

**OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 017 – REEMPLOYED RETIRED MEMBERS**

**459-017-0060**

**Reemployment of Retired Members**

(1) For purposes of this rule:

(a) “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.

(b) “Retired member” means a member of the PERS Chapter 238 Program who is retired for service.

(2) A retired member may be employed under ORS 238.082 by a participating employer without loss of retirement benefits provided:

(a) The period or periods of employment with one or more participating employers total less than 1,040 hours in a calendar year; or

(b) If the retired member is receiving retirement, survivors, or disability benefits under the federal Social Security Act, the period or periods of employment total less than either 1,040 hours in a calendar year, or the total number of hours in a calendar year that, at the retired member’s specified hourly rate of pay, would cause the annual compensation of the retired member to exceed the following Social Security annual compensation limits, whichever is greater.

(A) For retired members who have not reached full retirement age under the Social Security Act, the annual compensation limit is ~~[\$23,400]~~ \$24,480; or

1 (B) For the calendar year in which the retired member reaches full retirement age  
2 under the Social Security Act and only for compensation for the months before reaching  
3 full retirement age, the annual compensation limit is ~~[\$62,160]~~ \$65,160.

4 (3) The limitations on employment in section (2) of this rule do not apply if the  
5 retired member has reached full retirement age under the Social Security Act.

6 (4) The limitations on employment in section (2) of this rule do not apply if:

7 (a) The retired member meets the requirements of ORS 238.082(4), (5), (6), (7), or  
8 (8), and did not retire at a reduced benefit under the provisions of ORS 238.280(1), (2),  
9 or (3);

10 (b) The retired member retired at a reduced benefit under ORS 238.280(1), (2), or  
11 (3), is employed in a position that meets the requirements of ORS 238.082(4), the date  
12 of hire is more than six months after the member's effective retirement date, and the  
13 member's retirement otherwise meets the standard of a bona fide retirement;

14 (c) The retired member is employed by a school district or education service district  
15 as a speech-language pathologist or speech-language pathologist assistant and:

16 (A) The retired member did not retire at a reduced benefit under the provisions of  
17 ORS 238.280(1) or (3); or

18 (B) The retired member retired at a reduced benefit under the provisions of ORS  
19 238.280(1) or (3), but is not employed by any participating employer until more than six  
20 months after the member's effective retirement date, and the member's retirement  
21 otherwise meets the standard of a bona fide retirement;

22 (d) The retired member meets the requirements of section 2, chapter 499, Oregon  
23 Laws 2007, as amended by section 1, chapter 108, Oregon Laws 2015;

24 (e) The retired member meets the requirements of section 2, chapter 475, Oregon  
25 Laws 2015;

1 (f) The retired member is employed for service during a legislative session under  
2 ORS 238.092(2);

3 (g) The retired member meets the requirements of ORS 238.088(2), and did not  
4 retire at a reduced benefit under the provisions of ORS 238.280(1), (2), or (3); or

5 (h) The retired member is on active state duty in the organized militia and meets the  
6 requirements under ORS 399.075(8).

7 (i) The retired member is employed as a special campus security officer  
8 commissioned by a public university and meets the requirements under section 5,  
9 chapter 152, Oregon Laws 2019.

10 (j) The retired member is employed as a security officer for a community college  
11 and meets the requirements under section 5, chapter 152, Oregon Laws 2019.

12 (k) The retired member is employed by Harney County Health District as a person  
13 licensed, registered or certified to provide health services and meets the requirements  
14 under section 2, chapter 496, Oregon Laws 2019.

15 (5) For purposes of population determinations referenced by statutes listed in this  
16 rule, the latest federal decennial census shall first be operative on the first day of the  
17 second calendar year following the census year.

18 (6) For purposes of ORS 238.082(6), a retired member replaces an employee if the  
19 retired member:

20 (a) Is assigned to the position of the employee; and

21 (b) Performs the duties of the employee or duties that might be assigned to an  
22 employee in that position.

23 (7) If a retired member is reemployed subject to the limitations of ORS 238.082 and  
24 section (2) of this rule, the period or periods of employment subsequently exceed those  
25 limitations, and employment continues into the month following the date the limitations  
26 are exceeded:

1 (a) If the member has been retired for six or more calendar months:

2 (A) PERS will cancel the member's retirement.

3 (i) If the member is receiving a monthly service retirement allowance, the last  
4 payment to which the member is entitled is for the month in which the limitations were  
5 exceeded.

6 (ii) If the member is receiving installment payments under ORS 238.305(4), the last  
7 installment payment to which the member is entitled is the last payment due on or before  
8 the last day of the month in which the limitations were exceeded.

9 (iii) If the member received a single lump sum payment under ORS 238.305(4) or  
10 238.315, the member is entitled to the payment provided the payment was dated on or  
11 before the last day of the month in which the limitations were exceeded.

12 (iv) A member who receives benefits to which he or she is not entitled must repay  
13 those benefits to PERS.

14 (B) The member will reestablish active membership the first of the calendar month  
15 following the month in which the limitations were exceeded.

16 (C) The member's account must be rebuilt in accordance with the provisions of  
17 section (9) of this rule.

18 (b) If the member has been retired for less than six calendar months:

19 (A) PERS will cancel the member's retirement effective the date the member was  
20 reemployed.

21 (B) All retirement benefits received by the member must be repaid to PERS in a  
22 single payment.

23 (C) The member will reestablish active membership effective the date the member  
24 was reemployed.

1 (D) The member account will be rebuilt as of the date that PERS receives the single  
2 payment. The amount in the member account must be the same as the amount in the  
3 member account at the time of the member's retirement.

4 (8) For purposes of determining period(s) of employment in section (2) of this rule:

5 (a) Hours of employment are hours on and after the retired member's effective  
6 retirement date for which the member receives wages, salary, paid leave, or other  
7 compensation.

8 (b) Hours of employment that are performed under the provisions of section (4) of  
9 this rule on or after the later of January 1, 2004, or the operative date of the applicable  
10 statutory provision, are not counted.

11 (9) If a member has been retired for service for more than six calendar months and  
12 is reemployed in a qualifying position by a participating employer under the provisions of  
13 238.078(1):

14 (a) PERS will cancel the member's retirement effective the date the member is  
15 reemployed.

16 (b) The member will reestablish active membership on the date the member is  
17 reemployed.

18 (c) If the member elected a benefit payment option other than a lump sum option  
19 under ORS 238.305(2) or (3), the last monthly service retirement allowance payment to  
20 which the member is entitled is for the month before the calendar month in which the  
21 member is reemployed. Upon subsequent retirement, the member may choose a  
22 different benefit payment option.

23 (A) The member's account will be rebuilt as required by ORS 238.078 effective the  
24 date active membership is reestablished.

25 (B) Amounts from the Benefits-In-Force Reserve (BIF) credited to the member's  
26 account under the provisions of paragraph (A) of this subsection will be credited with

1 earnings at the BIF rate or the assumed rate, whichever is less, from the date of  
2 retirement to the date of active membership.

3 (d) If the member elected a partial lump sum option under ORS 238.305(2), the last  
4 monthly service retirement allowance payment to which the member is entitled is for the  
5 month before the calendar month in which the member is reemployed. The last lump  
6 sum or installment payment to which the member is entitled is the last payment due  
7 before the date the member is reemployed. Upon subsequent retirement, the member  
8 may not choose a different benefit payment option unless the member has repaid to  
9 PERS in a single payment an amount equal to the lump sum and installment benefits  
10 received and the earnings that would have accumulated on that amount.

11 (A) The member's account will be rebuilt as required by ORS 238.078 effective the  
12 date active membership is reestablished.

13 (B) Amounts from the BIF credited to the member's account under the provisions of  
14 paragraph (A) of this subsection, excluding any amounts attributable to repayment by  
15 the member, will be credited with earnings at the BIF rate or the assumed rate,  
16 whichever is less, from the date of retirement to the date of active membership.

17 (e) If the member elected the total lump sum option under ORS 238.305(3), the last  
18 lump sum or installment payment to which the member is entitled is the last payment  
19 due before the date the member is reemployed. Upon subsequent retirement, the  
20 member may not choose a different benefit payment option unless the member has  
21 repaid to PERS in a single payment an amount equal to the benefits received and the  
22 earnings that would have accumulated on that amount.

23 (A) If the member repays PERS as described in this subsection the member's  
24 account will be rebuilt as required by ORS 238.078 effective the date that PERS  
25 receives the single payment.

1 (B) If any amounts from the BIF are credited to the member's account under the  
2 provisions of paragraph (A) of this subsection, the amounts may not be credited with  
3 earnings for the period from the date of retirement to the date of active membership.

4 (f) If the member received a lump sum payment under ORS 238.315:

5 (A) If the payment was dated before the date the member is reemployed, the  
6 member is not required or permitted to repay the benefit amount. Upon subsequent  
7 retirement:

8 (i) The member may choose a different benefit payment option.

9 (ii) The member's retirement benefit will be calculated based on the member's  
10 periods of active membership after the member's initial effective retirement date.

11 (B) If the payment was dated on or after the date the member is reemployed, the  
12 member must repay the benefit amount. Upon subsequent retirement:

13 (i) The member may choose a different benefit payment option.

14 (ii) The member's retirement benefit will be calculated based on the member's  
15 periods of active membership before and after the member's initial effective retirement  
16 date.

17 (iii) The member's account will be rebuilt as described in ORS 238.078(2).

18 (g) A member who receives benefits to which he or she is not entitled must repay  
19 those benefits to PERS.

20 (10) If a member has been retired for less than six calendar months and is  
21 reemployed in a qualifying position by a participating employer under the provisions of  
22 238.078(2):

23 (a) PERS will cancel the member's retirement effective the date the member is  
24 reemployed.

25 (b) All retirement benefits received by the member must be repaid to PERS in a  
26 single payment.

1 (c) The member will reestablish active membership effective the date the member is  
2 reemployed.

3 (d) The member account will be rebuilt as of the date that PERS receives the single  
4 payment. The amount in the member account must be the same as the amount in the  
5 member account at the time of the member's retirement.

6 (e) Upon subsequent retirement, the member may choose a different benefit  
7 payment option.

8 (11) Upon the subsequent retirement of any member who reestablished active  
9 membership under ORS 238.078 and this rule, the retirement benefit of the member  
10 must be calculated using the actuarial equivalency factors in effect on the effective date  
11 of the subsequent retirement.

12 (12) The provisions of paragraphs (9)(c)(B), (9)(d)(B), and (9)(e)(B) of this rule are  
13 applicable to retired members who reestablish active membership under ORS 238.078  
14 and this rule and whose initial effective retirement date is on or after March 1, 2006.

15 (13) A participating employer that employs a retired member must notify PERS in a  
16 format acceptable to PERS under which statute the retired member is employed.

17 (a) Upon request by PERS, a participating employer must certify to PERS that a  
18 retired member has not exceeded the number of hours allowed under ORS 238.082 and  
19 section (2) of this rule.

20 (b) Upon request by PERS a participating employer must provide PERS with  
21 business and employment records to substantiate the actual number of hours a retired  
22 member was employed.

23 (c) Participating employers must provide information requested under this section  
24 within 30 days of the date of the request.

1 (14) Accumulated unused sick leave reported by an employer to PERS upon a  
2 member's retirement, as provided in ORS 238.350, may not be made available to a  
3 retired member returning to employment under sections (2) or (9) of this rule.

4 (15) Subsections (4)(c) and (4)(d) of this rule are repealed effective January 2,  
5 2026.

6 (16) Subsection (4)(e) of this rule is repealed effective June 30, 2023.

7 (17) A member who is retired for service maintains their status as a retired member  
8 of the system, and does not accrue additional benefits during the period of employment.  
9 A retired member may not participate in the pension program or the Individual Account  
10 Program as an active member, except as provided by ORS 238.092(1) or 237.650.

11 (18) For calendar years 2020 through 2024, a public employer employing a retired  
12 member shall apply the employer's contribution rate for its covered payroll to the wages  
13 paid to the retired member. The public employer shall make a payment to the Public  
14 Employees Retirement Fund in that amount. This payment is in addition to the  
15 employer's contribution required under ORS 238.225, and will be applied to the  
16 employer's liabilities, including pension benefit costs and retiree medical benefit costs. If  
17 the employer is a member of a pool established under ORS 238.227, the additional  
18 payment will be applied to the employer's rate pool's liabilities.

19 (19) For calendar years 2020 through 2024, the limitations on employment in  
20 section (2) of this rule do not apply to a retired member unless the member retired under  
21 the provisions of ORS 238.280(1), (2), or (3), and does not have a bona fide retirement.

22 (20) For calendar years 2020 through 2024, if the member retired under the  
23 provisions of ORS 238.280(1), (2), or (3), and does not have a bona fide retirement, the  
24 member is subject to the limitations on employment in section (2) of this rule.

25 (21) Sections (18), (19), and (20) of this rule are repealed effective January 2, 2025.

26 Stat. Auth.: ORS 238.650 & ORS 238.630

- 1 Stats. Implemented: ORS 238.078, ORS 238.082, ORS 238.088, ORS 238.092,
- 2 ORS 399.075, 2007 OL Ch. 499 & 774, 2015 OL Ch. 108 & 475, 2018 OL Ch. 48 & 2019
- 3 OL Ch. 355