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**OREGON ADMINISTRATIVE RULE**  
**PUBLIC EMPLOYEES RETIREMENT BOARD**  
**CHAPTER 459**  
**DIVISION 030 – LOCAL PUBLIC EMPLOYER RETIREMENT PLANS FOR**  
**POLICE OFFICERS AND FIRE FIGHTERS**

1    **459-030-0011**

2    **“Equal To or Better Than” Exemption**

3        (1) *[If]* A public employer **that** provides retirement benefits to its police officers and  
4 firefighters **pursuant to ORS 237.620(2) is exempt from participation in PERS for**  
5 **such employees.** *[that are equal to or better than the benefits that would be provided to*  
6 *them under the Oregon Public Service Retirement Plan, the public employer may petition*  
7 *the Board for exemption from participation of such employees. Such petition will be*  
8 *reviewed under the requirements and timelines of this division.]*

9        *[(2) The Board will review any exemption granted under this division every two*  
10 *years to determine whether the exempt public employer is complying with the*  
11 *requirements of this division.]*

12        **(2) An exemption under this division will continue until the Board, upon review**  
13 **of the public employer’s retirement plan, determines that the plan no longer meets**  
14 **the required standard.**

15        **(3) Whenever a change in benefits in the public employer’s retirement plan is**  
16 **adopted, the public employer must petition the Board for review of the employer’s**  
17 **plan within 60 days.**

18        **(4) Whenever a change in benefits in the PERS Plan is adopted, the Board will**  
19 **determine if the change increases benefits such that the public employer’s**  
20 **retirement plan must be reviewed.**

21        **(5) In any event, at least once every 12 years the Board will determine, pursuant**  
22 **to section (2) of this rule, whether an employer’s exemption should continue.**

1        **(6) The Board may delegate the determination of whether such an employer's**  
2 **plan qualifies for an exemption to the PERS Executive Director.**

3        Stat. Auth.: ORS 238.650

4        Stat. Implemented: ORS 237.620