

Table of Exceptions to the 1,040-Hour Limit (Updated 9-1-11)

References: ORS 238.082, 238.092(2), 399.075(8), and OAR 459-017-0060

This exception applies to a retired member who is employed:	Who is eligible for this exception? (**)			Effective Date of Exception	Date Exception Expires
	Chapter 238 Tier One/Tier Two ALL benefit types “Normal” Ret. (#)	Early Ret. (*)	OPSRP Pension		
As an administrator or teacher by a school district or educational service district that has its administrative office located in a county of 35,000 or less population. This exception was amended in 2007. The amended exception is in two parts: 1) As an administrator or teacher by a school district or community college district located in a county of 35,000 or less population; or 2) As an administrator or teacher by an education service district and the retired member’s primary work duties are performed in a county of 35,000 or less population.	Yes	Yes, but limited; see note (*)	No	1/1/04 – 7/15/07 7/16/07 7/16/07	N/A
By the sheriff of a county with less than 75,000 population.	Yes	No	No	7-30-03	N/A
By the municipal police department of a city with less than 15,000 population.	Yes	No	No	7-30-03	N/A
By the state or a county for work in a correctional institution in a county of less than 75,000 population.	Yes	No	No	7-30-03	N/A
By the Oregon State Police for work in a county of less than 75,000 population.	Yes	No	No	7-30-03	N/A
As a temporary replacement for an employee called to active duty in the National Guard or an Armed Forces Reserve component.	Yes	No	No	7-30-03	N/A
By a road assessment district organized under ORS 371.405-.535.	Yes	No	No	7-30-03	N/A
By Black Butte Ranch R.F.P.D., the Black Butte Ranch Service District, or the Sunriver Service District.	Yes	No	No	11-4-05	N/A
As a deputy director or assistant director of the Department of Human Services (exception must be approved by the Governor).	Yes	No	No	6-7-07	N/A
As a deputy director or assistant director of the Oregon Health Authority (exception must be approved by the Governor).	Yes	No	No	8-5-11	N/A
As a nurse or for the purpose of teaching nursing, provided the retiree is a nurse. This exception is only available during a nursing workforce shortage declared by the Legislative Assembly or the Governor (a nursing workforce shortage was declared when this exception was passed into law).	Yes	No	No	7-1-07	When declaration is revoked.
As a nursing instructor (the retiree must be a registered nurse).	Yes	No	No	1-1-08	1-2-16
By the Department of Public Safety Standards and Training to provide training.	Yes	No	No	1-1-08	1-2-16
By a school district or education service district as a speech-language pathologist or speech-language pathologist assistant.	Yes	Yes, but limited; see note (*)	No	7-16-07	1-2-16
Is on state active duty with the National Guard and has reached “normal” retirement age (ORS 399.075(8)) (available to early retiree only if the retiree has reached normal retirement age).	Yes	Yes	No	6-11-03	N/A
By the Legislative Assembly or the Oregon State Police for service during a legislative session. (ORS 238.092(2)).	Yes	Yes	No	7-16-07	N/A

PLEASE NOTE: The Chapter 238 Tier One/Tier Two work hour limit was previously referred to as 1,039 hours/calendar year, but the statutory limitation in ORS 238.082(2) is actually "...may not total 1,040 hours or more in a calendar year." This distinction had little operational relevance because hours of employment were previously reported in whole hours, not fractions. However, with the implementation of EDX employers may now report fractions of hours, resulting in reported employment hour totals which can marginally exceed 1,039, but not total 1,040. To accommodate this reporting change the limit is now described as "may not total 1,040 hours."

PLEASE NOTE: **If a retired member is working for a PERS employer in a position UNDER AN EXCEPTION, and is concurrently working for another PERS employer in a position NOT UNDER AN EXCEPTION, only the hours worked in the position NOT UNDER AN EXCEPTION count toward the 1,040 limit. This exclusion is retroactive back to the later of January 1, 2004, or the date the applicable exception became operative. (Not all current exceptions existed on January 1, 2004.)**

(**) Chapter 238 Tier One/Tier Two recipients of a monthly or Total Lump Sum benefit, and those Chapter 238 Tier One/Tier Two recipients of an Aggregate Sum Refund (AS Refund) in lieu of a monthly benefit at retirement, may take advantage of exceptions to the 1040 hr/calendar year work limit. **OPSRP Pension Program retirees MAY NOT take advantage of the 1040 hour/calendar year limit, or any of the exceptions to that limit. There are different work after retirement restrictions for OPSRP Pension Program retirees.**

(#) A "normal" retirement benefit is not actuarially reduced for early retirement. A Chapter 238 Tier One/Tier Two member would receive a "normal" retirement benefit if they retired with at least 30 years total service credit, regardless of age. A Chapter 238 general service member would receive a "normal" benefit if: 1) The member retired at age 58 or older as a Tier One member, or 2) The member retired at age 60 or older as a Tier Two member. A Chapter 238 Tier One or Tier Two Police & Fire member would receive a "normal" benefit if: 1) The member retired at age 55, or 2) The member retired between ages 50 and 54 with at least 25 years' service credit.

(*) An "early" retirement benefit is actuarially reduced because the member starts receiving benefits before normal retirement age. Unless the member has 30 years service credit, Chapter 238 Tier One general service members retiring between ages 55 and 57 and Chapter 238 Tier Two general service members retiring between ages 55 and 59 are considered "early" retirees. Chapter 238 Tier One/Tier Two Police & Fire members retiring between ages 50 and 54 without 25 years' service credit are considered "early" retirees. **Only a limited number of 1,040 exceptions are available to "early" retirees, and an "early" retiree must wait six full months after retirement before he/she can be employed in a position under any 1,040 exception that is available to early retirees.**

For more comprehensive information about working after retirement, click on the "Working after Retirement" document available under the "General Information" link on the PERS Employer website, www.oregon.gov/pers/emp/index.shtml

Specific questions regarding reemployment of retired members should be directed:

By employers, to the PERS Employer Service Center;

By members, to the PERS Customer Service Center.