

Public Service Loan Forgiveness for Contractors Submission Process Effective: October 1, 2024

PURPOSE

The guidance for Public Service Loan Forgiveness for Contractors Submission Process is for Contractors that are submitting their request for OPDC to certify their Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application.

The following sections in the guide provide instructions for how to submit a request for OPDC to certify, what is required from the Contractor, and steps in application process and review.

The Public Service Loan Forgiveness for Contractors Submission Process was established in accordance with 404.070.008 Public Service Loan Forgiveness for Contractors Policy. [Public Service Loan Forgiveness Certification for Contractors Policy 20240918 \(oregon.gov\)](https://www.oregon.gov/OPDC/Pages/Public-Service-Loan-Forgiveness-Certification-for-Contractors-Policy-20240918.aspx)

PUBLIC SERVICE LOAN FORGIVENESS PROGRAM

The Public Service Loan Forgiveness Program is intended to encourage individuals to enter and continue in full-time public service employment by forgiving the remaining balance of their direct loans after they satisfy the public service and loan payment requirements of this section. As of July 10, 2023, 34 CFR § 685.219 (b) was amended to expand the definition of “employee” for PSLF program purposes to include “an individual who works as a contracted employee for a qualifying employing employer in a position or *providing services which, under applicable state law, cannot be filled or provided by a direct employee of the qualifying employer.*” Contractors that have provided trial-level public defense services fall within the expanded definition of “employee”.

ELIGIBILITY CRITERIA

With the change to federal regulations regarding PSLF, more public defense providers are eligible for the program. Under the new PSLF rules, these individuals may now be eligible for student loan forgiveness under PSLF, even though they are not W-2 employees but are instead contractors working for qualifying organizations. Attorneys in consortia and other private bar attorneys may be eligible for PSLF.

Any public defense contractor is eligible if they have been engaged in public defense work “full-time” for ten years, which is defined by PSLF as working during the period of being certified:

Full-Time employment, for PSLF purposes, means working 30 or more hours per week on average for the employment period on the form regardless of whether the employer considers that Full-Time for other purposes. Working less than 30 hours per week on average is considered Part-Time. When determining if a borrower is Full-Time, an employer must include all hours, including vacation, leave time, or any leave taken under

the Family Medical Leave Act of 1993. However, do not include time spent performing volunteer services.

An approval from OPDC does not guarantee that the federal government will approve the application, as it is not yet clear how the federal government will interpret and apply the new rule.

CONTRACTOR SUBMITTED REQUEST

A Contractor can submit a request for a Contractor Certification for PSLF to OPDC for eligibility review. All submitted requests are subject for review and will be reviewed within thirty days of receipt.

To submit a request for Contractor Certification the following required documents are to be submitted by eFax to OPDC. **Fax to Policy: 503-386-2219.**

<https://www.oregon.gov/opdc/general/Pages/roster.aspx>

The PSLF application contains personally identifiable information (PII). The Contractor must submit their request for their Contractor Certification for PSLF through OPDC's eFax to protect their PII. The eFax will be used to exchange documents between the Contractor and the OPDC PSLF Team.

- Completed and Signed Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application. [Public Service Loan Forgiveness \(PSLF\) & Temporary Expanded PSLF \(TEPSLF\) Certification & Application \(studentaid.gov\)](#)
 - The PSLF & TEPSLF Certification & Application will need the Employee Identification Number (EIN) for OPDC. The EIN for OPDC is 93-1327347.
 - For guidance for how to complete the PSLF & TEPSLF Certification & Application visit [Public Service Loan Forgiveness | Federal Student Aid](#)
- OPDC Public Service Loan Forgiveness Certification for Contractors Form completed by the Contract Administrator or the applicant's employer establishing the time period that the applicant provided public defense services pursuant to the contract and attesting that the service provided by the applicant meets the PSLF definition of "Full-time". The OPDC Public Service Loan Forgiveness Certification for Contractors Form must be signed by the Contract Administrator or the applicant's employer and the applicant. [OPDC Public Service Loan Forgiveness Certification for Contractors Form.pdf \(oregon.gov\)](#)
 - The OPDC Public Service Loan Forgiveness Certification for Contractors Form can be located on the OPDC website in the Policy Section.

If there is more than one employer, a form will need to be completed for each employer.

To complete the Public Service Loan Forgiveness Certification for Contractors the following will need to be completed.

- Enter the Contractor personal information in the Contractor Information section.
 - Social Security Number (SSN)
 - Date of Birth
 - First Name
 - Last Name

- Address
 - City
 - State
 - Zip Code
 - Primary Telephone Number
 - Email
- Complete the Employment Period section by entering the employment or certification begin and end dates.
 - The Contract Administrator and/or employer certifies to OPDC (under penalty of perjury) that the information contained in the Contractor's PSLF application is accurate. The Contract Administrator and/or employer certify that the Contractor engaged in public defense work full-time for the time period provided in Employment Period box above.
 - Applicant/Contractor to complete, sign, and date the Contractor Signature Section.

ELIGIBILITY DETERMINATION REVIEW

Upon receipt of the request for Contractor Certification for PSLF the request will be submitted for an eligibility review with OPDC.

In order to certify the PSLF application, OPDC will review the submitted Contractor Certification request to confirm the Applicant/Contractor meets the eligibility criteria for OPDC approval to certify. OPDC will certify the PSLF application once the following requirements are met:

- Review and verify the information provided by the Contractor in Section 4 of the Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application is accurate.
- Verify the periods of time the Contractor was providing public defense services.
- Confirm the Contractor meets the full-time eligibility criteria to qualify for the PSLF Program.
- Verify the OPDC Public Service Loan Forgiveness Certification for Contractors Form is complete.

DOCUMENT REQUEST

If OPDC is unable to make a determination due to missing documents or information, then OPDC will submit a request for documents or information. The request for documents or information will be sent from the OPDC Policy email with instructions.

- Applicant/Contractors will have 14 days to submit the requested documents or information.
- If the documents are not submitted within 14 days, then a follow up request for documents and information will be sent to the applicant.
- The application will be withdrawn if the applicant is not responsive or unable to supply the request within 30 days from the initial request.

- A withdrawal notice will be sent to the applicant/Contractor from the OPDC Policy email.

If an application is withdrawn after 30 days for not responding or providing the requested documents or information, the applicant can reapply.

APPROVED

If the applicant is determined to be eligible for OPDC to certify the PSLF Application, OPDC will complete and sign Section 5A of the PSLF Application.

- OPDC will send the certified PSLF application and an approval letter to the applicant/Contractor by eFax.
- OPDC will send an email to the applicant/Contractor to communicate that an approval for certification has been eFaxed.

An approval from OPDC does not guarantee that the federal government will approve the application, as it is not yet clear how the federal government will interpret and apply the new rule.

WITHDRAWN APPLICATION

An application can either be withdrawn by the request of an applicant or for not responding to a document request within 30 days.

- To withdraw an application, the applicant/Contractor will need to send a request to withdraw an application to the OPDC Policy email. Policy@opdc.state.or.us
- If the application was withdrawn for not responding to a document request, then the applicant/Contractor can reapply.
 - *When submitting the new application, the applicant/Contractor will need to include the information or documents that were requested with the document request.*

DENIED

If OPDC determines the Contractor does not meet the eligibility requirement to provide the certification, then OPDC will deny the request for certification. A denial letter will be sent to the applicant/Contractor from the OPDC Policy email.

APPEALS

If an applicant has been denied for OPDC to certify their PSLF application, they may file an appeal. OPDC will provide instructions for how to file an appeal in the denial letter.

QUALITY ASSURANCE REVIEWS

OPDC is directed to adopt policies for public defense providers that ensure compensation, resources and caseloads are in accordance with national and regional best practices to promote policies for public defense provider compensation and resources. Under authority of ORS

151.216 (1)(b)(A), OPDC agrees to independently certify an eligible Contractor's PSLF application if:

- The Contractor certifies to OPDC (under penalty of perjury) that the information contained in their individual PSLF application is accurate, and
- The relevant contract administrator and/or employer certifies to OPDC (under penalty of perjury) that the information contained in the Contractor's PSLF application is accurate. For each application, the contract administrator must certify that the applicant provided public defense services pursuant to the contract. In addition, either the contract administrator or the applicant's employer must certify that the applicant meets the PSLF definition of "full-time."

OPDC will review the OPDC Attestation Forms signed by the contract administrators and the public defender's employer to verify the public defender completed "full-time" work for ten years. If OPDC concludes an application is untruthful, the OPDC will notify PSLF and any other agency with regulatory authority over the person's licensure and/or profession.