

OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 005 – ADMINISTRATION

1 459-005-0210

2 Transmission of Information, Reports, and Documents

3 (1) As used in this rule:

4 (a) “Deferred Compensation Program” means the Oregon Savings Growth Plan (OSGP),
5 the PERS Board as Trustee of the OSGP, the PERS Director as Administrator of the
6 OSGP, and any OSGP staff member.

7 (b) “Digital signature” means the signature includes a certificate embedded in an
8 electronic document that attests to the document’s authenticity.

9 (b) (c) “Document” means any document that is not specifically excluded under sections
10 (3) and (8) of this rule, including, but not limited to, any petition, written request, or other
11 document related to the appeal of a staff or Board action under OAR 459-001-0030, 459-
12 001-0032, or 459-001-0035.

13 (d) “Electronic signature” means signatures that replicate a person’s signature on
14 the document (such as DocuSign).

15 (c) (e) “PERS” means the PERS Board, the PERS Director, the PERS Health Insurance
16 Program which is administered by PERS under ORS Chapter 238, and any PERS staff
17 member.

18 (f) “PERS forms” means forms created and published by PERS or the Deferred
19 Compensation Program for the purpose of administering benefits.

20 (2) Unless otherwise provided for in this rule, information, reports, or documents may be
21 transmitted to PERS or the Deferred Compensation Program by personal delivery or by
22 use of:

- 23 (a) The United States Postal Service (USPS);
- 24 (b) A private express carrier as defined in ORS 293.660(2);
- 25 (c) Telephonic facsimile communication (fax);
- 26 (d) Electronic mail through the Internet (email); or
- 27 (e) PERS’ Online Member Services (OMS);
- 28 (f) Other sources approved by the Director for the transmission of reports or
29 documents.

1 (3) The following original documents shall be accepted by PERS or the Deferred
2 Compensation Program only if transmitted in person, or by use of USPS or by private
3 express carrier:

4 (a) Contracts and Agreements pertaining to the merger or integration of other
5 retirement systems into PERS.

6 (b) Any request by a member for confidential information under provisions of ORS
7 192.355(12).

8 (c) Subpoenas, garnishments, summons, and other legal documents that require
9 service on PERS. These documents will not be accepted unless they are served in
10 accordance with applicable law.

11 (4) The following standards shall be observed when transmitting any information, report,
12 or document to PERS or the Deferred Compensation Program by fax or email. Failure to
13 comply with these standards shall result in the PERS or the Deferred Compensation
14 Program not accepting the information, report, or document:

15 (a) The quality of the original hard copy shall be clear and dark enough to transmit
16 legibly.

17 (b) Any information, report, or document requiring signature shall be signed prior to
18 being transmitted.

19 (c) If PERS or the Deferred Compensation Program requests the transmission of a
20 specific form, the transmission shall be on forms furnished by PERS or the
21 Deferred Compensation Program or substitute forms previously approved by
22 PERS or the Deferred Compensation Program, respectively.

23 (d) Any PERS or Deferred Compensation Program report or form shall be completed
24 as required in PERS instructions.

25 (e) If PERS or the Deferred Compensation Program requests the transmission of a
26 report or document that is part of a longer report or document, or contains
27 multiple pages, then the entire text of the report or document must be transmitted.
28 Both sides of any two-sided PERS or Deferred Compensation Program form are
29 to be transmitted.

30 (f) For a report or document that requires accompanying documentation, all
31 components shall be transmitted together as one transmission.

1 (g) The first sheet of the transmission shall indicate the number of pages being
2 transmitted, and shall contain a telephone number to call if there are problems
3 with the transmission.

4 (h) Neither the original nor any additional copies of the facsimile filings should be
5 filed with PERS.

6 (i) The sender shall maintain the original of the document with the original
7 notarization or signature affixed, as well as proof of fax transmission.

8 (5) PERS or the Deferred Compensation Program may require the original, or a certified
9 copy of the original, where a question of authenticity arises.

10 (6) State regulations require encrypted messaging systems for communicating
11 confidential information such as date of birth, Social Security number, or personal
12 medical information. Because email communications for PERS and the Deferred
13 Compensation Program are not encrypted, it is PERS' policy to not use email for sharing
14 confidential information. Only information, reports, or documents not otherwise
15 protected under the provisions of ORS 192.355, which do not contain confidential
16 information, may be transmitted by email. If confidential information is transmitted by
17 email to PERS or the Deferred Compensation Program, PERS cannot guarantee that such
18 information may not be intercepted and read by other parties besides the person to whom
19 it is addressed.

20 (7) Information, reports, or documents submitted to PERS or the Deferred Compensation
21 Program may become a public record. Public records may be subject to public inspection
22 and copying, if not otherwise protected by federal or state law.

23 **(8) PERS staff shall use the following standard for acceptance of signatures**
24 **submitted to PERS:**

25 **(a) PERS forms received from, or on behalf of, members, beneficiaries, or alternate**
26 **payees must include a handwritten signature unless the form has also been**
27 **electronically notarized. If the form contains a digital or electronic signature that**
28 **has been notarized electronically, staff may accept all uses of the same signature**
29 **that appear within the notarized document.**

1 **(b) Unless otherwise specified, PERS staff can generally accept digital and electronic**
2 **signatures on other documents, including documents from employers, and not need**
3 **to distinguish based on the signature's format**

4 **(9) (8)** This rule does not address the transmission of a remittance, a payment, a
5 remittance advice or a payment advice, which is addressed in OAR 459-005-0215.

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8 Statutory/Other Authority: ORS 238.650

9 Statutes/Other Implemented: ORS 238.005–238.750, 192.355, 243.435 & 243.470

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11 History:

12 [PERS 5-2022, amend filed 03/28/2022, effective 03/28/2022](#)

13 [PERS 10-2020, minor correction filed 06/24/2020, effective 06/24/2020](#)

14 PERS 21-2005, f. & cert. ef. 11-1-05

15 PERS 20-2004, f. 9-22-04 cert. ef. 10-14-04

16 PERS 6-1999, f. & cert. ef. 11-22-99