

House Bill 2728

Sponsored by Representative NERON (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells PERS to put data about overtime in the letter sent to a retiring member of PERS. (Flesch Readability Score: 63.8).

Directs the Public Employees Retirement System to include information about the use of overtime hours in calculating the final average salary of a member of the system who is retiring.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to member data under the Public Employees Retirement System; creating new provisions;
3 amending ORS 238.450; and prescribing an effective date.

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

5 **SECTION 1.** ORS 238.450 is amended to read:

6 238.450. (1) Upon receiving an application for a retirement allowance or benefit from a member
7 of the Public Employees Retirement System and obtaining information necessary for computation of
8 the retirement allowance or benefit to which the member is entitled upon retirement, the system
9 shall provide to the member a written computation of the retirement allowance or benefit to which
10 the member is entitled upon retirement and summary of the information used in making that com-
11 putation. **The written computation must include detailed information about the number of**
12 **overtime hours performed by the member during the period used to calculate the member's**
13 **final average salary and the number of overtime hours applied to the calculation of the**
14 **member's final average salary.**

15 (2) A member of the system may dispute the accuracy of the information used by the system in
16 making the computation only by filing a written notice of dispute with the system not later than
17 whichever of the following days occurs last:

18 (a) The 240th day after the date on which the computation and information summary is provided
19 to the member pursuant to subsection (1) of this section.

20 (b) The 240th day after the date on which the retirement allowance or benefit to which the
21 member is entitled first becomes payable.

22 (3) The filing of a notice of dispute under subsection (2) of this section extends the time allowed
23 for election of an optional form of retirement allowance or benefit until the 30th day after the con-
24 clusion of the proceeding and any judicial review thereof if the proceeding or review results in a
25 change in the computation of the retirement allowance or benefit.

26 (4) Upon receiving a notice of dispute under subsection (2) of this section, the system shall de-
27 termine the accuracy of the disputed information and make a written decision either affirming the
28 accuracy of the information and computation based thereon or changing the computation using
29 corrected information. The system shall provide to the member a copy of the decision and a written

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 explanation of any applicable statutes and rules. The member is entitled to judicial review of the
2 decision as provided in ORS 183.484 and rules of the Public Employees Retirement Board consistent
3 with applicable statutes.

4 (5) After the last date for filing a written notice of dispute under subsection (2) of this section,
5 a participating public employer may not modify information that is provided to the system and that
6 relates to a member's creditable service, retirement credit, salary, employee contributions or accu-
7 mulated unused sick leave, unless specifically required by one of the following circumstances:

8 (a) To comply with a judgment, administrative order, arbitration award, conciliation agreement,
9 settlement agreement or other legal agreement entered into after the last date for filing a written
10 notice of dispute under subsection (2) of this section;

11 (b) To comply with ORS 238.156 or 238A.150; or

12 (c) To make a correction or modification as a result of a dispute under subsection (2) of this
13 section.

14 (6) This section does not affect any authority of the system, on its own initiative, to correct an
15 incorrect computation of any retirement allowance or benefit.

16 **SECTION 2. (1) The amendments to ORS 238.450 by section 1 of this 2025 Act become**
17 **operative on January 1, 2026.**

18 **(2) The Public Employees Retirement Board may take any action before the operative**
19 **date specified in subsection (1) of this section to enable the board, on and after the operative**
20 **date specified in subsection (1) of this section, to exercise all of the duties, functions and**
21 **powers conferred on the board by the amendments to ORS 238.450 by section 1 of this 2025**
22 **Act.**

23 **SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025**
24 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**