

**OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 010 – MEMBERSHIP**

1 **[459-050-0040]**

2 ***Unforeseeable Emergency Withdrawal Appeals Committee***

3 *(1) Purpose. The Unforeseeable Emergency Withdrawal Appeals Committee (the*  
4 *Committee) shall evaluate appeals denied by the Deferred Compensation Manager or*  
5 *designee authorized to take action on the Manager's behalf for the distribution of*  
6 *deferred compensation on the basis of claims of unforeseeable emergency in compliance*  
7 *with the Internal Revenue Code, Section 457, 26 USC 457, and the provisions of OAR*  
8 *459-050-0150. The Committee shall formally approve or deny each appeal based on the*  
9 *merits of the appeal.*

10 *(2) Committee composition. The Committee shall consist of not fewer than three persons.*

11 *(a) One person shall be a PERS staff member from the Deferred Compensation Program.*

12 *(b) Two persons shall be PERS staff members from other than the Deferred*  
13 *Compensation Program.*

14 *(3) Committee meetings. The Committee shall meet upon the call of the Manager of the*  
15 *Deferred Compensation Program no later than 14 calendar days following receipt of an*  
16 *appeal. The Committee may meet by phone or in person. The Committee shall evaluate*  
17 *the participant's written request, emergency withdrawal application, financial*  
18 *information, and all related documentation submitted for compliance with 26 USC 457*  
19 *and the provisions of OAR 459-050-0150.*

20 *(4) Appeal approval. If an appeal is approved, the Committee authorizes the Manager to*  
21 *release the funds within 30 calendar days of approval.*

22 *(5) Appeal denial. Within seven calendar days of the Committee's denial, the requestor*  
23 *may request an informal conference with the Deferred Compensation Manager or*  
24 *designee authorized to take action on the Manager's behalf.*

25 *(6) Request for review. The requester may submit a request for review of the Committee's*  
26 *determination to the Director of PERS and must do so within 30 calendar days of the*  
27 *Committee's denial. The request must be in writing and include:*

28 *(a) A description of the staff action or determination for which review is requested;*

29 *(b) A short statement of the manner in which the action is alleged to be in error;*

- 1    (c) A statement of facts that are the basis of the request;
- 2    (d) Reference to applicable statutes, rules or court decisions upon which the person
- 3    relies;
- 4    (e) A statement of the relief the request seeks; and
- 5    (f) A request for review.
- 6    (7) Director's determination. Within 30 calendar days of receiving a request for review,
- 7    the Director shall issue a written determination either approving or denying the
- 8    unforeseeable emergency withdrawal.]