

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

459-005-0220

Receipt Date for Reports, Documents, Remittances, Payments, Data, and Requests

(1) As used in this rule:

(a) “Imaged date” means the date on which a report, document, remittance, or payment is imaged and stored electronically to a dedicated network server.

(b) “OMS” means PERS’ Online Member Services.

(c) “Online submission date” means the date on which data or a request successfully submitted through OMS is saved to PERS’ system.

(d) “Private express carrier” has the same meaning as in ORS 293.660(2).

(e) “Settlement date” means the date on which the participating Depository Financial Institution (DFI) or its correspondent is scheduled to be debited or credited by the Federal Reserve.

(f) “Transmission data” means details such as the sender and receiver’s fax numbers or email addresses, the time and date of transmission, the duration of transmission, the number of pages sent, and whether the transmission was successful.

(2) If the due date of a report, document, remittance, or payment falls on a weekend or legal holiday, the due date is deemed to be the next business day.

(3) Except as otherwise provided in this rule, any report, document, or remittance required by PERS shall be deemed filed and received on the date of the receipt **recorded, stamped** **or [stamp]** affixed to the report, document, or remittance when received by PERS.

(a) In the case of a check or cash submission, the payment shall be deemed filed and received on the date recorded in PERS’ daily cash receipts log or check log.

(b) In the case of a fax transmission, the document shall be deemed filed and received on the receipt date as reflected by the transmission data that is automatically generated by the fax machine or fax server and embedded on the fax transmission or the imaged date of the fax, unless the sender submits evidence that meets the requirements of subsection (5) that the fax transmission was sent earlier.

(4) Except as otherwise provided in this rule, any report, document, remittance, or payment that does not display a PERS receipt **record**, stamp, or **affixation, or** has not been recorded

1 in PERS' daily cash receipts log or check log, shall be deemed filed and received on the
2 imaged date. If the imaged date, cash receipts, log date, or check log date is later than the
3 due date, the report, document, remittance, or payment shall be deemed filed and received
4 one business day before the imaged date, cash receipts log date, or check log date.

5 (5) Any report, document, remittance, payment, data, or request required by PERS which is
6 lost or delayed in transmission, shall be deemed filed and received on the date it was
7 mailed or deposited for transmittal to USPS or a private express carrier, or the date it was
8 transmitted by fax, email, or OMS if the sender:

9
10 (a) Can establish by evidence satisfactory to PERS that the report, document, remittance,
11 payment, data, or request was deposited for delivery or transmission on or before the date
12 due for filing, and was correctly addressed to PERS.

13
14 (A) Evidence satisfactory to PERS for USPS or a private express carrier may include, but is
15 not limited to, documentation provided by USPS or the private express carrier, such as a
16 receipt or delivery confirmation.

17
18 (B) Evidence satisfactory to PERS for a fax *[communication]* or email transmission *[that is*
19 *lost in transmission]* may include, but is not limited to, an affidavit by the sender verifying
20 that the fax or email was correctly addressed and sent to PERS, together with a copy of any
21 transmission data, activity report, or metadata from the sender's fax machine, electronic
22 device, or fax/email server showing the date and time that the fax or email was
23 transmitted by the sender, and a duplicate of the original report or document.

24
25 (C) Evidence satisfactory to PERS for an OMS submission *[that is lost in transmission]*
26 may include, but is not limited to, an affidavit by the member verifying that the member
27 submitted the data through OMS, together with a printout of the confirmation message
28 displayed on the member's screen that the online submission was successful.

(b) Files with PERS a duplicate of the lost or delayed report, document, remittance, payment, data, or request in accordance with the transmittal requirements of OAR 459-005-0210 or 459-005-0215; and

(c) Satisfies the requirements of subsections (a) and (b) of this section: (1) within 30 days after PERS notifies the sender in writing of failure to receive the report, document, remittance, or payment; or
(2) the due date for filing a request for review under OAR 459-001-0030, OAR 459-001-0032, OAR 459-001-0035, or dispute under ORS 238.285 or ORS 238.450, whichever is later.

(6) An electronic funds transfer (EFT) shall be deemed received on the settlement date of the transfer. A settlement date specified by an employer for an EFT shall be no later than the due date specified by PERS for a remittance or a payment.

(7) Any report or document that PERS accepts by e-mail transmission as specified in OAR 459-005-0210(5), which is transmitted by e-mail to any office of PERS shall be deemed received as of the system-generated date and time stamp that is displayed on the email header line of the email that is received by PERS.

(8) An electronic submission of data made through OMS shall be deemed received on the online submission date.(9) A report, document, or data transmitted by fax, e-mail, or OMS must be transmitted in accordance with the provisions of this rule and OAR 459-005-0215, and must be received by PERS before midnight on the due date.

(10) When transmitting a report, document, or data by fax, e-mail, or OMS, the sender bears the risk of failure of the transmission.

Statutory/Other Authority: ORS 238.650 & ORS 238A.450

Statutes/Other Implemented: ORS 238 & ORS 238A

History:

PERS 5-2019, amend filed 07/26/2019, effective 07/26/2019

PERS 4-2016, f. & cert. ef. 7-29-16

PERS 7-2014, f. & cert. ef. 3-31-14

PERS 10-2007, f. & cert. ef. 7-26-07

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

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

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