

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

1 **459-075-0150**

2 **Retirement Credit**

3 (1) For purposes of this rule:

4 (a) “Active member” has the same meaning as provided in ORS 238A.005.

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

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

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

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

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

20 (c) The member starts employment on or before the first day of the calendar month  
21 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 retirement credit 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 for Higher Education employment  
19 and end on or after December 16;

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

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

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

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

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

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

19 (6) A member may not accrue more than one month of retirement credit for any  
20 calendar month and no more than one year of retirement credit for any calendar year.

21 (7) Credit for the six-month waiting period required by OAR 459-075-0010(2).

1            (a) Upon establishing membership in the pension program, a member shall receive  
2 credit for the waiting period required to establish membership under OAR 459-075-  
3 0010(2).

4            (b) If the member’s waiting period before establishment of membership included an  
5 interruption of service as described in OAR 459-075-0010(2)(b), no credit shall be  
6 awarded for the period of employment before the interruption.

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

9            Stat. Auth.: ORS 238A.450

10          Stats. Implemented: ORS 238A.140