

**OREGON ADMINISTRATIVE RULE
CHAPTER 459
DIVISION 075 – OPSRP PENSION PROGRAM**

459-075-0150

Retirement Credit

- (1) For purposes of this rule:
 - (a) “Active member” has the same meaning as provided in ORS 238A.005.
 - (b) “Major fraction of a month” means a minimum of 50 hours in any calendar month in which an active member is being paid a salary by a participating public employer and for which benefits under ORS Chapter 238A are funded by employer contributions.
- (2) Except as provided in OAR 459-010-0010(3), an active member accrues one month of retirement credit for each month in which the member performs service for the major fraction of the month.
- (3) An active member is presumed to have performed service for a major fraction of a month if:
 - (a) The member performs at least 600 hours of service in the calendar year and the member’s employer(s) reports salary and hours for a pay period occurring within the calendar month;
 - (b) The member starts employment on or before the 15th day of the calendar month and the employment continues through the end of the month;
 - (c) The member starts employment on or before the first day of the calendar month and ends employment on or after the 16th day of the month; or
 - (d) The member starts employment on or before the first day of the calendar month and ends employment before the 16th day of the month, but is reemployed in a qualifying position before the end of the month.
- (4) A member or employer may seek to rebut the determination of creditable service based on the presumptions in section (3) by providing to PERS records that establish that the member did or did not perform service for a major fraction of a month as defined in subsection (1)(c) of this rule.
- (5) Except as provided in OAR 459-010-0010(3), an active member who is a school employee will accrue six months of retirement credit if the member performs service for a major fraction of each month of a school year that falls between January 1 and June 30, and six months of creditable service if the member performs service for a major fraction of each month of a school year that falls between July 1 and December 31.
- (6) A member may not accrue more than one month of retirement credit for any calendar month and no more than one year of retirement credit for any calendar year.
- (7) Credit for the six-month waiting period required by OAR 459-075-0010(2).
 - (a) Upon establishing membership in the pension program, a member shall receive credit for the waiting period required to establish membership under OAR 459-075-0010(2).
 - (b) If the member’s waiting period before establishment of membership included an interruption of service as described in OAR 459-075-0010(2)(b), no credit shall be awarded for the period of employment before the interruption.
- (8) For purposes of calculating retirement credit accrued under ORS 238A.155, the period of disability for a member who receives workers’ compensation payments under ORS Chapter 656 and later returns to work with a PERS participating employer shall be deemed to end upon the earlier of:
 - (a) The date on which the member’s workers’ compensation payments end;

(b) The date on which the member returns to work with a PERS participating employer; or

(c) The date on which the member attains normal retirement age as defined in ORS 238A.160

(9) The provisions of this rule are effective for retirement credit determinations made on or after January 1, 2008.

Statutory Authority: ORS 238A.450

Statutes Implemented: ORS 238A.140