

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 075 – OPSRP PENSION PROGRAM**

1 **459-075-0200**

2 **Retirement Eligibility for Police Officer and Firefighter Members**

3 (1) For purposes of this rule:

4 (a) “Police officer” and “firefighter” have the same meaning given them in ORS
5 238A.005.

6 (b) “Concurrently employed” means employment with two or more participating
7 employers in the same calendar month. *[Continuously” means a period during which the*
8 *member is employed in one or more qualifying positions as a police officer or firefighter in*
9 *consecutive months without interruption.]*

10 (2) An OPSRP Pension Program member will establish retirement eligibility as a
11 police officer or firefighter, if the member’s last 60 months of retirement credit
12 preceding the date the member reaches early retirement age under ORS 238A.160(2), or
13 normal retirement age under ORS 238A.165(2), were accrued while employed in a
14 qualifying position as a police officer or firefighter. *[For the purpose of establishing*
15 *eligibility for normal retirement under ORS 238A.160(2) and early retirement under*
16 *238A.165(2), an OPSRP Pension Program member will be considered to have held a position*
17 *as a police officer or firefighter continuously for a period of not less than five years*
18 *immediately preceding the effective date of retirement if:]*

19 *[(a) The member was employed in a qualifying position as a police officer or firefighter*
20 *continuously for five years prior to the date of the member’s termination from that*
21 *employment; and]*

1 *[(b) The member's effective date of retirement is the first of the month following*
2 *termination from that employment.]*

3 **(3) The 60 months of police officer & firefighter retirement credit does not have to**
4 **be continuous, but a member does not establish retirement eligibility as a police officer**
5 **or firefighter under section (2) of this rule if the member's last 60 months of retirement**
6 **credit preceding the date the member reaches early or normal retirement age includes**
7 **any months of retirement credit as other than a police officer or firefighter.**

8 *[A member who is concurrently employed by two or more employers in qualifying*
9 *positions as a police officer or firefighter and as other than a police officer or firefighter is*
10 *employed as a police officer or firefighter for purposes of this rule.]*

11 **(4) If the member is concurrently employed as a police officer or firefighter, the 60-**
12 **month retirement credit count described in section (2) of this rule restarts if the member**
13 **accrues retirement credit for service as other than a police officer or firefighter, unless**
14 **the member is receiving insurance payments for short-term or long-term disability for**
15 **which retirement credit is not available under ORS 238A.155; and concurrently**
16 **employed and performing service as other than a police officer or firefighter, accruing**
17 **retirement credit as other than a police officer or firefighter.**

18 **(5) A member who is receiving disability insurance payments as described in section**
19 **(4) of this rule must submit proof of such payments in a format and manner approved**
20 **by PERS, no later than the member's effective date of retirement.**

21 Stat. Auth.: ORS 238A.450

22 Stats. Implemented: 238A.160 & 238A.165