



Oregon

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December 5, 2025

TO: Members of the PERS Board

FROM: Anne Marie Vu, Research Policy Coordinator, Policy Analysis and Compliance Section
Stephanie Vaughn, Manager, Policy Analysis and Compliance Section

SUBJECT: Notice of Rulemaking for Receipt Date Rule
OAR 459-005-0220 *Receipt Date for Reports, Documents, Remittances, Payments, Data, and Requests*

OVERVIEW

- Action: None. This is notice that staff has begun rulemaking.
- Reason: (1) Extend the 30-day deadline to file a lost or delayed transmission claim to align with longer deadlines that apply to an appeal, contested case hearing, or dispute if the submission is relevant to an appeal, hearing, or dispute; and (2) Clarify how PERS determines receipt dates for fax transmissions.
- Policy Issue: None.

BACKGROUND

Receipt dates play an important role in determining the timeliness of filings and the validity of documents, including in appeals, contested case hearings and disputes. OAR 459-005-0220 explains how PERS determines when various types of submissions (i.e., a report, document, remittances, payments, data submissions, and other requests) are received by PERS.

Under the current rule, once PERS staff notify members and employers that a required submission was not timely received, the member or employer has 30 days to submit a claim that the submission was deposited for delivery or transmission on or before the date due for filing, and was correctly addressed to PERS, and request that it be considered timely received.

Some members who file an appeal, contested case hearing, or dispute miss this 30-day deadline because they mistakenly believe that the appeal, hearing or dispute deadlines also apply to lost or delayed transmission claims as part of the appeal, hearing or dispute process.

The proposed rule extends the deadline to submit a lost or delayed transmission claim to align with potentially conflicting deadlines that apply to an appeal, contested case hearing, or dispute. This ensures that the member or employer is not time-barred from submitting evidence that could be relevant to their underlying appeal, hearing or dispute.

The second proposed amendment addresses some technical aspects of what information is shown on a fax transmission. It defines "transmission data," and clarifies that the receipt date for a document received via fax transmission shall be deemed the date reflected by the transmission data that is automatically generated by the fax machine or fax server and

embedded on the fax transmission (file or document) or the imaged date of the fax. It also clarifies that metadata from the sender's fax machine/electronic device, or fax/email server showing the date and time that the fax or email was transmitted by the sender, may be submitted to support a lost or delayed transmission claim.

PUBLIC COMMENT AND HEARING TESTIMONY

A rulemaking hearing will be held remotely, and in person, on January 20, 2026, at 2:00 p.m. The public comment period ends January 21, 2026, at 5:00 p.m.

LEGAL REVIEW

The attached rules were submitted to the Department of Justice for legal review and any comments or changes will be incorporated before the rules are presented for adoption.

IMPACT

Mandatory: No

Benefit: Extends deadline for lost/delayed submission claims to match deadlines for appeals, hearings, or disputes, and clarifies how PERS evaluates fax transmissions.

Cost: There are no discrete costs attributable to the rule.

RULEMAKING TIMELINE

November 24, 2025:	Staff began the rulemaking process by filing Notice of Rulemaking with the Secretary of State.
December 5, 2025:	PERS Board notified that staff began the rulemaking process. Notice is sent to employers, legislators, and interested parties. The public comment period begins.
January 2, 2026:	Secretary of State publishes the Notice in the Oregon Administrative Rules Database.
January 20, 2026:	Rulemaking hearing to be held remotely and at the PERS headquarters at 2:00 p.m.
January 21, 2026:	Public comment period ends at 5:00 p.m.
January 30, 2026:	Staff will propose adopting the rule modifications, including any changes resulting from public comment or reviews by staff or legal counsel.

NEXT STEPS

A rulemaking hearing will be held remotely and in person on January 20, 2025. The rule is scheduled to be brought before the PERS Board for adoption at the January 30, 2026, board meeting.

B.1. Attachment 1 – OAR 459-005-0220 *Receipt Date for Reports, Documents, Remittances, Payments, Data, and Requests*