writing and include:
  - (a) A description of the staff action or determination for which review is requested;
  - (b) A short statement of the manner in which the action is alleged to be in error;
  - (c) A statement of facts that are the basis of the request;
  - (d) Reference to applicable statutes, rules or court decisions upon which the person relies;
  - (e) A statement of the relief the request seeks; and
  - (f) A request for review.
- (7) Director's determination. Within 30 calendar days of receiving a request for review, the Director shall issue a written determination either approving or denying the unforeseeable emergency withdrawal.

Stat. Auth: ORS 243.470

Stats. Implemented: ORS 243.401 – 243.507