

## **Employer Announcement #79**

### **Waiting Time for School Employees (Job Class 9)**

The waiting time for a new hire with no existing PERS membership history is six full calendar months, working continuously in a qualifying position with one employer, with no break greater than thirty (30) consecutive working days.

For most educational employers, the summer months of June, July and August, or “summer break,” represent a period during which school is not in session.[1] For school employees the waiting time continues through summer break IF the employer-employee relationship remains in effect during the summer break. The “employer-employee” relationship remains in effect until the relationship is severed by a termination.

For school employees with official LWOP’s occurring on or after 11/23/2007, the waiting time shall be extended by the length of the LWOP. If an official LWOP extends across the beginning or end of the two calendar months, each month may be counted as a full month of service provided the LWOP is fewer than 11 business days in each of those calendar months.

The number of calendar days in which the employee worked or was on paid leave in a qualifying position determines whether the member was employed for the major fraction of the month. For all months except February, the employee must have worked for 16 days. For the month of February, the employee must have worked for 15 days.

Each school district is treated as a separate public employer for purposes of waiting time. Accordingly, educational employees who work concurrently for more than one school district must serve six full, uninterrupted months with at least one of the employers.

An unpaid leave of absence will extend the waiting time by the period of the unpaid leave of absence, but will not cause waiting time to start over.

A break of less than 30 consecutive working days between termination and rehire WITH THE SAME EMPLOYER will not cause the waiting time to start over.

A new hire DTL1 record for a school employee (Job Class 9) must include an entry in the “contract # of months” field. Menu selections for the required entry in this field include 00, 9, 10, 11 and 12. The “contract # of months” entry on the DTL1 record states the number of months in any calendar year a school employee is expected to work and affects retirement credit accrual by a school employee and also affects waiting time. An employee with contract # of months of 12 is expected to work year round including summer months. If no work is performed during the summer months while serving a waiting time then the time not worked would constitute a greater than 30 working day break in service therefore the waiting time MAY start over when the employee returns to work after the break in service.

Example 1: An individual is hired into a “qualifying” school employee position and is expected to work 10 months in any calendar year. The hire date is May 10th and the individual is never terminated. The count for

full six months waiting time begins June 1st . The individual completes the waiting time November 30th and remains employed beyond December 1st. The individual becomes an active member December 1st.

Example 2: An individual is hired into a “qualifying” school employee position and is expected to work 10 months in any calendar year. The hire date is May 10th and the individual is never terminated. The count for full six months waiting time begins June 1st . The individual takes an unpaid leave of absence beginning October 15th and returns December 1st. The waiting time is suspended on October 15th and extended by the length of unpaid leave of absence (1.5 months) and is completed January 31st of the next calendar year. The individual remains employed beyond February 1st of the next year. The individual becomes an active member February 1st of the next year.

Example 3: An individual is hired into a “qualifying” school employee position and is expected to work 10 months in any calendar year. The hire date is May 10th . The count for full six months waiting time begins June 1st . The individual is terminated June 7th and rehired by the same employer effective June 28th. The break in service is less than 30 consecutive working days so the break does not suspend the waiting time. The individual completes the waiting time November 30th, remains employed on December 1st and terminates again on December 2nd. The individual becomes an active member December 1st.

Example 4: An individual is hired into a “qualifying” school employee position and is expected to work 12 months in any calendar year. The DTL1-new hire record has 12 for the contract number of months. The hire date is April 20th and the “employer-employee” relationship remains in effect until the individual is terminated October 10th the following year. The count for full six months waiting time begins May 1st in the year of hire. The individual decides not to work through the summer months (July and August) in the year of hire. The “employer-employee” relationship still remains in effect and the individual returns to work September 14th in the year of hire and is terminated October 10th the following year. Due to incurring an interruption of paid service in excess of 30 consecutive working days, the individual will lose all credit toward the waiting time accrued prior to the interruption. The waiting time starts over when individual returns to work September 14th in the year of hire. The individual becomes an active member April 1st.

**References: OAR 459-010-0010, 459-010-0035, 459-075-0010, 459-075-0150.**

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Some educational employers may operate on alternate schedules, so their “break,” or period when school is not in session, may occur outside of the summer months.