

## Chapter 238

### 1955 REPLACEMENT PART

## Retirement Plans for County and City Employes

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### CROSS REFERENCES

Retirement of public employes generally, Ch 237



**RETIREMENT PLAN FOR COUNTIES  
OVER 300,000**

**238.010 Application of retirement plan.** The provisions of ORS 238.020 to 238.100 apply only to counties having more than 300,000 inhabitants.

**238.020 County retirement board; election; terms.** ORS 238.010 to 238.100 shall be administered by a retirement board consisting of seven members.

(1) Three members shall be the board of county commissioners.

(2) Three members shall be regular employes of the county who shall serve for a term of four years or until their successors are elected and qualified. These three members shall be nominated at a meeting of county employes and then elected by ballot to be distributed to all county employes under regulations adopted by the board of county commissioners.

(3) One member shall be elected for a term of four years by a majority of the other six members and shall not be an officer or employe of the county.

**238.030 Compulsory retirement if incapacitated.** The board of county commissioners shall retire from active service such old and infirm employes whose entire salaries are paid by such county (including, however, official court reporters and deputy district attorneys although their entire salaries have not been paid by such county, provided such deputy district attorneys receive more than 50 percent of their salary from such county) who, by reason of long and faithful service, if not less than 15 years' continuous service, are, in the judgment of the retirement board provided for in ORS 238.020, incapacitated for further service. [Amended by 1953 c.426 §4; 1955 c.49 §1]

**238.040 Optional retirement.** Any employe having 20 or more years of continuous service and having attained the age of 65 years, may elect to retire at any time on the same terms as if he had been adjudged incapacitated.

**238.050 County retirement fund.** All contributions by employes shall be placed in a fund to be known as the employes' retirement fund. All balances in this fund shall be used for retirement pay, together with moneys appropriated for this purpose by the county.

**238.060 Contribution of employes to fund.** A sum equal to not less than three nor more than five percent of his salary, in accordance with actuarial standards, shall be deducted monthly from the gross monthly salary of each employe as the employe's contribution to payments to be made under ORS 238.010 to 238.100, to be placed into the employes' retirement fund. If the gross monthly salary of any employe exceeds \$300, deduction from his salary for retirement purposes shall be limited to the first \$300 of such salary. [Amended by 1953 c.426 §4]

**238.070 Amount of retirement pay.** Employes retired under ORS 238.030 and 238 040 shall be paid from the employes' retirement fund as follows:

(1) After 15 years of continuous employment by the county, the monthly rate of retirement pay shall be not less than \$65 per month.

(2) For each year of continuous service thereafter, retirement pay shall be increased by not less than \$3.50 per month for each additional year of continuous service after 16 years prior to retirement.

**238.080 Rate of retirement pay for employes retired prior to July 1, 1949.** Employes who have retired prior to July 1, 1949, shall continue to receive retirement pay from the general fund of the county based on rates as follows:

(1) After 15 years, inclusive, of continuous employment by the county, the monthly rate of retirement pay shall be not less than \$37.50 per month.

(2) For each year after 16 years of continuous service with the county, the retirement pay shall be increased by not less than \$2.50 per month for each additional year of continuous service prior to retirement.

(3) In no case shall the retirement pay exceed \$100 per month.

**238.090 Refunds to separated employes and dependents of employes who die prior to retirement.** (1) Any employe who, while living, is separated from the county employment for any reason whatsoever shall be refunded upon demand the actual amount of his contributions or salary deductions under ORS 238.060 without the addition of interest, upon the employe executing and delivering to the retirement board a written waiver of all rights to which the employe might be entitled under ORS 238 010 to 238.100, within the

period of two years. The refund shall be paid by warrant drawn on the employes' retirement fund and the auditor shall make the refund under the direction of the retirement board. At the end of such two-year period, if such waiver has not been executed and delivered, such moneys shall revert to the retirement fund.

(2) If an employe dies prior to retirement such salary deductions shall be paid to a beneficiary previously designated by the employe. If such employe does not designate a beneficiary, then in that event the retirement board shall have the power to designate the beneficiary to whom such salary deduction shall be paid [Amended by 1953 c 426 §4, 1955 c 66 §1]

**238.100 Investment of retirement fund.** The retirement board may, when sufficient funds accumulate in the retirement fund, invest such surpluses in accordance with any laws relating to the investment of county funds.

**238.110 to 238.500** [Reserved for expansion]

### RETIREMENT PLAN FOR CITIES OVER 100,000

**238.510 Definitions.** As used in ORS 238 510 to 238.570 unless the context requires otherwise:

(1) "City" means any city with a population of 100,000 or more in which a retirement system may be established under the charter.

(2) "Actuarial reserve basis" means the accumulation of a reserve, in equal annual instalments from the date on which an officer or employe of the city first became a member of a retirement plan created under ORS 238 520 to the retirement date specified in the plan, sufficient in amount to provide the retirement benefits required to be provided to the officer or employe under the plan.

(3) "Retirement plan" or "retirement system" means a plan or system created or established pursuant to ORS 238 510 to 238 570.

**238.520 Establishment of retirement system.** A city in which any pension system may be established by charter, may establish a retirement system pursuant to ORS

238.510 to 238.570 The council of the city may enact such ordinances as are necessary to put the system into effect and may supplement or change the ordinances from time to time.

**238.530 Features of the retirement plan.** The retirement plan may provide for retirement benefits measured on the basis of services rendered or to be rendered by an officer or employe, either before or after the date on which such officer or employe first becomes a member of the retirement plan. The retirement plan may provide for a minimum of years of service and a minimum and maximum age of retirement for the officer or employe.

**238.540 Contribution to fund by the city.** The city may budget and provide by ordinance for payment into the fund of the retirement system an amount sufficient:

(1) To provide, on an actuarial reserve basis, the amortized level premium cost of the retirement benefits which, under the provision of the retirement system, are to be provided by the city to its officers or employes who attain the retirement age or retire in accordance with the terms of the retirement plan.

(2) To meet the actuarially computed costs of retirement benefits measured on the basis of services rendered or to be rendered by an officer or employe before or after the date on which such officer or employe becomes a member of the retirement plan.

**238.550 Collection of contribution from employes.** The city may collect, as a contribution from any officer or employe of any department or bureau for which a retirement system is established, that percentage of the salary received by the officer or employe, which is necessary to fund on an actuarial reserve basis the cost of retirement benefits which the officer or employe is required to provide pursuant to the provisions of a retirement plan.

**238.560 Limitations on payments and contributions.** Nothing in ORS 238.510 to 238 570 authorizes the city to budget, provide for payments or collect contributions to fund retirement benefits for an individual who is not in the employment of the city at the time of the creation of a membership status under a retirement plan.

**238.570 Revenues from which city may make payments to fund.** The payments made by the city under ORS 238.540 may be made out of any revenues collected by the city under any law of the state or the charter or ordinances of the city.

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173 170, I, Sam R Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173 160 and other changes specifically authorized by law  
Done at Salem, Oregon,  
on October 15, 1955

Sam R Haley  
Legislative Counsel

