

Enrolled House Bill 2728

Sponsored by Representative NERON; Representative GRAYBER (Presession filed.)

CHAPTER

AN ACT

Relating to member data under the Public Employees Retirement System; creating new provisions; amending ORS 238.450; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 238.450 is amended to read:

238.450. (1) Upon receiving an application for a retirement allowance or benefit from a member of the Public Employees Retirement System and obtaining information necessary for computation of the retirement allowance or benefit to which the member is entitled upon retirement, the system shall provide to the member a written computation of the retirement allowance or benefit to which the member is entitled upon retirement and summary of the information used in making that computation. **The written computation must include detailed information about the number of overtime hours performed by the member during the period used to calculate the member's final average salary and the number of overtime hours applied to the calculation of the member's final average salary.**

(2) A member of the system may dispute the accuracy of the information used by the system in making the computation only by filing a written notice of dispute with the system not later than whichever of the following days occurs last:

(a) The 240th day after the date on which the computation and information summary is provided to the member pursuant to subsection (1) of this section.

(b) The 240th day after the date on which the retirement allowance or benefit to which the member is entitled first becomes payable.

(3) The filing of a notice of dispute under subsection (2) of this section extends the time allowed for election of an optional form of retirement allowance or benefit until the 30th day after the conclusion of the proceeding and any judicial review thereof if the proceeding or review results in a change in the computation of the retirement allowance or benefit.

(4) Upon receiving a notice of dispute under subsection (2) of this section, the system shall determine the accuracy of the disputed information and make a written decision either affirming the accuracy of the information and computation based thereon or changing the computation using corrected information. The system shall provide to the member a copy of the decision and a written explanation of any applicable statutes and rules. The member is entitled to judicial review of the decision as provided in ORS 183.484 and rules of the Public Employees Retirement Board consistent with applicable statutes.

(5) After the last date for filing a written notice of dispute under subsection (2) of this section, a participating public employer may not modify information that is provided to the system and that

relates to a member's creditable service, retirement credit, salary, employee contributions or accumulated unused sick leave, unless specifically required by one of the following circumstances:

(a) To comply with a judgment, administrative order, arbitration award, conciliation agreement, settlement agreement or other legal agreement entered into after the last date for filing a written notice of dispute under subsection (2) of this section;

(b) To comply with ORS 238.156 or 238A.150; or

(c) To make a correction or modification as a result of a dispute under subsection (2) of this section.

(6) This section does not affect any authority of the system, on its own initiative, to correct an incorrect computation of any retirement allowance or benefit.

SECTION 2. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (4), chapter __, Oregon Laws 2025 (Enrolled Senate Bill 5534), for the biennium beginning July 1, 2025, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Employees Retirement System, Operations Division, is increased by \$499,986, for the purpose of carrying out the amendments to ORS 238.450 by section 1 of this 2025 Act.

SECTION 3. (1) The amendments to ORS 238.450 by section 1 of this 2025 Act become operative on January 1, 2026.

(2) The Public Employees Retirement Board may take any action before the operative date specified in subsection (1) of this section to enable the board, on and after the operative date specified in subsection (1) of this section, to exercise all of the duties, functions and powers conferred on the board by the amendments to ORS 238.450 by section 1 of this 2025 Act.

SECTION 4. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by House June 19, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 23, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State