

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

1 **459-010-0014**

2 **Creditable Service in PERS Chapter 238 Program**

3 (1) For purposes of this rule:

4 (a) “Active member” has the same meaning as provided in ORS 238.005.

5 (b) “Creditable service” has the same meaning as provided in ORS 238.005.

6 (c) “Major fraction of a month” means any calendar month in which an active member
7 is employed for more than one-half of the total calendar days in the calendar month, being
8 paid a salary by a participating public employer, and for which benefits under ORS Chapter
9 238 are funded by employer contributions.

10 (2) Except as provided in OAR 459-005-0015~~((3))~~, an active member accrues one month of
11 creditable service for each month in which the member is employed for the major
12 fraction of the month and~~(performs service or)~~ receives salary as described in OAR
13 459-005-0001, or paid leave as described in OAR 459-010-0011 ~~(for the major fraction of~~
14 ~~the month)~~.

15 (3) An active member is presumed to have been employed ~~(performed service)~~ for a major
16 fraction of a month during each month of employment if:

17 (a) The member performs, or receives paid leave for, at least 600 hours of service in the
18 calendar year, and the member's employer(s) reports salary and hours for a pay period
19 occurring within the calendar month;

20 (b) The member starts employment on or before the 15th day of the calendar month and the
21 employment continues through the end of the month;

22 (c) The member starts employment on or before the first day of the calendar month and
23 ends employment on or after the 16th day of the month; or

24 (d) The member starts employment on or before the first day of the calendar month and
25 ends employment before the 16th day of the month, but is reemployed in a qualifying
26 position before the end of the month.

27 (4) A member or employer may seek to rebut the determination of creditable service based
28 on the presumptions in section (3) by providing to PERS records that establish that the
29 member was or was not employed ~~(did or did not perform service)~~ for a major fraction of a

1 month, and/or did or did not receive salary as described in OAR 459-005-0001, as
2 defined in subsection (1)(c) of this rule.

3 (5) An active member who is a school employee will accrue six months of creditable
4 service for each half of the school year if they are employed for the major fraction of
5 each month during that half of the school year that school is normally in session, and
6 receive salary as described in OAR 459-005-0001, for each of those school months. *(if*
7 *the member performs service for a major fraction of each month a school year when school*
8 *is normally in session that falls between January 1 and June 30, and six months of*
9 *creditable service if the member performs service for a major fraction of each month of a*
10 *school year when school is normally in session that falls between July 1 and December 31.)*

11 (a) The first half of the school year falls between July 1 and December 31; the second
12 half of the school year falls between January 1 through June 30.

13 (b) School is presumed to be in session during the following dates:

14 (A) For non-Higher Education employment, the first half of the school year is presumed to
15 begin on or before September 15 and end on or after December 16.

16 (B) For Higher Education employment, the first half of the school year is presumed to
17 begin on or before September 26 and end on or after December 16.

18 (C) For all school employment, the second half of the school year is presumed to begin on
19 or before January 7 and end on or after May 26.

20 (c) If the school year falls outside the presumed dates described above, PERS must
21 receive acceptable certification from the employer of the actual begin and end dates for
22 each half of the school year.

23 (d) An active member who is a school employee on leave of absence without pay may
24 accrue retirement credit as follows:

25 (A) If the period of leave of absence without pay falls outside the dates when school is
26 presumed to be in session, the active member may accrue six months of retirement credit as
27 described above.

28 (B) If the leave of absence without pay falls within the dates when school is presumed to be
29 in session, the active member may only accrue six months of retirement credit if the leave
30 of absence constitutes less than the major fraction of the month, as provided in OAR 459-

31 005(10)-0015(0(3)).

1 (C) If the leave of absence without pay falls within the dates when the school year is in
2 session, the active member may not accrue six months of retirement credit if the leave of
3 absence constitutes the major fraction of the month, as provided in OAR 459-0(10)05-
4 0015(0(3)). Such member may accrue one month of retirement credit for each month in
5 which the member **is employed for the major fraction of the month and**(*performs*
6 *service or*) receives **salary as described in OAR 459-005-0001, or** paid leave as described
7 in OAR 459-010-0011 (*for the major fraction of the month*), as described in section (2) of
8 this rule.

9 (6) A member may not accrue more than one month of creditable service for any calendar
10 month and no more than one year of creditable service for any calendar year.

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Statutory/Other Authority: ORS 238.650
Statutes/Other Implemented: ORS 238.005 & 238.300

History:
[PERS 16-2025, amend filed 12/05/2025, effective 12/05/2025](#)
[PERS 3-2025, amend filed 03/31/2025, effective 03/31/2025](#)
PERS 3-2010, f. & cert. ef. 5-28-10
PERS 9-2008, f. & cert. ef. 5-21-08
PERS 1-2008(Temp), f. & cert. ef. 4-2-08 thru 9-26-08
PERS 15-2007, f. & cert. ef. 11-23-07
PERS 24-2005, f. 12-23-05, cert. ef. 1-1-06
PERS 6-2005, f. & cert. ef. 2-22-05