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OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 005 – ADMINISTRATION

1 **459-005-0350**

2 **Membership Status of Persons in Concurrent Employment Eligible to Participate in**
3 **an Optional or Alternative Retirement Plan**

4 (1) For the purpose of this rule, concurrent employment means employment with
5 two or more different employers participating in the Public Employees Retirement
6 System (PERS) at the same time.

7 (2) If a person employed by *[the Oregon University System]* **a public university** or
8 by the Oregon Health and Science University is concurrently employed by another PERS
9 or Oregon Public Service Retirement Plan (OPSRP) participating employer, eligibility for
10 PERS or OPSRP membership shall be based on the following:

11 (a) If the person elects to participate in an Optional Retirement Plan offered by *[the*
12 *Oregon University System]* **a public university** under ORS 243.800, or an alternative
13 retirement plan offered by the Oregon Health and Science University under ORS
14 353.250, and concurrently employed with other PERS or OPSRP participating employers
15 in a non-qualifying position(s) as defined in OAR chapter 459, the person:

16 (A) Shall not be eligible to establish membership in PERS or OPSRP as an employee
17 of *[the Oregon University System]* **a public university** or the Oregon Health and Science
18 University, and

19 (B) Shall not be eligible to establish membership in PERS or OPSRP as an employee
20 of the other concurrent PERS employer or employers.

21 (b) If the person elects to participate in an Optional Retirement Plan offered by *[the*
22 *Oregon University System]* **a public university** under ORS 243.800, or an alternative

1 retirement plan offered by the Oregon Health and Science University under ORS
2 353.250, and concurrently employed with other PERS or OPSRP participating employers
3 is in a qualifying position(s) as defined in OAR chapter 459, the person:

4 (A) Shall not be eligible to establish membership in PERS or OPSRP as an employee
5 of *[the Oregon University System]* a public university or the Oregon Health and Science
6 University; and

7 (B) Shall establish membership in OPSRP as an employee of the other concurrent
8 PERS or OPSRP employer or employers.

9 (3) A member of PERS or OPSRP who is concurrently employed and establishes
10 PERS or OPSRP membership under the provisions of paragraph (2)(b)(B) of this rule
11 shall not be eligible to have the member's account transferred to an Optional or
12 alternative retirement plan *[as described in ORS 243.800(6) and (7)]*.

13 Stat. Auth: ORS 238.650

14 Stats. Implemented: ORS 238.015, 243.775 & 353.250~~[(3)]~~