

# Baker School District 5J

Code: **GCBF**  
Adopted: 3/08/05  
Orig. Code(s): GCBF

## 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).

### Definition

“Break in Service”: When an active or inactive PERS member performs no hours of service in a qualifying position for a period of six consecutive months or longer a break of service has occurred. There are four exceptions to what is considered a Break in Service they are:

1. Members who leave for purposes qualifying for family medical leave until they have not performed service in a qualifying position for 12 consecutive months;
2. Members who leave for approved career development purposes until they have not performed service in a qualifying position for 121 consecutive months;
3. Members absent from other employment to serves 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 as long as they are reemployed within the time limits set by USERRA after completing military service.

“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](#) (2),(3),(b)

[OAR 459-010](#) -0010

[OAR 459-075](#) -0010 (13)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.