

Enrolled
House Bill 2585

Sponsored by Representative BUCKLEY

CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 238.082; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 238.082 is amended to read:

238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may employ any person receiving a service retirement allowance if the administrative head of such employer is satisfied that such employment is in the public interest.

(2) The period or periods of employment by one or more public employers of any person receiving a service retirement allowance may not total 1,040 hours or more in any calendar year; but if the person is receiving old-age, survivors or disability insurance benefits under the federal Social Security Act, the person may be employed for the number of hours for which the salary equals the maximum allowed for receipt of the full amount of those benefits to which the person is entitled.

(3) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is employed by a school district [*or education service district that has its administrative office*] **or community college district** located within a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census, **or is employed by an education service district and the retired member's primary work duties are performed in a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census.** A retired member who is employed **under this subsection** as a teacher, as defined in ORS 342.120, by the same public employer that employed the member at the time of retirement remains in the same collective bargaining unit that included the member before retirement.

(4) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed:

(a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(b) By the municipal police department of a city with a population of fewer than 15,000 inhabitants, according to the latest federal decennial census;

(c) By the state or a county for work in a correctional institution located in a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service District or the Sunriver Service District; or

(e) By the Oregon State Police for work in a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census.

(5) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed to temporarily replace an employee who serves in the National Guard or in a reserve component of the Armed Forces of the United States and who is called to federal active duty.

(6) The limitations on employment imposed by subsection (2) of this section do not apply to a retired member who is employed by a road assessment district organized under ORS 371.405 to 371.535.

(7)(a) **Except as provided in paragraph (b) of this subsection**, subsections (3) to (6) of this section do not apply to any member who retires under the provisions of ORS 238.280 (1) or (2).

(b) Subsection (3) of this section applies to a person who retires under the provisions of ORS 238.280 (1) or (2) as long as the person's date of retirement is more than six months before the date the person is employed under subsection (3) of this section.

(8) Employment under this section does not affect the status of a person as a retired member of the system and a recipient of retirement benefits under this chapter.

SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS chapter 238.

SECTION 3. (1) The limitations on employment imposed by ORS 238.082 (2) do not apply to a retired member who is employed by a school district or education service district to provide services as a speech-language pathologist or speech-language pathologist assistant.

(2) This section does not apply to any member who retires under the provisions of ORS 238.280 (1) or (2) unless the person's date of retirement is more than six months before the date the person is employed under this section.

(3) Employment under this section does not affect the status of a person as a retired member of the Public Employees Retirement System and a recipient of retirement benefits under this chapter.

SECTION 4. Section 3 of this 2007 Act is repealed January 2, 2016.

SECTION 5. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House May 3, 2007

Received by Governor:

Repassed by House June 18, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate June 14, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State