

**OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 016 – POLICE OFFICERS AND FIRE FIGHTERS**

1 **459-016-0100**

2 **Purchase of Units by a Police Officer or Firefighter to Provide Increased Benefits**

3 (1) For the purposes of this rule:

4 (a) “Active” means an “active member” as defined in ORS 238.005(1).

5 (b) “Current” means a member who is currently employed as a police officer or
6 firefighter.

7 (c) “Firefighter” has the same meaning as set forth in ORS 238.005(10).

8 (d) “Five years” means five full years ending on the fifth anniversary date of the
9 transfer from a police or fire position.

10 (e) “Inactive” means an “inactive member” as defined in ORS 238.005(13).

11 (f) “Police officer” has the same meaning as set forth in ORS 238.005(19).

12 (2) Eligibility to Purchase Units. An active and current police officer or firefighter
13 may purchase a maximum of eight units to provide increased benefits between the date of
14 retirement and age 65. A member who retires prior to age 60 will receive unit payments
15 over a minimum five-year period.

16 (3) Lump-Sum Purchase at Retirement. An active and current police officer or
17 firefighter may choose to make a lump-sum purchase of police and fire units within the
18 90[60] days prior to the police officer’s or firefighter’s effective retirement date.

19 (a) If previous payroll contributions for unit benefits have been made, a lump-sum
20 purchase of any remaining units, for a maximum of eight units, may be made within
21 90[60] days prior to the member’s retirement date if the member is less than age 65.

1 (b) If no payroll contributions for unit benefits have been made, a lump-sum
2 purchase of units may be made within the 90[60] days prior to the member's retirement
3 date only if the member is less than age 60 as of their effective date of retirement.

4 (4) Additional Contributions for Police Officers or Firefighters Retiring Prior to Age
5 60. An active and current police officer or firefighter who retires prior to age 60 may
6 make additional contributions to purchase actuarially reduced unit benefits beginning at
7 any date between the date of early retirement and age 60.

8 (5) Police Officers or Firefighters Who Work Until the Age of 65. Contributions for
9 unit benefits are not permitted once the member reaches the age of 65. The amount in the
10 unit account of a member who works until age 65 will be refunded to the member in a
11 lump sum.

12 (6) Cancellation of Police and Fire Unit Contributions. A police officer or firefighter
13 who has elected to make unit contributions may elect, in writing, to cancel the additional
14 contributions at any time. Once canceled, the member will not be permitted to participate
15 in the unit benefit program at a future time.

16 (7) Refund of Unit Account.

17 (a) Voluntary Refund. A police officer or firefighter may request a refund of the unit
18 account if the police officer or firefighter is separated from all participating employers
19 and their control groups.

20 (b) Involuntary Refund. A police officer or firefighter who has elected to make unit
21 contributions and transfers to an inactive position or a non-police or fire job class will:

22 (A) Retain the unit account for five years immediately following the transfer.

1 (B) If at the end of the five years, the member has not turned age 50 or returned to a
2 qualifying police or fire position, the member's election will be canceled and the amount
3 in the unit account automatically refunded.

4 (c) A voluntary or involuntary refund results in a cancellation of the unit account.
5 Once a unit account is canceled, the member may not participate in the unit benefit
6 program at a future time.

7 (d) A police officer or firefighter who requests a withdrawal of the PERS member
8 account will automatically receive a refund of the unit account.

9 (8) Disability Retirement. A police officer or firefighter who is approved for a PERS
10 chapter 238 Program disability retirement is eligible to purchase the balance of the police
11 and fire units or make an initial purchase equal to the maximum eight units.

12 (9) Reemployment under USERRA. An eligible PERS chapter 238 Program police
13 or fire member who leaves a qualifying position to serve in the Uniformed Services is
14 eligible upon initiating reemployment to make up the unit benefit contributions which
15 would have been made to the member's unit account had the member not left to serve in
16 the Uniformed Services.

17 (a) Contributions made under this section must be remitted to PERS by:

18 (A) Payroll deduction; or

19 (B) Monthly payment of no less than one month of contributions; or

20 (C) Lump-sum payment.

21 (b) Any individual, agency, or organization may pay the employee contributions
22 specified in subsection (a) of this section on behalf of the employee under the payment
23 provisions set forth in paragraph (B) or (C) of this section.

1 Stat. Auth.: ORS 238.650

2 Stats. Implemented: ORS 238.440