

**OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 010 – MEMBERSHIP**

**459-010-0014**

**Creditable Service in PERS Chapter 238 Program**

(1) For purposes of this rule:

(a) “Active member” has the same meaning as provided in ORS 238.005(12)(b).

(b) “Creditable service” has the same meaning as provided in ORS 238.005(5).

(c) “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 238 are funded by employer contributions.

(2) An active member accrues one month of creditable service 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) Sections (2) and (3) of this rule notwithstanding, an active member who is a school employee will accrue six months of creditable service if the member performs service for all portions of a school year that fall between January 1 and June 30, and six months of creditable service if the member performs service for all portions of a school year that fall between July 1 and December 31.

(6) A member may accrue creditable service as provided in OAR 459-010-0042(3).

(7) A member may not accrue more than one month of creditable service for any calendar month and no more than one year of creditable service for any calendar year.

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

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.005 & 238.300