

Attorney General's Opinions

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system in 1946. This is due to the fact that retirement of members will not become compulsory until 'one year after the termination of the present war but not before July 1, 1947.' This does not apply to elected officials who do not become members of the system."

Compulsory Retirement

"The employer, and not the employee, is authorized to apply to the retirement board for the retention of an employee who has reached retirement age.

If an employer does not voluntarily retire at retirement age (60 or 65 as determined by employment) he may be retired by his employer. The employee 'may be retired on either the first day of the calendar month next succeeding the effective date, or at such other time within one year after that date as the employer may elect."

Retirement Status of County

School Superintendents

"A county school superintendent is

primarily a county administrative officer. The county is to be regarded as his employer. The salary it pays is fixed by statute, and the county can not pay him anything in addition, by way of retirement benefits for him, unless it does so in compliance with Chapter 401, Oregon Laws 1945. To comply with the act the county would have to contribute for all its employees alike. Therefore, if it elects not to participate in the plan, it cannot legally single out one of its administrative officers, the county school superintendent and make contribution to the retirement fund for him alone."

Retirement Status of Certain Veterans

"Is a present employee, who returned to the public service in September, 1945 entitled to credit for his service in the armed forces immediately preceding his return to such employment, although he was not at the time of entering the armed forces an employee of a public employer now participating in the retirement system and his former public employment had ended more than five

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