

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

1 **459-010-0014**

2 **Creditable Service in PERS Chapter 238 Program**

3 (1) For purposes of this rule:

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

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

6 (c) “Major fraction of a month” means a minimum of 50 hours in any calendar
7 month in which an active member is being paid a salary by a participating public
8 employer and for which benefits under ORS Chapter 238 are funded by employer
9 contributions.

10 (2) Except as provided in OAR 459-010-0010(3), an active member accrues one
11 month of creditable service for each month in which the member performs service or
12 receives paid leave as described in OAR 459-010-0011 for the major fraction of the
13 month.

14 (3) An active member is presumed to have performed service for a major fraction of
15 a month if:

16 (a) The member performs at least 600 hours of service in the calendar year and the
17 member's employer(s) reports salary and hours for a pay period occurring within the
18 calendar month;

19 (b) The member starts employment on or before the 15th day of the calendar month
20 and the employment continues through the end of the month;

21 (c) The member starts employment on or before the first day of the calendar month
22 and ends employment on or after the 16th day of the month; or

1 (d) The member starts employment on or before the first day of the calendar month
2 and ends employment before the 16th day of the month, but is reemployed in a qualifying
3 position before the end of the month.

4 (4) A member or employer may seek to rebut the determination of creditable service
5 based on the presumptions in section (3) by providing to PERS records that establish that
6 the member did or did not perform service for a major fraction of a month as defined in
7 subsection (1)(c) of this rule.

8 (5) *[Except as provided in OAR 459-010-0010(3), a]* An active member who is a
9 school employee will accrue six months of creditable service if the member performs
10 service for a major fraction of each month of a school year when school is normally in
11 session that falls between January 1 and June 30, and six months of creditable service if
12 the member performs service for a major fraction of each month of a school year when
13 school is normally in session that falls between July 1 and December 31.

14 (a) School is presumed to be in session during the following dates:

15 (A) For non-Higher Education employment, the first half of the school year is
16 presumed to begin on or before September 15 and end on or after December 16.

17 (B) For Higher Education employment, the first half of the school year is
18 presumed to begin on or before September 26 and end on or after December 16.

19 (C) For all school employment, the second half of the school year is presumed to
20 begin on or before January 7 and end on or after May 26.

21 (b) If the school year falls outside the presumed dates described above, PERS
22 must receive acceptable certification from the employer of the actual begin and end
23 dates for each half of the school year.

1 (c) An active member who is a school employee on leave of absence without pay
2 may accrue retirement credit as follows:

3 (A) If the period of leave of absence without pay falls outside the dates when
4 school is presumed to be in session, the active member may accrue six months of
5 retirement credit as described above.

6 (B) If the leave of absence without pay falls within the dates when school is
7 presumed to be in session, the active member may only accrue six months of
8 retirement credit if the leave of absence constitutes less than the major fraction of
9 the month, as provided in OAR 459-010-0010(3).

10 (C) If the leave of absence without pay falls within the dates when the school
11 year is in session, the active member may not accrue six months of retirement credit
12 if the leave of absence constitutes the major fraction of the month, as provided in
13 OAR 459-010-0010(3). Such member may accrue one month of retirement credit for
14 each month in which the member performs service or receives paid leave for the
15 major fraction of the month, as described in section (2) of this rule.

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

18 *[(7) The provisions of this rule are effective for service credit determinations made*
19 *on or after January 1, 2008.]*

20 Stat. Auth.: ORS 238.650

21 Stats. Implemented: ORS 238.005 & 238.300