

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

459-075-0300

Reemployment of a Retired Member of the OPSRP Pension Program

(1) If a retired member of the OPSRP Pension Program who is receiving monthly pension payments is employed by a participating public employer in a qualifying position:

(a) The member's retirement is canceled effective the first of the month in which the member was hired.

(b) The last pension payment the member is entitled to receive is for the month before the calendar month in which the member was hired. A member who receives benefits to which he or she is not entitled must repay those benefits to PERS.

(c) The member reestablishes active membership effective the date the member was hired.

(2) If a retired member of the OPSRP Pension Program who received a lump sum benefit in lieu of a small pension under ORS 238A.195 is employed by a participating public employer in a qualifying position, the member reestablishes active membership effective the date of hire.

(a) If the member was hired after the date of the payment, the member is not required or permitted to repay the benefit amount.

(b) If the member was hired on or before the date of the payment, the member must repay the gross benefit amount.

(3) A retired member of the OPSRP Pension Program who is hired by a participating public employer in a non-qualifying position may receive pension payments or a lump sum payment under ORS 238A.195 without affecting the member's status as a retired member, provided the period or periods of employment worked as a retired member total less than 600 hours in a calendar year.

(a) If, by reason of hours of service performed by the retired 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 of hire.

(b) If a position becomes qualifying under subsection (a) of this section, the retired member is subject to the provisions of sections (1) and (2) of this rule.

(4) A retired member who reestablishes active membership may, at subsequent retirement, elect any option provided in ORS 238A.180 and 238A.190, subject to the provisions of ORS 238A.195.

(a) The member's subsequent retirement benefit will be calculated based on the member's periods of active membership before and after the member's initial effective retirement date if at the initial retirement:

(A) The member received a monthly pension; or

(B) The member received a lump sum payment under ORS 238A.195 and repaid the benefit amount under subsection (2)(b) of this rule.

(b) The member's subsequent retirement benefit will be calculated based on the member's periods of active membership after the member's initial effective retirement date if:

(A) At initial retirement, the member received a lump sum payment under ORS 238A.195 and was not required to repay the benefit amount under subsection (2)(b) of this rule; or

(B) The member is required to repay the benefit amount under subsection (2)(b) of this rule and, as of the effective retirement date of the member's subsequent retirement, the member has not repaid the benefit amount.

(c) The member's subsequent retirement benefit will be calculated using the actuarial equivalency factors in effect on the effective retirement date of the subsequent retirement.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.245