

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 80 – OPSRP INDIVIDUAL ACCOUNT PROGRAM**

459-080-0020

Withdrawal of Individual Accounts

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

- (a) “Bona fide separation” means a member has been absent from employment with all participating employers, and employers in a controlled group with a participating employer, for at least one full calendar month following the month of separation.
- (b) “Controlled group” means a group of employers treated as a single employer for purposes of maintaining qualified status under federal law.
- (c) “Effective date of withdrawal” has the same meaning as given the term in OAR 459-005-0001(10).
- (d) “Inactive member” has the same meaning given the term in ORS 238A.005(8).
- (e) “Individual account program” has the same meaning given the term in ORS 238A.005(9).
- (f) “Individual accounts” means the employee account, Employee Pension Stability Account, rollover account, and employer account of a member of the Individual Account Program (IAP) to the extent the member is vested in those accounts under ORS 238A.320.

(2) An inactive member may withdraw the individual accounts under ORS 238A.375 if:

- (a) The member is not employed with any participating employers or any employers in a controlled group with a participating employer;
- (b) The member has a bona fide separation;
- (c) The member has not reached earliest retirement age as of the effective date of withdrawal;
- (d) The member files with PERS a written request for withdrawal on a form acceptable to PERS; and
- (e) The member complies with the requirements of ORS 238A.375(5).

(3) A member may revoke a request for withdrawal of the individual accounts 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.

(4) A member who withdraws the individual accounts terminates membership in the IAP as of the effective date of withdrawal.

(5) An employer account not included in the withdrawn individual accounts by reason of the member’s failure to vest in the employer account is permanently forfeited as of the date of distribution.

(6) A member who withdraws the individual accounts forfeits any service performed by the member before the separation described in subsection (2)(a) of this rule. Forfeited service will not be considered for the purpose of vesting in an employer account if subsequently employed with a participating employer.

(7) If a former member who has withdrawn the individual accounts returns to employment with a participating employer or an employer in a controlled group with a participating employer before the time required for a bona fide separation, 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, account(s) forfeited under section (5) of this rule and service forfeited under section (6) of this rule are restored effective the date of distribution. The repayment amount received will be credited pro rata to the accounts from which the withdrawal amount was derived.

(8) If the member fails to repay as provided in section (7) 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, account(s) forfeited under section (5) of this rule, and service forfeited under section (6) of this rule are restored effective the first day of the month following the date of repayment. The repayment amount received will be credited pro rata to the accounts from which the withdrawal amount was derived effective the first day of the month following the date of repayment.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.375 & OL 2007 Ch. 52