

## **Break in Service**

### **PERS Break in Service**

The Board acknowledges that all active qualified Public Employee Retirement System (PERS) members may continue to accrue service credit and benefits under PERS unless they incur a break in service. If a break in service has occurred, the employee may retain all PERS service time and contributions as well as contributions to their Individual Account Program (IAP) that were made prior to the break. Following a break in service any employee who returns to service in a qualifying position will have all future service time and contributions accrued under the Oregon Public Service Retirement Plan (OPSRP).

#### **Definitions:**

- **“Break in Service”:** When an active or inactive PERS member in a qualifying position performs no service hours for a period of six consecutive months or longer a break of service has occurred. There are six exceptions to this rule:
  1. Members who leave for purposes that would qualify for family medical leave. However, the member must return to work in a qualifying position within 12 months of taking the leave to avoid a break in service.
  2. Members who leave for approved career development purposes. However, the member must return to work in a qualifying position within 12<sup>1</sup> months of taking the leave to avoid a break in service.
  3. Members absent from other employment to serve as a legislator;
  4. Members called to military duty and are later reemployed as provided under USERA in a qualifying position regardless of the length of time the member is on official military leave. The member must be reemployed within the time limits set by USERRA after completing military service.
  5. Members absent due to a disability and who qualify for a PERS disability benefit under ORS 238.320.
  6. Members who leave employment based on the seasonal nature of their employment, as long as the member returns to employment within 12 months.
- **“Qualifying Position”:** An eligible employee that has performed at least 600 hours of service in a calendar year for an employer participating in PERS.

END OF POLICY

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#### **Legal Reference(s):**

ORS 238A.025

OAR 459-010-0010

OAR 459-075-0010 (13)

OAR 459-070-0010

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<sup>1</sup>See OAR 459-075-0010 for employees with less than a 12-month contract.