

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 080 – OPSRP INDIVIDUAL ACCOUNT PROGRAM**

459-080-0300

Receipt of Payments by a Reemployed Member of the IAP

- (1) A member who received a lump sum distribution under ORS 238A.400 or OAR 459-080-0250 who is employed by a participating public employer in a qualifying position becomes an active member as of the date of employment.
- (a) If the member was employed after the date of the payment, the member is not required or permitted to repay the payment.
- (b) If the member was employed on or before the date of the payment, the member must repay the gross amount of the payment.
- (2) A member receiving installment payments under 238A.400 and OAR 459-080-0250 who is employed by a participating public employer in a qualifying position becomes an active member as of the date of employment.
- (a) The last installment payment to which the member is entitled is the last installment payment paid before the date of employment. A member who receives benefits to which he or she is not entitled must repay those benefits to PERS.
- (b) The member is not required or permitted to repay installment payments paid before the date of employment.
- (3) A member who is employed by a participating public employer in a non-qualifying position may receive a lump sum payment or installment payments.
- (a) If, by reason of hours of service performed by the member, the non-qualifying position becomes qualifying in a calendar year, the position is qualifying effective the later of the first day of the calendar year or the date the member was employed.
- (b) If a position becomes qualifying under subsection (a) of this section, the member is subject to the provisions of sections (1) and (2) of this rule.
- (4) Notwithstanding sections (1) to (3) of this rule, a member of the IAP who is a retired member of the PERS Chapter 238 Program and is employed by a participating public employer may receive payment(s) from the IAP subject to the limitations on employment of retired members of the PERS Chapter 238 Program.
- (5) A member of the IAP who reestablishes active membership may, at subsequent retirement, elect any payment option provided in ORS 238A.400, subject to the provisions of OAR 459-080-0250.

Stat. Auth.: 238A.450

Stats. Implemented: ORS chapters 238 & 238A