

Employer Announcement #71 2011 Legislation Affecting PERS Employers

In this announcement:

HB 2113 - PERS Agency Bill

SB76 - Corrections Officers

SB 405 - University Police

HB 2113:

This section of this legislation was effective August 5, 2011.

Section 19 provides that OPSRP Pension members who terminated active PERS employment, withdrew their IAP accounts, but were prevented by vesting or account value restrictions from withdrawing from OPSRP Pension do not need to serve another IAP waiting time if they return to qualifying employment. They become active members of OPSRP Pension and the IAP immediately upon reemployment.

What PERS employers should do

Inactive OPSRP members who withdrew their IAP account and later return to PERS employment in “qualifying” positions on or after August 5, 2011, will return to active membership in the IAP upon hire.

Inactive OPSRP members who withdrew their IAP accounts and returned to PERS employment in “qualifying” positions prior to August 5, 2011, will return to active membership in the IAP only after completion of a waiting time.

DTL2 wage code 01, with subject salary and contributions, should be reported for an OPSRP member when the member returns to active membership, i.e., upon re-hire or upon completion of a waiting time (see Employer Announcement #54 for an explanation for waiting time treatment for those returning to qualifying employment prior to August 5, 2011).

Inactive OPSRP members who withdrew their IAP accounts and return to PERS employment in “non-qualifying” positions after the effective date of this legislation do not return to active membership. DTL2 wage code 02, with subject salary and no contributions should be used beginning with the first DTL2 records reported after re-hire into a “non-qualifying” position.

SB 76:

This legislation was effective June 14, 2011.

Section 1 extends the ORS 181.610 definition of “corrections officer” to include those who supervise corrections officers. This definition is incorporated by reference in the ORS 238.005 and 238A.005 definitions of “police officer,” so those who supervise corrections officers are now considered Tier One/Tier Two or OPSRP police officers.

What employers should do

The job class for those currently in corrections officer supervisory positions should be changed to Job Class 2 (Police & Fire) for service on and after June 14, 2011. Those positions will be Job Class 01 (General Service) until June 13, 2011, then become Job Class 2 (Police & Fire) June 14, 2011, forward.

If no transactions for a member have posted for pay dates or work periods after June 14, 2011, the job class for active members can most easily be changed using the DTL2 Job Class, Average Overtime Hours and Work Period Begin Date/Work Period End Date fields to report the active member's job class change during the pay period in which the class change is made.

If salary has posted for pay dates or work periods after June 14, 2011, please submit a DCR for a retroactive job class change for affected employees.

For those hired into corrections officer supervisory positions after the effective date of this legislation, the DTL1 submitted for the new hire should reflect Job Class 02.

Ch.238 Tier One/Tier Two members in corrections officer supervisory positions after the effective date of this legislation become eligible to participate in the P&F Units program.

Those Tier One/Tier Two members who wish to participate should complete and return a Notice of Unit Election form to their payroll office.

Please contact your ESC account representative if you are unfamiliar with using DTL2 records to change job class.

SB405:

SB 405 became effective June 23, 2011, but this legislation becomes operative January 1, 2012.

Section 1 allows a university to establish a police department on or after January 1, 2012, and to staff it with employees the university commissions and classifies as police officers. University police officers commissioned and classified as police officers by the university are included in the definition of "police officer" in ORS 238.005 and ORS 238A.005, effective January 1, 2012. Individuals cannot be Job Class 2 (Police and Fire) until all of the following criteria are satisfied:

- 1) after January 1, 2012,
- 2) university creation of a police department following State Board of Higher Education authorization to do so,
- 3) university commissioning and classifying of the department employees as police officers, and
- 4) university filing of a resolution with PERS to begin PERS participation for Job Class 2 (Police & Fire) personnel.

What employers should do

Reclassifying existing university personnel or personnel hired from outside sources as university police officers is dependent upon completion of the steps outlined above. When you have completed these steps, please contact your ESC account representative for help reporting the correct job class for these employees. Ch.238 Tier One/Tier Two members ultimately hired into university police officer positions are eligible to participate in the P&F Units program. Those Ch.238 Tier One/Tier Two members should complete and return a Notice of Unit Election form to their payroll office.

Please contact your ESC account representative if you have questions about the legislation addressed in this announcement.

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