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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PERS 4-2020
CHAPTER 459
OREGON PUBLIC EMPLOYEES RETIREMENT SYSTEM

FILED
04/24/2020 1:11 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopt temporary administrative rule to mitigate the impact of COVID-19 outbreak on PERS members.

EFFECTIVE DATE: 04/24/2020 THROUGH 10/20/2020

AGENCY APPROVED DATE: 04/24/2020

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Filed By:
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NEED FOR THE RULE(S):

On March 8, 2020, Governor Kate Brown issued Executive Order 20-03 instructing state agencies to develop and implement procedures designed to prevent or alleviate the public health threat caused by the Coronavirus (COVID-19) Outbreak in Oregon. PERS staff evaluated, and continues to evaluate, the agency's administrative rules and PERS' internal processes to determine how members might be negatively impacted due to the COVID-19 outbreak and what, if anything, can be done at the agency level to mitigate that effect. At this time we have identified the following areas for temporary rulemaking efforts:

Health Insurance Premium Payments

While Governor Brown's Executive Order 20-03 is in place, no person's PERS-sponsored health insurance coverage shall be terminated for failure to make payment of monthly contributions by the applicable due date.

We do anticipate updating this rule in May to include any immediate changes necessary to implement the federal CARES Act and any additional exceptions identified as necessary to accommodate Governor Brown's Executive Order.

JUSTIFICATION OF TEMPORARY FILING:

Due to the nature of the COVID-19 outbreak, exceptions to certain timelines are necessary to accommodate Governor Brown's Executive Order.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS Chapters 238 and 238A. These documents are available on the Internet at:
https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

ADOPT: 459-001-0100

RULE TITLE: Temporary Administrative Rule Relating to Executive Order 20-03 Declaration of Emergency Due to Coronavirus (COVID-19) Outbreak in Oregon

RULE SUMMARY: On March 8, 2020, Governor Kate Brown issued Executive Order 20-03 instructing state agencies to develop and implement procedures designed to prevent or alleviate the public health threat caused by the Coronavirus (COVID-19) Outbreak in Oregon. PERS staff evaluated, and continues to evaluate, the agency's administrative rules and PERS' internal processes to determine how members might be negatively impacted due to the COVID-19 outbreak and what, if anything, can be done at the agency level to mitigate that effect. At this time PERS has identified the following areas for temporary rulemaking efforts:

Health Insurance Premium Payments

While Governor Brown's Executive Order 20-03 is in place, no person's PERS-sponsored health insurance coverage shall be terminated for failure to make payment of monthly contributions by the applicable due date.

We do anticipate updating this rule in May to include any immediate changes necessary to implement the federal CARES Act and any additional exceptions identified as necessary to accommodate Governor Brown's Executive Order.

RULE TEXT:

(1) Authorized by Executive Order 20-03 (Section 5), instructing that State agencies shall develop and implement procedures, including waiving rules or adopting temporary rules within the agency's authority, consistent with recommendations from the state Public Health Director, designed to prevent or alleviate the public health threat, and in response to Executive Order 20-03 Section 1(d) limitations put upon employers and members that are affected by guidelines issued by the Governor for private businesses and public buildings regarding appropriate work restrictions, and in response to Executive Order 20-03 Section 3 limitations put on members that are affected by heeding the advice of emergency officials regarding the outbreak, temporary rules are adopted as follows:

(2) Health Insurance Premium Payments. During the period in which the Governor's Executive Order No. 20-03 (Declaration of Emergency Due to Coronavirus (COVID-19) Outbreak in Oregon) remains in effect, no person's PERS-sponsored health insurance coverage shall be terminated under OAR 459-035-0090(4) for failure to make payment of monthly contributions by the applicable due date. Any person whose payments are received in full by the Third Party Administrator within 30 days after the state of emergency is no longer in effect shall be deemed to have submitted timely payments during the state of emergency for purposes of OAR 459-035-0090.

STATUTORY/OTHER AUTHORITY: ORS Chapters 238 & 238A

STATUTES/OTHER IMPLEMENTED: ORS Chapters 238 & 238A