

## Invoice Notification

In accordance with Oregon Administrative Rule (OAR) 459-005-0610, it is Board policy to implement a 100 percent recovery of all overpayments and erroneous payments. This recovery process begins when PERS mails an explanation of the overpayment or erroneous payment, this notice, and an invoice.

If the payee does not agree to remit the amount of the invoice, PERS shall, when possible, use one of the following methods to affect 100 percent recovery:

1. a deduction of 100 percent of the amount owed at the time of any future lump-sum payment;
2. a deduction of a specified amount of not more than 10 percent from current and future monthly payments to a payee until the overpayment or erroneous payment is recovered, not to exceed two years; or
3. in the event a payee is entitled to receive two or more lump-sum installments, a deduction of 100 percent of the amount owed to PERS, less amounts recovered under number 2 above, from the next annual lump-sum installment.

### Erroneous or fraudulent invoice payment

If PERS determines an overpayment or erroneous payment was the result of a fraudulent or intentional act of a person who received the payment(s), the staff shall assess the person who received the payment for:

1. all costs incurred by PERS in recovering the overpayment or erroneous payment, including attorney fees assessed by an outside collection agency;
2. interest in an amount equal to 1 percent per month on the balance of the overpayment or erroneous payment until that payment is fully recovered; and
3. if the overpayment or erroneous payment cannot be recovered, PERS may implement one of the following actions as appropriate to maximize recovery and minimize costs for PERS and the PERS trust:
  - (a) deduction of a specified amount of not more than 10 percent to current and future monthly payments from PERS to a payee until the overpayment or erroneous payment is recovered;
  - (b) seek restitution of the overpayment or erroneous payment by using the services of an outside collection agency; or
  - (c) seek any other remedy available to the Board under applicable law.

## Your rights if you disagree

### APPEAL RIGHTS

Pursuant to Oregon Administrative Rule (OAR) 459-001-0030, if you disagree with this staff determination, you may request a review by writing to the PERS director within 60 days after the date of this letter. Your request should include the following information:

1. A description of the determination you want reviewed.
2. A short statement describing how and why you think the determination is wrong.
3. A statement of facts that you believe show the determination is wrong.
4. A list of any statutes, rules, or court decisions that you believe supports your position.
5. A statement of the action you seek.
6. A request for review.

Oregon Revised Statutes are available from the Office of Legislative Counsel and online at the following website: [https://www.oregonlegislature.gov/bills\\_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

Oregon Administrative Rules are available from the Oregon State Archives and online at the following website: <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=148>

When the director receives your request, he may ask a division administrator to act on it. Your request will either be granted or denied. You will be mailed a response letter within 45 days after we receive your request.

## How to make repayment arrangements

If you cannot repay the invoice in a single payment by the due date on the invoice, please contact our accounts receivable technician at 503-603-7760 or toll free at 888-320-7377, ext. 7760, for additional repayment options.

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