

# House Bill 2252

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Corrections)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands exemption of retired members of Public Employees Retirement System from limitations on reemployment to members reemployed by state or county for work in correctional institution located in county with population of fewer than 100,000 residents.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to reemployment of retired public employees; creating new provisions; amending ORS  
3 238.082; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 238.082 is amended to read:

6 238.082. (1) Subject to the limitations in this section, any public employer may employ any  
7 member who is retired for service if the administrative head of the public employer is satisfied that  
8 such employment is in the public interest.

9 (2) Except as provided in this section, the period or periods of employment by one or more  
10 public employers of a retired member who is reemployed under this section may not total 1,040  
11 hours or more in any calendar year.

12 (3) A retired member who is receiving old-age, survivors or disability insurance benefits under  
13 the federal Social Security Act may be employed under this section for the number of hours per-  
14 mitted by subsection (2) of this section, or for the number of hours for which the salary equals the  
15 maximum allowed for receipt of the full amount of those benefits to which the person is entitled,  
16 whichever is greater.

17 (4) Except as provided in subsection (9) of this section, the limitations on employment imposed  
18 by subsections (2) and (3) of this section do not apply to a retired member who is employed as a  
19 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is  
20 employed by a school district or community college district located within a county with a popu-  
21 lation of not more than 35,000 inhabitants according to the latest federal decennial census, or is  
22 employed by an education service district and the retired member's primary work duties are per-  
23 formed in a county with a population of not more than 35,000 inhabitants according to the latest  
24 federal decennial census. A retired member who is employed under this subsection as a teacher, as  
25 defined in ORS 342.120, by the same public employer that employed the member at the time of re-  
26 tirement remains in the same collective bargaining unit that included the member before retirement.

27 (5) Except as provided in subsection (9) of this section, the limitations on employment imposed  
28 by subsections (2) and (3) of this section do not apply to a retired member who is employed:

29 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to  
30 the latest federal decennial census;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-  
 2 itants, according to the latest federal decennial census;

3 (c) By the state or a county for work in a correctional institution located in a county with a  
 4 population of fewer than [75,000] **100,000** inhabitants, according to the latest federal decennial cen-  
 5 sus;

6 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service  
 7 District or the Sunriver Service District;

8 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-  
 9 habitants, according to the latest federal decennial census;

10 (f) As a deputy director or assistant director of the Department of Human Services, if the Gov-  
 11 ernor approves the exemption for the person from the limitations on employment imposed in sub-  
 12 sections (2) and (3) of this section; or

13 (g) As a deputy director or assistant director of the Oregon Health Authority, if the Governor  
 14 approves the exemption for the person from the limitations on employment imposed in subsections  
 15 (2) and (3) of this section.

16 (6) Except as provided in subsection (9) of this section, the limitations on employment imposed  
 17 by subsections (2) and (3) of this section do not apply to a retired member who is employed to tem-  
 18 porarily replace an employee who serves in the National Guard or in a reserve component of the  
 19 Armed Forces of the United States and who is called to federal active duty.

20 (7) Except as provided in subsection (9) of this section, the limitations on employment imposed  
 21 by subsections (2) and (3) of this section do not apply to a retired member who is employed by a road  
 22 assessment district organized under ORS 371.405 to 371.535.

23 (8) Except as provided in subsection (9) of this section, the limitations on employment imposed  
 24 by subsections (2) and (3) of this section do not apply to a retired member who is a nurse and is  
 25 employed by a public employer as a nurse or for the purpose of teaching nursing during the period  
 26 in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in  
 27 effect.

28 (9)(a) Except as provided in paragraph (b) of this subsection, subsections (4) to (8) of this section  
 29 do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) or (3).

30 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS  
 31 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the  
 32 date the person is employed under subsection (4) of this section.

33 (10) Employment under this section does not affect the status of a person as a retired member  
 34 of the system and a recipient of retirement benefits under this chapter.

35 (11) Hours worked by a person employed under subsections (4) to (8) of this section shall not  
 36 be counted for the purpose of the limitations on employment imposed by subsections (2) and (3) of  
 37 this section.

38 **SECTION 2. The amendments to ORS 238.082 by section 1 of this 2017 Act apply only to**  
 39 **retired members who are employed by public employers or become employed by public em-**  
 40 **ployers on or after the effective date of this 2017 Act.**

41 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**  
 42 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
 43 **on its passage.**