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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 459

OREGON PUBLIC EMPLOYEES RETIREMENT SYSTEM

FILED: 09/23/2026 3:45 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Update to the PERS employer reporting time frame.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/23/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Joel Mellor
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/20/2026
TIME: 2:00 PM
OFFICER: Joel Mellor

IN-PERSON HEARING DETAILS
ADDRESS: PERS Headquarters Board Room, 11410 SW 68th Parkway, Tigard, OR 97281

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 971-300-4342
SPECIAL INSTRUCTIONS:
Meeting ID: 220 333 165 467 609
Passcode: 6rC6uA7g

Dial in by phone
+1 971-300-4342,,190953872
Phone conference ID: 190 953 872#

NEED FOR THE RULE(S):

Effective July 1, 2027, as part of the statewide payroll transition, all state employees will move from the current monthly pay schedule to a biweekly pay schedule. This change will affect the timing and processes associated with how the State's Department of Administrative Services reports to PERS.
The proposed rule modifications authorize PERS to accept reporting outside the time period specified in rule when an employer has received written approval from PERS. This flexibility is intended to accommodate special circumstances in which employers are unable to meet the current three‑day reporting requirement.
The proposed changes are intentionally designed to apply only in limited, well‑defined circumstances to ensure they remain administrable. Allowing too many exceptions, particularly those that are informal or not consistently tracked, creates unnecessary complexity and makes compliance oversight difficult. By restricting the use of alternative reporting periods to situations where an employer has obtained written authorization from PERS, the rule maintains clear expectations, supports uniform reporting practices, and reduces the administrative burden associated with monitoring and managing frequent or ad‑hoc exceptions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 238.650

These documents are available on the Internet at: https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

Adoption of this rule will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

There are no discrete costs attributable to this rule.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rules do not affect small businesses and therefore small businesses were not involved in the development of the rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A public hearing will be held and the PERS Board solicits input on rules from any interested or affected parties.

AMEND: 459-009-0100

RULE SUMMARY: Explaining Employer Reporting and Remittance of Contributions

CHANGES TO RULE:

459-009-0100
Employer Reporting and Remittance of Contributions ¶

(1) Definitions.¶
(a) "Pay period" means the span of time covered by an employer's report to PERS.¶
(b) "Statement" means a remittance statement that itemizes any required contributions, invoices, and penalties for the period covered in the statement.¶
(c) "Statement date" means the date a statement is issued by PERS.¶
(2) Unless otherwise agreed upon by PERS and the employer, an employer must transmit to PERS an itemized report of all information required by PERS.¶
(a) An itemized report must include wage, service, and demographic data for all employees for a pay period.¶
(b) Except as provided in subsection (c) of this section, an employer may not submit or modify a report for a pay period within any calendar year on or after the first date in March of the subsequent calendar year in which PERS issues the employer a statement.¶
(c) PERS will permit an employer to submit or modify a report subject to the limitation of subsection (b) of this section if PERS determines the report is necessary for accurate benefit administration.¶
(3) The report required under section (2) of this rule must be acceptable to PERS and transmitted on forms furnished by the agency or in an equivalent format. The report must be transmitted electronically, faxed, or postmarked, as applicable, no later than three business days after the end of the pay period assigned to the employer under section (4) of this rule, unless otherwise authorized in writing by PERS.¶
(4) PERS will assign an employer a pay period which most closely matches the employer's pay cycle:¶
(a) Monthly: the pay period ends on the last day of the month;¶
(b) Semi-monthly: the pay period ends on the fifteenth of the month and the last day of the month;¶
(c) Weekly: the pay period ends the Friday of every week; or¶
(d) Biweekly: the pay period ends every other Friday.¶
(5) For the purpose of determining a "pay period" under ORS Chapters 238 and 238A, when salary is paid on a day other than the first of the month or the first business day of the month, that salary shall be considered earned in the calendar month in which it is paid, unless the employer provides PERS records that establish that the salary was not earned in that calendar month.¶
(6) If a report required under section (2) of this rule is accepted by PERS with exception(s), PERS will notify the employer of any exceptions, and the employer must reconcile its report. The reconciled report must be transmitted to PERS before the date of limitation described in subsection (2)(b) of this rule, unless otherwise specified by PERS.¶
(7)(a) An employer that fails to transmit a report as required under sections (2) and (3) of this rule must pay a penalty equal to one percent of the total amount of the prior year's annual contributions or $2,000, whichever is less, for each month the employer is delinquent.¶
(b) Penalties under subsection (a) of this section continue to accrue until the earlier of the date the report is submitted, or the date of limitation described in subsection (2)(b) of this rule is effective.¶
(c) Notwithstanding subsection (b) of this section, an employer that submits or modifies a report pursuant to subsection (2)(c) of this rule must pay the penalty described in subsection (a) of this section.¶
(8) When PERS issues a statement, unless otherwise agreed upon by PERS and the employer, an employer must pay to PERS the total amount due on the statement no later than five business days from the statement date. Payment must be made pursuant to OAR 459-005-0225.¶
(9) An employer that fails to pay the total amount due on the statement within the time specified in section (8) of this rule must pay a penalty equal to one percent of the total amount of contributions due on that statement for each month the employer is delinquent.
Statutory/Other Authority: ORS 238.650, OL 2003 Ch. 733
Statutes/Other Implemented: ORS 238, OL 2003 Ch. 733