

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 005 – ADMINISTRATION**

459-005-0210

Transmission of Information, Reports, and Documents

(1) As used in this rule:

(a) “Deferred Compensation Program” means the Oregon Savings Growth Plan (OSGP), the PERS Board as Trustee of the OSGP, the PERS Director as Administrator of the OSGP, and any OSGP staff member.

(b) “Document” means any document that is not specifically excluded under sections (3) and (8) of this rule, including, but not limited to, any petition, written request, or other document related to the appeal of a staff or Board action under OAR 459-001-0030, 459-001-0032, or 459-001-0035.

(c) “PERS” means the PERS Board, the PERS Director, the PERS Health Insurance Program which is administered by PERS under ORS Chapter 238, and any PERS staff member.

(2) Unless otherwise provided for in this rule, information, reports, or documents may be transmitted to PERS or the Deferred Compensation Program by personal delivery or by use of:

(a) The United States Postal Service (USPS);

(b) A private express carrier as defined in ORS 293.660(2);

(c) Telephonic facsimile communication (fax);

(d) Electronic mail through the Internet (email); or

(e) PERS’ Online Member Services (OMS);

(f) Other sources approved by the Director for the transmission of reports or documents.

(3) The following original documents shall be accepted by PERS or the Deferred Compensation Program only if transmitted in person, or by use of USPS or by private express carrier:

(a) Contracts and Agreements pertaining to the merger or integration of other retirement systems into PERS.

(b) Any request by a member for confidential information under provisions of ORS 192.355(12).

(c) Subpoenas, garnishments, summons, and other legal documents that require service on PERS. These documents will not be accepted unless they are served in accordance with applicable law.

(4) The following standards shall be observed when transmitting any information, report, or document to PERS or the Deferred Compensation Program by fax or email. Failure to comply with these standards shall result in the PERS or the Deferred Compensation Program not accepting the information, report, or document:

(a) The quality of the original hard copy shall be clear and dark enough to transmit legibly.

(b) Any information, report, or document requiring signature shall be signed prior to being transmitted.

(c) If PERS or the Deferred Compensation Program requests the transmission of a specific form, the transmission shall be on forms furnished by PERS or the Deferred Compensation Program or substitute forms previously approved by PERS or the Deferred Compensation Program, respectively.

(d) Any PERS or Deferred Compensation Program report or form shall be completed as required in PERS instructions.

(e) If PERS or the Deferred Compensation Program requests the transmission of a report or document that is part of a longer report or document, or contains multiple pages, then the entire

text of the report or document must be transmitted. Both sides of any two-sided PERS or Deferred Compensation Program form are to be transmitted.

(f) For a report or document that requires accompanying documentation, all components shall be transmitted together as one transmission.

(g) The first sheet of the transmission shall indicate the number of pages being transmitted, and shall contain a telephone number to call if there are problems with the transmission.

(h) Neither the original nor any additional copies of the facsimile filings should be filed with PERS.

(i) The sender shall maintain the original of the document with the original notarization or signature affixed, as well as proof of fax transmission.

(5) PERS or the Deferred Compensation Program may require the original, or a certified copy of the original, where a question of authenticity arises.

(6) State regulations require encrypted messaging systems for communicating confidential information such as date of birth, Social Security number, or personal medical information. Because email communications for PERS and the Deferred Compensation Program are not encrypted, it is PERS' policy to not use email for sharing confidential information. Only information, reports, or documents not otherwise protected under the provisions of ORS 192.355, which do not contain confidential information, may be transmitted by email. If confidential information is transmitted by email to PERS or the Deferred Compensation Program, PERS cannot guarantee that such information may not be intercepted and read by other parties besides the person to whom it is addressed.

(7) Information, reports, or documents submitted to PERS or the Deferred Compensation Program may become a public record. Public records may be subject to public inspection and copying, if not otherwise protected by federal or state law.

(8) This rule does not address the transmission of a remittance, a payment, a remittance advice or a payment advice, which is addressed in OAR 459-005-0215.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 192.355, 238.005–238.750, 243.435, and 243.470