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

1    **459-005-0220**

2    **Receipt Date for Reports, Documents, Remittances, and Payments**

3        (1) As used in this rule:

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

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

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

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

12       (3) Any report, document, or remittance[, *or payment*] required by PERS shall be  
13    deemed filed and received [*based*] on the date of the receipt stamp affixed to the report,  
14    document, or remittance[, *or payment*] when received by PERS[; *or*]. [*i*]In the case of a  
15    check or cash submission, the payment shall be deemed filed and received on the date  
16    recorded in PERS’ daily cash receipts log or check log.

17       (4) Any report, document, remittance, or payment that does not display a PERS  
18    receipt stamp, or has not been recorded in PERS’ daily cash receipts log or check log, shall  
19    be deemed filed and received on the imaged date. If the imaged date, cash receipts log  
20    date or check log date is later than the due date, the report, document, remittance, or  
21    payment shall be deemed filed and received [*three (3)*] one business day[*s*] before the  
22    imaged date, cash receipts log date, or check log date.

1 (5) Any report, document, remittance, or payment required by PERS which is lost or  
2 delayed in transmission through USPS or by a private express carrier, shall be deemed  
3 filed and received on the date it was mailed or deposited for transmittal if the sender:

4 (a) Can establish by evidence satisfactory to PERS, which includes but is not limited  
5 to documentation provided by USPS or the private express carrier, that the report,  
6 document, remittance, or payment was deposited in the USPS or with a private express  
7 carrier before the date due for filing, and was correctly addressed to PERS;

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

11 (c) Satisfies the requirements of subsections (a) and (b) of this section within 30 days  
12 after PERS notifies the sender in writing of failure to receive the report, document,  
13 remittance, or payment.

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

17 (7) Any report or document that PERS accepts by fax as provided in OAR 459-005-  
18 0210 or 459-005-0215, which is:

19 (a) Transmitted by a fax device to any office of PERS shall be deemed filed *[or]* and  
20 received on the date of transmission as inscribed by the PERS fax device.

21 (b) Lost in transmission through a fax communication shall be deemed filed and  
22 received when originally transmitted if the sender can establish by affidavit the proof of

1    sending and correct addressing, together with a copy of any activity report from the  
2    sender's fax device, and a duplicate of the original report or document.

3            (8) A fax shall be accepted on weekends and holidays as long as the fax is otherwise  
4    in compliance with due dates specified in administrative rule.

5            (9) Any report or document that PERS accepts by e-mail transmission as specified in  
6    OAR 459-005-0210(5), which is:

7            (a) Transmitted by e-mail to any office of PERS shall be deemed received as of the  
8    date PERS receives the transmission.

9            (b) Lost in transmission by e-mail shall be deemed filed and received when originally  
10    transmitted if the sender can establish by affidavit the proof of sending and correct  
11    addressing, together with a copy of any activity report from the sender's electronic device,  
12    and a duplicate of the original report or document.

13           (10) A report or document transmitted by fax or e-mail must be transmitted in  
14    accordance with the provisions of this rule and OAR 459-005-0215 and must be received  
15    by PERS before midnight on the due date.

16           (11) When transmitting a document or report by use of fax or e-mail, the sender bears  
17    the risk of failure of the transmission.

18           Stat. Auth.: ORS 238.650

19           Stats. Implemented: ORS 238, 238A