

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 050 – DEFERRED COMPENSATION**

459-050-0001

Definitions

The words and phrases used in this Division have the same meaning given them in ORS 243.401–243.507 and ORS 293.701–293.820. Specific and additional terms are defined as follows unless the context requires otherwise.

- (1) “Advisory Committee” means the committee established pursuant to ORS 243.505 and appointed by the Board.
- (2) “Alternate Payee” shall have the same meaning as provided in ORS 243.507(9)(a).
- (3) “Alternate Payee Account” means a separate account created under ORS 243.507 in the name of an alternate payee pursuant to a court order.
- (4) “Alternate Payee’s Award” is the portion of a participant’s Deferred Compensation Account, Designated Roth Account, or a combination of both, awarded to an alternate payee by a court order, and includes the creation of separate account(s) in the fund in the name of the alternate payee.
- (5) “Alternate Payee Release” means a written statement signed by the alternate payee and received by the Deferred Compensation Program. An alternate payee release may pertain to any of the matters set forth in subsections (5)(a) through (5)(c) of this rule, may authorize the release of information, and direct the Deferred Compensation Program to send information to a named person at a specified address.
 - (a) Pertaining to the alternate payee’s interest in the participant’s Deferred Compensation Account and the Designated Roth Account;
 - (b) Pertaining to the alternate payee’s account(s) and distribution(s) if separate account(s) have been created in the name of the alternate payee; or
 - (c) Pertaining to award information contained in any draft or final court order in regard to the alternate payee on record with the Deferred Compensation Program.
- (6) “Board” shall have the same meaning as provided in ORS 243.401(1).
- (7) “Committee” shall have the same meaning as provided in section (1) of this rule.
- (8) “Court Order” means a court decree or judgment of dissolution of marriage, separation, or annulment, or the terms of any court order or court approved marital property settlement agreement, incident to any court decree or judgment of dissolution of marriage, separation, or annulment.
- (9) “Deferred Compensation Account” means the participant’s individual account in the Deferred Compensation Plan as defined in ORS 243.401(5) that is made up of pre-tax employee contributions and earnings.
- (10) “Deferred Compensation Advisory Committee” shall have the same meaning as provided in section (1) of this rule.
- (11) “Deferred Compensation Contract” shall have the same meaning as provided in ORS 243.401(3).
- (12) “Deferred Compensation Investment Program” shall have the same meaning as provided in ORS 243.401(4).
- (13) “Deferred Compensation Manager” means the person appointed by the Director to serve as the Manager of the Deferred Compensation Program of the Public Employees Retirement System.

- (14) “Deferred Compensation Plan” shall have the same meaning as provided in ORS 243.401(5).
- (15) “Deferred Compensation Program” means a program established by the State of Oregon and administered under policies established by the Public Employees Retirement Board that has as its purposes the deferral of compensation to eligible employees.
- (16) “Designated Roth Account” means a participant’s individual account in the Deferred Compensation Program that is made up of Designated Roth Contributions, eligible rollovers and earnings.
- (17) “Designated Roth Contribution” means any elective deferral which would otherwise be excludable from gross income of an employee under section 457(b) of the Internal Revenue Code and the employee designates as not being so excludable under section 402A of the Internal Revenue Code.
- (18) “Disclosure Statement” means the statement, required by ORS 243.450, that describes the probable income and probable safety of money deferred.
- (19) “Domestic Relations Order” means a judgment, decree or court order made pursuant to a state’s domestic relations law that creates or recognizes the existence of an alternate payee’s right, or assigns to an alternate payee the right, to receive all or a portion of a participant’s Deferred Compensation Account, Designated Roth Account, or a combination of both, or benefit payments.
- (20) “Draft Court Order” means an Order as described in section (8) of this rule which contains proposed language for the division of a Deferred Compensation Account, Designated Roth Account, or a combination of both, and has been prepared but not approved or signed by the court or has not been filed with the court clerk.
- (21) “Eligible Employee” shall have the same meaning as ORS 243.401(6) for an employee of the state, or as provided in the plan description of a local government deferred compensation plan, and shall exclude persons who are adults in custody of any prison or detention facility operated by the state or local government, and persons who are employed by contract with a private sector business.
- (22) “Enrollment Form” means a contract between the eligible employee and the plan sponsor which defines the circumstance, responsibilities and liabilities of both parties relating to the participation of the employee in the Deferred Compensation Program.
- (23) “Final Court Order” means a court order or judgment that has been signed by a judge and shows the stamp of the court clerk or trial court administrator, indicating the order is a certified copy of the original record on file with the court.
- (24) “Fund” shall have the same meaning as provided in ORS 243.401(7).
- (25) “Local Government” shall have the same meaning as provided in ORS 243.401(8).
- (26) “Local Government Deferred Compensation Plan” shall have the same meaning as provided in ORS 243.401(9).
- (27) “Manager” shall have the same meaning as provided in section (13) of this rule.
- (28) “OIC” means the Oregon Investment Council created by ORS 293.706.
- (29) “Participant” means a person defined in either ORS 243.401(10) or 243.401(13) participating in one or more deferred compensation plans under ORS 243.401 to 243.507, either through current or past deferrals or compensation.
- (30) “Participant’s Release” means a written statement signed by a deferred compensation plan participant and received by the Deferred Compensation Program. A participant’s release may pertain to any of the matters set forth in subsections (a) through (c) of this section, may authorize

the release of information, and direct the Deferred Compensation Program to send information to a named person at a specified address.

(a) Pertaining to the participant's Deferred Compensation Account and Designated Roth Account;

(b) Pertaining to the participant's distribution(s); or

(c) Pertaining to award information contained in any draft or final court order in regard to the participant on record with the Deferred Compensation Program.

(31) "Participating Local Government" shall have the same meaning as provided in ORS 243.401(11).

(32) "Payroll Disbursing Officer" means:

(a) The person authorized by the state to disburse moneys in payment of salaries and wages of employees of a state agency; or

(b) The person authorized by a local government to disburse money in payment of salaries and wages of employees of that local government.

(33) "PERS" shall have the same meaning as provided in ORS 243.401(14).

(34) "Plan Sponsor" means a public employer that establishes an eligible deferred compensation plan as defined in Section 457 of the Internal Revenue Code and which enters into an agreement with PERS to participate in the Deferred Compensation Program.

(35) "Program" shall have the same meaning as provided in section (15) of this rule.

(36) "Public Employees Retirement Board" shall have the same meaning as provided in ORS 243.401(1).

(37) "Public Employer" means the state or a local government as defined in ORS 243.401(8).

(38) "Qualified Domestic Relations Order" or "QDRO" means a domestic relations order that has been reviewed and determined to be qualified by the Deferred Compensation Program Manager.

(39) "Solicitation of Offers from Vendors" means a notice to potential vendors of investment services prepared by the OIC informing the potential vendor of the needs of the Deferred Compensation Investment Program and notice that the OIC will accept offers from qualified vendors to sign a contract with the State of Oregon providing for the vendors' acceptance of deposits under the terms and conditions of the contract.

(40) "Staff" means any employee of the Public Employees Retirement System, who has been appointed in accordance with ORS 238.645.

(41) "State Agency" means every state officer, board, commission, department or other activity of state government.

(42) "State Deferred Compensation Plan" shall have the same meaning as provided in ORS 243.401(12).

(43) "Vendor" means an entity offering investment or other service related to investment of deferred compensation pursuant to a contract with the State of Oregon.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401–243.507