

**OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 076 – OPSRP DISABILITY BENEFIT**

1    **459-076-0045**

2    **Cessation of Disability Benefits Upon Reaching Normal Retirement Age**

3       (1) If a member who is receiving an OPSRP disability benefit reaches normal  
4    retirement age, as defined in ORS 238A.160, **their last** disability benefit~~[s]~~ will **be paid**  
5    ~~*[cease as of]*~~ **on** the first of the following month **unless the member reaches normal**  
6    **retirement age on the first of a month, then their last disability benefit will be paid**  
7    **on that day.**

8       (2) The disability benefit will not automatically convert to a retirement benefit upon  
9    the member reaching normal retirement age. The member must apply for service  
10   retirement benefits before receiving them. In order to receive a service retirement benefit  
11   ~~*[beginning in the month in which a disability benefit ceases under section (1) above]*~~, the  
12   member must:

13       (a) Complete the applicable Service Retirement application(s); and

14       (b) Submit the application(s) to PERS ~~*[at least 92 days]*~~ before the first of the month  
15   in which the ~~*disability benefit ceases under section (1)*~~ **member wishes to commence**  
16   **service retirement benefits.** In no case will a service retirement benefit become payable  
17   during a month in which a member receives a disability benefit ~~*[or earlier than the first*~~  
18   ~~*of the month in which an application was submitted]*~~.

19       (3) The OPSRP retirement pension benefit will be based on:

20       (a) The adjusted salary as set forth in section (4) of this rule; and

21       (b) The total retirement credit accrued, set forth in section (5) of this rule.

1 (4) The salary the member was receiving immediately prior to leaving active  
2 employment as a result of disability will be adjusted for the cost-of-living for each year  
3 after the member left employment and before the member’s effective date of service  
4 retirement.

5 (a) Cost-of-living adjustments will be based on the Consumer Price Index for All  
6 Urban Consumers, West Region (All Items), as published by the Bureau of Labor  
7 Statistics of the United States Department of Labor and may not exceed a two percent  
8 increase or decrease for any year.

9 (b) Cost-of-living adjustments will be made only for calendar years in which the  
10 member received an OPSRP disability benefit for at least six months during a calendar  
11 year.

12 (5) Retirement credit. A member receiving OPSRP disability benefits will accrue  
13 retirement credit, as well as hours of service credit toward vesting, for the entire period of  
14 disability until[:] until their disability benefit ends.

15 *[(a) The member is no longer disabled,*

16 *(b) The member reaches normal retirement age.]*

17 (6) The retirement credit will accrue under the same employment classification in  
18 which the member was immediately employed prior to becoming disabled.

19 (7) A member who is receiving disability benefits who reaches normal retirement  
20 age and has not applied for a service retirement will become an inactive member on the  
21 first of the month following the month in which they reach normal retirement age.

22 Statutory/Other Authority: ORS 238A.450

23 Statutes/Other Implemented: ORS 238A.155 & 238A.235