

Oregon State Section 218 Agreement

- ◆ Original Agreement – Effective July 1, 1951
 - Voluntary Social Security coverage on employees not covered by a qualified public retirement system.
- ◆ 1st Amendment – Effective January 17, 1955
 - Amends agreement to include employees covered by a qualified public retirement system.
- ◆ Modification 99 – Effective August 1, 1956
 - Amends agreement to include Police and Fire service employees
- ◆ Modification 128 – Effective January 1, 1958
 - Amends agreement to include new paragraph for Agricultural Labor Exclusion
- ◆ Modification 284 – Effective January 1, 1968
 - Amends agreement to include Temporary Emergency Services Exclusion
- ◆ Modification 596 – Effective January 1, 1995
 - Amends agreement on Election Officials and Election Workers exclusion
- ◆ Modification 602 – Effective June 30, 2000
 - Amends agreement on Student Employees exclusion

AGREEMENT

The Federal Security Administrator, hereinafter called the Administrator, and the State of Oregon, hereinafter called the State, hereby agree, in accordance with the terms and conditions herein stated, to extend, in conformity with section 218 of the Social Security Act, the insurance system established by Title II of the Social Security Act, to services performed by individuals as employees of political subdivisions of the State of Oregon named in the list hereto attached and by this reference made a part hereof.

It is understood and agreed that words and phrases herein used shall have the meaning given them, respectively, in the definitions set forth in the Social Security Act.

Article I

Coverage

1. All individuals in any coverage group, except employees performing services herein listed as excluded, must be covered if any of the group are to be covered.
2. The Political Subdivision must include all services in regular full-time or part-time positions listed in its budget estimate or otherwise designated as usual items of salary or wage expense, and in similar positions established after the estimate is made.
3. Political Subdivisions at their option may either include or exclude the following types of service:
 - (a) All services in any class or classes of elective positions.
 - (b) Services performed by employees in part-time positions working on a retainer basis, if paid a regular stipend at least monthly.

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4. The following types of service must be excluded:

- (a) Services in positions the compensation for which is on a fee basis.
- (b) Services by an employee who is employed to relieve him from unemployment.
- (c) Services performed in a hospital, home or institution by a patient or an inmate thereof.
- (d) Agricultural labor or services performed by a student, if such work would be excluded if performed for a private employer.
- (e) Employees in part-time positions working on a retainer basis if compensated otherwise than by regular stipend paid at least monthly.
- (f) Covered transportation service (as defined in section 210 (1) of the Social Security Act).
- (g) Service which is excluded from employment by any provisions of section 210(a) of the Social Security Act, other than paragraph (3) of such section.
- (h) Any services of an emergency nature.
- (i) Services performed by employees as members of any coverage group in positions covered by a retirement system on the date that this agreement is made applicable to such coverage group.

Article II

Payments and Reports by the State

1. The State will pay to the Secretary of the Treasury, at such time or times as the Administrator may by regulation prescribe, amounts equivalent to the sum of the taxes which would be imposed by sections 1400 and 1410 of Title 26, U.S.C.A., if the services of employees covered by this agreement constituted employment as defined in section 1426 of said Title 26.

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2. The State will comply with such regulations as the Administrator may prescribe to carry out the purposes of section 218 of the Social Security Act.

Article III

Modification of Agreement

This agreement will be modified at the request of the State to include coverage groups or Political Subdivisions in addition to those listed in the appendix, or to include additional services not now included in this agreement, such modification to be consistent with the provisions of section 218 of the Social Security Act.

Article IV

Termination of Agreement

1. In accordance with the terms and conditions of section 218(g) the State may terminate this agreement in its entirety, or may terminate this agreement with respect to any coverage group designated by the State.
2. It is understood and agreed that the Administrator, after reasonable notice and opportunity for the State to be heard, may find that the State has failed to comply substantially with any provision of this agreement, or section 218 of the Social Security Act, or is no longer legally able so to comply, in which case the Administrator shall notify the State that the agreement will be terminated in its entirety, or with respect to any one or more coverage groups designated by him, at such time, within two years after the date of such notice, as the Administrator deems appropriate, unless prior to such time that officer shall find that there is no longer such failure or that the cause of such legal inability has been removed. If under this section, or section 1 of this article, an agreement is terminated with respect to any coverage group, such

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termination shall be effective also with respect to any additional services in such coverage group included in the agreement pursuant to any modification thereof under Article III.

Article V

Adjustments, Refunds, and Interest on Delinquent Payments

1. If more or less than the correct amount due under Article II (1) of this agreement is paid with respect to any payment of remuneration, proper adjustment with respect to the amounts due under such Article II (1) shall be made, without interest, upon such conditions, in such manner, and at such times, as may be prescribed by regulation of the Administrator. If an overpayment cannot be so adjusted, refund shall be made in accordance with section 213 (h) (3) of the Social Security Act.
2. If the State does not make, at the time or times due, the payments provided for under this agreement, there shall be added, as part of the amounts due (except in the case of adjustments made in accordance with the provisions of section (1) of this article), interest at the rate of six per centum per annum from the date due until paid, and without prejudice to other available methods of collection, the Administrator, in his discretion, may deduct such amounts plus interest from any amounts, now or hereafter provided, which he may certify to the Secretary of the Treasury for payment to the State under any provisions of the Social Security Act. Amounts so deducted shall be deemed to have been paid to the State under such provisions of the Social Security Act.

Article VI

Effective Date

This agreement shall be effective as of July 1, 1951, or as of the respective dates specified in the appendix with respect to each of the Political Subdivisions listed therein.

This agreement is entered into this 28th day of September, 1951, by Arthur J. Altmeyer, Commissioner for Social Security, pursuant to section 213 of the Social Security Act, acting herein by virtue of authority vested in him by Oscar R. Swing, Federal Security Administrator, in Federal Security Agency Order 7 dated March 3, 1951, and the State of Oregon, acting herein through the Public Employees Retirement Board by virtue of the authority granted by Chapter 454, Oregon Laws 1951.

By Arthur J. Altmeyer
Commissioner for Social Security

STATE OF OREGON

By W. L. Schuppert
Chairman of the Public Employees
Retirement Board of the State of
Oregon

ATTEST:

Max M. Macchisto
Executive Secretary
Public Employees Retirement Board

AGREEMENT

1st Amendment
to Agreement
Signed 4/8/55.

The Secretary of Health, Education, and Welfare, hereinafter called the Secretary, and the State of Oregon, hereinafter called the State, hereby agree, in accordance with the terms and conditions herein stated, to extend, in conformity with section 218 of the Social Security Act, the insurance system established by Title II of the Social Security Act, to services performed by individuals as employees of political subdivisions of the State of Oregon named in the list hereto attached and by this reference made a part hereof.

It is understood and agreed that words and phrases herein used shall have the meaning given them, respectively, in the definitions stated in the Social Security Act, as amended.

Article I

Coverage

1. All individuals in any coverage group, except employees performing services herein listed as excluded, must be covered if any of the group are to be covered.
2. The Political Subdivision must include all services in regular full-time or part-time positions listed in its budget estimate or otherwise designated as usual items of salary or wage expense, and in similar positions established after the estimate is made.
3. Political Subdivisions at their option may either include or exclude the following types of service:
 - (a) All services in any class or classes of elective positions.
 - (b) Services performed by employees in part-time positions working on a retainer basis, if paid a regular stipend at least monthly.

4. The following types of service must be excluded:

- (a) Services in positions the compensation for which is on a fee basis.
- (b) Services by an employee who is employed to relieve him from unemployment.
- (c) Services performed in a hospital, home or institution by a patient or an inmate thereof.
- (d) Agricultural labor or services performed by a student, if such work would be excluded if performed for a private employer.
- (e) Employees in part-time positions working on a retainer basis if compensated otherwise than by regular stipend paid at least monthly.
- (f) Covered transportation service (as defined in section 210 (1) of the Social Security Act).
- (g) Service which is excluded from employment by any provisions of section 210(a) of the Social Security Act, other than paragraph (8) of such section.
- (h) Any services of an emergency nature.
- (i) (1) Any service (other than service described in subparagraph (2) (b) of this paragraph) performed by an employee in a policeman's or fireman's position which, on the date this agreement is made applicable to the coverage group (as defined in section 218 (b) (5) of the Act) to which he belongs, is covered by a retirement system; and
(2) Any service performed by an employee in a position which is not a policeman's or fireman's position and which, on September 1, 1954, is covered by a retirement system other than --

- (a) Service performed by an employee in a position which is included in a separate coverage group established by section 213 (d) (4) of the Social Security Act; or
- (b) Prior to January 1, 1958 service performed by an employee as a member of a coverage group (as defined in section 218 (b) (5) of the Act) with respect to which this agreement was in effect on September 1, 1954 in a position --
- (1) to which this agreement is not otherwise applicable;
 - (2) which was covered by a retirement system on the date the agreement was made applicable to such coverage group and
 - (3) which, by reason of action taken prior to September 1, 1954, by the State or any of its political subdivisions, as the case may be, is not covered by a retirement system on the date the agreement is made effective to such service; or
- (c) Service performed by an individual as a member of a coverage group (as defined in section 218 (b) (5) of the Act) with respect to which this agreement is in effect, in a position covered by a retirement system, if the individual performing such service was ineligible to become a member of such retirement system on the date the agreement was made applicable to such coverage group (or, if later, the date on which such individual first occupied such position).

Article II

Payments and Reports by the State

1. The State will pay to the Secretary of the Treasury, at such time or times as the Secretary of the Department of Health, Education, and Welfare may by regulation prescribe, amounts equivalent to the sum of the taxes which would be imposed under the Federal Insurance Contributions Act, if the services of employees covered by this agreement constituted employment as defined in such act.
2. The State will comply with such regulations as the Secretary may prescribe to carry out the purposes of section 218 of the Social Security Act.

Article III

Modification of Agreement

This agreement will be modified at the request of the State to include coverage groups or Political Subdivisions in addition to those listed in the appendix, or to include additional services not now included in this agreement, such modification to be consistent with the provisions of section 218 of the Social Security Act.

Article IV

Termination of Agreement

1. In accordance with the terms and conditions of section 218(g) the State may terminate this agreement in its entirety, or may terminate this agreement with respect to any coverage group designated by the State.

2. It is understood and agreed that the Secretary, after reasonable notice and opportunity for the State to be heard, may find that the State has failed to comply substantially with any provision of this agreement, or section 218 of the Social Security Act, or is no longer legally able so to comply, in which case the Secretary shall notify the State that the agreement will be terminated in its entirety, or with respect to any one or more coverage groups designated by him, at such time, within two years after the date of such notice, as the Secretary deems appropriate, unless prior to such time that officer shall find that there is no longer such failure or that the cause of such legal inability has been removed. If under this section, or section 1 of this article, an agreement is terminated with respect to any coverage group, such termination shall be effective also with respect to any additional services in such coverage group included in the agreement pursuant to any modification thereof under Article III.

Article V

Adjustments, Refunds, and Interest on Delinquent Payments

- 1.. If more or less than the correct amount due under Article II (1) of this agreement is paid with respect to any payment of remuneration, proper adjustment with respect to the amounts due under such Article II (1) shall be made, without interest, upon such conditions, in such manner, and at such times, as may be prescribed by regulation of the Secretary. If an overpayment cannot be so adjusted, refund shall be made in accordance with section 218 (h) (3) of the Social Security Act.

2. If the State does not make, at the time or times due, the payments provided for under this agreement, there shall be added, as part of the amounts due (except in the case of adjustments made in accordance with the provisions of section (1) of this article), interest at the rate of six per centum per annum from the date due until paid, and without prejudice to other available methods of collection, the Secretary, in his discretion, may deduct such amounts plus interest from any amounts, now or hereafter provided, which he may certify to the Secretary of the Treasury for payment to the State under any provisions of the Social Security Act. Amounts so deducted shall be deemed to have been paid to the State under such provisions of the Social Security Act.

Article VI

Effective Date

This agreement shall be effective as of January 17, 1955, but shall be effective with respect to any coverage group, political subdivision, or services listed in the appendix thereto on the date indicated in such appendix with respect to such coverage group, political subdivision, or services as the case may be.

Original agreement signed on the 28th day of September, 1951, by A. J. Altmeyer, Commissioner for Social Security, and by W. C. Schuppel, Chairman of the Public Employees Retirement Board of the State of Oregon.

Amendment signed on the 8th day of April, 1955, by Robert M. Ball, Deputy Director, Bureau of Old-Age and Survivors Insurance, and by Ralph Thom, Chairman of the Public Employees Retirement Board of the State of Oregon.

MODIFICATION No. 99

TO: OREGON STATE-SOCIAL SECURITY AGREEMENT

The Secretary of Health, Education, and Welfare and the State of Oregon, acting through its representative designated to administer its responsibilities under the agreement of September 28, 1951, hereby accept the following amendments to said agreement:

Article I, section 4, subsection (1) (1) of said agreement is amended to read:

" (1) (1) (a) Prior to August 1, 1956, any service other than service described in subparagraph (2) (b) of this paragraph, performed by an employee in a policeman's or fireman's position which, on the date this agreement is made applicable to the coverage group (as defined in Section 218 (b) (5) of the Act) to which he belongs, is covered by a retirement system;

" (1) (1) (b) Effective on and after August 1, 1956, any service other than service described in subparagraph (2) (a) or subparagraph (2) (b) of this paragraph performed by an employee in a policeman's or fireman's position which, on the date this agreement is made applicable to the coverage group (as defined in Section 218 (b) (5) of the Act) to which he belongs, is covered by a retirement system in effect on or after August 1, 1956."

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Modification No. 99, page 2.

Approved for the State of Oregon this 14th day of
November, 1956.

By Harold J. Phillips
Chairman
Public Employees Retirement Board
State of Oregon

ATTEST:

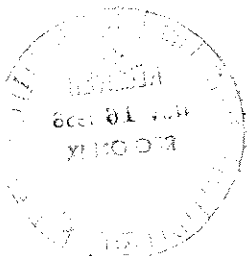
Max M. Mancato
Executive Secretary
Public Employees Retirement Board
State of Oregon

Approved this 29th day of Nov, 1956

SECRETARY OF HEALTH, EDUCATION, and WELFARE

By Ernest T. Bartlett
Ernest T. Bartlett, Assistant Director
Bureau of Old-Age and Survivors Insurance

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PUBLIC EMPLOYEES
RETIREMENT BOARD



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MODIFICATION No. 128

OREGON STATE-SOCIAL SECURITY AGREEMENT

The Secretary of Health, Education, and Welfare and the State of Oregon acting through its representative designated to administer its responsibility under the Agreement of September 28, 1951, hereby accept the following amendments to said agreement.

Section 3 of Article I of said agreement (relating to coverage) is amended by adding a new paragraph as follows:

- (c) Agricultural labor which would be excluded if performed for a private employer.

Section 4 of Article I of said agreement is amended by deleting from paragraph (d) the words "Agricultural labor or."

Paragraph g of Section 4 is amended to read "Service (other than agricultural labor) which is excluded from employment by any of the provisions of Section 210(a) of the Social Security Act other than paragraph (7) of such section.

There are hereby accepted as additional services under said Agreement, and full applicability of the terms of said Agreement is hereby acknowledged to, all agricultural labor performed on and after the effective date of this modification by members of each and every coverage group to which said Agreement applies by reason of the original Agreement of September 28, 1951 or any modification thereof heretofore executed, excepting only agricultural labor performed by members of the coverage groups to which said Agreement is applicable by reason of Modification No. 24, item MCCXLII, Klamath County, and Modification No. 62, item MCCLIV, County of Multnomah, as to which two coverage groups the exclusion of agricultural labor continues in effect.

This modification shall be effective on January 1, 1958.

Approved for the State of Oregon this 17th day of February, 1958.

By Max W. Mumford
Executive Secretary
Public Employees Retirement Board
State of Oregon

Approved this 26th day of February, 1958

SECRETARY OF HEALTH, EDUCATION, and WELFARE

By Arnold T. Bartlett
Arnold T. Bartlett, Assistant Director,
Bureau of Old-Age and Survivors Insurance

MODIFICATION NO. 284
TO OREGON STATE-SOCIAL SECURITY AGREEMENT

The Secretary of Health, Education, and Welfare
and the State of Oregon, acting through its
representative designated to administer its
responsibilities under the Agreement of September
28, 1951, hereby accept the following amendments
to such Agreement:

Article I of said Agreement (coverage) is amended
to add the following new paragraph 4 (j). "Effective January 1, 1968
"Services performed by an individual as an employee
serving on a temporary basis in case of fire, storm,
snow, earthquake, flood, or other similar emergency."
Article I is further amended to add to paragraph 4 (h)
the following: "----- performed prior to 1968."

In accordance with Section 218 (f) (2) of the Act,
The State of Oregon designates the following date:

April 7, 1969

Approved for the State of Oregon this 7th day of April, 1969.

After State's
letter dated
6/10/69

By

James L. Lee
Executive Secretary
PUBLIC EMPLOYEES RETIREMENT BOARD
State of Oregon

Approved this 16th day of May, 1969.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

By

Idella Hardy
Idella Hardy, Director
Division of Coverage
Bureau of Retirement and
Survivors Insurance
Social Security Administration

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MODIFICATION NO. 596

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SSA DISTRICT OFFICE

TO OREGON STATE SOCIAL SECURITY AGREEMENT

The Commissioner of Social Security and the State of Oregon, acting through its representative designated to administer its responsibilities under the agreement of September 28, 1951, hereby agree that the exclusion of services performed in positions of election officials and election workers with respect to all coverage groups under the State's agreement currently subject to such exclusion, shall apply for each calendar year prior to the year 2000 in which the remuneration paid for such services is less than \$1000, and for years after 1999 in which the remuneration paid is less than the adjusted amount, as described below, beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner.

EFFECTIVE DATE: January 1, 1995

The purpose of this modification is to amend Article 1, Section 4, of said agreement, by inclusion of subsection J, to read as follows:

J) Services performed by election officials or election workers for each calendar year in which the remuneration paid for such service is less than \$1,000.00.

The \$1000 limit on the excludable amount of remuneration paid in a calendar year for services specified in this modification will be subject to adjustment for calendar years after 1999 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with section 218(c)(8)(B) of the Social Security Act.

Approved for the State of Oregon this 17 day of August 1995

By [Signature]
Robert B. Andrews, Manager, Government Relations
Public Employees Retirement Board
State of Oregon

Approved this 18th day of October 1995.

Commissioner of Social Security
Social Security Administration

By [Signature]
Social Security Administration

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MODIFICATION NO. 602

TO OREGON-STATE SOCIAL SECURITY AGREEMENT

The Commissioner of Social Security and the State of Oregon, acting through its representative designated to administer its responsibilities under the Agreement of September 28, 1951, hereby accept the following amendment to said agreement.

Effective after June 30, 2000, service performed in the employ of a school, college or university if such service is performed by a student who is enrolled and regularly attending classes at such school, college or university for all coverage groups of the State and its political subdivisions currently (as of the date this modification is executed) included under this agreement and to which the agreement is hereafter made applicable.

The State of Oregon designates the following date: March 1, 1999 approved for the State of Oregon

By  3/1/99
Robert J. Davis, Manager, Employer Relations Date signed
PUBLIC EMPLOYEES RETIREMENT SYSTEM
State of Oregon

Approved this 29th day of March, 1999.

By 
Commissioner Of Social Security
SOCIAL SECURITY ADMINISTRATION

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