

**OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 075 – OPSRP PENSION PROGRAM**

**459-075-0020**

**Withdrawal from OPSRP Pension Program**

(1) Definitions. For the purposes of this rule:

(a) “Controlled group” means a group of employers treated as a single employer for purposes of maintaining qualified status under federal law.

(b) “Effective date of withdrawal” has the same meaning as given the term in OAR 459-005-0001(10).

(c) “Inactive member” has the same meaning given the term in ORS 238A.005.

(d) “Pension program” has the same meaning given the term in ORS 238A.005.

(2) An inactive member may withdraw from the OPSRP Pension Program under ORS 238A.120 if:

(a) The member is vested in the pension program under ORS 238A.115;

(b) The member has separated from employment with all participating employers and all employers in a controlled group with a participating employer;

(c) The member has been absent from service with all participating employers and all employers in a controlled group with a participating employer for at least one full calendar month following the month of separation;

(d) The member files with PERS a written request for withdrawal on a form acceptable to PERS;

(e) The actuarial equivalent of the member’s pension benefit is \$5,000 or less on the effective date of withdrawal. The actuarial equivalent may not include any value attributable to cost-of-living adjustments under ORS 238A.210; and

(f) The member complies with the requirements of ORS 238A.120(4).

(3) Any amount payable to the member under the provisions of this rule must be paid to the member in a single lump-sum payment.

(4) A member may revoke a request for withdrawal from the pension program if PERS receives the member’s written revocation of the request before the earlier of:

(a) The date of distribution; or

(b) The date PERS receives a valid court order requiring PERS to pay the distribution to someone other than the withdrawing member.

(5) A member who withdraws from the pension program terminates membership in the pension program as of the effective date of withdrawal.

(6) A member who withdraws from the pension program forfeits any service performed by the member before the date of the separation described in subsection (2)(b) of this rule and may not use that service for any purpose including, but not limited to, establishing membership under ORS 238A.100, vesting under ORS 238A.115, and the accrual of retirement credit under ORS 238A.140, 238A.150, or 238A.155.

(7) The withdrawal shall be processed following receipt by PERS of all the items in subsections (a) and (b) of this section:

(a) From the member:

(A) Completed withdrawal application; and

(B) Proof of member’s age.

(b) From the employer: Financial and demographic information indicating the member has separated from employment with all participating employers and all employers in a controlled group with a participating employer.

(8) PERS may cancel a member's request for withdrawal if PERS does not receive all the items specified in section (7) of this rule within 180 days of PERS' receipt of the original withdrawal application.

(9) If a former member who has withdrawn from the pension program returns to employment with a participating employer or an employer in a controlled group with a participating employer before the first day of the second calendar month following the month of the separation described in subsection (2)(b) of this rule, the withdrawal is cancelled and membership is restored. The member must repay to PERS in a single payment the total amount of all payments attributable to the withdrawal within 30 days following the effective date of the employment. Upon receipt by PERS of repayment under this section, service forfeited under section (6) of this rule is restored as of the effective date of withdrawal.

(10) If the member fails to repay as provided in section (9) of this rule, PERS shall take all reasonable steps to recover the repayment amount due, including any interest, costs, or penalties assessed by PERS, under the provisions of ORS 238.715 and OAR 459-005-0610. Upon receipt by PERS of repayment under this section, service forfeited under section (6) of this rule is restored effective the first day of the month following the date of repayment.

(11) The effective date of this rule is January 1, 2008.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.120, OL 2007 Ch. 52