

## Chapter 238

### 1963 REPLACEMENT PART

## Retirement Plans for County and City Employes

<b>RETIREMENT PLAN FOR MULTNOMAH COUNTY</b>		238.100	Investment of retirement fund
238.010	Application of retirement plan	238.110	County contribution to fund
238.020	County retirement board; election; terms	238.120	Actuarial report on retirement system
238.030	Compulsory retirement if incapacitated	238.130	Investment of fund
238.040	Compulsory retirement age; continuation in service	238.140	Retirement of former employes of Multnomah County Fair Association
238.050	County retirement fund	<b>RETIREMENT PLAN FOR CITY OF PORTLAND</b>	
238.060	Contribution of employes to fund	238.510	Definitions for ORS 238.510 to 238.570
238.070	Amount of retirement pay	238.520	Establishment of retirement system
238.080	Rate of retirement pay for employes retired prior to July 1, 1949	238.530	Features of the retirement plan
238.090	Refunds to separated employes and beneficiaries of employes who die prior to retirement; restoration of rights upon reentry into service	238.540	Contribution to fund by the city
		238.550	Collection of contribution from employes
		238.560	Limitations on payments and contributions
		238.570	Revenues from which city may make payments to fund

### CROSS REFERENCES

Effect of transfer upon membership of public employes, 236.620

Retirement of public employes generally, Ch. 237

#### 238.010

Administrative assistant to Multnomah County treasurer, exempt from retirement laws, 208.190

#### 238.090

Descent and distribution, Ch. 111

### RETIREMENT PLAN FOR MULTNOMAH COUNTY

**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 Compulsory retirement age; continuation in service.** (1) Any employe who has attained the age of 65 years shall be retired effective the first day of the month following his 65th birthday unless the employe shall request that he be continued in service and his continuation in service is approved by his appointing power.

(2) The request for continuation in service shall be made by the employe at least 30 days and not more than 45 days before his effective date of retirement in writing to his appointing power. If the request is approved,

the employe shall be so notified in writing by the appointing power.

(3) The continuation of service under subsection (1) of this section shall be for a period of one year only and for each additional year a new request must be made and approved. No employe shall be continued in service after he has attained the age of 72 years.

[Amended by 1963 c.227 §1]

**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 beneficiaries of employes who die prior to retirement; restoration of rights upon re-entry into service.** (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) Whenever, within five years after he is separated from all service entitling him to membership in the system, an employe who has withdrawn the amount credited to him reenters the service of an employer participating in the system, his rights in the system which were forfeited by the withdrawal shall be restored upon his repaying to the board within six months after reentering the service of his employer, the full amount so withdrawn.

(3) 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 such salary deductions shall be paid to those who would be entitled to receive such amount under the laws of descent and distribution of the State of Oregon in cases where a person dies intestate.

(4) If any employe dies after retirement and before he has received the full amount of money he has contributed to the fund, the remaining balance of his contributions to the employes' retirement fund shall be paid to such beneficiary as he shall name or if none, then to those who would be entitled to re-

ceive such amount under the laws of descent and distribution of the State of Oregon in cases where a person dies intestate.

[Amended by 1953 c.426 §4; 1955 c.66 §1; 1963 c.227 §6]

**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 County contribution to fund.** The county shall contribute each year into the employes' retirement fund a sum not less than an amount computed at a ratio equal to the gross contributions placed by the employes into the retirement fund during the preceding calendar year.  
[1963 c.227 §2]

**238.120 Actuarial report on retirement system.** At least once every four years the board of county commissioners shall cause a competent actuary familiar with public systems of retirement and death benefits to prepare a report evaluating the current and prospective assets and liabilities of the system and indicating its current and prospective financial condition. In preparing the report the actuary shall investigate the mortality, disability, service and other experience of the members of and employers participating in the system, shall state fully the condition of the system, and shall make such recommendations as he deems advisable to facilitate administering it properly. The board shall publish and distribute a summary of the report to all the department heads and retirement board members, and the cost of such actuarial reports shall be paid from the general funds of the county.  
[1963 c.227 §3]

**238.130 Investment of fund** (1) The retirement board may invest moneys in the employes' retirement fund in the classes of securities referred to in subsections (1) to (7) of ORS 293.710 and may also invest moneys in the fund in the following classes of securities:

(a) Bonds or evidences of indebtedness that are direct obligations of, or secured by the full faith and credit of, any state of the United States or the District of Columbia.

(b) Bonds or evidences of indebtedness that are direct general obligations of any county, incorporated city, incorporated school

district or incorporated district in any state of the United States where there exists the power to levy taxes for the prompt payment of principal and interest on such bonds or evidences of indebtedness, provided such issuer has not defaulted in the payment of principal or interest on any of its bonds or evidences of indebtedness within 10 years prior to the time of purchase under authority of this subsection.

(c) Corporate bonds, including utility and railroad bonds, issued by an authority within or outside this state and rated at the time of purchase under authority of this subsection in one of the three highest grades by a recognized investment service organization that has been regularly engaged for a period of 10 years or more in rating or grading bonds.

(d) Real property mortgages insured or guaranteed by the Federal Government or an agency thereof.

(2) The combined amortized value of the bonds or evidences of indebtedness designated in paragraphs (a), (b) and (c) of subsection (1) of this section, in which the fund is invested, shall not exceed at any one time one-half of the amortized value of all the investments of the fund and of moneys in the fund immediately available for investment. Not more than five percent of the amortized value of all the investments of the fund and of moneys in the fund immediately available for investment may be invested in the obligations of a single, primary obligor designated in such paragraphs.

[1963 c.227 §4]

**238.140 Retirement of former employes of Multnomah County Fair Association.** An employe who was employed full time for at least 10 consecutive years by the Multnomah County Fair Association and after January 1, 1950, when the County of Multnomah took over the Multnomah County Fair, was employed by Multnomah County and who has reached the age of retirement before January 1, 1964, shall be retired and shall be paid from the employes' retirement fund the minimum amount allowed under subsection (1) of ORS 238.070.

[1963 c.227 §5]

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

**RETIREMENT PLAN FOR CITY OF PORTLAND**

**238.510 Definitions for ORS 238.510 to 238.570.** 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 December 1, 1963.

Sam R. Haley  
Legislative Counsel

