

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 75 – OPSRP Pension Program**

459-075-0300

Reemployment of a Retired Member of the OPSRP Pension Program

- (1) For purposes of this rule, “bona fide retirement” means that the retired member has been absent from service with all participating employers and all employers in a controlled group with a participating employer for at least six full calendar months between the effective date of retirement and the date of hire.
- (2) 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 reestablishes active membership effective the date of hire.
- (b) If the member has been retired for six or more calendar months:
- (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) If the member has been retired for less than six calendar months:
- (A) PERS will cancel the member’s retirement retroactively, as of the member’s effective date of retirement.
- (B) All retirement benefits received by the member, including benefits received prior to the member’s date of hire into the qualifying position, must be repaid to PERS in a single payment.
- (3) 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.
- (4) 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.
- (A) If the member retired under the provisions of ORS 238A.185 and was retired for six or more calendar months before returning to work for a PERS participating employer, the member’s retirement benefits shall end and the member shall reestablish active membership as of the date the position becomes qualifying under subsection (a) of this section.
- (B) If the member retired under the provisions of ORS 238A.185 and was retired for less than six calendar months before returning to work for a PERS participating employer, the member’s retirement shall be canceled and the member shall reestablish active membership as of the date of hire into the qualifying position.
- (b) If a position becomes qualifying under subsection (a) of this section, the retired member is subject to the provisions of sections (2) and (3) of this rule.
- (5) 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 (3)(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 (3)(a) of this rule; or

(B) The member is required to repay the benefit amount under subsection (3)(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.

(6) A member who is retired for service maintains the member's status as a retired member of the system and does not accrue additional benefits during the period of employment. A retired member may not participate in the pension program or the Individual Account Program as an active member, except as provided by ORS 238A.250 or 237.650.

(7) For calendar years 2020 through 2034, a public employer employing a retired member shall apply the employer's contribution rate for its covered payroll to the wages paid to the retired member. The public employer shall make a payment to the Public Employees Retirement Fund in that amount. This payment is in addition to the employer's contribution required under ORS 238A.220 and will be applied to the employer's liabilities, including pension benefit costs and retiree medical benefit costs.

(8) For calendar years 2020 through 2034 if a member retired under the provisions of ORS 238A.185 and does not have a bona fide retirement, the member is subject to the limitations on employment provided in sections (2), (3), and (4) of this rule, and the repayment obligations provided in sections (2) and (3) of this rule.

(9) Sections 7 and 8 of this rule are repealed effective January 2, 2035.

Statutory/Other Authority: ORS 238A.450 & ORS 238.630

Statutes/Other Implemented: ORS 238A.245 & 2019 OL, Ch. 355, Sec. 37