

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 520**

**Representatives Schuring, Ramos**

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**A BILL**

To amend sections 145.01, 145.2911, 145.2912, 1  
145.362, 145.384, 145.40, 145.43, 145.45, 2  
742.105, 742.37, 742.3711, 742.47, 742.50, 3  
742.63, 3305.052, 3305.06, 3307.01, 3307.15, 4  
3307.35, 3307.48, 3307.501, 3307.53, 3307.562, 5  
3307.58, 3307.63, 3307.66, 3307.67, 3307.71, 6  
3307.77, 3307.78, 3309.013, 3309.30, 3309.474, 7  
3309.73, 3309.731, 3309.75, 3309.76, 5505.01, 8  
5505.04, 5505.16, 5505.17, 5505.18, 5505.19, 9  
5505.21, 5505.29, 5505.30, 5505.51, and 5505.59; 10  
to enact sections 145.222, 742.091, 742.17, 11  
3307.131, 3307.354, 3307.514, 3309.212, and 12  
5505.35; and to repeal sections 171.07, 13  
3305.061, 3305.062, and 3309.54 of the Revised 14  
Code to revise the law governing the state's 15  
public retirement systems. 16

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 145.01, 145.2911, 145.2912, 17  
145.362, 145.384, 145.40, 145.43, 145.45, 742.105, 742.37, 18  
742.3711, 742.47, 742.50, 742.63, 3305.052, 3305.06, 3307.01, 19  
3307.15, 3307.35, 3307.48, 3307.501, 3307.53, 3307.562, 3307.58, 20

3307.63, 3307.66, 3307.67, 3307.71, 3307.77, 3307.78, 3309.013, 21  
3309.30, 3309.474, 3309.73, 3309.731, 3309.75, 3309.76, 5505.01, 22  
5505.04, 5505.16, 5505.17, 5505.18, 5505.19, 5505.21, 5505.29, 23  
5505.30, 5505.51, and 5505.59 be amended and sections 145.222, 24  
742.091, 742.17, 3307.131, 3307.354, 3307.514, 3309.212, and 25  
5505.35 of the Revised Code be enacted to read as follows: 26

**Sec. 145.01.** As used in this chapter: 27

(A) "Public employee" means: 28

(1) Any person holding an office, not elective, under the 29  
state or any county, township, municipal corporation, park 30  
district, conservancy district, sanitary district, health 31  
district, metropolitan housing authority, state retirement 32  
board, Ohio history connection, public library, county law 33  
library, union cemetery, joint hospital, institutional 34  
commissary, state university, or board, bureau, commission, 35  
council, committee, authority, or administrative body as the 36  
same are, or have been, created by action of the general 37  
assembly or by the legislative authority of any of the units of 38  
local government named in division (A) (1) of this section, or 39  
employed and paid in whole or in part by the state or any of the 40  
authorities named in division (A) (1) of this section in any 41  
capacity not covered by section 742.01, 3307.01, 3309.01, or 42  
5505.01 of the Revised Code. 43

(2) A person who is a member of the public employees 44  
retirement system and who continues to perform the same or 45  
similar duties under the direction of a contractor who has 46  
contracted to take over what before the date of the contract was 47  
a publicly operated function. The governmental unit with which 48  
the contract has been made shall be deemed the employer for the 49  
purposes of administering this chapter. 50

(3) Any person who is an employee of a public employer, 51  
notwithstanding that the person's compensation for that 52  
employment is derived from funds of a person or entity other 53  
than the employer. Credit for such service shall be included as 54  
total service credit, provided that the employee makes the 55  
payments required by this chapter, and the employer makes the 56  
payments required by sections 145.48 and 145.51 of the Revised 57  
Code. 58

(4) A person who elects in accordance with section 145.015 59  
of the Revised Code to remain a contributing member of the 60  
public employees retirement system. 61

(5) A person who is an employee of the legal rights 62  
service on September 30, 2012, and continues to be employed by 63  
the nonprofit entity established under Section 319.20 of Am. 64  
Sub. H.B. 153 of the 129th general assembly. The nonprofit 65  
entity is the employer for the purpose of this chapter. 66

In all cases of doubt, the public employees retirement 67  
board shall determine under section 145.036, 145.037, or 145.038 68  
of the Revised Code whether any person is a public employee, and 69  
its decision is final. 70

(B) "Member" means any public employee, other than a 71  
public employee excluded or exempted from membership in the 72  
retirement system by section 145.03, 145.031, 145.032, 145.033, 73  
145.034, 145.035, or 145.38 of the Revised Code. "Member" 74  
includes a PERS retirant who becomes a member under division (C) 75  
of section 145.38 of the Revised Code. "Member" also includes a 76  
disability benefit recipient. 77

(C) "Head of the department" means the elective or 78  
appointive head of the several executive, judicial, and 79

administrative departments, institutions, boards, and 80  
commissions of the state and local government as the same are 81  
created and defined by the laws of this state or, in case of a 82  
charter government, by that charter. 83

(D) "Employer" or "public employer" means the state or any 84  
county, township, municipal corporation, park district, 85  
conservancy district, sanitary district, health district, 86  
metropolitan housing authority, state retirement board, Ohio 87  
history connection, public library, county law library, union 88  
cemetery, joint hospital, institutional commissary, state 89  
medical university, state university, or board, bureau, 90  
commission, council, committee, authority, or administrative 91  
body as the same are, or have been, created by action of the 92  
general assembly or by the legislative authority of any of the 93  
units of local government named in this division not covered by 94  
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 95  
Code. In addition, "employer" means the employer of any public 96  
employee. 97

(E) "Prior military service" also means all service 98  
credited for active duty with the armed forces of the United 99  
States as provided in section 145.30 of the Revised Code. 100

(F) "Contributor" means any person who has an account in 101  
the employees' savings fund created by section 145.23 of the 102  
Revised Code. When used in the sections listed in division (B) 103  
of section 145.82 of the Revised Code, "contributor" includes 104  
any person participating in a PERS defined contribution plan. 105

(G) "Beneficiary" or "beneficiaries" means the estate or a 106  
person or persons who, as the result of the death of a member, 107  
contributor, or retirant, qualify for or are receiving some 108  
right or benefit under this chapter. 109

(H) (1) "Total service credit," except as provided in 110  
section 145.37 of the Revised Code, means all service credited 111  
to a member of the retirement system since last becoming a 112  
member, including restored service credit as provided by section 113  
145.31 of the Revised Code; credit purchased under sections 114  
145.293 and 145.299 of the Revised Code; all the member's 115  
military service credit computed as provided in this chapter; 116  
all service credit established pursuant to section 145.297 of 117  
the Revised Code; and any other service credited under this 118  
chapter. For the exclusive purpose of satisfying the service 119  
credit requirement and of determining eligibility for benefits 120  
under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, 121  
and 145.361 of the Revised Code, "five or more years of total 122  
service credit" means sixty or more calendar months of 123  
contributing service in this system. 124

(2) "One and one-half years of contributing service 125  
credit," as used in division (B) of section 145.45 of the 126  
Revised Code, also means eighteen or more calendar months of 127  
employment by a municipal corporation that formerly operated its 128  
own retirement plan for its employees or a part of its 129  
employees, provided that all employees of that municipal 130  
retirement plan who have eighteen or more months of such 131  
employment, upon establishing membership in the public employees 132  
retirement system, shall make a payment of the contributions 133  
they would have paid had they been members of this system for 134  
the eighteen months of employment preceding the date membership 135  
was established. When that payment has been made by all such 136  
employee members, a corresponding payment shall be paid into the 137  
employers' accumulation fund by that municipal corporation as 138  
the employer of the employees. 139

(3) ~~Where a member also is a member of the state teachers-~~ 140

~~retirement system or the school employees retirement system, or 141  
both, except in cases of retirement on a combined basis pursuant 142  
to section 145.37 of the Revised Code or as provided in section 143  
145.383 of the Revised Code, service credit for any period shall 144  
be credited on the basis of the ratio that contributions to the 145  
public employees retirement system bear to total contributions 146  
in all state retirement systems. 147~~

~~(4) Not more than one year of credit may be given for any 148  
period of twelve months. 149~~

~~(5) (4) "Ohio service credit" means credit for service 150  
that was rendered to the state or any of its political 151  
subdivisions or any employer. 152~~

(I) "Regular interest" means interest at any rates for the 153  
respective funds and accounts as the public employees retirement 154  
board may determine from time to time. 155

(J) "Accumulated contributions" means the sum of all 156  
amounts credited to a contributor's individual account in the 157  
employees' savings fund together with any interest credited to 158  
the contributor's account under section 145.471 or 145.472 of 159  
the Revised Code. 160

(K) (1) "Final average salary" means the greater of the 161  
following: 162

(a) The sum of the member's earnable salaries for the 163  
appropriate number of calendar years of contributing service, 164  
determined under section 145.017 of the Revised Code, in which 165  
the member's earnable salary was highest, divided by the same 166  
number of calendar years or, if the member has fewer than the 167  
appropriate number of calendar years of contributing service, 168  
the total of the member's earnable salary for all years of 169

contributing service divided by the number of calendar years of 170  
the member's contributing service; 171

(b) The sum of a member's earnable salaries for the 172  
appropriate number of consecutive months, determined under 173  
section 145.017 of the Revised Code, that were the member's last 174  
months of service, up to and including the last month, divided 175  
by the appropriate number of years or, if the time between the 176  
first and final months of service is less than the appropriate 177  
number of consecutive months, the total of the member's earnable 178  
salary for all months of contributing service divided by the 179  
number of years between the first and final months of 180  
contributing service, including any fraction of a year, except 181  
that the member's final average salary shall not exceed the 182  
member's highest earnable salary for any twelve consecutive 183  
months. 184

(2) If contributions were made in only one calendar year, 185  
"final average salary" means the member's total earnable salary. 186

(L) "Annuity" means payments for life derived from 187  
contributions made by a contributor and paid from the annuity 188  
and pension reserve fund as provided in this chapter. All 189  
annuities shall be paid in twelve equal monthly installments. 190

(M) "Annuity reserve" means the present value, computed 191  
upon the basis of the mortality and other tables adopted by the 192  
board, of all payments to be made on account of any annuity, or 193  
benefit in lieu of any annuity, granted to a retirant as 194  
provided in this chapter. 195

(N) (1) "Disability retirement" means retirement as 196  
provided in section 145.36 of the Revised Code. 197

(2) "Disability allowance" means an allowance paid on 198

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| account of disability under section 145.361 of the Revised Code. | 199 |
| (3) "Disability benefit" means a benefit paid as                 | 200 |
| disability retirement under section 145.36 of the Revised Code,  | 201 |
| as a disability allowance under section 145.361 of the Revised   | 202 |
| Code, or as a disability benefit under section 145.37 of the     | 203 |
| Revised Code.  | 204 |
| (4) "Disability benefit recipient" means a member who is         | 205 |
| receiving a disability benefit.                                  | 206 |
| (O) "Age and service retirement" means retirement as             | 207 |
| provided in sections 145.32, 145.33, 145.331, 145.332, 145.37,   | 208 |
| and 145.46 and former section 145.34 of the Revised Code.        | 209 |
| (P) "Pensions" means annual payments for life derived from       | 210 |
| contributions made by the employer that at the time of           | 211 |
| retirement are credited into the annuity and pension reserve     | 212 |
| fund from the employers' accumulation fund and paid from the     | 213 |
| annuity and pension reserve fund as provided in this chapter.    | 214 |
| All pensions shall be paid in twelve equal monthly installments. | 215 |
| (Q) "Retirement allowance" means the pension plus that           | 216 |
| portion of the benefit derived from contributions made by the    | 217 |
| member.  | 218 |
| (R) (1) Except as otherwise provided in division (R) of          | 219 |
| this section, "earnable salary" means all salary, wages, and     | 220 |
| other earnings paid to a contributor by reason of employment in  | 221 |
| a position covered by the retirement system. The salary, wages,  | 222 |
| and other earnings shall be determined prior to determination of | 223 |
| the amount required to be contributed to the employees' savings  | 224 |
| fund under section 145.47 of the Revised Code and without regard | 225 |
| to whether any of the salary, wages, or other earnings are       | 226 |
| treated as deferred income for federal income tax purposes.      | 227 |



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| "Earnable salary" includes the following:                        | 228 |
| (a) Payments made by the employer in lieu of salary,             | 229 |
| wages, or other earnings for sick leave, personal leave, or      | 230 |
| vacation used by the contributor;                                | 231 |
| (b) Payments made by the employer for the conversion of          | 232 |
| sick leave, personal leave, and vacation leave accrued, but not  | 233 |
| used if the payment is made during the year in which the leave   | 234 |
| is accrued, except that payments made pursuant to section        | 235 |
| 124.383 or 124.386 of the Revised Code are not earnable salary;  | 236 |
| (c) Allowances paid by the employer for maintenance,             | 237 |
| consisting of housing, laundry, and meals, as certified to the   | 238 |
| retirement board by the employer or the head of the department   | 239 |
| that employs the contributor;                                    | 240 |
| (d) Fees and commissions paid under section 507.09 of the        | 241 |
| Revised Code;  | 242 |
| (e) Payments that are made under a disability leave              | 243 |
| program sponsored by the employer and for which the employer is  | 244 |
| required by section 145.296 of the Revised Code to make periodic | 245 |
| employer and employee contributions;                             | 246 |
| (f) Amounts included pursuant to former division (K) (3)         | 247 |
| and former division (Y) of this section and section 145.2916 of  | 248 |
| the Revised Code.  | 249 |
| (2) "Earnable salary" does not include any of the                | 250 |
| following:   | 251 |
| (a) Fees and commissions, other than those paid under            | 252 |
| section 507.09 of the Revised Code, paid as sole compensation    | 253 |
| for personal services and fees and commissions for special       | 254 |
| services over and above services for which the contributor       | 255 |

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| receives a salary;   | 256                                    |
| (b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance; | 257<br>258<br>259<br>260<br>261<br>262 |
| (c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;  | 263<br>264<br>265<br>266<br>267        |
| (d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;  | 268<br>269<br>270                      |
| (e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;   | 271<br>272<br>273<br>274               |
| (f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a) (17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a) (17), as amended;                   | 275<br>276<br>277<br>278<br>279        |
| (g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th    | 280<br>281<br>282<br>283<br>284        |

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| general assembly;  | 285                                    |
| (h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply: | 286<br>287<br>288<br>289<br>290<br>291 |
| (i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;   | 292<br>293                             |
| (ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.  | 294<br>295<br>296                      |
| (i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.   | 297<br>298                             |
| (3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.  | 299<br>300<br>301                      |
| (S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.              | 302<br>303<br>304<br>305<br>306        |
| (T) "Contributing service" means both of the following:  | 307                                    |
| (1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.  | 308<br>309<br>310<br>311<br>312        |

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| (2) Service credit received by election of the member            | 313 |
| under section 145.814 of the Revised Code.                       | 314 |
| (U) "State retirement board" means the public employees          | 315 |
| retirement board, the school employees retirement board, or the  | 316 |
| state teachers retirement board.                                 | 317 |
| (V) "Retirant" means any former member who retires and is        | 318 |
| receiving a monthly allowance as provided in sections 145.32,    | 319 |
| 145.33, 145.331, 145.332, and 145.46 and former section 145.34   | 320 |
| of the Revised Code.   | 321 |
| (W) "Employer contribution" means the amount paid by an          | 322 |
| employer as determined under section 145.48 of the Revised Code. | 323 |
| (X) "Public service terminates" means the last day for           | 324 |
| which a public employee is compensated for services performed    | 325 |
| for an employer or the date of the employee's death, whichever   | 326 |
| occurs first.  | 327 |
| (Y) "Five years of service credit," for the exclusive            | 328 |
| purpose of satisfying the service credit requirements and of     | 329 |
| determining eligibility under section 145.33 or 145.332 of the   | 330 |
| Revised Code, means employment covered under this chapter or     | 331 |
| under a former retirement plan operated, recognized, or endorsed | 332 |
| by the employer prior to coverage under this chapter or under a  | 333 |
| combination of the coverage.                                     | 334 |
| (Z) "Deputy sheriff" means any person who is commissioned        | 335 |
| and employed as a full-time peace officer by the sheriff of any  | 336 |
| county, and has been so employed since on or before December 31, | 337 |
| 1965; any person who is or has been commissioned and employed as | 338 |
| a peace officer by the sheriff of any county since January 1,    | 339 |
| 1966, and who has received a certificate attesting to the        | 340 |
| person's satisfactory completion of the peace officer training   | 341 |

school as required by section 109.77 of the Revised Code; or any 342  
person deputized by the sheriff of any county and employed 343  
pursuant to section 2301.12 of the Revised Code as a criminal 344  
bailiff or court constable who has received a certificate 345  
attesting to the person's satisfactory completion of the peace 346  
officer training school as required by section 109.77 of the 347  
Revised Code. 348

(AA) "Township constable or police officer in a township 349  
police department or district" means any person who is 350  
commissioned and employed as a full-time peace officer pursuant 351  
to Chapter 505. or 509. of the Revised Code, who has received a 352  
certificate attesting to the person's satisfactory completion of 353  
the peace officer training school as required by section 109.77 354  
of the Revised Code. 355

(BB) "Drug agent" means any person who is either of the 356  
following: 357

(1) Employed full time as a narcotics agent by a county 358  
narcotics agency created pursuant to section 307.15 of the 359  
Revised Code and has received a certificate attesting to the 360  
satisfactory completion of the peace officer training school as 361  
required by section 109.77 of the Revised Code; 362

(2) Employed full time as an undercover drug agent as 363  
defined in section 109.79 of the Revised Code and is in 364  
compliance with section 109.77 of the Revised Code. 365

(CC) "Department of public safety enforcement agent" means 366  
a full-time employee of the department of public safety who is 367  
designated under section 5502.14 of the Revised Code as an 368  
enforcement agent and who is in compliance with section 109.77 369  
of the Revised Code. 370

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| (DD) "Natural resources law enforcement staff officer"           | 371 |
| means a full-time employee of the department of natural          | 372 |
| resources who is designated a natural resources law enforcement  | 373 |
| staff officer under section 1501.013 of the Revised Code and is  | 374 |
| in compliance with section 109.77 of the Revised Code.           | 375 |
| (EE) "Park officer" means a full-time employee of the            | 376 |
| department of natural resources who is designated a park officer | 377 |
| under section 1541.10 of the Revised Code and is in compliance   | 378 |
| with section 109.77 of the Revised Code.                         | 379 |
| (FF) "Forest officer" means a full-time employee of the          | 380 |
| department of natural resources who is designated a forest       | 381 |
| officer under section 1503.29 of the Revised Code and is in      | 382 |
| compliance with section 109.77 of the Revised Code.              | 383 |
| (GG) "Preserve officer" means a full-time employee of the        | 384 |
| department of natural resources who is designated a preserve     | 385 |
| officer under section 1517.10 of the Revised Code and is in      | 386 |
| compliance with section 109.77 of the Revised Code.              | 387 |
| (HH) "Wildlife officer" means a full-time employee of the        | 388 |
| department of natural resources who is designated a wildlife     | 389 |
| officer under section 1531.13 of the Revised Code and is in      | 390 |
| compliance with section 109.77 of the Revised Code.              | 391 |
| (II) "State watercraft officer" means a full-time employee       | 392 |
| of the department of natural resources who is designated a state | 393 |
| watercraft officer under section 1547.521 of the Revised Code    | 394 |
| and is in compliance with section 109.77 of the Revised Code.    | 395 |
| (JJ) "Park district police officer" means a full-time            | 396 |
| employee of a park district who is designated pursuant to        | 397 |
| section 511.232 or 1545.13 of the Revised Code and is in         | 398 |
| compliance with section 109.77 of the Revised Code.              | 399 |

(KK) "Conservancy district officer" means a full-time 400  
employee of a conservancy district who is designated pursuant to 401  
section 6101.75 of the Revised Code and is in compliance with 402  
section 109.77 of the Revised Code. 403

(LL) "Municipal police officer" means a member of the 404  
organized police department of a municipal corporation who is 405  
employed full time, is in compliance with section 109.77 of the 406  
Revised Code, and is not a member of the Ohio police and fire 407  
pension fund. 408

(MM) "Veterans' home police officer" means any person who 409  
is employed at a veterans' home as a police officer pursuant to 410  
section 5907.02 of the Revised Code and is in compliance with 411  
section 109.77 of the Revised Code. 412

(NN) "Special police officer for a mental health 413  
institution" means any person who is designated as such pursuant 414  
to section 5119.08 of the Revised Code and is in compliance with 415  
section 109.77 of the Revised Code. 416

(OO) "Special police officer for an institution for the 417  
developmentally disabled" means any person who is designated as 418  
such pursuant to section 5123.13 of the Revised Code and is in 419  
compliance with section 109.77 of the Revised Code. 420

(PP) "State university law enforcement officer" means any 421  
person who is employed full time as a state university law 422  
enforcement officer pursuant to section 3345.04 of the Revised 423  
Code and who is in compliance with section 109.77 of the Revised 424  
Code. 425

(QQ) "House sergeant at arms" means any person appointed 426  
by the speaker of the house of representatives under division 427  
(B) (1) of section 101.311 of the Revised Code who has arrest 428

authority under division (E) (1) of that section. 429

(RR) "Assistant house sergeant at arms" means any person 430  
appointed by the house sergeant at arms under division (C) (1) of 431  
section 101.311 of the Revised Code. 432

(SS) "Regional transit authority police officer" means a 433  
person who is employed full time as a regional transit authority 434  
police officer under division (Y) of section 306.35 of the 435  
Revised Code and is in compliance with section 109.77 of the 436  
Revised Code. 437

(TT) "State highway patrol police officer" means a special 438  
police officer employed full time and designated by the 439  
superintendent of the state highway patrol pursuant to section 440  
5503.09 of the Revised Code or a person serving full time as a 441  
special police officer pursuant to that section on a permanent 442  
basis on October 21, 1997, who is in compliance with section 443  
109.77 of the Revised Code. 444

(UU) "Municipal public safety director" means a person who 445  
serves full time as the public safety director of a municipal 446  
corporation with the duty of directing the activities of the 447  
municipal corporation's police department and fire department. 448

(VV) Notwithstanding section 2901.01 of the Revised Code, 449  
"PERS law enforcement officer" means a sheriff or any of the 450  
following whose primary duties are to preserve the peace, 451  
protect life and property, and enforce the laws of this state: a 452  
deputy sheriff, township constable or police officer in a 453  
township police department or district, drug agent, department 454  
of public safety enforcement agent, natural resources law 455  
enforcement staff officer, park officer, forest officer, 456  
preserve officer, wildlife officer, state watercraft officer, 457



park district police officer, conservancy district officer, 458  
veterans' home police officer, special police officer for a 459  
mental health institution, special police officer for an 460  
institution for the developmentally disabled, state university 461  
law enforcement officer, municipal police officer, house 462  
sergeant at arms, assistant house sergeant at arms, regional 463  
transit authority police officer, or state highway patrol police 464  
officer. "PERS law enforcement officer" also includes a person 465  
serving as a municipal public safety director at any time during 466  
the period from September 29, 2005, to March 24, 2009, if the 467  
duties of that service were to preserve the peace, protect life 468  
and property, and enforce the laws of this state. 469

(WW) "Hamilton county municipal court bailiff" means a 470  
person appointed by the clerk of courts of the Hamilton county 471  
municipal court under division (A)(3) of section 1901.32 of the 472  
Revised Code who is employed full time as a bailiff or deputy 473  
bailiff, who has received a certificate attesting to the 474  
person's satisfactory completion of the peace officer basic 475  
training described in division (D)(1) of section 109.77 of the 476  
Revised Code. 477

(XX) "PERS public safety officer" means a Hamilton county 478  
municipal court bailiff, or any of the following whose primary 479  
duties are other than to preserve the peace, protect life and 480  
property, and enforce the laws of this state: a deputy sheriff, 481  
township constable or police officer in a township police 482  
department or district, drug agent, department of public safety 483  
enforcement agent, natural resources law enforcement staff 484  
officer, park officer, forest officer, preserve officer, 485  
wildlife officer, state watercraft officer, park district police 486  
officer, conservancy district officer, veterans' home police 487  
officer, special police officer for a mental health institution, 488

special police officer for an institution for the 489  
developmentally disabled, state university law enforcement 490  
officer, municipal police officer, house sergeant at arms, 491  
assistant house sergeant at arms, regional transit authority 492  
police officer, or state highway patrol police officer. "PERS 493  
public safety officer" also includes a person serving as a 494  
municipal public safety director at any time during the period 495  
from September 29, 2005, to March 24, 2009, if the duties of 496  
that service were other than to preserve the peace, protect life 497  
and property, and enforce the laws of this state. 498

(YY) "Fiduciary" means a person who does any of the 499  
following: 500

(1) Exercises any discretionary authority or control with 501  
respect to the management of the system or with respect to the 502  
management or disposition of its assets; 503

(2) Renders investment advice for a fee, direct or 504  
indirect, with respect to money or property of the system; 505

(3) Has any discretionary authority or responsibility in 506  
the administration of the system. 507

(ZZ) "Actuary" means an individual who satisfies all of 508  
the following requirements: 509

(1) Is a member of the American academy of actuaries; 510

(2) Is an associate or fellow of the society of actuaries; 511

(3) Has a minimum of five years' experience in providing 512  
actuarial services to public retirement plans. 513

(AAA) "PERS defined benefit plan" means the plan described 514  
in sections 145.201 to 145.79 of the Revised Code. 515

(BBB) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code. 516  
517

**Sec. 145.222.** (A) As used in this section: 518

(1) "Compensation" means both of the following: 519

(a) In the case of a public employees retirement system member, the member's earnable salary; 520  
521

(b) In the case of an electing employee, if the electing employee would be subject to this chapter had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, the electing employee's earnable salary. 522  
523  
524  
525

(2) "Compensation ratio" means the ratio for the most recent full calendar year for which the information is available of the total compensation of all electing employees to the sum of the total compensation of all the retirement system's defined benefit plan members and the total compensation of all electing employees. 526  
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(3) "Electing employee" has the same meaning as in section 3305.01 of the Revised Code. 532  
533

(4) "Historical percentage" means the percentage that the unfunded actuarial accrued pension liability due to participation of electing employees in the alternative retirement plan is of the retirement system's total unfunded actuarial accrued pension liability as both are determined from the annual actuarial valuation under section 145.22 of the Revised Code that is the most recent at the time the initial study is conducted. 534  
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(B) The public employees retirement board shall contract with an independent actuary to complete an actuarial study to 542  
543

determine the percentage of an electing employee's compensation 544  
to be contributed by a public institution of higher education 545  
under division (D) of section 3305.06 of the Revised Code. The 546  
initial study must be completed and submitted by the board to 547  
the department of higher education not later than December 31, 548  
2016. A subsequent study must be completed and submitted not 549  
later than the last day of December of every fifth year 550  
thereafter. 551

(C) For the initial study required under this section, the 552  
actuary shall determine the percentage described in division (B) 553  
of this section as follows: 554

(1) The actuary shall calculate an amount necessary to 555  
amortize over a perpetual period the sum of the following: 556

(a) The unfunded actuarial accrued pension liability due 557  
to the participation of electing employees in the alternative 558  
retirement plan; 559

(b) The amount resulting from multiplying the compensation 560  
ratio by the unfunded actuarial accrued pension liability of the 561  
defined benefit plan. 562

(2) The actuary shall determine the percentage of electing 563  
employee compensation necessary to amortize over a perpetual 564  
period the amount calculated under division (C) (1) of this 565  
section. 566

(3) The percentage to be contributed under division (D) of 567  
section 3305.06 of the Revised Code shall be one-fourth of the 568  
greater of the historical percentage or the percentage 569  
calculated under division (C) (2) of this section, not to exceed 570  
four per cent. 571

(4) To make the calculations and determinations required 572

under divisions (C) (1) and (2) of this section, the actuary 573  
shall use the most recent annual actuarial valuation under 574  
section 145.22 of the Revised Code. 575

(D) For any study conducted after the initial study 576  
required under this section, the actuary shall determine the 577  
percentage described in division (B) of this section as follows: 578

(1) The actuary shall calculate an amount necessary to 579  
amortize over a perpetual period the sum of the following: 580

(a) The amount resulting from multiplying the historical 581  
percentage by the total amount of the unfunded actuarial accrued 582  
pension liability of the retirement system as reported in the 583  
annual actuarial valuation under section 145.22 of the Revised 584  
Code that is most recent at the time the study is conducted; 585

(b) The amount resulting from multiplying the compensation 586  
ratio by the amount of the unfunded actuarial accrued pension 587  
liability of the defined benefit plan under the annual actuarial 588  
valuation under section 145.22 of the Revised Code that is most 589  
recent at the time the study is conducted. 590

(2) The actuary shall determine the percentage of electing 591  
employee compensation necessary to amortize over a perpetual 592  
period the amount calculated under division (D) (1) of this 593  
section. 594

(3) The percentage to be contributed under division (D) of 595  
section 3305.06 of the Revised Code shall be one-fourth of the 596  
greater of the historical percentage or the percentage 597  
calculated under division (D) (2) of this section, not to exceed 598  
four per cent. 599

**Sec. 145.2911.** (A) If the conditions described in division 600  
(B) of section 145.2910 of the Revised Code are met, a member of 601

the public employees retirement system who is not receiving a 602  
pension or benefit from the public employees retirement system 603  
is eligible to obtain credit for service as a member of the 604  
Cincinnati retirement system under this section. 605

(B) A member of the public employees retirement system who 606  
has contributions on deposit with, but is no longer contributing 607  
to, the Cincinnati retirement system shall, in computing years 608  
of service credit, be given credit for service credit earned 609  
under the Cincinnati retirement system or purchased or obtained 610  
as military service credit if all of the following conditions 611  
are met: 612

(1) The member's service credit in the public employees 613  
retirement system is greater than the amount of credit that 614  
would be transferred under this division. 615

(2) The member is eligible, or with the credit will be 616  
eligible, for a retirement or disability benefit. 617

~~(2)~~(3) The member agrees to retire or accept a disability 618  
benefit not later than ninety days after receiving notice from 619  
the public employees retirement system that the credit has been 620  
obtained. 621

~~(3)~~(4) For each year of service, the Cincinnati 622  
retirement system transfers to the public employees retirement 623  
system the sum of the following: 624

(a) The amount contributed by the member, or, in the case 625  
of military service credit, paid by the member, that is 626  
attributable to the year of service; 627

(b) An amount equal to the lesser of the employer's 628  
contributions to the Cincinnati retirement system or the 629  
appropriate employer contributions under section 145.48 or 630

145.49 of the Revised Code; 631

(c) Interest on the amounts specified in divisions (B) ~~(3)~~ 632  
(4) (a) and (b) of this section from the last day of the year for 633  
which the service credit was earned or in which payment was made 634  
for military service credit to the date the transfer is made. 635

(C) A member of the public employees retirement system 636  
with at least eighteen months of contributing service credit 637  
with the public employees retirement system who has received a 638  
refund of the member's contributions to the Cincinnati 639  
retirement system may obtain credit for service credit earned 640  
under the Cincinnati retirement system or purchased or obtained 641  
as military service credit if all of the following conditions 642  
are met: 643

(1) The member's service credit in the public employees 644  
retirement system is greater than the amount of credit that 645  
would be transferred under this division. 646

(2) The member is eligible, or with the credit will be 647  
eligible, for a retirement or disability benefit. 648

~~(2)~~ (3) The member agrees to retire or accept a disability 649  
benefit not later than ninety days after receiving notice from 650  
the public employees retirement system that the credit has been 651  
obtained. 652

~~(3)~~ (4) For each year of service, the public employees 653  
retirement system receives the sum of the following: 654

(a) An amount, paid by the member, equal to the sum of the 655  
following: 656

(i) The amount refunded by the Cincinnati retirement 657  
system to the member for that year for contributions and 658

payments for military service, with interest at a rate 659  
established by the public employees retirement board on that 660  
amount from the date of the refund to the date of payment; 661

(ii) The amount of interest, if any, the member received 662  
when the refund was made that is attributable to the year of 663  
service. 664

(b) An amount, transferred by the Cincinnati retirement 665  
system to the public employees retirement system, equal to the 666  
sum of the following: 667

(i) Interest on the amount refunded to the member that is 668  
attributable to the year of service from the last day of the 669  
year for which the service credit was earned or in which payment 670  
was made for military service credit to the date the refund was 671  
made; 672

(ii) An amount equal to the lesser of the employer's 673  
contributions to the Cincinnati retirement system or the 674  
appropriate employer contribution under section 145.48 or 145.49 675  
of the Revised Code, with interest on that amount from the last 676  
day of the year for which the service credit was earned to the 677  
date of the transfer. 678

(D) The amount transferred under division (C) ~~(3)~~ (4) (b) (i) 679  
of this section shall not include any amount of interest the 680  
Cincinnati retirement system paid to the person when it made the 681  
refund. 682

(E) On receipt of payment from the member under division 683  
(C) ~~(3)~~ (4) (a) of this section, the public employees retirement 684  
system shall notify the Cincinnati retirement system. On receipt 685  
of the notice, the Cincinnati retirement system shall transfer 686  
the amount described in division (C) ~~(3)~~ (4) (b) of this section. 687



(F) Interest charged under this section shall be 688  
calculated separately for each year of service credit. Unless 689  
otherwise specified in this section, it shall be calculated at 690  
the lesser of the actuarial assumption rate for that year of the 691  
public employees retirement system or the Cincinnati retirement 692  
system. The interest shall be compounded annually. 693

(G) At the request of the public employees retirement 694  
system, the Cincinnati retirement system shall certify to the 695  
public employees retirement system a copy of the records of the 696  
service and contributions of a member of the public employees 697  
retirement system who seeks service credit under this section. 698

(H) Service credit purchased or otherwise obtained under 699  
this section shall be considered the equivalent of Ohio service 700  
credit. 701

The public employees retirement system shall withdraw the 702  
credit and refund all amounts paid or transferred under this 703  
section if either of the following occurs: 704

(1) The member fails to retire or accept a disability 705  
benefit not later than ninety days after receiving notice from 706  
the public employees retirement system that credit has been 707  
obtained under this section. 708

(2) The member's application for a disability benefit is 709  
denied. 710

(I) A member may choose to purchase only part of the 711  
credit the member is eligible to purchase under division (C) of 712  
this section, subject to rules of the public employees 713  
retirement board. 714

(J) A member is ineligible to purchase or otherwise obtain 715  
credit under this section for the service to be used in 716

calculation of any retirement benefit currently being paid or 717  
payable to the member in the future. 718

**Sec. 145.2912.** (A) If the conditions described in division 719  
(B) of section 145.2910 of the Revised Code are met and a person 720  
who is a member or former member of the public employees 721  
retirement system but not a current contributor and who is not 722  
receiving a pension or benefit from the public employees 723  
retirement system elects to receive credit under the Cincinnati 724  
retirement system for service for which the person contributed 725  
to the public employees retirement system or purchased or 726  
obtained as military service credit, the public employees 727  
retirement system shall transfer the amounts specified in 728  
divisions (A) ~~(3)~~ (4) (a) and (b) of this section to the Cincinnati 729  
retirement system. A person may obtain credit if all of the 730  
following conditions are met: 731

(1) The member's service credit in the Cincinnati 732  
retirement system is greater than the amount of credit that 733  
would be transferred under this division. 734

(2) The member is eligible, or with the credit will be 735  
eligible, for a retirement or disability benefit. 736

~~(2)~~ (3) The member agrees to retire or accept a disability 737  
benefit not later than ninety days after receiving notice from 738  
the ~~public employees Cincinnati~~ retirement system that the 739  
credit has been obtained. 740

~~(3)~~ (4) (a) If the person has contributions on deposit with 741  
the public employees retirement system, the public employees 742  
retirement system, for each year of service credit, transfers to 743  
the Cincinnati retirement system the sum of the following: 744

(i) An amount equal to the person's contributions to the 745

public employees retirement system and payments made by the 746  
member for military service credit; 747

(ii) An amount equal to the lesser of the employer's 748  
contributions to the public employees retirement system or the 749  
amount that would have been contributed by the employer for the 750  
service had the person been a member of the Cincinnati 751  
retirement system at the time the credit was earned; 752

(iii) Interest on the amounts specified in divisions (A) 753  
~~(3)~~(4) (a) (i) and (ii) of this section for the period from the 754  
last day of the year for which the service credit was earned or 755  
in which payment was made for military service credit to the 756  
date the transfer was made. 757

(b) If the person has received a refund of accumulated 758  
contributions to the public employees retirement system, the 759  
public employees retirement system, for each year of service 760  
credit, transfers to the Cincinnati retirement system the sum of 761  
the following: 762

(i) Interest on the amount refunded to the former member 763  
that is attributable to the year of service from the last day of 764  
the year for which the service credit was earned or in which 765  
payment was made for military service credit to the date the 766  
refund was made; 767

(ii) An amount equal to the lesser of the employer's 768  
contributions to the public employees retirement system or the 769  
amount that would have been contributed by the employer for the 770  
service had the person been a member of the Cincinnati 771  
retirement system at the time the credit was earned, with 772  
interest on that amount from the last day of the year for which 773  
the service credit was earned to the date of the transfer. 774

(B) The amount transferred under division (A) ~~(3)~~ (4) (b) of 775  
this section shall not include any amount of the employer's 776  
contributions or interest on employee contributions the person 777  
received under section 145.40 of the Revised Code. 778

(C) On receipt of notice from the Cincinnati retirement 779  
system that the Cincinnati retirement system has received 780  
payment from a person described in division (A) ~~(3)~~ (4) (b) of this 781  
section, the public employees retirement system shall transfer 782  
the amount described in that division. 783

(D) Interest charged under this section shall be 784  
calculated separately for each year of service credit. Unless 785  
otherwise specified in this section, it shall be calculated at 786  
the lesser of the actuarial assumption rate for that year of the 787  
public employees retirement system or the Cincinnati retirement 788  
system. The interest shall be compounded annually. 789

(E) The transfer of any amount under this section cancels 790  
an equivalent amount of service credit. 791

(F) At the request of the Cincinnati retirement system, 792  
the public employees retirement system shall certify to the 793  
Cincinnati retirement system a copy of the records of the 794  
service and contributions of a member or former member of the 795  
public employees retirement system who elects to receive service 796  
credit under the Cincinnati retirement system. 797

**Sec. 145.362.** A disability benefit recipient whose 798  
application for a disability benefit was received by the public 799  
employees retirement system before January 7, 2013, shall, 800  
regardless of when the disability occurred, retain membership 801  
status and shall be considered on leave of absence from 802  
employment during the first five years following the effective 803

date of a disability benefit, notwithstanding any contrary 804  
provisions in this chapter. 805

A disability benefit recipient whose application for a 806  
disability benefit is received by the system on or after January 807  
7, 2013, shall, regardless of when the disability occurred, 808  
retain membership status and shall be considered on leave of 809  
absence from employment during the first three years following 810  
the effective date of a disability benefit, except that, if the 811  
member is receiving rehabilitative services acceptable to the 812  
board's examining physician, the board may permit the recipient 813  
to retain membership status and be considered on leave of 814  
absence from employment for up to five years following the 815  
effective date of a disability benefit. 816

The public employees retirement board shall require any 817  
disability benefit recipient to undergo ~~an annual a periodic~~ 818  
medical examination, ~~except that the~~ as determined by the 819  
board's medical consultant or as specified in rules adopted by 820  
the board. The board may waive the medical examination if the 821  
board's medical consultant certifies that the recipient's 822  
disability is ongoing or for any other reason specified in rules 823  
adopted by the board. If any disability benefit recipient 824  
refuses to submit to a medical examination, the recipient's 825  
disability benefit shall be suspended until withdrawal of the 826  
refusal. Should the refusal continue for one year, all the 827  
recipient's rights in and to the disability benefit shall be 828  
terminated as of the effective date of the original suspension. 829

On completion of the examination by the board's examining 830  
physician, the physician shall report to the board's medical 831  
consultant and certify whether the disability benefit recipient 832  
meets the applicable standard for termination of a disability 833

benefit. If the examining physician certifies that the recipient 834  
meets the applicable standard for termination of a disability 835  
benefit and the medical consultant concurs, the medical 836  
consultant shall certify to the board that the recipient meets 837  
the applicable standard for termination. 838

(A) Regardless of when the disability occurred, if the 839  
recipient's application for a disability benefit was received by 840  
the system before January 7, 2013, or, if on or after that date, 841  
the recipient has been receiving the benefit for less than three 842  
years or is receiving rehabilitative services acceptable to the 843  
board's examining physician and considered on leave of absence, 844  
or, if, at the time contributing service terminated, the 845  
recipient was a PERS law enforcement officer, the standard for 846  
termination is that the recipient is no longer physically and 847  
mentally incapable of resuming the service from which the 848  
recipient was found disabled. 849

(B) Regardless of when the disability occurred, if the 850  
recipient's application for a disability benefit is received by 851  
the system on or after January 7, 2013, the recipient has been 852  
receiving the benefit for three years or longer, the recipient 853  
was not a PERS law enforcement officer at the time contributing 854  
service terminated, and the recipient is not receiving 855  
rehabilitative services acceptable to the board's examining 856  
physician, the standard for termination is that the recipient is 857  
not physically or mentally incapable of performing the duties of 858  
any position that meets all of the following criteria: 859

(1) Replaces not less than seventy-five per cent of the 860  
member's final average salary, adjusted each year by the actual 861  
average increase in the consumer price index prepared by the 862  
United States bureau of labor statistics (U.S. city average for 863

urban wage earners and clerical workers: "all items 1982- 864  
1984=100"); 865

(2) Is reasonably to be found in the member's regional job 866  
market; 867

(3) Is one that the member is qualified for by experience 868  
or education. 869

If the board concurs in the report that the disability 870  
benefit recipient meets the applicable standard for termination 871  
of a disability benefit, the payment of the disability benefit 872  
shall be terminated not later than three months after the date 873  
of the board's concurrence or upon employment as a public 874  
employee. If the leave of absence has not expired, the 875  
retirement board shall certify to the disability benefit 876  
recipient's last employer before being found disabled that the 877  
recipient is no longer physically and mentally incapable of 878  
resuming service that is the same or similar to that from which 879  
the recipient was found disabled. The employer shall restore the 880  
recipient to the recipient's previous position and salary or to 881  
a position and salary similar thereto, unless the recipient was 882  
dismissed or resigned in lieu of dismissal for dishonesty, 883  
misfeasance, malfeasance, or conviction of a felony. 884

Each disability benefit recipient shall file with the 885  
board an annual statement of earnings, current medical 886  
information on the recipient's condition, and any other 887  
information required in rules adopted by the board. The board 888  
may waive the requirement that a disability benefit recipient 889  
file an annual statement of earnings or current medical 890  
information if the board's medical consultant certifies that the 891  
recipient's disability is ongoing. 892

The board shall annually examine the information submitted 893  
by the recipient. If a disability benefit recipient ~~refuses~~ 894  
fails to file the statement or information, the disability 895  
benefit shall be suspended until the statement and information 896  
are filed. If the ~~refusal~~-failure continues for one year, the 897  
recipient's right to the disability benefit shall be terminated 898  
as of the effective date of the original suspension. 899

If a disability benefit recipient is restored to service 900  
by, or elected to an elective office with, an employer covered 901  
by this chapter, the recipient's disability benefit shall cease. 902

The board may terminate a disability benefit at the 903  
request of the recipient if the board's medical consultant 904  
determines that the recipient is no longer disabled. 905

If disability retirement under section 145.36 of the 906  
Revised Code is terminated for any reason, the annuity and 907  
pension reserves at that time in the annuity and pension reserve 908  
fund shall be transferred to the employees' savings fund and the 909  
employers' accumulation fund, respectively. If the total 910  
disability benefit paid is less than the amount of the 911  
accumulated contributions of the member transferred to the 912  
annuity and pension reserve fund at the time of the member's 913  
disability retirement, the difference shall be transferred from 914  
the annuity and pension reserve fund to another fund as may be 915  
required. In determining the amount of a member's account 916  
following the termination of disability retirement for any 917  
reason, the total amount paid shall be charged against the 918  
member's refundable account. 919

If a disability allowance paid under section 145.361 of 920  
the Revised Code is terminated for any reason, the reserve on 921  
the allowance at that time in the annuity and pension reserve 922



fund shall be transferred from that fund to the employers' 923  
accumulation fund. 924

If a former disability benefit recipient again becomes a 925  
contributor, other than as an other system retirant under 926  
section 145.38 of the Revised Code, to this system, the state 927  
teachers retirement system, or the school employees retirement 928  
system, and completes an additional two years of service credit, 929  
the former disability benefit recipient shall be entitled to 930  
full service credit, not exceeding five years' service credit, 931  
for the period as a disability benefit recipient, except that if 932  
the board adopts a rule requiring payment for the service credit 933  
it shall be granted only if the former disability benefit 934  
recipient pays an amount determined under the rule. The rule 935  
shall not require payment of more than the additional liability 936  
to the retirement system resulting from granting the credit. The 937  
former recipient may choose to purchase only part of the credit 938  
in any one payment. 939

If any employer employs any member who is receiving a 940  
disability benefit, the employer shall file notice of employment 941  
with the retirement board, designating the date of employment. 942  
In case the notice is not filed, the total amount of the benefit 943  
paid during the period of employment prior to notice shall be 944  
charged to and paid by the employer. 945

**Sec. 145.384.** (A) As used in this section, "PERS retirant" 946  
means a PERS retirant who is not subject to division (C) of 947  
section 145.38 of the Revised Code. For purposes of this 948  
section, "PERS retirant" also includes both of the following: 949

(1) A member who retired under section 145.383 of the 950  
Revised Code; 951

(2) A retirant whose retirement allowance resumed under 952  
section 145.385 of the Revised Code. 953

(B) (1) An other system retirant or PERS retirant who has 954  
made contributions under section 145.38 or 145.383 of the 955  
Revised Code or, in the case of a retirant described in division 956  
(A) (2) of this section, section 145.47 of the Revised Code may 957  
file an application with the public employees retirement system 958  
to receive either a benefit, as provided in division (B) (2) of 959  
this section, or payment of the retirant's contributions made 960  
under those sections, as provided in division (H) of this 961  
section. 962

(2) A benefit under this section shall consist of an 963  
annuity having a reserve equal to the amount of the retirant's 964  
accumulated contributions for the period of employment, other 965  
than the contributions excluded pursuant to division (B) (4) (a) 966  
or (b) of section 145.38 of the Revised Code, and an amount of 967  
the employer's contributions determined by the board. 968

(a) Unless, as described in division (I) of this section, 969  
the application is accompanied by a statement of the spouse's 970  
consent to another form of payment or the board waives the 971  
requirement of spousal consent, a PERS retirant or other system 972  
retirant who is married at the time of application for a benefit 973  
under this section shall receive a monthly annuity under which 974  
the actuarial equivalent of the retirant's single life annuity 975  
is paid in a lesser amount for life and one-half of the lesser 976  
amount continues after the retirant's death to the surviving 977  
spouse. 978

(b) A PERS retirant or other system retirant who is not 979  
subject to division (B) (2) (a) of this section shall elect either 980  
to receive the benefit as a monthly annuity or a lump sum 981

payment discounted to the present value using a rate of interest 982  
determined by the board. A retirant who elects to receive a 983  
monthly annuity shall select one of the following as the plan of 984  
payment: 985

(i) The retirant's single life annuity; 986

(ii) The actuarial equivalent of the retirant's single 987  
life annuity in an equal or lesser amount for life and 988  
continuing after death to a surviving beneficiary designated at 989  
the time the plan of payment is selected. 990

If a retirant who is eligible to select a plan of payment 991  
under division (B) (2) (b) of this section fails to do so, the 992  
benefit shall be paid as a monthly annuity under the plan of 993  
payment specified in rules adopted by the public employees 994  
retirement board. 995

(c) Notwithstanding divisions (B) (2) (a) and (b) of this 996  
section, if a monthly annuity would be less than twenty-five 997  
dollars per month, the retirant shall receive a lump sum 998  
payment. 999

(C) (1) The death of a spouse or other designated 1000  
beneficiary under a plan of payment described in division (B) (2) 1001  
of this section cancels that plan of payment. The PERS retirant 1002  
or other system retirant shall receive the equivalent of the 1003  
retirant's single life annuity, as determined by the board, 1004  
effective the first day of the month following the date of 1005  
death. 1006

(2) On divorce, annulment, or marriage dissolution, a PERS 1007  
retirant or other system retirant receiving a benefit described 1008  
in division (B) (2) of this section under which the beneficiary 1009  
is the spouse may, with the written consent of the spouse or 1010

pursuant to an order of the court with jurisdiction over the 1011  
termination of the marriage, elect to cancel the plan and 1012  
receive the equivalent of the retirant's single life annuity as 1013  
determined by the board. The election shall be made on a form 1014  
provided by the board and shall be effective the month following 1015  
its receipt by the board. 1016

(D) Following a marriage or remarriage, a PERS retirant or 1017  
other system retirant who is receiving a benefit described in 1018  
division (B) (2) (b) (i) of this section may elect a new plan of 1019  
payment under division (B) (2) (b) of this section based on the 1020  
actuarial equivalent of the retirant's single life annuity as 1021  
determined by the board. 1022

If the marriage or remarriage occurs on or after June 6, 1023  
2005, the election must be made not later than one year after 1024  
the date of the marriage or remarriage. 1025

The plan elected under this division shall be effective on 1026  
the date of receipt by the board of an application on a form 1027  
approved by the board, but any change in the amount of the 1028  
benefit shall commence on the first day of the month following 1029  
the effective date of the plan. 1030

(E) A benefit payable under division (B) (2) of this 1031  
section shall commence on the latest of the following: 1032

(1) The last day for which compensation for all employment 1033  
subject to section 145.38, 145.383, or 145.385 of the Revised 1034  
Code was paid; 1035

(2) Attainment by the PERS retirant or other system 1036  
retirant of age sixty-five; 1037

(3) If the PERS retirant or other system retirant was 1038  
previously employed under section 145.38, 145.383, or 145.385 of 1039

the Revised Code and is receiving or previously received a 1040  
benefit under this section, completion of a period of twelve 1041  
months since the effective date of the last benefit under this 1042  
section; 1043

(4) Ninety days prior to receipt by the board of the 1044  
member's completed application for retirement; 1045

(5) A date specified by the retirant. 1046

(F) (1) If a PERS retirant or other system retirant dies 1047  
while employed in employment subject to section 145.38, 145.383, 1048  
or 145.385 of the Revised Code, a lump sum payment shall be paid 1049  
to the retirant's beneficiary under division (G) of this 1050  
section. The lump sum shall be calculated in accordance with 1051  
division (H) of this section if the retirant was under age 1052  
sixty-five at the time of death. It shall be calculated in 1053  
accordance with division (B) (2) of this section if the retirant 1054  
was age sixty-five or older at the time of death. 1055

(2) If at the time of death a PERS retirant or other 1056  
system retirant receiving a monthly annuity under division (B) 1057  
(2) (b) (i) of this section has received less than the retirant 1058  
would have received as a lump sum payment, the difference 1059  
between the amount received and the amount that would have been 1060  
received as a lump sum payment shall be paid to the retirant's 1061  
beneficiary under division (G) of this section. 1062

(3) If a beneficiary receiving a monthly annuity under 1063  
division (B) (2) of this section dies and, at the time of the 1064  
beneficiary's death, the total of the amounts paid to the 1065  
retirant and beneficiary are less than the amount the retirant 1066  
would have received as a lump sum payment, the difference 1067  
between the total of the amounts received by the retirant and 1068

beneficiary and the amount that the retirant would have received 1069  
as a lump sum payment shall be paid to the beneficiary's estate. 1070

(G) A PERS retirant or other system retirant employed 1071  
under section 145.38, 145.383, or 145.385 of the Revised Code 1072  
may designate one or more persons as beneficiary to receive any 1073  
benefits payable under division (B)(2)(b) of this section due to 1074  
death. The designation shall be in writing duly executed on a 1075  
form provided by the public employees retirement board, signed 1076  
by the PERS retirant or other system retirant, and filed with 1077  
the board prior to death. The last designation of a beneficiary 1078  
revokes all previous designations. The PERS retirant's or other 1079  
system retirant's marriage, divorce, marriage dissolution, legal 1080  
separation, withdrawal of account, birth of a child, or adoption 1081  
of a child revokes all previous designations. If there is no 1082  
designated beneficiary or the beneficiary is not located within 1083  
ninety days, the beneficiary shall be determined in the 1084  
following order of precedence: 1085

- (1) Surviving spouse; 1086
- (2) Children, share and share alike; 1087
- (3) Parents, share and share alike; 1088
- (4) Estate. 1089

If any benefit payable under this section due to the death 1090  
of a PERS retirant or other system retirant is not claimed by a 1091  
beneficiary within five years after the death, the amount 1092  
payable shall be transferred to the income fund and thereafter 1093  
paid to the beneficiary or the estate of the PERS retirant or 1094  
other system retirant on application to the board. 1095

(H) (1) A PERS retirant or other system retirant who 1096  
applies under division (B)(1) of this section for payment of the 1097

retirant's contributions and is unmarried or is married and, 1098  
unless the board has waived the requirement of spousal consent, 1099  
includes with the application a statement of the spouse's 1100  
consent to the payment, shall be paid the contributions made 1101  
under section 145.38 or 145.383 of the Revised Code or, in the 1102  
case of a retirant described in division (A)(2) of this section, 1103  
section 145.47 of the Revised Code, plus interest as provided in 1104  
section 145.471 of the Revised Code, if the following conditions 1105  
are met: 1106

(a) The retirant has not attained sixty-five years of age 1107  
and has terminated employment subject to section 145.38, 1108  
145.383, or 145.385 of the Revised Code for any cause other than 1109  
death or the receipt of a benefit under this section. 1110

(b) ~~Three~~Two months have elapsed since the termination of 1111  
the retirant's employment subject to section 145.38, 145.383, or 1112  
145.385 of the Revised Code, other than employment exempted from 1113  
contribution pursuant to section 145.03 of the Revised Code. 1114

(c) The retirant has not returned to public service, other 1115  
than service exempted from contribution pursuant to section 1116  
145.03 of the Revised Code, during the ~~three-month~~two-month 1117  
period. 1118

(2) Payment of a retirant's contributions cancels the 1119  
retirant's right to a benefit under division (B)(2) of this 1120  
section. 1121

(I) A statement of a spouse's consent under division (B) 1122  
(2) of this section to the form of a benefit or under division 1123  
(H) of this section to a payment of contributions is valid only 1124  
if signed by the spouse and witnessed by a notary public. The 1125  
board may waive the requirement of spousal consent if the spouse 1126

is incapacitated or cannot be located, or for any other reason 1127  
specified by the board. Consent or waiver is effective only with 1128  
regard to the spouse who is the subject of the consent or 1129  
waiver. 1130

(J) No amount received under this section shall be 1131  
included in determining an additional benefit under section 1132  
145.323 of the Revised Code or any other post-retirement benefit 1133  
increase. 1134

**Sec. 145.40.** (A) (1) Subject to the provisions of section 1135  
145.57 of the Revised Code and except as provided in division 1136  
(B) of this section, if a member elects to become exempt from 1137  
contribution to the public employees retirement system pursuant 1138  
to section 145.03 of the Revised Code or ceases to be a public 1139  
employee for any cause other than death, retirement, receipt of 1140  
a disability benefit, or current employment in a position in 1141  
which the member has elected to participate in an alternative 1142  
retirement plan under section 3305.05 or 3305.051 of the Revised 1143  
Code, upon application the public employees retirement board 1144  
shall pay the member the member's accumulated contributions, 1145  
plus any applicable amount calculated under section 145.401 of 1146  
the Revised Code, provided that both the following apply: 1147

(a) ~~Three~~Two months have elapsed since the member's 1148  
service subject to this chapter, other than service exempted 1149  
from contribution pursuant to section 145.03 of the Revised 1150  
Code, was terminated; 1151

(b) The member has not returned to service subject to this 1152  
chapter, other than service exempted from contribution pursuant 1153  
to section 145.03 of the Revised Code, during that ~~three-month~~  
two-month period. 1154  
1155



The payment of such accumulated contributions shall cancel 1156  
the total service credit of such member in the public employees 1157  
retirement system. 1158

(2) A member described in division (A)(1) of this section 1159  
who is married at the time of application for payment and is 1160  
eligible for age and service retirement under section 145.32, 1161  
145.33, 145.331, or 145.332 of the Revised Code or would be 1162  
eligible for age and service retirement under any of those 1163  
sections but for a forfeiture ordered under division (A) or (B) 1164  
of section 2929.192 of the Revised Code shall submit with the 1165  
application a written statement by the member's spouse attesting 1166  
that the spouse consents to the payment of the member's 1167  
accumulated contributions. Consent shall be valid only if it is 1168  
signed and witnessed by a notary public. 1169

The board may waive the requirement of consent if the 1170  
spouse is incapacitated or cannot be located, or for any other 1171  
reason specified by the board. Consent or waiver is effective 1172  
only with regard to the spouse who is the subject of the consent 1173  
or waiver. 1174

(B) This division applies to any member who is employed in 1175  
a position in which the member has made an election under 1176  
section 3305.05 or 3305.051 of the Revised Code and due to the 1177  
election ceases to be a public employee for purposes of that 1178  
position. 1179

Subject to section 145.57 of the Revised Code, the public 1180  
employees retirement system shall do the following: 1181

(1) On receipt of a certified copy of a form evidencing an 1182  
election under section 3305.05 or 3305.051 of the Revised Code, 1183  
pay to the appropriate provider, in accordance with section 1184

3305.052 of the Revised Code, the amount described in section 1185  
3305.052 of the Revised Code; 1186

(2) If a member has accumulated contributions, in addition 1187  
to those subject to division (B)(1) of this section, standing to 1188  
the credit of the member's individual account and is not 1189  
otherwise employed in a position in which the member is 1190  
considered a public employee for the purposes of that position, 1191  
pay, to the provider the member selected pursuant to section 1192  
3305.05 or 3305.051 of the Revised Code, the member's 1193  
accumulated contributions. The payment shall be made on the 1194  
member's application. 1195

(C) Payment of a member's accumulated contributions under 1196  
division (B) of this section cancels the member's total service 1197  
credit in the public employees retirement system. A member whose 1198  
accumulated contributions are paid to a provider pursuant to 1199  
division (B) of this section is forever barred from claiming or 1200  
purchasing service credit under the public employees retirement 1201  
system for the period of employment attributable to those 1202  
contributions. 1203

**Sec. 145.43.** (A) As used in this section and in section 1204  
145.45 of the Revised Code: 1205

(1) "Child" means a biological or legally adopted child of 1206  
a deceased member. If a court hearing for an interlocutory 1207  
decree for adoption was held prior to the member's death, 1208  
"child" includes the child who was the subject of the hearing 1209  
notwithstanding the fact that the final decree of adoption, 1210  
adjudging the surviving spouse as the adoptive parent, is made 1211  
subsequent to the member's death. 1212

(2) "Parent" is a parent or legally adoptive parent of a 1213

deceased member. 1214

(3) "Dependent" means a beneficiary who receives one-half 1215  
of the beneficiary's support from a member during the twelve 1216  
months prior to the member's death. 1217

(4) "Surviving spouse" means an individual who establishes 1218  
a valid marriage to a member at the time of the member's death 1219  
by marriage certificate or pursuant to division (E) of this 1220  
section. 1221

(5) "Survivor" means a surviving spouse, child, or parent. 1222

(6) "Accumulated contributions" has the meaning given in 1223  
section 145.01 of the Revised Code, except that, notwithstanding 1224  
that section, it does not include additional amounts deposited 1225  
in the employees' savings fund pursuant to the version of 1226  
division (C) of section 145.23 of the Revised Code as it existed 1227  
immediately prior to April 6, 2007, or pursuant to section 1228  
145.62 of the Revised Code. 1229

(B) Except as provided in division (C)(1) of section 1230  
145.45 of the Revised Code, should a member die before age and 1231  
service retirement, the member's accumulated contributions and 1232  
any applicable amount calculated under section 145.401 of the 1233  
Revised Code, shall be paid to the person or persons the member 1234  
has designated under section 145.431 of the Revised Code. A 1235  
member may designate two or more persons as beneficiaries to be 1236  
paid the accumulated account in a lump sum. Subject to rules 1237  
adopted by the public employees retirement board, a member who 1238  
designates two or more persons as beneficiaries shall specify 1239  
the percentage of the lump sum that each beneficiary is to be 1240  
paid. If the member has not specified the percentages, the lump 1241  
sum shall be divided equally among the beneficiaries. 1242

The last designation of any beneficiary revokes all 1243  
previous designations. The member's marriage, divorce, marriage 1244  
dissolution, legal separation, or withdrawal of account, or the 1245  
birth of the member's child, or adoption of a child, shall 1246  
constitute an automatic revocation of the member's previous 1247  
designation. If a deceased member was also a member of the 1248  
school employees retirement system or the state teachers 1249  
retirement system and a survivor benefit may be paid under 1250  
section 145.37, 3307.57, or 3309.35 of the Revised Code, the 1251  
beneficiary last established among the systems shall be the sole 1252  
beneficiary in all the systems. 1253

If the accumulated contributions of a deceased member are 1254  
not claimed by a beneficiary or by the estate of the deceased 1255  
member within five years after the death, the contributions 1256  
shall remain in the employees' savings fund or may be 1257  
transferred to the income fund and thereafter shall be paid to 1258  
the beneficiary or to the member's estate upon application to 1259  
the board. The board shall formulate and adopt the necessary 1260  
rules governing all designations of beneficiaries. 1261

(C) Except as provided in division (C) (1) of section 1262  
145.45 of the Revised Code, if a member dies before age and 1263  
service retirement and is not survived by a designated 1264  
beneficiary, the following shall qualify, with all attendant 1265  
rights and privileges, in the following order of precedence, the 1266  
member's: 1267

(1) Surviving spouse; 1268

(2) Children, share and share alike; 1269

(3) A dependent parent, if that parent takes survivor 1270  
benefits under division (B) of section 145.45 of the Revised 1271

|  |      |
|--|------|
| Code;  | 1272 |
| (4) Parents, share and share alike;                              | 1273 |
| (5) Estate.  | 1274 |
| If the beneficiary is deceased or is not located within          | 1275 |
| ninety days, the beneficiary ceases to qualify for any benefit   | 1276 |
| and the beneficiary next in order of precedence shall qualify as | 1277 |
| a beneficiary.   | 1278 |
| Any payment made to a beneficiary as determined by the           | 1279 |
| board shall be a full discharge and release to the board from    | 1280 |
| any future claims.   | 1281 |
| (D) Any amount due a retirant or disability benefit              | 1282 |
| recipient receiving a monthly benefit and unpaid to the retirant | 1283 |
| or recipient at death shall be paid to the beneficiary           | 1284 |
| designated in writing duly executed on a form provided by the    | 1285 |
| board, signed by the retirant or recipient, and filed with the   | 1286 |
| board. If no such designation has been filed, or if the          | 1287 |
| designated beneficiary is not located within ninety days, any    | 1288 |
| amounts payable under this chapter due to the death of the       | 1289 |
| retirant or recipient shall be paid in the following order of    | 1290 |
| precedence to the retirant's or recipient's:                     | 1291 |
| (1) Surviving spouse;  | 1292 |
| (2) Children, share and share alike;                             | 1293 |
| (3) Parents, share and share alike;                              | 1294 |
| (4) Estate.  | 1295 |
| The payment shall be a full discharge and release to the         | 1296 |
| board from any future claim for the payment.                     | 1297 |
| Any amount due a beneficiary receiving a monthly benefit         | 1298 |

and unpaid to the beneficiary at the beneficiary's death shall 1299  
be paid to the beneficiary's estate. 1300

(E) If the validity of marriage cannot be established to 1301  
the satisfaction of the board for the purpose of disbursing any 1302  
amount due under this section or section 145.45 of the Revised 1303  
Code, the board may accept a decision rendered by a court having 1304  
jurisdiction in the state in which the member was domiciled at 1305  
the time of death that the relationship constituted a valid 1306  
marriage at the time of death, or the "spouse" would have the 1307  
same status as a widow or widower for purposes of sharing the 1308  
distribution of the member's intestate personal property. 1309

(F) As used in this division, "recipient" means an 1310  
individual who is receiving or may be eligible to receive an 1311  
allowance or benefit under this chapter based on the 1312  
individual's service to a public employer. 1313

If the death of a member, a recipient, or any individual 1314  
who would be eligible to receive an allowance or benefit under 1315  
this chapter by virtue of the death of a member or recipient is 1316  
caused by one of the following beneficiaries, no amount due 1317  
under this chapter to the beneficiary shall be paid to the 1318  
beneficiary in the absence of a court order to the contrary 1319  
filed with the board: 1320

(1) A beneficiary who is convicted of, pleads guilty to, 1321  
or is found not guilty by reason of insanity of a violation of 1322  
or complicity in the violation of either of the following: 1323

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 1324  
Code; 1325

(b) An existing or former law of any other state, the 1326  
United States, or a foreign nation that is substantially 1327

equivalent to section 2903.01, 2903.02, or 2903.03 of the Revised Code.

(2) A beneficiary who is indicted for a violation of or complicity in the violation of the sections or laws described in division (F)(1)(a) or (b) of this section and is adjudicated incompetent to stand trial;

(3) A beneficiary who is a juvenile found to be a delinquent child by reason of committing an act that, if committed by an adult, would be a violation of or complicity in the violation of the sections or laws described in division (F)(1)(a) or (b) of this section.

**Sec. 145.45.** Except as provided in division (C)(1) of this section, in lieu of accepting the payment of the accumulated account of a member who dies before service retirement, a beneficiary, as determined in this section or section 145.43 of the Revised Code, may elect to forfeit the accumulated contributions and to substitute certain other benefits under division (A) or (B) of this section.

(A)(1) If a deceased member was eligible for a service retirement benefit as provided in section 145.33, 145.331, or 145.332 of the Revised Code, a surviving spouse or other sole dependent beneficiary may elect to receive a monthly benefit computed as a joint-life plan under which the spouse or beneficiary receives one hundred per cent of the actuarial equivalent of the deceased member's lesser retirement allowance payable for the member's life, which the member would have received had the member retired on the last day of the month of death and had the member at that time selected such a plan. Payment shall begin with the month subsequent to the member's death, except that a surviving spouse who is less than sixty-

five years old may defer receipt of such benefit. Upon receipt, 1358  
the benefit shall be calculated based upon the spouse's age at 1359  
the time of first payment, and shall accrue regular interest 1360  
during the time of deferral. 1361

(2) Beginning on a date selected by the public employees 1362  
retirement board, which shall be not later than July 1, 2004, a 1363  
surviving spouse or other sole dependent beneficiary may elect, 1364  
in lieu of a monthly payment under division (A)(1) of this 1365  
section, a plan of payment consisting of both of the following: 1366

(a) A lump sum in an amount the surviving spouse or other 1367  
sole dependent beneficiary designates that constitutes a portion 1368  
of the allowance that would be payable under division (A)(1) of 1369  
this section; 1370

(b) The remainder of that allowance in monthly payments. 1371

The total amount paid as a lump sum and a monthly benefit 1372  
shall be the actuarial equivalent of the amount that would have 1373  
been paid had the lump sum not been selected. 1374

The lump sum amount designated by the surviving spouse or 1375  
other sole dependent beneficiary under division (A)(2)(a) of 1376  
this section shall be not less than six times and not more than 1377  
thirty-six times the monthly amount that would be payable to the 1378  
surviving spouse or other sole dependent beneficiary under 1379  
division (A)(1) of this section and shall not result in a 1380  
monthly payment that is less than fifty per cent of that monthly 1381  
amount. 1382

(B) If a deceased member had, except as provided in 1383  
division (B)(7) of this section, at least one and one-half years 1384  
of contributing service credit, with, except as provided in 1385  
division (B)(7) of this section, at least one-quarter year of 1386



contributing service credit within the two and one-half years 1387  
prior to the date of death, or was receiving at the time of 1388  
death a disability benefit as provided in section 145.36, 1389  
145.361, or 145.37 of the Revised Code, qualified survivors who 1390  
elect to receive monthly benefits shall receive the greater of 1391  
the benefits provided in division (B)(1)(a) or (b) and (4) of 1392  
this section as allocated in accordance with division (B)(5) of 1393  
this section. 1394

| (1) (a) Number<br>of Qualified<br>survivors<br>affecting<br>the benefit | Annual Benefit as a Per<br>Cent of Decedent's Final<br>Average Salary | Or<br>Monthly<br>Benefit<br>shall not be<br>less than |      |
|---|---|---|------|
| 1   | 25%   | \$250   | 1395 |
| 2   | 40  | 400   | 1396 |
| 3   | 50  | 500   | 1397 |
| 4   | 55  | 500   | 1398 |
| 5 or more   | 60  | 500   | 1399 |

| (b) Years of<br>Service | Annual Benefit as a Per Cent<br>of Member's Final Average<br>Salary |      |
|-------------------------|---|------|
| 20                      | 29%   | 1405 |
| 21                      | 33  | 1406 |
| 22                      | 37  | 1407 |
| 23                      | 41  | 1408 |
| 24                      | 45  | 1409 |
| 25                      | 48  | 1410 |
| 26                      | 51  | 1411 |
| 27                      | 54  | 1412 |
| 28                      | 57  | 1413 |

|   |    |      |
|---|----|------|
| 29 or more  | 60 | 1417 |
| (2) Benefits shall begin as qualified survivors meet                      |    | 1418 |
| eligibility requirements as follows:                                      |    | 1419 |
| (a) A qualified spouse is the surviving spouse of the                     |    | 1420 |
| deceased member, who is age sixty-two, or regardless of age               |    | 1421 |
| meets one of the following qualifications:                                |    | 1422 |
| (i) Except as provided in division (B) (7) of this section,               |    | 1423 |
| the deceased member had ten or more years of Ohio service                 |    | 1424 |
| credit.   |    | 1425 |
| (ii) The spouse is caring for a qualified child.                          |    | 1426 |
| (iii) The spouse is adjudged physically or mentally                       |    | 1427 |
| incompetent.  |    | 1428 |
| A spouse of a member who died prior to August 27, 1970,                   |    | 1429 |
| whose eligibility was determined at the member's death, and who           |    | 1430 |
| is physically or mentally incompetent on or after August 20,              |    | 1431 |
| 1976, shall be paid the monthly benefit which that person would           |    | 1432 |
| otherwise receive when qualified by age.                                  |    | 1433 |
| (b) A qualified child is any child of the deceased member                 |    | 1434 |
| who has never been married and to whom one of the following               |    | 1435 |
| applies:  |    | 1436 |
| (i) Is under age <del>eighteen, or under age twenty-two if the</del>      |    | 1437 |
| <del>child is attending an institution of learning or training</del>      |    | 1438 |
| <del>pursuant to a program designed to complete in each school year</del> |    | 1439 |
| <del>the equivalent of at least two thirds of the full-time</del>         |    | 1440 |
| <del>curriculum requirements of such institution and as further</del>     |    | 1441 |
| <del>determined by board policy;</del>                                    |    | 1442 |
| (ii) Regardless of age, is adjudged physically or mentally                |    | 1443 |
| incompetent at the time of the member's death.                            |    | 1444 |

(c) A qualified parent is a dependent parent aged sixty- 1445  
five or older or regardless of age if physically or mentally 1446  
incompetent, a dependent parent whose eligibility was determined 1447  
by the member's death prior to August 20, 1976, and who is 1448  
physically or mentally incompetent on or after August 20, 1976, 1449  
shall be paid the monthly benefit for which that person would 1450  
otherwise qualify. 1451

(3) "Physically or mentally incompetent" as used in this 1452  
section may be determined by a court of jurisdiction, or by a 1453  
physician appointed by the retirement board. Incapability of 1454  
making a living because of a physically or mentally disabling 1455  
condition shall meet the qualifications of this division. 1456

(4) Benefits to a qualified survivor shall terminate upon 1457  
ceasing to meet eligibility requirements as provided in this 1458  
division, a first marriage, abandonment, adoption, or during 1459  
active military service. Benefits to a deceased member's 1460  
surviving spouse that were terminated under a former version of 1461  
this section that required termination due to remarriage and 1462  
were not resumed prior to September 16, 1998, shall resume on 1463  
the first day of the month immediately following receipt by the 1464  
board of an application on a form provided by the board. 1465

Benefits to a qualified child who is at least eighteen 1466  
years of age but under twenty-two years of age that under a 1467  
former version of this section never commenced or were 1468  
terminated due to a lack of attendance at an institution of 1469  
learning or training and not commenced or resumed before the 1470  
effective date of this amendment shall commence or resume on the 1471  
first day of the month immediately following receipt by the 1472  
board of an application on a form provided by the board if the 1473  
application is received on or before the date that is one year 1474

after the effective date of this amendment. These benefits 1475  
terminate on the child attaining twenty-two years of age. 1476

Upon the death of any subsequent spouse who was a member 1477  
of the public employees retirement system, state teachers 1478  
retirement system, or school employees retirement system, the 1479  
surviving spouse of such member may elect to continue receiving 1480  
benefits under this division, or to receive survivor's benefits, 1481  
based upon the subsequent spouse's membership in one or more of 1482  
the systems, for which such surviving spouse is eligible under 1483  
this section or section 3307.66 or 3309.45 of the Revised Code. 1484  
If the surviving spouse elects to continue receiving benefits 1485  
under this division, such election shall not preclude the 1486  
payment of benefits under this division to any other qualified 1487  
survivor. 1488

Benefits shall begin or resume on the first day of the 1489  
month following the attainment of eligibility and shall 1490  
terminate on the first day of the month following loss of 1491  
eligibility. 1492

(5) (a) If a benefit is payable under division (B) (1) (a) of 1493  
this section, benefits to a qualified spouse shall be paid in 1494  
the amount determined for the first qualifying survivor in 1495  
division (B) (1) (a) of this section. All other qualifying 1496  
survivors shall share equally in the benefit or remaining 1497  
portion thereof. 1498

(b) All qualifying survivors shall share equally in a 1499  
benefit payable under division (B) (1) (b) of this section, except 1500  
that if there is a surviving spouse, the surviving spouse shall 1501  
receive not less than the amount determined for the first 1502  
qualifying survivor in division (B) (1) (a) of this section. 1503

(6) The beneficiary of a member who is also a member of the state teachers retirement system or of the school employees retirement system, must forfeit the member's accumulated contributions in those systems and in the public employees retirement system, if the beneficiary takes a survivor benefit. Such benefit shall be exclusively governed by section 145.37 of the Revised Code.

(7) The following restrictions do not apply if the deceased member was contributing toward benefits under section 145.332 of the Revised Code at the time of death:

(a) That the deceased member have had at least one and one-half years of contributing service credit, with at least one-quarter year of contributing service within the two and one-half years prior to the date of death;

(b) If the deceased member was killed in the line of duty, that the deceased member have had ten or more years of Ohio service credit as described in division (B) (2) (a) (i) of this section.

For the purposes of division (B) (7) (b) of this section, "killed in the line of duty," means either that death occurred in the line of duty or that death occurred as a result of injury sustained in the line of duty.

(C) (1) Regardless of whether the member is survived by a spouse or designated beneficiary, if the public employees retirement system receives notice that a deceased member described in division (A) or (B) of this section has one or more qualified children, all persons who are qualified survivors under division (B) of this section shall receive monthly benefits as provided in division (B) of this section.

If, after determining the monthly benefits to be paid 1533  
under division (B) of this section, the system receives notice 1534  
that there is a qualified survivor who was not considered when 1535  
the determination was made, the system shall, notwithstanding 1536  
section 145.561 of the Revised Code, recalculate the monthly 1537  
benefits with that qualified survivor included, even if the 1538  
benefits to qualified survivors already receiving benefits are 1539  
reduced as a result. The benefits shall be calculated as if the 1540  
qualified survivor who is the subject of the notice became 1541  
eligible on the date the notice was received and shall be paid 1542  
to qualified survivors effective on the first day of the first 1543  
month following the system's receipt of the notice. 1544

If the retirement system did not receive notice that a 1545  
deceased member has one or more qualified children prior to 1546  
making payment under section 145.43 of the Revised Code to a 1547  
beneficiary as determined by the retirement system, the payment 1548  
is a full discharge and release of the system from any future 1549  
claims under this section or section 145.43 of the Revised Code. 1550

(2) If benefits under division (C) (1) of this section to 1551  
all persons, or to all persons other than a surviving spouse or 1552  
other sole beneficiary, terminate, there are no children under 1553  
the age of twenty-two years, and the surviving spouse or 1554  
beneficiary qualifies for benefits under division (A) of this 1555  
section, the surviving spouse or beneficiary may elect to 1556  
receive benefits under division (A) of this section. The 1557  
benefits shall be effective on the first day of the month 1558  
immediately following the termination. 1559

(D) The final average salary used in the calculation of a 1560  
benefit payable pursuant to division (A) or (B) of this section 1561  
to a survivor or beneficiary of a disability benefit recipient 1562

shall be adjusted for each year between the disability benefit's 1563  
effective date and the recipient's date of death by the lesser 1564  
of three per cent or the actual average percentage increase in 1565  
the consumer price index prepared by the United States bureau of 1566  
labor statistics (U.S. city average for urban wage earners and 1567  
clerical workers: "all items 1982-84=100"). 1568

(E) If the survivor benefits due and paid under this 1569  
section are in a total amount less than the member's accumulated 1570  
account that was transferred from the public employees' savings 1571  
fund to the survivors' benefit fund, then the difference between 1572  
the total amount of the benefits paid shall be paid to the 1573  
beneficiary under section 145.43 of the Revised Code. 1574

Sec. 742.091. Any action brought against the Ohio police 1575  
and fire pension fund or the Ohio police and fire pension fund 1576  
board of trustees or its officers, employees, or board members 1577  
in their official capacities shall be brought in the appropriate 1578  
court in Franklin county, Ohio. 1579

**Sec. 742.105.** The Ohio police and fire pension fund board 1580  
of trustees shall appoint a committee to oversee the selection 1581  
of an internal auditor. The committee shall select one or more 1582  
persons for employment as an internal auditor. The board shall 1583  
employ the person or persons selected by the committee. 1584

The committee shall consist of the following board 1585  
members: one retirant member, one employee member, and one other 1586  
member. The committee shall annually prepare and submit to the 1587  
Ohio retirement study council a report of its actions during the 1588  
preceding year. 1589

Sec. 742.17. An application made under this chapter shall 1590  
be submitted to the Ohio police and fire pension fund in the 1591

form and manner specified by the fund. The fund shall determine 1592  
whether an application is complete and properly submitted. Its 1593  
determination is final. 1594

If the fund determines that an application is incomplete 1595  
or not properly submitted, it may give the applicant the 1596  
opportunity to correct any deficiency or may reject the 1597  
application and require that it be resubmitted. The fund shall 1598  
give written notice of rejection of an application to the 1599  
applicant. 1600

**Sec. 742.37.** The board of trustees of the Ohio police and 1601  
fire pension fund shall adopt rules for the management of the 1602  
fund and for the disbursement of benefits and pensions as set 1603  
forth in this section and section 742.39 of the Revised Code. 1604  
Any payment of a benefit or pension under this section is 1605  
subject to the provisions of section 742.461 of the Revised 1606  
Code. Notwithstanding any other provision of this section, no 1607  
pension or benefit paid or determined under division (B) or (C) 1608  
of this section or section 742.39 of the Revised Code shall 1609  
exceed the limit established by section 415 of the "Internal 1610  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1611  
amended. 1612

(A) Persons who were receiving benefit or pension payments 1613  
from a police relief and pension fund established under former 1614  
section 741.32 of the Revised Code, or from a firemen's relief 1615  
and pension fund established under former section 521.02 or 1616  
741.02 of the Revised Code, at the time the assets of the fund 1617  
were transferred to the Ohio police and fire pension fund, known 1618  
at that time as the police and firemen's disability and pension 1619  
fund, shall receive benefit and pension payments from the Ohio 1620  
police and fire pension fund in the same amount and subject to 1621



the same conditions as such payments were being made from the 1622  
former fund on the date of the transfer. 1623

(B) A member of the fund who, pursuant to law, elected to 1624  
receive benefits and pensions from a police relief and pension 1625  
fund established under former section 741.32 of the Revised 1626  
Code, or from a firemen's relief and pension fund established 1627  
under former section 741.02 of the Revised Code, in accordance 1628  
with the rules of the fund governing the granting of benefits or 1629  
pensions therefrom in force on April 1, 1947, shall receive 1630  
benefits and pensions from the Ohio police and fire pension fund 1631  
in accordance with such rules; provided, that any member of the 1632  
fund who is not receiving a benefit or pension from the fund on 1633  
August 12, 1975, may, upon application for a benefit or pension 1634  
to be received on or after August 12, 1975, elect to receive a 1635  
benefit or pension in accordance with division (C) of this 1636  
section. 1637

(C) Unless the board acts under section 742.161 of the 1638  
Revised Code, members of the fund who have not elected to 1639  
receive benefits and pensions from a police relief and pension 1640  
fund or a firemen's relief and pension fund in accordance with 1641  
the rules of the fund in force on April 1, 1947, shall receive 1642  
pensions and benefits in accordance with the following 1643  
provisions: 1644

(1) A member of the fund who has twenty-five years of 1645  
service credit and has attained the requisite age may elect to 1646  
retire. The requisite age is forty-eight for a member whose 1647  
membership began before July 2, 2013, and fifty-two for a member 1648  
whose membership began on or after that date. 1649

Upon notifying the board in writing of the election, the 1650  
member shall receive an annual pension, payable in twelve 1651

monthly installments, in an amount equal to a percentage of the 1652  
member's average annual salary. If, as of July 2, 2013, the 1653  
member had fifteen or more years of service credit, the average 1654  
annual salary shall be determined using three years of 1655  
contributions. If, as of that date, the member had less than 1656  
fifteen years of service credit, the average annual salary shall 1657  
be determined using five years of contributions. 1658

The percentage shall be the sum of two and one-half per 1659  
cent for each of the first twenty years of service credit, plus 1660  
two per cent for each of the twenty-first to twenty-fifth years 1661  
of service credit, plus one and one-half per cent for each year 1662  
in excess of twenty-five years of service credit. The annual 1663  
pension shall not exceed seventy-two per cent of the member's 1664  
average annual salary. 1665

A member who has twenty-five years of service credit, has 1666  
resigned or been discharged, and has left the sum deducted from 1667  
the member's salary on deposit in the pension fund shall upon 1668  
attaining the requisite age be entitled to receive a normal 1669  
service pension benefit computed and paid under division (C) (1) 1670  
of this section. 1671

While participating in the deferred retirement option plan 1672  
established under section 742.43 of the Revised Code, a member 1673  
shall not be considered to have elected retirement under 1674  
division (C) (1) of this section. On notifying the board under 1675  
division (B) (1) of section 742.444 of the Revised Code of the 1676  
member's election to terminate active service, a member 1677  
described in division (B) of that section shall receive an 1678  
annual pension under division (C) (1) of this section calculated 1679  
in accordance with section 742.442 of the Revised Code and rules 1680  
that shall be adopted by the board of trustees of the Ohio 1681

police and fire pension fund. 1682

(2) A member of the fund who has fifteen or more years of 1683  
service credit and who voluntarily resigns or is discharged from 1684  
the department for any reason other than dishonesty, cowardice, 1685  
intemperate habits, or conviction of a felony, shall receive an 1686  
annual pension, payable in twelve monthly installments, in an 1687  
amount equal to one and one-half per cent of the member's 1688  
average annual salary multiplied by the number of full years of 1689  
the member's service credit. If, as of July 2, 2013, the member 1690  
had fifteen or more years of service credit, the average annual 1691  
salary shall be determined using three years of contributions. 1692  
If, as of that date, the member had less than fifteen years of 1693  
service credit, the average annual salary shall be determined 1694  
using five years of contributions. 1695

If a member's membership began before July 2, 2013, the 1696  
pension payments shall not commence until the member has 1697  
attained the age of forty-eight years and until twenty-five 1698  
years have elapsed from the date on which the member became a 1699  
full-time regular police officer or firefighter. Pension 1700  
payments shall not commence for a member whose membership began 1701  
on or after July 2, 2013, until the member has attained the age 1702  
of fifty-two years and until twenty-five years have elapsed from 1703  
the date on which the member became a full-time regular police 1704  
officer or firefighter. 1705

(3) A member of the fund who has fifteen or more years of 1706  
service credit and who has attained sixty-two years of age, may 1707  
retire from the department and, upon notifying the board in 1708  
writing of the election to retire, shall receive an annual 1709  
pension, payable in twelve monthly installments, in an amount 1710  
equal to a percentage of the member's average annual salary. If, 1711

as of July 2, 2013, the member had fifteen or more years of 1712  
service credit, the average annual salary shall be determined 1713  
using three years of contributions. If, as of that date, the 1714  
member had less than fifteen years of service credit, the 1715  
average annual salary shall be determined using five years of 1716  
contributions. The percentage shall be the sum of two and one- 1717  
half per cent for each of the first twenty years of service 1718  
credit, plus two per cent for each of the twenty-first to 1719  
twenty-fifth years of service credit, plus one and one-half per 1720  
cent for each year in excess of twenty-five years of service 1721  
credit. The annual pension shall not exceed seventy-two per cent 1722  
of the member's average annual salary. 1723

(4) A member of the fund whose membership began on or 1724  
after July 2, 2013, and who has twenty-five years of service 1725  
credit and has attained forty-eight years of age may elect to 1726  
retire. Upon notifying the board in writing of the election, the 1727  
member shall receive an annual pension, payable in twelve 1728  
monthly installments, in an amount determined under division (C) 1729  
(1) of this section except that the amount shall be reduced to 1730  
be the actuarial equivalent, as determined by the fund's 1731  
actuary, of the amount payable had the member retired at fifty- 1732  
two years of age. 1733

(5) With the exception of those persons who may make 1734  
application for benefits as provided in section 742.26 of the 1735  
Revised Code, no person receiving a pension or other benefit 1736  
under division (C) of this section on or after July 24, 1986, 1737  
shall be entitled to apply for any new, changed, or different 1738  
benefit. 1739

If a member covered by division (C) of this section or 1740  
section 742.38 of the Revised Code dies prior to the time the 1741

member has received a payment and leaves a surviving spouse or 1742  
dependent child, the surviving spouse or dependent child shall 1743  
receive a pension under division (D) or (E) of this section. 1744

(D) (1) Except as provided in division (D) (2) of this 1745  
section, a surviving spouse of a deceased member of the fund or 1746  
a surviving spouse described in division (D) (4) of this section 1747  
shall receive a monthly pension as follows: 1748

(a) For the period beginning July 1, 1999, and ending June 1749  
30, 2000, five hundred fifty dollars; 1750

(b) For the period beginning July 1, 2000, and ending June 1751  
30, 2002, five hundred fifty dollars plus an amount determined 1752  
by multiplying five hundred fifty dollars by the average 1753  
percentage change in the consumer price index, not exceeding 1754  
three per cent, as was annually determined by the board under 1755  
section 742.3716 of the Revised Code as that section existed on 1756  
January 31, 2002; 1757

(c) For the period beginning July 1, 2002, and the period 1758  
beginning the first day of July of each year thereafter and 1759  
continuing for the following twelve months, an amount equal to 1760  
the monthly amount paid during the prior twelve-month period 1761  
plus sixteen dollars and fifty cents. 1762

(2) A surviving spouse of a deceased member of the fund 1763  
shall receive a monthly pension of four hundred ten dollars if 1764  
the surviving spouse is eligible for a benefit under division 1765  
(B) or (D) of section 742.63 of the Revised Code. If the 1766  
surviving spouse ceases to be eligible for a benefit under 1767  
division (B) or (D) of section 742.63 of the Revised Code, the 1768  
pension shall be increased, effective the first day of the first 1769  
month following the day on which the surviving spouse ceases to 1770

be eligible for the benefit, to the amount it would be under 1771  
division (D) (1) of this section had the spouse never been 1772  
eligible for a benefit under division (B) or (D) of section 1773  
742.63 of the Revised Code. 1774

(3) A pension paid under this division shall continue 1775  
during the natural life of the surviving spouse. Benefits to a 1776  
deceased member's surviving spouse that were terminated under a 1777  
former version of this section that required termination due to 1778  
remarriage and were not resumed prior to September 16, 1998, 1779  
shall resume on the first day of the month immediately following 1780  
receipt by the board of an application on a form provided by the 1781  
board. 1782

(4) A surviving spouse of a deceased member of or 1783  
contributor to a fund established under former Chapter 521. or 1784  
741. of the Revised Code whose benefit or pension was terminated 1785  
or not paid due to remarriage shall receive a monthly pension 1786  
under division (D) (1) of this section. 1787

The pension shall commence on the first day of the month 1788  
immediately following receipt by the board of a completed 1789  
application on a form provided by the board and evidence 1790  
acceptable to the board that at the time of death the deceased 1791  
spouse was a member of or contributor to a police or firemen's 1792  
relief and pension fund established under former Chapter 521. or 1793  
741. of the Revised Code and that the surviving spouse's 1794  
benefits were terminated or not granted due to remarriage. 1795

(E) (1) ~~Each~~ (a) Except as provided in division (E) (2) of 1796  
this section, before January 1, 2017, each surviving child of a 1797  
deceased member of the fund shall receive a monthly pension 1798  
until the child attains the age of eighteen years, or marries, 1799  
whichever event occurs first. A pension under this division, 1800

however, shall continue to be payable to a child under age 1801  
twenty-two who is a student in and attending an institution of 1802  
learning or training pursuant to a program designed to complete 1803  
in each school year the equivalent of at least two-thirds of the 1804  
full-time curriculum requirements of the institution, as 1805  
determined by the board. 1806

(b) Except as provided in division (E) (2) of this section, 1807  
effective January 1, 2017, each surviving child of a deceased 1808  
member of the fund shall receive a monthly pension until the 1809  
child attains twenty-two years of age or marries, whichever 1810  
event occurs first. 1811

Benefits to a surviving child who is at least eighteen 1812  
years of age but under twenty-two years of age that under a 1813  
former version of this section never commenced or were 1814  
terminated due to a lack of attendance at an institution of 1815  
learning or training and not commenced or resumed before January 1816  
1, 2017, shall commence or resume on the first day of the month 1817  
immediately following receipt by the board of an application on 1818  
a form provided by the board if the application is received on 1819  
or before December 31, 2017. These benefits terminate on the 1820  
child attaining twenty-two years of age. 1821

(2) If any surviving child, regardless of age at the time 1822  
of the member's death, because of physical or mental disability, 1823  
is totally dependent upon the deceased member for support at the 1824  
time of death, the child shall receive a monthly pension under 1825  
this division during the child's natural life or until the child 1826  
has recovered from the disability. 1827

~~(2)~~ (3) An eligible surviving child shall receive a 1828  
monthly pension as follows: 1829

(a) For the period beginning July 1, 2001, and ending June 30, 2002, a monthly pension of one hundred fifty dollars plus the cost of living increase that was determined under former section 742.3720 of the Revised Code;

(b) For the period beginning July 1, 2002, and ending June 30, 2003, one hundred sixty-three dollars and fifty cents;

(c) For the period beginning July 1, 2003, and the period beginning the first day of each July thereafter and continuing for the following twelve months, an amount equal to the monthly amount paid during the prior twelve-month period plus four dollars and fifty cents.

(F) (1) If a deceased member of the fund leaves no surviving spouse or surviving children, but leaves one or two parents dependent upon the deceased member for support, each parent shall be paid a monthly pension. The pensions provided for in this division shall be paid during the natural life of the surviving parents, or until dependency ceases, or until remarriage, whichever event occurs first.

(2) Each eligible surviving parent shall be paid a monthly pension as follows:

(a) For the period ending June 30, 2002, one hundred six dollars for each parent or two hundred twelve dollars for a sole dependent parent;

(b) For the period beginning July 1, 2002, and ending June 30, 2003, one hundred nine dollars for each parent or two hundred eighteen dollars for a sole dependent parent;

(c) For the period beginning July 1, 2003, and the first day of each July thereafter and continuing for the following twelve months, an amount equal to the monthly amount paid during



the prior twelve-month period plus three dollars for each parent 1859  
or six dollars for a sole dependent parent. 1860

(G) (1) Subject to the provisions of section 742.461 of the 1861  
Revised Code, a member of the fund who voluntarily resigns or is 1862  
removed from active service in a police or fire department is 1863  
entitled to receive an amount equal to the sums deducted from 1864  
the member's salary and credited to the member's account in the 1865  
fund, ~~except that a~~ if all of the following apply: 1866

(a) The member is not receiving a disability benefit or 1867  
service pension ~~is not entitled to receive any return of~~ 1868  
~~contributions to~~ from the fund; 1869

(b) Two months have elapsed since the member's active 1870  
service in a police or fire department was terminated; 1871

(c) The member has not returned to active service in a 1872  
police or fire department during that two-month period. 1873

The payment of such accumulated contributions shall cancel 1874  
the member's total service credit in the Ohio police and fire 1875  
pension fund. 1876

(2) A member described in division (G) (1) of this section 1877  
who is married at the time of application for payment and would 1878  
be eligible for age and service retirement under this section or 1879  
section 742.39 of the Revised Code but for a forfeiture ordered 1880  
under division (A) or (B) of section 2929.192 of the Revised 1881  
Code shall submit with the application a written statement by 1882  
the member's spouse attesting that the spouse consents to the 1883  
payment of the member's accumulated contributions. Consent shall 1884  
be valid only if it is signed and witnessed by a notary public. 1885  
The board may waive the requirement of consent if the spouse is 1886  
incapacitated or cannot be located, or for any other reason 1887

specified by the board. Consent or waiver is effective only with 1888  
regard to the spouse who is the subject of the consent or 1889  
waiver. 1890

(H) On and after January 1, 1970, all pensions shall be 1891  
increased in accordance with the following provisions: 1892

(1) A member of the fund who retired prior to January 1, 1893  
1967, has attained age sixty-five on January 1, 1970, and was 1894  
receiving a pension on December 31, 1969, pursuant to division 1895  
(B) or (C) (1) of this section or former division (C) (2), (3), 1896  
(4), or (5) of this section, shall have the pension increased by 1897  
ten per cent. 1898

(2) The monthly pension payable to eligible surviving 1899  
spouses under division (D) of this section shall be increased by 1900  
forty dollars for each surviving spouse receiving a pension on 1901  
December 31, 1969. 1902

(3) The monthly pension payable to each eligible child 1903  
under division (E) of this section shall be increased by ten 1904  
dollars for each child receiving a pension on December 31, 1969. 1905

(4) The monthly pension payable to each eligible dependent 1906  
parent under division (F) of this section shall be increased by 1907  
thirty dollars for each parent receiving a pension on December 1908  
31, 1969. 1909

(5) A member of the fund, including a survivor of a 1910  
member, who is receiving a pension in accordance with the rules 1911  
governing the granting of pensions and benefits in force on 1912  
April 1, 1947, that provide an increase in the original pension 1913  
from time to time pursuant to changes in the salaries of active 1914  
members, shall not be eligible for the benefits provided in this 1915  
division. 1916

(I) On and after January 1, 1977, a member of the fund who  
was receiving a pension or benefit on December 31, 1973, under  
division (A), (B), (C) (1), or former division (C) (2) or (7) of  
this section shall have the pension or benefit increased as  
follows:

(1) If the member's annual pension or benefit is less than  
two thousand seven hundred dollars, it shall be increased to  
three thousand dollars.

(2) If the member's annual pension or benefit is two  
thousand seven hundred dollars or more, it shall be increased by  
three hundred dollars.

The following shall not be eligible to receive increased  
pensions or benefits as provided in this division:

(a) A member of the fund who is receiving a pension or  
benefit in accordance with the rules in force on April 1, 1947,  
governing the granting of pensions and benefits, which provide  
an increase in the original pension or benefit from time to time  
pursuant to changes in the salaries of active members;

(b) A member of the fund who is receiving a pension or  
benefit under division (A) or (B) of this section, based on  
funded volunteer or funded part-time service, or off-duty  
disability, or partial on-duty disability, or early vested  
service;

(c) A member of the fund who is receiving a pension under  
division (C) (1) of this section, based on funded volunteer or  
funded part-time service.

(J) On and after July 1, 1977, a member of the fund who  
was receiving an annual pension or benefit on December 31, 1973,  
pursuant to division (B) of this section, based upon partial

disability, off-duty disability, or early vested service, or 1946  
pursuant to former division (C) (3), (5), or (6) of this section, 1947  
shall have such annual pension or benefit increased by three 1948  
hundred dollars. 1949

The following are not eligible to receive the increase 1950  
provided by this division: 1951

(1) A member of the fund who is receiving a pension or 1952  
benefit in accordance with the rules in force on April 1, 1947, 1953  
governing the granting of pensions and benefits, which provide 1954  
an increase in the original pension or benefit from time to time 1955  
pursuant to changes in the salaries of active members; 1956

(2) A member of the fund who is receiving a pension or 1957  
benefit under division (B) or (C) (2) of this section or former 1958  
division (C) (3), (5), or (6) of this section based on volunteer 1959  
or part-time service. 1960

(K) (1) Except as otherwise provided in this division, 1961  
every person who on July 24, 1986, is receiving an age and 1962  
service or disability pension, allowance, or benefit pursuant to 1963  
this chapter in an amount less than thirteen thousand dollars a 1964  
year that is based upon an award made effective prior to 1965  
February 28, 1984, shall receive an increase of six hundred 1966  
dollars a year or the amount necessary to increase the pension 1967  
or benefit to four thousand two hundred dollars after all 1968  
adjustments required by this section, whichever is greater. 1969

(2) Division (K) (1) of this section does not apply to the 1970  
following: 1971

(a) A member of the fund who is receiving a pension or 1972  
benefit in accordance with rules in force on April 1, 1947, that 1973  
govern the granting of pensions and benefits and that provide an 1974

increase in the original pension or benefit from time to time 1975  
pursuant to changes in the salaries of active members; 1976

(b) A member of the fund who is receiving a pension or 1977  
benefit based on funded volunteer or funded part-time service. 1978

(L) On and after July 24, 1986: 1979

(1) The pension of each person receiving a pension under 1980  
division (D) of this section on July 24, 1986, shall be 1981  
increased to three hundred ten dollars per month. 1982

(2) The pension of each person receiving a pension under 1983  
division (E) of this section on July 24, 1986, shall be 1984  
increased to ninety-three dollars per month. 1985

**Sec. 742.3711.** (A) On application for retirement as 1986  
provided in section 742.37 or 742.39 of the Revised Code, a 1987  
member of the fund may elect to receive a retirement allowance 1988  
payable throughout the member's life, or may elect, on the 1989  
application for retirement, to receive the actuarial equivalent 1990  
of the member's retirement allowance in a lesser amount payable 1991  
for life and continuing after death to a surviving designated 1992  
beneficiary under one of the following optional plans, provided 1993  
the amount payable to the beneficiary shall not exceed the 1994  
amount payable to the retiring member of the fund, and is 1995  
certified by the actuary engaged by the board of trustees of the 1996  
Ohio police and fire pension fund to be the actuarial equivalent 1997  
of the member's retirement allowance and is approved by the 1998  
board. 1999

(1) Option 1. The member's lesser retirement allowance 2000  
shall be paid for life to the sole beneficiary designated at the 2001  
time of the member's retirement. 2002

(2) Option 2. One-half or some other portion of the 2003

member's lesser retirement allowance shall be paid for life to 2004  
the sole beneficiary designated at the time of the member's 2005  
retirement. 2006

(3) Option 3. Upon the member's death before the 2007  
expiration of a certain period from the retirement date and 2008  
elected by the member and approved by the retirement board, the 2009  
member's lesser retirement allowance shall be continued for the 2010  
remainder of that period to the beneficiary the member has 2011  
designated in writing filed with the retirement board. 2012

Should the member's designated beneficiary die prior to 2013  
the expiration of the guarantee period, then for the purpose of 2014  
completing payment for the remainder of the guarantee period, 2015  
the present value of such payments shall be paid to the estate 2016  
of the beneficiary last receiving. 2017

(4) Option 4. The member's lesser retirement allowance or 2018  
a portion of the lesser retirement allowance shall be paid for 2019  
life to two, three, or four surviving beneficiaries designated 2020  
at the time of the member's retirement, in such portions as 2021  
specified at retirement. If the member elects this plan as 2022  
required by a court order issued under section 3105.171 or 2023  
3105.65 of the Revised Code or the laws of another state 2024  
regarding the division of marital property and compliance with 2025  
the court order requires the allocation of a portion less than 2026  
ten per cent to any beneficiary, the member shall allocate a 2027  
portion less than ten per cent to that beneficiary in accordance 2028  
with that order. In all other circumstances, no portion 2029  
allocated under this plan of payment shall be less than ten per 2030  
cent. The total of the portions allocated shall not exceed one 2031  
hundred per cent of the member's lesser allowance. 2032

(B) (1) The death of a spouse designated as beneficiary or 2033

the death of any other designated beneficiary following a 2034  
member's retirement or election under section 742.44 of the 2035  
Revised Code to participate in the deferred retirement option 2036  
plan shall cancel the portion of the optional plan of payment 2037  
providing continuing lifetime benefits to the deceased 2038  
designated beneficiary. The member of the fund shall receive the 2039  
actuarial equivalent of the member's single lifetime benefit, as 2040  
determined by the board, based on the number of remaining 2041  
beneficiaries, with no change in the amount payable to any 2042  
remaining beneficiary. The change shall be effective the month 2043  
following receipt by the board of notice of the death. 2044

(2) On divorce, annulment, or marriage dissolution, a 2045  
member receiving a retirement allowance under a plan that 2046  
provides for continuation of all or part of the allowance after 2047  
death for the lifetime of the member's surviving spouse may, 2048  
with the written consent of the spouse or pursuant to an order 2049  
of the court with jurisdiction over the termination of the 2050  
marriage, elect to cancel the portion of the plan providing 2051  
continuing lifetime benefits to that spouse. The member shall 2052  
receive the actuarial equivalent of the member's single lifetime 2053  
benefit as determined by the board based on the number of 2054  
remaining beneficiaries, with no change in amount payable to any 2055  
remaining beneficiary. The election shall be made on a form 2056  
provided by the board and shall be effective the month following 2057  
its receipt by the board. 2058

(C) (1) Following marriage or remarriage, both of the 2059  
following apply: 2060

(a) A member of the fund receiving a retirement allowance 2061  
under section 742.37 or 742.39 of the Revised Code may elect not 2062  
later than one year after the date of marriage or remarriage a 2063

new optional plan of payment based on the actuarial equivalent 2064  
of the member's single lifetime benefit as determined by the 2065  
board. 2066

(b) If a member is receiving a retirement allowance 2067  
pursuant to a plan of payment providing for payment to a former 2068  
spouse pursuant to a court order described in division (D)(1)(c) 2069  
of this section and the board has received a copy of the order 2070  
described in that division, the member may elect a new plan of 2071  
payment under "option 4" based on the actuarial equivalent of 2072  
the retirant's single lifetime retirement allowance as 2073  
determined by the board if the new plan of payment elected does 2074  
not reduce the payment to the former spouse. 2075

(2) A plan elected under this division and the member's 2076  
lesser retirement allowance shall become effective on the date 2077  
of receipt by the board of an application on a form approved by 2078  
the board. 2079

(D)(1) Unless one of the following occurs, an application 2080  
for retirement by a married person shall be considered an 2081  
election of a benefit under option 2 as provided for in division 2082  
(A)(2) of this section under which one-half of the lesser 2083  
retirement allowance payable during the life of the retirant 2084  
will be paid after death to the retirant's spouse for life as 2085  
sole beneficiary: 2086

(a) The retirant selects an optional plan under division 2087  
(A) of this section providing for payment after death to the 2088  
retirant's spouse for life as sole beneficiary of more than one- 2089  
half of the lesser retirement allowance payable during the life 2090  
of the retirant; 2091

(b) The retirant submits to the board a written statement 2092



signed by the spouse attesting that the spouse consents to the 2093  
retirant's election to receive a single lifetime retirement 2094  
allowance or a payment under an optional benefit plan under 2095  
which after the death of the retirant the surviving spouse will 2096  
receive less than one-half of the lesser retirement allowance 2097  
payable during the life of the retirant; 2098

(c) A plan of payment providing for payment in a specified 2099  
amount continuing after the retirant's death to a former spouse 2100  
is required by a court order issued prior to the effective date 2101  
of the retirant's retirement under section 3105.171 or 3105.65 2102  
of the Revised Code or the laws of another state regarding 2103  
division of marital property. 2104

(d) If a retirant is subject to division (D) (1) (c) of this 2105  
section and the board has received a copy of the order described 2106  
in that division, the board shall accept the retirant's election 2107  
of a plan of payment under this section only if the retirant 2108  
complies with both of the following: 2109

(i) The retirant elects a plan of payment that is in 2110  
accordance with the order described in division (D) (1) (c) of 2111  
this section. 2112

(ii) If the retirant is married, the retirant elects 2113  
"option 4" and designates the retirant's current spouse as a 2114  
beneficiary under that plan unless that spouse consents in 2115  
writing to not being designated a beneficiary under any plan of 2116  
payment or the board waives the requirement that the current 2117  
spouse consent. 2118

(2) An application for retirement shall include an 2119  
explanation of all of the following: 2120

(a) That, if the member is married, unless the spouse 2121

consents to another plan of payment or there is a court order 2122  
dividing marital property issued under section 3105.171 or 2123  
3105.65 of the Revised Code or the laws of another state 2124  
regarding the division of marital property that provides for 2125  
payment in a specified amount, the member's retirement allowance 2126  
will be paid under "option 2" and consist of the actuarial 2127  
equivalent of the member's retirement allowance in a lesser 2128  
amount payable for life and one-half of the lesser allowance 2129  
continuing after death to the surviving spouse for the life of 2130  
the spouse; 2131

(b) A description of the alternative plans of payment 2132  
available with the consent of the spouse; 2133

(c) That the spouse may consent to another plan of payment 2134  
and the procedure for giving consent; 2135

(d) That consent is irrevocable once notice of consent is 2136  
filed with the board. 2137

Consent shall be valid only if it is signed, in writing, 2138  
and witnessed by an employee of the board or a notary public. 2139

(3) If the retirant does not select an optional plan as 2140  
described in division (D) (1) (a) of this section and the board 2141  
does not receive the written statement provided for in division 2142  
(D) (1) (b) of this section, it shall determine and pay the 2143  
retirement allowance in accordance with division (A) (2) of this 2144  
section, except that the board may provide by rule for waiver by 2145  
the board of the statement and payment of the allowance other 2146  
than in accordance with division (A) (2) of this section if the 2147  
retirant is unable to obtain the statement due to absence or 2148  
incapacity of the spouse or other cause specified by the board. 2149

(E) A member of the fund who has elected an optional plan 2150

under this section or section 742.3715 of the Revised Code may, 2151  
with the consent of the designated beneficiary, cancel the 2152  
optional plan and receive the retirement allowance payable 2153  
throughout life the member would have received had the member 2154  
not elected the optional plan, if the member makes a request to 2155  
cancel the optional plan not later than one year after the later 2156  
of September 9, 1988, or the date on which the member first 2157  
receives a payment under this section or section 742.3715 of the 2158  
Revised Code. Cancellation of the optional plan shall be 2159  
effective the month after acceptance of the request by the 2160  
trustees of the fund. No payment or adjustment shall be made in 2161  
the retirement allowance payable throughout the member's life to 2162  
compensate for the lesser allowance the member received under 2163  
the optional plan. 2164

The request to cancel the optional plan shall be made on a 2165  
form provided by the fund and shall be valid only if the 2166  
completed form includes a signed statement of the designated 2167  
beneficiary's understanding of and consent to the cancellation. 2168  
The signature shall be verified by the trustees of the fund 2169  
prior to their acceptance of the cancellation. 2170

(F) Any option elected and payments made under this 2171  
section shall be in addition to any benefit payable under 2172  
divisions (D), (E), and (F) of section 742.37 of the Revised 2173  
Code. 2174

(G) A person is eligible to receive a benefit increase 2175  
under this division if the person is receiving a retirement 2176  
allowance or benefit under an optional plan elected under this 2177  
section or section 742.3715 of the Revised Code based on an 2178  
award made prior to July 24, 1986. A person is not eligible to 2179  
receive an increase under this division if the person is 2180

receiving a pension or benefit in accordance with rules in force 2181  
on April 1, 1947, that govern the granting of pensions and 2182  
benefits and that provide an increase in the original pension or 2183  
benefit from time to time pursuant to changes in the salaries of 2184  
active members. 2185

The board shall annually increase all benefits payable 2186  
under this section or section 742.3715 of the Revised Code to 2187  
eligible persons by the actuarial equivalent of three hundred 2188  
sixty dollars, except that no benefit shall exceed the limit 2189  
established by section 415 of the "Internal Revenue Code of 2190  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 2191

The first increase is payable to all eligible persons on 2192  
July 1, 1988. The increase is payable for the ensuing twelve- 2193  
month period or until the next increase is granted under this 2194  
section, whichever is later. 2195

The date of the first increase payable under this section 2196  
shall be the anniversary date for future increases. 2197

If payment of a portion of a benefit is made to an 2198  
alternate payee under section 742.462 of the Revised Code, 2199  
increases under this division granted while the order is in 2200  
effect shall be apportioned between the alternate payee and the 2201  
benefit recipient in the same proportion that the amount being 2202  
paid to the alternate payee bears to the amount paid to the 2203  
benefit recipient. 2204

If payment of a portion of a retirement allowance is made 2205  
to one or more beneficiaries under "option 4" under division (A) 2206  
(4) of section 742.3711 of the Revised Code, each increase under 2207  
this division granted while the plan of payment is in effect 2208  
shall be divided among the designated beneficiaries in 2209

accordance with the portion each beneficiary has been allocated. 2210

**Sec. 742.47.** Except as provided in sections 742.461, 2211  
742.462, 742.463, 742.464, 3105.171, 3105.65, and 3115.501 and 2212  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, 2213  
sums of money due or to become due to any individual from the 2214  
Ohio police and fire pension fund are not liable to attachment, 2215  
garnishment, the operation of bankruptcy or insolvency laws, 2216  
levy, or seizure under any legal or equitable process or any 2217  
other process of law whatsoever, whether those sums remain with 2218  
the treasurer of the fund or any officer or agent of the board 2219  
of trustees of the fund or are in the course of transmission to 2220  
the individual entitled to them, but shall inure wholly to the 2221  
benefit of that individual. 2222

**Sec. 742.50.** As used in this section, "member's 2223  
contribution" means the total amount deducted from the salary of 2224  
a member of the Ohio police and fire pension fund and credited 2225  
to the member's account in the fund. 2226

If a member of the fund dies before receiving pension and 2227  
benefit payments from the fund in an amount equal to the 2228  
member's contribution and leaves no surviving spouse, surviving 2229  
children, or dependent parent eligible for monthly pension 2230  
payments under section 742.37 of the Revised Code, the board of 2231  
trustees of the Ohio police and fire pension fund shall pay to 2232  
the estate of such deceased member an amount equal to the 2233  
member's contribution, less the total amount received by such 2234  
member as benefit or pension payments from such fund. 2235

If a member who dies before receiving pension and benefit 2236  
payments from the fund in an amount equal to the member's 2237  
contribution leaves one or more survivors eligible for monthly 2238  
pension payments under section 742.37 of the Revised Code but 2239

the total amount paid all survivors under that section is less 2240  
than the member's contribution, the fund shall pay to the 2241  
survivors or their estates, in equal shares, an amount equal to 2242  
the member's contribution, less the total amount received by the 2243  
member and all survivors as benefit or pension payments from the 2244  
fund. 2245

If the accumulated contributions of a deceased member are 2246  
not claimed by a survivor, or by the estate of the deceased 2247  
member or survivor, within seven years, they shall be 2248  
transferred to the guarantee fund and thereafter paid to such 2249  
survivor or to the estate of the member or survivor upon 2250  
application to the board. 2251

**Sec. 742.63.** The board of trustees of the Ohio police and 2252  
fire pension fund shall adopt rules for the management of the 2253  
Ohio public safety officers death benefit fund and for 2254  
disbursements of benefits as set forth in this section. 2255

(A) As used in this section: 2256

(1) "Member" means all of the following: 2257

(a) A member of the Ohio police and fire pension fund, 2258  
including a member of the fund who has elected to participate in 2259  
the deferred retirement option plan established under section 2260  
742.43 of the Revised Code or a member of or contributor to a 2261  
police or firemen's relief and pension fund established under 2262  
former Chapter 521. or 741. of the Revised Code; 2263

(b) A member of the state highway patrol retirement 2264  
system, including a member who is participating in the deferred 2265  
retirement option plan established under section 5505.50 of the 2266  
Revised Code; 2267

(c) A member of the public employees retirement system who 2268

|   |                              |
|---|------------------------------|
| at the time of the member's death was one of the following:   | 2269                         |
| (i) A county sheriff or deputy sheriff;   | 2270                         |
| (ii) A full-time regular police officer in a municipal corporation or township;   | 2271<br>2272                 |
| (iii) A full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision; | 2273<br>2274<br>2275<br>2276 |
| (iv) A full-time park district ranger or patrol trooper;  | 2277                         |
| (v) A full-time law enforcement officer of the department of natural resources;   | 2278<br>2279                 |
| (vi) A full-time department of public safety enforcement agent;   | 2280<br>2281                 |
| (vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;  | 2282<br>2283<br>2284         |
| (viii) A full-time law enforcement officer of a conservancy district;   | 2285<br>2286                 |
| (ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;                | 2287<br>2288<br>2289         |
| (x) A state university law enforcement officer;   | 2290                         |
| (xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation;     | 2291<br>2292<br>2293         |
| (xii) A drug agent, as defined in section 145.01 of the Revised Code;   | 2294<br>2295                 |

|   |  |
|---|--|
| (xiii) A gaming agent, as defined in section 3772.01 of the Revised Code;   | 2296<br>2297   |
| (xiv) An employee of the department of taxation who has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.   | 2298<br>2299<br>2300<br>2301   |
| (d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.   | 2302<br>2303<br>2304<br>2305   |
| (2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the police force of a state university. | 2306<br>2307<br>2308<br>2309<br>2310<br>2311<br>2312<br>2313<br>2314<br>2315<br>2316<br>2317<br>2318<br>2319<br>2320<br>2321<br>2322 |
| (3) "Firefighter or police officer" includes a state highway patrol trooper, a county sheriff or deputy sheriff, a correction officer at an institution under the control of a  | 2323<br>2324<br>2325   |



county, a group of counties, a municipal corporation, or the 2326  
department of rehabilitation and correction, a police officer 2327  
employed by a township or municipal corporation, a firefighter 2328  
employed by the state, an instrumentality of the state, a 2329  
municipal corporation, a township, a joint fire district, or 2330  
another political subdivision, a full-time park district ranger 2331  
or patrol trooper, a full-time law enforcement officer of the 2332  
department of natural resources, a full-time department of 2333  
public safety enforcement agent, a full-time law enforcement 2334  
officer of parks, waterway lands, or reservoir lands under the 2335  
control of a municipal corporation, a full-time law enforcement 2336  
officer of a conservancy district, and a state university law 2337  
enforcement officer. 2338

(4) "Correction officer" includes, in addition to any 2339  
correction officer, any correction corporal, sergeant, 2340  
lieutenant, or captain, and the equivalents of all such persons. 2341

(5) "A park district ranger or patrol trooper" means a 2342  
peace officer commissioned to make arrests, execute warrants, 2343  
and preserve the peace upon lands under the control of a board 2344  
of park commissioners of a metropolitan, county, or township 2345  
park district. 2346

(6) "Metropolitan, county, or township park district" 2347  
means a park district created under the authority of Chapter 2348  
511. or 1545. of the Revised Code. 2349

(7) "Conservancy district" means a conservancy district 2350  
created under the authority of Chapter 6101. of the Revised 2351  
Code. 2352

(8) "Law enforcement officer" means an officer 2353  
commissioned to make arrests, execute warrants, and preserve the 2354

peace upon lands under the control of the governmental entity 2355  
granting the commission. 2356

(9) "Department of natural resources law enforcement 2357  
officer" includes a forest officer designated pursuant to 2358  
section 1503.29 of the Revised Code, a preserve officer 2359  
designated pursuant to section 1517.10 of the Revised Code, a 2360  
wildlife officer designated pursuant to section 1531.13 of the 2361  
Revised Code, a park officer designated pursuant to section 2362  
1541.10 of the Revised Code, and a state watercraft officer 2363  
designated pursuant to section 1547.521 of the Revised Code. 2364

(10) "Retirement eligibility date" means the last day of 2365  
the month in which a deceased member would have first become 2366  
eligible, had the member lived, for the retirement pension 2367  
provided under section 145.332, Chapter 145., 521., or 741., 2368  
division (C)(1) of section 742.37, or division (A)(1) of section 2369  
5505.17 of the Revised Code or provided by a retirement system 2370  
operated by a municipal corporation. 2371

(11) "Death benefit amount" means an amount equal to the 2372  
full monthly salary received by a deceased member prior to 2373  
death, minus an amount equal to the benefit received under 2374  
section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code 2375  
or the benefit received from a retirement system operated by a 2376  
municipal corporation, plus any increases in salary that would 2377  
have been granted the deceased member. 2378

(12) "Killed in the line of duty" means either of the 2379  
following: 2380

(a) Death in the line of duty; 2381

(b) Death from injury sustained in the line of duty, 2382  
including heart attack or other fatal injury or illness caused 2383

while in the line of duty. 2384

(B) A spouse of a deceased member shall receive a death 2385  
benefit each month equal to the full death benefit amount, 2386  
provided that the deceased member was a firefighter or police 2387  
officer killed in the line of duty and there are no surviving 2388  
children eligible for a benefit under this section. The spouse 2389  
shall receive this benefit during the spouse's natural life 2390  
until the deceased member's retirement eligibility date, on 2391  
which date the benefit provided under this division shall 2392  
terminate. 2393

(C) (1) If a member killed in the line of duty as a 2394  
firefighter or police officer is survived only by a child or 2395  
children, the child or children shall receive a benefit each 2396  
month equal to the full death benefit amount. If there is more 2397  
than one surviving child, the benefit shall be divided equally 2398  
among these children. 2399

(2) If the death benefit paid under this division is 2400  
divided among two or more surviving children and any of the 2401  
children become ineligible to continue receiving a portion of 2402  
the benefit as provided in division (H) of this section, the 2403  
full death benefit amount shall be paid to the remaining 2404  
eligible child or divided among the eligible children so that 2405  
the benefit paid to the remaining eligible child or children 2406  
equals the full death benefit amount. 2407

(3) Notwithstanding divisions (C) (1) and (2) of this 2408  
section, all death benefits paid under this division shall 2409  
terminate on the deceased member's retirement eligibility date. 2410

(D) If a member killed in the line of duty as a 2411  
firefighter or police officer is survived by both a spouse and a 2412

child or children, the monthly benefit provided shall be as 2413  
follows: 2414

(1) (a) If there is a surviving spouse and one surviving 2415  
child, the spouse shall receive an amount each month equal to 2416  
one-half of the full death benefit amount and the child shall 2417  
receive an amount equal to one-half of the full death benefit 2418  
amount. 2419

(b) If the surviving spouse dies or the child becomes 2420  
ineligible as provided in division (H) of this section, the 2421  
surviving spouse or child remaining eligible shall receive the 2422  
full death benefit amount. 2423

(2) (a) If there is a surviving spouse and more than one 2424  
child, the spouse shall receive an amount each month equal to 2425  
one-third of the full death benefit amount and the children 2426  
shall receive an amount, equally divided among them, equal to 2427  
two-thirds of the full death benefit amount. 2428

(b) If a spouse and more than one child each are receiving 2429  
a death benefit under division (D) (2) (a) of this section and the 2430  
spouse dies, the children shall receive an amount each month, 2431  
equally divided among them, equal to the full death benefit 2432  
amount. 2433

(c) If a spouse and more than one child each are receiving 2434  
a benefit under division (D) (2) (a) of this section and any of 2435  
the children becomes ineligible to receive a benefit as provided 2436  
in division (H) of this section, the spouse and remaining 2437  
eligible child or children shall receive a death benefit as 2438  
follows: 2439

(i) If there are two or more remaining eligible children, 2440  
the spouse shall receive an amount each month equal to one-third 2441

of the full death benefit amount and the children shall receive 2442  
an amount each month, equally divided among them, equal to two- 2443  
thirds of the full death benefit amount; 2444

(ii) If there is one remaining eligible child, the spouse 2445  
shall receive an amount each month equal to one-half of the full 2446  
death benefit amount, and the child shall receive an amount each 2447  
month equal to one-half of the full death benefit amount. 2448

(d) If a spouse and more than one child each are receiving 2449  
a benefit under division (D) (2) (a) of this section and all of 2450  
the children become ineligible to receive a benefit as provided 2451  
in division (H) of this section, the spouse shall receive the 2452  
full death benefit amount. 2453

(3) Notwithstanding divisions (D) (1) and (2) of this 2454  
section, death benefits paid under this division to a surviving 2455  
spouse shall terminate on the member's retirement eligibility 2456  
date. Death benefits paid to a surviving child or children shall 2457  
terminate on the deceased member's retirement eligibility date 2458  
unless earlier terminated pursuant to division (H) of this 2459  
section. 2460

(E) If a member, on or after January 1, 1980, is killed in 2461  
the line of duty as a firefighter or police officer and is 2462  
survived by only a parent or parents dependent upon the member 2463  
for support, the parent or parents shall receive an amount each 2464  
month equal to the full death benefit amount. If there is more 2465  
than one surviving parent dependent upon the deceased member for 2466  
support, the death benefit amount shall be divided equally among 2467  
the surviving parents. On the death of one of the surviving 2468  
parents, the full death benefit amount shall be paid to the 2469  
other parent. 2470

(F) (1) The following shall receive a monthly death benefit 2471  
under this division: 2472

(a) A surviving spouse whose benefits are terminated in 2473  
accordance with division (B) or (D) (3) of this section on the 2474  
deceased member's retirement eligibility date, or who would 2475  
qualify for a benefit under division (B) or (D) of this section 2476  
except that the deceased member reached the member's retirement 2477  
eligibility date prior to the member's death; 2478

(b) A qualified surviving spouse of a deceased member of 2479  
or contributor to a police or firemen's relief and pension fund 2480  
established under former Chapter 521. or 741. of the Revised 2481  
Code who was a firefighter or police officer killed in the line 2482  
of duty. 2483

(2) The monthly death benefit shall be one-half of an 2484  
amount equal to the monthly salary received by the deceased 2485  
member prior to the member's death, plus any salary increases 2486  
the deceased member would have received prior to the member's 2487  
retirement eligibility date. The benefit shall terminate on the 2488  
surviving spouse's death. A death benefit payable under this 2489  
division shall be reduced by an amount equal to any allowance or 2490  
benefit payable to the surviving spouse under section 742.3714 2491  
of the Revised Code. 2492

(3) A benefit granted to a surviving spouse under division 2493  
(F) (1) (b) of this section shall commence on the first day of the 2494  
month immediately following receipt by the board of a completed 2495  
application on a form provided by the board and any evidence the 2496  
board may require to establish that the deceased spouse was 2497  
killed in the line of duty. 2498

(G) (1) If there is not a surviving spouse eligible to 2499

receive a death benefit under division (F) of this section or 2500  
the surviving spouse receiving a death benefit under that 2501  
division dies, a surviving child or children whose benefits 2502  
under division (C) or (D) of this section are or have been 2503  
terminated pursuant to division (C)(3) or (D)(3) of this section 2504  
or who would qualify for a benefit under division (C) or (D) of 2505  
this section except that the deceased member reached the 2506  
member's retirement eligibility date prior to the member's death 2507  
shall receive a monthly death benefit under this division. The 2508  
monthly death benefit shall be one-half of an amount equal to 2509  
the monthly salary received by the deceased member prior to the 2510  
member's death, plus any salary increases the member would have 2511  
received prior to the member's retirement eligibility date. If 2512  
there is more than one surviving child, the benefit shall be 2513  
divided equally among the surviving children. 2514

(2) If two or more surviving children each are receiving a 2515  
benefit under this division and any of those children becomes 2516  
ineligible to continue receiving a benefit as provided in 2517  
division (H) of this section, the remaining eligible child or 2518  
children shall receive an amount equal to one-half of the 2519  
monthly salary received by the deceased member prior to death, 2520  
plus any salary increases the deceased member would have 2521  
received prior to the retirement eligibility date. If there is 2522  
more than one remaining eligible child, the benefit shall be 2523  
divided equally among the eligible children. 2524

(3) A death benefit, or portion of a death benefit, 2525  
payable to a surviving child under this division shall be 2526  
reduced by an amount equal to any allowance or benefit payable 2527  
to that child under section 742.3714 of the Revised Code, but 2528  
the reduction in that child's benefit shall not affect the 2529  
amount payable to any other surviving child entitled to a 2530

portion of the death benefit. 2531

~~(H) A~~ (1) Except as provided in division (H) (3) of this 2532  
section, before January 1, 2017, a death benefit paid to a 2533  
surviving child under division (C), (D), or (G) of this section 2534  
shall terminate on the earlier of the death of the child or ~~7~~ 2535  
~~unless one of the following is the case, when the child reaches~~ 2536  
attaining age eighteen ~~;~~ , unless the 2537

~~(1) The child, because of physical or mental disability,~~ 2538  
~~is unable to provide the child's own support, in which case the~~ 2539  
~~death benefit shall terminate when the disability is removed;~~ 2540

~~(2) The child is unmarried, under age twenty-two, and a~~ 2541  
~~student in and is attending an institution of learning or~~ 2542  
training pursuant to a program designed to complete in each 2543  
school year the equivalent of at least two-thirds of the full- 2544  
time curriculum requirements of the institution, as determined 2545  
by the trustees of the fund. 2546

(2) Except as provided in division (H) (3) of this section, 2547  
effective January 1, 2017, a death benefit paid to a surviving 2548  
child under division (C), (D), or (G) of this section shall 2549  
terminate on the earlier of the death of the child, the child 2550  
attaining twenty-two years of age, or marriage. 2551

Benefits to a surviving child who is at least eighteen 2552  
years of age but under twenty-two years of age that under a 2553  
former version of this section never commenced or were 2554  
terminated due to a lack of attendance at an institution of 2555  
learning or training and not commenced or resumed before January 2556  
1, 2017, shall commence or resume on the first day of the month 2557  
immediately following receipt by the board of an application on 2558  
a form provided by the board if the application is received on 2559



or before December 31, 2017. These benefits terminate on the 2560  
child attaining twenty-two years of age. 2561

(3) If, regardless of age, a surviving child who at the 2562  
time of the member's death because of physical or mental 2563  
disability is totally dependent upon the deceased member for 2564  
support at the time of death, the death benefit shall terminate 2565  
on the child's death or when the child has recovered from the 2566  
disability. 2567

(I) Acceptance of any death benefit under this section 2568  
does not prohibit a spouse or child from receiving other 2569  
benefits provided under the Ohio police and fire pension fund, 2570  
the state highway patrol retirement system, the public employees 2571  
retirement system, or a retirement system operated by a 2572  
municipal corporation. 2573

(J) No person shall receive a benefit under this section 2574  
if any of the following occur: 2575

(1) The person fails to exercise the right to a monthly 2576  
survivor benefit under division (A) or (B) of section 145.45, 2577  
division (D), (E), or (F) of section 742.37, or division (A)(3), 2578  
(4), or (6) of section 5505.17 of the Revised Code; to a monthly 2579  
survivor benefit from a retirement system operated by a 2580  
municipal corporation; or to a retirement allowance under 2581  
section 742.3714 of the Revised Code. 2582

(2) The member's accumulated contributions under this 2583  
chapter or Chapter 145. or 5505. of the Revised Code are 2584  
refunded unless the member had been a member of the public 2585  
employees retirement system and had fewer than eighteen months 2586  
of total service credit at the time of death. 2587

(3) In the case of a full-time park district ranger or 2588

patrol trooper, a full-time law enforcement officer of the 2589  
department of natural resources, a full-time law enforcement 2590  
officer of parks, waterway lands, or reservoir lands under the 2591  
control of a municipal corporation, a full-time law enforcement 2592  
officer of a conservancy district, a correction officer at an 2593  
institution under the control of a county, group of counties, or 2594  
municipal corporation, or a member of a retirement system 2595  
operated by a municipal corporation who at the time of the 2596  
member's death was a full-time law enforcement officer of parks, 2597  
waterway lands, or reservoir lands under the control of the 2598  
municipal corporation, the member died prior to April 9, 1981, 2599  
in the case of a benefit under division (B), (C), or (D) of this 2600  
section, or prior to January 1, 1980, in the case of a benefit 2601  
under division (E) of this section. 2602

(4) In the case of a full-time department of public safety 2603  
enforcement agent who prior to June 30, 1999, was a liquor 2604  
control investigator of the department of public safety, the 2605  
member died prior to December 23, 1986; 2606

(5) In the case of a full-time department of public safety 2607  
enforcement agent other than an enforcement agent who, prior to 2608  
June 30, 1999, was a liquor control investigator, the member 2609  
died prior to June 30, 1999. 2610

(K) A surviving spouse whose benefit was terminated prior 2611  
to June 30, 1999, due to remarriage shall receive a benefit 2612  
under division (B), (D), or (F) of this section beginning on the 2613  
first day of the month following receipt by the board of an 2614  
application on a form provided by the board. The benefit amount 2615  
shall be determined as of that date. 2616

(1) If the benefit will begin prior to the deceased 2617  
member's retirement eligibility date, it shall be paid under 2618

division (B) or (D) of this section and shall terminate as 2619  
provided in those divisions. A benefit paid to a surviving 2620  
spouse under division (D) of this section shall be determined in 2621  
accordance with that division, even if benefits paid to 2622  
surviving children are reduced as a result. 2623

(2) If the benefit will begin on or after the deceased 2624  
member's retirement eligibility date, it shall be paid under 2625  
division (F) of this section and shall terminate as provided in 2626  
that division. A benefit paid to a surviving spouse under 2627  
division (F) of this section shall be determined in accordance 2628  
with that division, even if benefits paid to surviving children 2629  
are terminated as a result. 2630

**Sec. 3305.052.** (A) The state retirement system that covers 2631  
the position held by an employee of a public institution of 2632  
higher education who makes an election under division (B) (2) or 2633  
(3) of section 3305.05 or division (B) of section 3305.051 of 2634  
the Revised Code to participate in the public institution's 2635  
alternative retirement plan shall, not later than thirty days 2636  
after the date on which the certified copy of the employee's 2637  
election is filed with the state retirement system under that 2638  
section, do one of the following: 2639

(1) If the employee was participating in a defined benefit 2640  
plan as provided in sections 145.201 to 145.79, sections 3307.50 2641  
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 2642  
pay to the provider of the investment option selected by the 2643  
employee any employee and employer contributions made to the 2644  
retirement system by or on behalf of that employee for the 2645  
period beginning on the employee's starting day of employment 2646  
and ending on the day before the day on which contributions 2647  
commence under an alternative retirement plan, less the amount 2648

due the retirement system pursuant to division (D) of section 2649  
3305.06 ~~or 3305.062~~ of the Revised Code for that period. 2650

(2) If the employee was participating in a defined 2651  
contribution plan as provided in section 145.81, 3307.81, or 2652  
3309.81 of the Revised Code, pay to the provider of the 2653  
investment option selected by the employee the amount on deposit 2654  
in the employee's individual account for the period beginning on 2655  
the employee's starting day of employment and ending on the day 2656  
before the day on which contributions commence under an 2657  
alternative retirement plan. 2658

(B) The state retirement system that covers the position 2659  
held by an employee of a public institution of higher education 2660  
who makes an election under division (B) (1) of section 3305.05 2661  
or division (C) of section 3305.051 of the Revised Code to 2662  
participate in the public institution's alternative retirement 2663  
plan shall, not later than thirty days after the date on which a 2664  
certified copy of the employee's election is filed with the 2665  
state retirement system under that section, do one of the 2666  
following: 2667

(1) If the employee was participating in a defined benefit 2668  
plan as provided in sections 145.201 to 145.79, sections 3307.50 2669  
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 2670  
pay to the provider of the investment option selected by the 2671  
employee any employee and employer contributions made to the 2672  
retirement system by or on behalf of that employee for any 2673  
period commencing after the date on which the election becomes 2674  
irrevocable under division (C) (1) of section 3305.05 of the 2675  
Revised Code or the applicable date described in division (C) (2) 2676  
(a) or (b) of section 3305.051 of the Revised Code and ending on 2677  
the day before the day on which contributions commence under an 2678

alternative retirement plan, less the amount due the retirement 2679  
system pursuant to division (D) of section 3305.06 ~~or 3305.062~~ 2680  
of the Revised Code for that period. 2681

(2) If the employee was participating in a defined 2682  
contribution plan as provided in section 145.81, 3307.81, or 2683  
3309.81 of the Revised Code, pay to the provider of the 2684  
investment option selected by the employee the amount on deposit 2685  
in the employee's individual account for the period commencing 2686  
after the date on which the election becomes irrevocable under 2687  
division (C) (1) of section 3305.05 of the Revised Code and 2688  
ending on the day before the day on which contributions commence 2689  
under an alternative retirement plan. 2690

**Sec. 3305.06.** (A) Each electing employee shall contribute 2691  
an amount, which shall be a certain percentage of the employee's 2692  
compensation, to the provider of the investment option the 2693  
employee has selected. This percentage shall be the percentage 2694  
the electing employee would have otherwise been required to 2695  
contribute to the state retirement system that applies to the 2696  
employee's position, except that the percentage shall not be 2697  
less than three per cent. Employee contributions under this 2698  
division may be treated as employer contributions in accordance 2699  
with Internal Revenue Code 414(h). 2700

(B) Each public institution of higher education employing 2701  
an electing employee shall contribute a percentage of the 2702  
employee's compensation to the provider of the investment option 2703  
the employee has selected. This percentage shall be equal to the 2704  
percentage that the public institution of higher education would 2705  
otherwise contribute on behalf of that employee to the state 2706  
retirement system that would otherwise cover that employee's 2707  
position, less the percentage contributed by the public 2708

institution of higher education under division (D) of this 2709  
section. 2710

(C) (1) In no event shall the amount contributed by the 2711  
electing employee pursuant to division (A) of this section and 2712  
on the electing employee's behalf pursuant to division (B) of 2713  
this section be less than the amount necessary to qualify the 2714  
plan as a state retirement system pursuant to Internal Revenue 2715  
Code 3121(b) (7) and the regulations adopted thereunder. 2716

(2) The full amount of the electing employee's 2717  
contribution under division (A) of this section and the full 2718  
amount of the employer's contribution made on behalf of that 2719  
employee under division (B) of this section shall be paid to the 2720  
appropriate provider for application to the electing employee's 2721  
investment option. 2722

(D) Each public institution of higher education employing 2723  
an electing employee shall contribute on behalf of that employee 2724  
to the state retirement system that otherwise applies to the 2725  
electing employee's position a percentage of the electing 2726  
employee's compensation to mitigate any negative financial 2727  
impact of the alternative retirement program on the state 2728  
retirement system. The percentage shall be ~~six per cent, except~~ 2729  
~~that the percentage may be adjusted by the Ohio retirement study~~ 2730  
~~council to reflect the determinations made~~ determined by the 2731  
actuarial studies study conducted under section ~~171.07-145.222,~~ 2732  
~~3307.514, or 3309.212~~ of the Revised Code, as applicable. 2733  
~~Any~~ adjustment shall become effective on the first day of the second 2734  
month following submission of the actuarial study to the Ohio 2735  
board of regents under section ~~171.07~~ of the Revised Code. 2736

~~Contributions on behalf of an electing employee shall~~ 2737  
~~continue in accordance with this division until the occurrence~~ 2738

~~of the following:~~ 2739

~~(1) If the electing employee would be subject to Chapter 145. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, until the unfunded actuarial accrued liability for all benefits, except health care benefits provided under section 145.58 or 145.584 of the Revised Code and benefit increases provided after March 31, 1997, is fully amortized, as determined by the annual actuarial valuation prepared under section 145.22 of the Revised Code;~~ 2740  
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~~(2) If the electing employee would be subject to Chapter 3307. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, until the unfunded actuarial accrued liability for all benefits, except health care benefits provided under section 3307.39 of the Revised Code and benefit increases provided after March 31, 1997, is fully amortized, as determined by the annual actuarial valuation prepared under section 3307.51 of the Revised Code;~~ 2749  
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~~(3) If the electing employee would be subject to Chapter 3309. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, until the unfunded actuarial accrued liability for all benefits, except health care benefits provided under section 3309.375 or 3309.69 of the Revised Code and benefit increases provided after March 31, 1997, is fully amortized, as determined by the annual actuarial valuation prepared under section 3309.21 of the Revised Code.~~ 2757  
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**Sec. 3307.01.** As used in this chapter: 2766

(A) "Employer" means the board of education, school 2767

district, governing authority of any community school 2768  
established under Chapter 3314. of the Revised Code, a science, 2769  
technology, engineering, and mathematics school established 2770  
under Chapter 3326. of the Revised Code, college, university, 2771  
institution, or other agency within the state by which a teacher 2772  
is employed and paid. 2773

(B) (1) "Teacher" means all of the following: 2774

(a) Any person paid from public funds and employed in the 2775  
public schools of the state under any type of contract described 2776  
in section 3311.77 or 3319.08 of the Revised Code in a position 2777  
for which the person is required to have a license issued 2778  
pursuant to sections 3319.22 to 3319.31 of the Revised Code; 2779

(b) Except as provided in division (B) (2) (b) or (c) of 2780  
this section, any person employed as a teacher or faculty member 2781  
in a community school or a science, technology, engineering, and 2782  
mathematics school pursuant to Chapter 3314. or 3326. of the 2783  
Revised Code; 2784

(c) Any person having a license issued pursuant to 2785  
sections 3319.22 to 3319.31 of the Revised Code and employed in 2786  
a public school in this state in an educational position, as 2787  
determined by the state board of education, under programs 2788  
provided for by federal acts or regulations and financed in 2789  
whole or in part from federal funds, but for which no licensure 2790  
requirements for the position can be made under the provisions 2791  
of such federal acts or regulations; 2792

(d) Any other teacher or faculty member employed in any 2793  
school, college, university, institution, or other agency wholly 2794  
controlled and managed, and supported in whole or in part, by 2795  
the state or any political subdivision thereof, including 2796



Central state university, Cleveland state university, and the 2797  
university of Toledo; 2798

(e) The educational employees of the department of 2799  
education, as determined by the state superintendent of public 2800  
instruction. 2801

In all cases of doubt, the state teachers retirement board 2802  
shall determine whether any person is a teacher, and its 2803  
decision shall be final. 2804

(2) "Teacher" does not include any of the following: 2805

(a) Any eligible employee of a public institution of 2806  
higher education, as defined in section 3305.01 of the Revised 2807  
Code, who elects to participate in an alternative retirement 2808  
plan established under Chapter 3305. of the Revised Code; 2809

(b) Any person employed by a community school operator, as 2810  
defined in section 3314.02 of the Revised Code, if on or before 2811  
February 1, 2016, the school's operator was withholding and 2812  
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 2813  
and 3111(a) for persons employed in the school as teachers, 2814  
unless the person had contributing service in a community school 2815  
in the state within one year prior to the later of February 1, 2816  
2016, or the date on which the operator for the first time 2817  
withholds and pays employee and employer taxes pursuant to 26 2818  
U.S.C. 3101(a) and 3111(a) for that person; 2819

(c) Any person who would otherwise be a teacher under 2820  
division (B) (2) (b) of this section who terminates employment 2821  
with a community school operator and has no contributing service 2822  
in a community school in the state for a period of at least one 2823  
year from the date of termination of employment. 2824

(C) "Member" means any person included in the membership 2825

of the state teachers retirement system, which shall consist of 2826  
all teachers and contributors as defined in divisions (B) and 2827  
(D) of this section and all disability benefit recipients, as 2828  
defined in section 3307.50 of the Revised Code. However, for 2829  
purposes of this chapter, the following persons shall not be 2830  
considered members: 2831

(1) A student, intern, or resident who is not a member 2832  
while employed part-time by a school, college, or university at 2833  
which the student, intern, or resident is regularly attending 2834  
classes; 2835

(2) A person denied membership pursuant to section 3307.24 2836  
of the Revised Code; 2837

(3) An other system retirant, as defined in section 2838  
3307.35 of the Revised Code, or a superannuate; 2839

(4) An individual employed in a program established 2840  
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 2841  
(1982), 29 U.S.C.A. 1501; 2842

(5) The surviving spouse of a member or retirant if the 2843  
surviving spouse's only connection to the retirement system is 2844  
an account in an STRS defined contribution plan. 2845

(D) "Contributor" means any person who has an account in 2846  
the teachers' savings fund or defined contribution fund, except 2847  
that "contributor" does not mean a member or retirant's 2848  
surviving spouse with an account in an STRS defined contribution 2849  
plan. 2850

(E) "Beneficiary" means any person eligible to receive, or 2851  
in receipt of, a retirement allowance or other benefit provided 2852  
by this chapter. 2853

(F) "Year" means the year beginning the first day of July 2854  
and ending with the thirtieth day of June next following, except 2855  
that for the purpose of determining final average salary under 2856  
the plan described in sections 3307.50 to 3307.79 of the Revised 2857  
Code, "year" may mean the contract year. 2858

(G) "Local district pension system" means any school 2859  
teachers pension fund created in any school district of the 2860  
state in accordance with the laws of the state prior to 2861  
September 1, 1920. 2862

(H) "Employer contribution" means the amount paid by an 2863  
employer, as determined by the employer rate, including the 2864  
normal and deficiency rates, contributions, and funds wherever 2865  
used in this chapter. 2866

(I) "Five years of service credit" means employment 2867  
covered under this chapter and employment covered under a former 2868  
retirement plan operated, recognized, or endorsed by a college, 2869  
institute, university, or political subdivision of this state 2870  
prior to coverage under this chapter. 2871

(J) "Actuary" means an actuarial professional contracted 2872  
with or employed by the state teachers retirement board, who 2873  
shall be either of the following: 2874

(1) A member of the American academy of actuaries; 2875

(2) A firm, partnership, or corporation of which at least 2876  
one person is a member of the American academy of actuaries. 2877

(K) "Fiduciary" means a person who does any of the 2878  
following: 2879

(1) Exercises any discretionary authority or control with 2880  
respect to the management of the system, or with respect to the 2881

management or disposition of its assets; 2882

(2) Renders investment advice for a fee, direct or 2883  
indirect, with respect to money or property of the system; 2884

(3) Has any discretionary authority or responsibility in 2885  
the administration of the system. 2886

(L) (1) (a) Except as provided in this division, 2887  
"compensation" means all salary, wages, and other earnings paid 2888  
to a teacher by reason of the teacher's employment, including 2889  
compensation paid pursuant to a supplemental contract. The 2890  
salary, wages, and other earnings shall be determined prior to 2891  
determination of the amount required to be contributed to the 2892  
teachers' savings fund or defined contribution fund under 2893  
section 3307.26 of the Revised Code and without regard to 2894  
whether any of the salary, wages, or other earnings are treated 2895  
as deferred income for federal income tax purposes. 2896

(b) Except as provided in division (L) (1) (c) of this 2897  
section, "compensation" includes amounts paid by an employer as 2898  
a retroactive payment of earnings, damages, or back pay pursuant 2899  
to a court order, court-adopted settlement agreement, or other 2900  
settlement agreement if the retirement system receives both of 2901  
the following: 2902

(i) Teacher and employer contributions under sections 2903  
3307.26 and 3307.28 of the Revised Code, plus interest 2904  
compounded annually at a rate determined by the state teachers 2905  
retirement board, for each year or portion of a year for which 2906  
amounts are paid under the order or agreement; 2907

(ii) Teacher and employer contributions under sections 2908  
3307.26 and 3307.28 of the Revised Code, plus interest 2909  
compounded annually at a rate determined by the board, for each 2910

year or portion of a year not subject to division (L) (1) (b) (i) 2911  
of this section for which the board determines the teacher was 2912  
improperly paid, regardless of the teacher's ability to recover 2913  
on such amounts improperly paid. 2914

(c) If any portion of an amount paid by an employer as a 2915  
retroactive payment of earnings, damages, or back pay is for an 2916  
amount, benefit, or payment described in division (L) (2) of this 2917  
section, that portion of the amount is not compensation under 2918  
this section. 2919

(2) Compensation does not include any of the following: 2920

(a) Payments for accrued but unused sick leave or personal 2921  
leave, including payments made under a plan established pursuant 2922  
to section 124.39 of the Revised Code or any other plan 2923  
established by the employer; 2924

(b) Payments made for accrued but unused vacation leave, 2925  
including payments made pursuant to section 124.13 of the 2926  
Revised Code or a plan established by the employer; 2927

(c) Payments made for vacation pay covering concurrent 2928  
periods for which other salary, compensation, or benefits under 2929  
this chapter or Chapter 145. or 3309. of the Revised Code are 2930  
paid; 2931

(d) Amounts paid by the employer to provide life 2932  
insurance, sickness, accident, endowment, health, medical, 2933  
hospital, dental, or surgical coverage, or other insurance for 2934  
the teacher or the teacher's family, or amounts paid by the 2935  
employer to the teacher in lieu of providing the insurance; 2936

(e) Incidental benefits, including lodging, food, laundry, 2937  
parking, or services furnished by the employer, use of the 2938  
employer's property or equipment, and reimbursement for job- 2939

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|---|------|
| related expenses authorized by the employer, including moving       | 2940 |
| and travel expenses and expenses related to professional            | 2941 |
| development;  | 2942 |
| (f) Payments made by the employer in exchange for a                 | 2943 |
| member's waiver of a right to receive any payment, amount, or       | 2944 |
| benefit described in division (L) (2) of this section;              | 2945 |
| (g) Payments by the employer for services not actually              | 2946 |
| rendered;   | 2947 |
| (h) Any amount paid by the employer as a retroactive                | 2948 |
| increase in salary, wages, or other earnings, unless the            | 2949 |
| increase is one of the following:                                   | 2950 |
| (i) A retroactive increase paid to a member employed by a           | 2951 |
| school district board of education in a position that requires a    | 2952 |
| license designated for teaching and not designated for being an     | 2953 |
| administrator issued under section 3319.22 of the Revised Code      | 2954 |
| that is paid in accordance with uniform criteria applicable to      | 2955 |
| all members employed by the board in positions requiring the        | 2956 |
| licenses;   | 2957 |
| (ii) A retroactive increase paid to a member employed by a          | 2958 |
| school district board of education in a position that requires a    | 2959 |
| license designated for being an administrator issued under          | 2960 |
| section 3319.22 of the Revised Code that is paid in accordance      | 2961 |
| with uniform criteria applicable to all members employed by the     | 2962 |
| board in positions requiring the licenses;                          | 2963 |
| (iii) A retroactive increase paid to a member employed by           | 2964 |
| a school district board of education as a superintendent that is    | 2965 |
| also paid as described in division (L) (2) (h) (i) of this section; | 2966 |
| (iv) A retroactive increase paid to a member employed by            | 2967 |
| an employer other than a school district board of education in      | 2968 |

accordance with uniform criteria applicable to all members 2969  
employed by the employer. 2970

(i) Payments made to or on behalf of a teacher that are in 2971  
excess of the annual compensation that may be taken into account 2972  
by the retirement system under division (a) (17) of section 401 2973  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 2974  
U.S.C.A. 401(a) (17), as amended. For a teacher who first 2975  
establishes membership before July 1, 1996, the annual 2976  
compensation that may be taken into account by the retirement 2977  
system shall be determined under division (d) (3) of section 2978  
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 2979  
L. No. 103-66, 107 Stat. 472. 2980

(j) Payments made under division (B), (C), or (E) of 2981  
section 5923.05 of the Revised Code, Section 4 of Substitute 2982  
Senate Bill No. 3 of the 119th general assembly, Section 3 of 2983  
Amended Substitute Senate Bill No. 164 of the 124th general 2984  
assembly, or Amended Substitute House Bill No. 405 of the 124th 2985  
general assembly; 2986

(k) Anything of value received by the teacher that is 2987  
based on or attributable to retirement or an agreement to 2988  
retire; 2989

~~(l) Any amount paid by the employer as a retroactive 2990  
payment of earnings, damages, or back pay pursuant to a court- 2991  
order, court-adopted settlement agreement, or other settlement- 2992  
agreement, unless the retirement system receives both of the 2993  
following:- 2994~~

~~(i) Teacher and employer contributions under sections 2995  
3307.26 and 3307.28 of the Revised Code, plus interest 2996  
compounded annually at a rate determined by the board, for each 2997~~

~~year or portion of a year for which amounts are paid under the  
order or agreement;~~ 2998  
2999

~~(ii) Teacher and employer contributions under sections  
3307.26 and 3307.28 of the Revised Code, plus interest  
compounded annually at a rate determined by the board, for each  
year or portion of a year not subject to division (L) (2) (1) (i)  
of this section for which the board determines the teacher was  
improperly paid, regardless of the teacher's ability to recover  
on such amounts improperly paid.~~ 3000  
3001  
3002  
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(3) The retirement board shall determine both of the 3007  
following: 3008

(a) Whether particular forms of earnings are included in 3009  
any of the categories enumerated in this division; 3010

(b) Whether any form of earnings not enumerated in this 3011  
division is to be included in compensation. 3012

Decisions of the board made under this division shall be 3013  
final. 3014

(M) "Superannuate" means both of the following: 3015

(1) A former teacher receiving from the system a 3016  
retirement allowance under section 3307.58 or 3307.59 of the 3017  
Revised Code; 3018

(2) A former teacher receiving a benefit from the system 3019  
under a plan established under section 3307.81 of the Revised 3020  
Code, except that "superannuate" does not include a former 3021  
teacher who is receiving a benefit based on disability under a 3022  
plan established under section 3307.81 of the Revised Code. 3023

For purposes of sections 3307.35 and 3307.353 of the 3024  
Revised Code, "superannuate" also means a former teacher 3025



receiving from the system a combined service retirement benefit 3026  
paid in accordance with section 3307.57 of the Revised Code, 3027  
regardless of which retirement system is paying the benefit. 3028

(N) "STRS defined benefit plan" means the plan described 3029  
in sections 3307.50 to 3307.79 of the Revised Code. 3030

(O) "STRS defined contribution plan" means the plans 3031  
established under section 3307.81 of the Revised Code and 3032  
includes the STRS combined plan under that section. 3033

(P) "Faculty" means the teaching staff of a university, 3034  
college, or school, including any academic administrators. 3035

Sec. 3307.131. Any action brought against the state 3036  
teachers retirement system or the state teachers retirement 3037  
board or its officers, employees, or board members in their 3038  
official capacities shall be brought in the appropriate court in 3039  
Franklin county, Ohio. 3040

**Sec. 3307.15.** (A) The members of the state teachers 3041  
retirement board shall be the trustees of the funds created by 3042  
section 3307.14 of the Revised Code. The board shall have full 3043  
power to invest the funds. The board and other fiduciaries shall 3044  
discharge their duties with respect to the funds solely in the 3045  
interest of the participants and beneficiaries; for the 3046  
exclusive purpose of providing benefits to participants and 3047  
their beneficiaries and defraying reasonable expenses of 3048  
administering the system; with care, skill, prudence, and 3049  
diligence under the circumstances then prevailing that a prudent 3050  
person acting in a like capacity and familiar with these matters 3051  
would use in the conduct of an enterprise of a like character 3052  
and with like aims; and by diversifying the investments of the 3053  
system so as to minimize the risk of large losses, unless under 3054

the circumstances it is clearly prudent not to do so. 3055

To facilitate investment of the funds, the board may 3056  
establish a partnership, trust, limited liability company, 3057  
corporation, including a corporation exempt from taxation under 3058  
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 3059  
amended, or any other legal entity authorized to transact 3060  
business in this state. 3061

(B) In exercising its fiduciary responsibility with 3062  
respect to the investment of the funds, it shall be the intent 3063  
of the board to give consideration to investments that enhance 3064  
the general welfare of the state and its citizens where the 3065  
investments offer quality, return, and safety comparable to 3066  
other investments currently available to the board. In 3067  
fulfilling this intent, equal consideration shall also be given 3068  
to investments otherwise qualifying under this section that 3069  
involve minority owned and controlled firms and firms owned and 3070  
controlled by women, either alone or in joint venture with other 3071  
firms. 3072

The board shall adopt, in regular meeting, policies, 3073  
objectives, or criteria for the operation of the investment 3074  
program that include asset allocation targets and ranges, risk 3075  
factors, asset class benchmarks, time horizons, total return 3076  
objectives, and performance evaluation guidelines. In adopting 3077  
policies and criteria for the selection of agents with whom the 3078  
board may contract for the administration of the funds, the 3079  
board shall comply with sections 3307.152 and 3307.154 of the 3080  
Revised Code and shall also give equal consideration to minority 3081  
owned and controlled firms, firms owned and controlled by women, 3082  
and ventures involving minority owned and controlled firms and 3083  
firms owned and controlled by women that otherwise meet the 3084

policies and criteria established by the board. Amendments and 3085  
additions to the policies and criteria shall be adopted in 3086  
regular meeting. The board shall publish its policies, 3087  
objectives, and criteria under this provision no less often than 3088  
annually and shall make copies available to interested parties. 3089

When reporting on the performance of investments, the 3090  
board shall comply with the performance presentation standards 3091  
established by the ~~association for investment management and~~ 3092  
~~research~~ CFA institute. 3093

(C) All bonds, notes, certificates, stocks, or other 3094  
evidences of investments purchased by the board shall be 3095  
delivered to the treasurer of state, who is hereby designated as 3096  
custodian thereof, or to the treasurer of state's authorized 3097  
agent, and the treasurer of state or the agent shall collect the 3098  
principal, interest, dividends, and distributions that become 3099  
due and payable and place them when so collected into the 3100  
custodial funds. Evidences of title of the investments may be 3101  
deposited by the treasurer of state for safekeeping with an 3102  
authorized agent, selected by the treasurer of state, who is a 3103  
qualified trustee under section 135.18 of the Revised Code. The 3104  
treasurer of state shall pay for the investments purchased by 3105  
the board on receipt of written or electronic instructions from 3106  
the board or the board's designated agent authorizing the 3107  
purchase and pending receipt of the evidence of title of the 3108  
investment by the treasurer of state or the treasurer of state's 3109  
authorized agent. The board may sell investments held by the 3110  
board, and the treasurer of state or the treasurer of state's 3111  
authorized agent shall accept payment from the purchaser and 3112  
deliver evidence of title of the investment to the purchaser on 3113  
receipt of written or electronic instructions from the board or 3114  
the board's designated agent authorizing the sale, and pending 3115

receipt of the moneys for the investments. The amount received 3116  
shall be placed into the custodial funds. The board and the 3117  
treasurer of state may enter into agreements to establish 3118  
procedures for the purchase and sale of investments under this 3119  
division and the custody of the investments. 3120

(D) No purchase or sale of any investment shall be made 3121  
under this section except as authorized by the board. 3122

(E) Any statement of financial position distributed by the 3123  
board shall include the fair value, as of the statement date, of 3124  
all investments held by the board under this section. 3125

**Sec. 3307.35.** (A) As used in this section and section 3126  
3307.352 of the Revised Code, "other system retirant" means 3127  
either of the following: 3128

(1) A member or former member of the public employees 3129  
retirement system, Ohio police and fire pension fund, school 3130  
employees retirement system, state highway patrol retirement 3131  
system, or Cincinnati retirement system who is receiving from a 3132  
system of which the retirant is a member or former member age 3133  
and service or commuted age and service retirement, a benefit, 3134  
allowance, or distribution under a plan established under 3135  
section 145.81 or 3309.81 of the Revised Code, or a disability 3136  
benefit; 3137

(2) A person who is participating or has participated in 3138  
an alternative retirement plan established under Chapter 3305. 3139  
of the Revised Code and is receiving a benefit, allowance, or 3140  
distribution under the plan. 3141

(B) Subject to this section and section 3307.353 of the 3142  
Revised Code, a superannuate or other system retirant may be 3143  
employed as a teacher. 3144

(C) A superannuate or other system retirant employed in 3145  
accordance with this section shall contribute to the state 3146  
teachers retirement system in accordance with section 3307.26 of 3147  
the Revised Code and the employer shall contribute in accordance 3148  
with sections 3307.28 and 3307.31 of the Revised Code. Such 3149  
contributions shall be received as specified in section 3307.14 3150  
of the Revised Code. A superannuate or other system retirant 3151  
employed as a teacher is not a member of the state teachers 3152  
retirement system, does not have any of the rights, privileges, 3153  
or obligations of membership, except as provided in this 3154  
section, and is not eligible to receive health, medical, 3155  
hospital, or surgical benefits under section 3307.39 of the 3156  
Revised Code for employment subject to this section. 3157

(D) The employer that employs a superannuate or other 3158  
system retirant shall notify the state teachers retirement board 3159  
of the employment not later than the end of the month in which 3160  
the employment commences. Any overpayment of benefits to a 3161  
superannuate by the retirement system resulting from an 3162  
employer's failure to give timely notice may be charged to the 3163  
employer and may be certified and deducted as provided in 3164  
section 3307.31 of the Revised Code. 3165

(E) On receipt of notice from an employer that a person 3166  
who is an other system retirant has been employed, the state 3167  
teachers retirement system shall notify the state retirement 3168  
system of which the other system retirant was a member of such 3169  
employment. 3170

(F) A superannuate or other system retirant who has 3171  
received an allowance or benefit for less than two months when 3172  
employment subject to this section or section 3305.05 of the 3173  
Revised Code commences shall forfeit the allowance or benefit 3174

for any month the superannuate or retirant is employed prior to 3175  
the expiration of such period. The allowance or benefit 3176  
forfeited each month shall be equal to the monthly amount the 3177  
superannuate or other system retirant is eligible to receive 3178  
under a single lifetime benefit plan of payment described in 3179  
division (A) of section 3307.60 of the Revised Code. 3180

Contributions shall be made to the retirement system from the 3181  
first day of such employment, but service and contributions for 3182  
that period shall not be used in the calculation of any benefit 3183  
payable to the superannuate or other system retirant, and those 3184  
contributions shall be refunded on the superannuate's or 3185  
retirant's death or termination of the employment. Contributions 3186  
made on compensation earned after the expiration of such period 3187  
shall be used in calculation of the benefit or payment due under 3188  
section 3307.352 of the Revised Code. 3189

For purposes of this division, "employment" does not 3190  
include uncompensated volunteer work if the position is 3191  
different from the superannuate's or other system retirant's 3192  
position with the employer by which the superannuate or retirant 3193  
was employed at the time of retirement. 3194

(G) On receipt of notice from the Ohio police and fire 3195  
pension fund, public employees retirement system, ~~or~~ school 3196  
employees retirement system, or Cincinnati retirement system of 3197  
the re-employment of a superannuate, the state teachers 3198  
retirement system shall not pay, or if paid shall recover, the 3199  
amount to be forfeited by the superannuate in accordance with 3200  
section 145.38, 742.26, or 3309.341 of the Revised Code or any 3201  
requirement of the Cincinnati retirement system. 3202

(H) If the disability benefit of an other system retirant 3203  
employed under this section is terminated, the retirant shall 3204

become a member of the state teachers retirement system, 3205  
effective on the first day of the month next following the 3206  
termination, with all the rights, privileges, and obligations of 3207  
membership. If the retirant, after the termination of the 3208  
retirant's disability benefit, earns two years of service credit 3209  
under this retirement system or under the public employees 3210  
retirement system, Ohio police and fire pension fund, school 3211  
employees retirement system, or state highway patrol retirement 3212  
system, the retirant's prior contributions as an other system 3213  
retirant under this section shall be included in the retirant's 3214  
total service credit, as defined in section 3307.50 of the 3215  
Revised Code, as a state teachers retirement system member, and 3216  
the retirant shall forfeit all rights and benefits of this 3217  
section. Not more than one year of credit may be given for any 3218  
period of twelve months. 3219

(I) This section does not affect the receipt of benefits 3220  
by or eligibility for benefits of any person who on August 20, 3221  
1976, was receiving a disability benefit or service retirement 3222  
pension or allowance from a state or municipal retirement system 3223  
in Ohio and was a member of any other state or municipal 3224  
retirement system of this state. 3225

(J) The state teachers retirement board may make the 3226  
necessary rules to carry into effect this section and to prevent 3227  
the abuse of the rights and privileges thereunder. 3228

Sec. 3307.354. The state teachers retirement board may 3229  
establish a plan under which any contributions described in 3230  
section 3307.352 of the Revised Code are invested at the 3231  
direction of a superannuate or other system retirant in 3232  
accordance with investment options established by the board. 3233

If the board establishes a plan, the state teachers 3234

retirement system shall transfer a superannuate's or other 3235  
system retirant's contributions to the plan. 3236

**Sec. 3307.48.** (A) As used in this section, "disability 3237  
benefit recipient" means a recipient of a disability benefit 3238  
under any of the following: 3239

(1) Section 3307.63 of the Revised Code; 3240

(2) Section 3307.631 of the Revised Code; 3241

(3) The STRS combined plan. 3242

(B) A disability benefit recipient, notwithstanding 3243  
section 3319.13 of the Revised Code, shall retain membership in 3244  
the state teachers retirement system and shall be considered on 3245  
leave of absence during the first five years following the 3246  
effective date of a disability benefit. 3247

(C) The state teachers retirement board shall require any 3248  
disability benefit recipient to submit to an annual medical 3249  
examination by a physician selected by the board, except that 3250  
the board may forgo the medical examination if the board's 3251  
physician determines that the recipient's disability is ongoing 3252  
or may require additional examinations if the board's physician 3253  
determines that additional information should be obtained. If a 3254  
disability benefit recipient refuses to submit to a medical 3255  
examination, the recipient's disability benefit shall be 3256  
suspended until the recipient withdraws the refusal. If the 3257  
refusal continues for one year or the disability benefit is 3258  
terminated for any reason during the one-year period, all the 3259  
recipient's rights under and to the disability benefit shall be 3260  
terminated as of the effective date of the original suspension. 3261

After the examination, the examiner shall report and 3262  
certify to the board whether the disability benefit recipient is 3263



no longer physically and mentally incapable of resuming the 3264  
service from which the recipient was found disabled. If the 3265  
board concurs in a report by the examining physician that the 3266  
disability benefit recipient is no longer incapable, the board 3267  
shall order termination of payment of a disability benefit ~~not~~ 3268  
~~later than the following thirty-first day of August or as~~ 3269  
follows: 3270

(1) Immediately upon employment as a teacher ~~prior~~ 3271  
~~thereto;~~ 3272

(2) If the leave of absence has not expired and the 3273  
recipient is not employed as a teacher, the later of the last 3274  
day of the third month following the board's termination or the 3275  
following thirty-first day of August; 3276

(3) If the leave of absence has expired and the recipient 3277  
is not employed as a teacher, the last day of the third month 3278  
following the board's termination. 3279

The board shall provide notice to the recipient of the 3280  
board's order. At the request of the recipient, a hearing on the 3281  
order shall be conducted in accordance with procedures 3282  
established by the board. If the leave of absence has not 3283  
expired, the board shall so certify to the disability benefit 3284  
recipient's last employer before being found disabled that the 3285  
recipient is no longer physically and mentally incapable of 3286  
resuming service that is the same or similar to that from which 3287  
the recipient was found disabled. If the recipient was under 3288  
contract at the time the recipient was found disabled, the 3289  
employer by the first day of the next succeeding year shall 3290  
restore the recipient to the recipient's previous position and 3291  
salary or to a position and salary similar thereto, unless the 3292  
recipient was dismissed or resigned in lieu of dismissal for 3293

dishonesty, misfeasance, malfeasance, or conviction of a felony. 3294

(D) An individual receiving a disability benefit from the 3295  
system shall be ineligible to perform any teaching service, as 3296  
defined by the board. A disability benefit shall immediately 3297  
terminate if the disability benefit recipient performs any 3298  
teaching service in this state or elsewhere. The board shall 3299  
notify the recipient that the benefit is terminated. The 3300  
recipient may submit, not later than thirty days after the date 3301  
the notice is sent, to the board information specifying that the 3302  
disability recipient did not perform teaching services while 3303  
receiving disability benefits along with any supporting evidence 3304  
available to the recipient. The board shall review the 3305  
information and any accompanying evidence to determine whether 3306  
the individual performed teaching services. The board may 3307  
designate an individual to review the information and submit a 3308  
recommendation to the board. The board shall determine whether 3309  
the benefit was correctly terminated. If not, the benefit shall 3310  
be reinstated and any missed payments paid to the recipient. The 3311  
board's decision is final. 3312

(E) If any employer should employ or reemploy a disability 3313  
benefit recipient prior to the termination of a disability 3314  
benefit, the employer shall file notice of employment with the 3315  
board designating the date of the employment. If the disability 3316  
benefit recipient received a disability benefit and performed 3317  
teaching services for all or any part of the same month, the 3318  
recipient shall repay to the annuity and pension reserve fund 3319  
the amount of the disability benefit received by the recipient 3320  
from the beginning of employment. 3321

(F) Each disability benefit recipient shall file with the 3322  
board an annual statement of earnings, current medical 3323

information on the recipient's condition, and any other 3324  
information required in rules adopted by the board. The board 3325  
may waive the requirement that a disability benefit recipient 3326  
file an annual statement of earnings or current medical 3327  
information if the board's physician certifies that the 3328  
recipient's disability is ongoing. 3329

The board shall annually examine the information submitted 3330  
by the recipient. If a disability benefit recipient refuses to 3331  
file the statement or information, the disability benefit shall 3332  
be suspended until the statement and information are filed. If 3333  
the refusal continues for one year or the disability benefit is 3334  
terminated for any reason during the one-year period, the 3335  
recipient's right to the disability benefit shall be terminated 3336  
as of the effective date of the original suspension. 3337

(G) A disability benefit ~~also~~ may be terminated by the 3338  
board at the request of the disability benefit recipient. 3339

(H) If disability retirement under section 3307.63 of the 3340  
Revised Code is terminated for any reason, the annuity and 3341  
pension reserves at that time in the annuity and pension reserve 3342  
fund shall be transferred to the teachers' savings fund and the 3343  
employers' trust fund, respectively. If the total disability 3344  
benefit paid was less than the amount of the accumulated 3345  
contributions of the member transferred to the annuity and 3346  
pension reserve fund at the time of the member's disability 3347  
retirement, then the difference shall be transferred from the 3348  
annuity and pension reserve fund to another fund as required. In 3349  
determining the amount of a member's account following the 3350  
termination of disability retirement for any reason, the total 3351  
amount paid shall be charged against the member's refundable 3352  
account. 3353

(I) If a disability allowance paid under section 3307.631 3354  
of the Revised Code is terminated for any reason, the reserve on 3355  
the allowance at that time in the annuity and pension reserve 3356  
fund shall be transferred from that fund to the employers' trust 3357  
fund. 3358

~~If a~~ (J) A former disability benefit recipient shall 3359  
receive credit for the period as a disability benefit recipient 3360  
if either of the following occurs: 3361

(1) The former disability recipient again becomes a 3362  
contributor, other than as an other system retirant under 3363  
section 3307.35 of the Revised Code, to this retirement system, ~~7~~ 3364  
in the STRS defined benefit plan or to the school employees 3365  
retirement system, 7 or the public employees retirement system, 3366  
and completes at least two additional years of service credit, ~~7~~ 3367  
~~the former disability benefit recipient shall receive credit for~~ 3368  
~~the period as a disability benefit recipient;~~ 3369

(2) The former disability benefit recipient again becomes 3370  
a contributor, other than as an other system retirant under 3371  
section 3307.35 of the Revised Code, to this retirement system 3372  
in the STRS defined contribution plan and completes at least two 3373  
additional years of service credit. 3374

Credit may be received for more than one period of leave 3375  
as a disability benefit recipient, except that for credit 3376  
received on or after July 1, 2013, the total number of years 3377  
received shall not exceed the lesser of the years of 3378  
contributing service following the termination of disability 3379  
benefits or five years of total service credit. 3380

**Sec. 3307.501.** (A) As used in this section, "percentage 3381  
increase" means the percentage that an increase in compensation 3382

is of the compensation paid prior to the increase. 3383

(B) ~~Notwithstanding division (L) of section 3307.01 of the~~ 3384  
~~Revised Code, for~~ For the purpose of determining final average 3385  
salary under this section, "compensation" has the same meaning 3386  
~~as in that division~~ section 3307.01 of the Revised Code, except 3387  
that it does not include any amount resulting from a percentage 3388  
increase paid to a member during the member's two highest years 3389  
of compensation ~~that~~, and any partial year of compensation to 3390  
which the percentage increase also applies, if the percentage 3391  
increase exceeds the greater of the following: 3392

(1) The highest percentage increase in compensation paid 3393  
to the member during any of the three years immediately 3394  
preceding the earlier of the member's two highest years of 3395  
compensation ~~and any subsequent partial year of compensation~~ 3396  
~~used in calculating the member's final average salary;~~ 3397

(2) A percentage increase paid to the member as part of an 3398  
increase generally applicable to members employed by the 3399  
employer. An increase shall be considered generally applicable 3400  
if it is paid to members employed by a school district board of 3401  
education in positions requiring a license issued under section 3402  
3319.22 of the Revised Code in accordance with uniform criteria 3403  
applicable to all such members or if paid to members employed by 3404  
an employer other than a school district board of education in 3405  
accordance with uniform criteria applicable to all such members. 3406

(C) The state teachers retirement board shall determine 3407  
the final average salary of a member as follows: 3408

(1) For benefits beginning before August 1, 2015, by 3409  
dividing the sum of the member's annual compensation for the 3410  
three highest years of compensation for which the member made 3411

contributions plus any amount determined under division (E) of 3412  
this section by three, except that if the member has a partial 3413  
year of contributing service in the year the member's employment 3414  
terminates and the compensation for the partial year is at a 3415  
rate higher than the rate of compensation for any one of the 3416  
member's highest three years of compensation, the board shall 3417  
substitute the compensation for the partial year for the 3418  
compensation for the same portion of the lowest of the member's 3419  
three highest years of compensation; 3420

(2) For benefits beginning on or after August 1, 2015, by 3421  
dividing the sum of the member's annual compensation for the 3422  
five highest years of compensation for which the member made 3423  
contributions plus any amount determined under division (E) of 3424  
this section by five, except that if the member has a partial 3425  
year of contributing service in the year the member's employment 3426  
terminates and the compensation for the partial year is at a 3427  
rate higher than the rate of compensation for any one of the 3428  
member's highest five years of compensation, the board shall 3429  
substitute the compensation for the partial year for the 3430  
compensation for the same portion of the lowest of the member's 3431  
five highest years of compensation. 3432

If a member has less than the requisite years of 3433  
contributing membership, the member's final average salary shall 3434  
be the member's total compensation for the period of 3435  
contributing membership plus any amount determined under 3436  
division (E) of this section divided by the total years, 3437  
including any portion of a year, of contributing service. 3438

For the purpose of calculating benefits payable to a 3439  
member qualifying for service credit under division (I) of 3440  
section 3307.01 of the Revised Code, the board shall calculate 3441

the member's final average salary by dividing the member's total 3442  
compensation as a teacher covered under this chapter plus any 3443  
amount determined under division (E) of this section by the 3444  
total number of years, including any portion of a year, of 3445  
contributing membership during that period. If contributions 3446  
were made for less than twelve months, the member's final 3447  
average salary is the total amount of compensation paid to the 3448  
member during all periods of contributions under this chapter. 3449

(D) Contributions made by a member ~~and an employer~~ on 3450  
amounts that, pursuant to division (B) of this section, are not 3451  
compensation or are not included, pursuant to division (E) of 3452  
this section, for the purpose of determining final average 3453  
salary shall be treated as additional deposits to the member's 3454  
account under section 3307.26 of the Revised Code and used to 3455  
provide additional annuity income. 3456

(E) The state teachers retirement board shall adopt rules 3457  
establishing criteria and procedures for administering this 3458  
division. 3459

The board shall notify each applicant for retirement of 3460  
any amount excluded from the applicant's compensation in 3461  
accordance with division (B) of this section and of the 3462  
procedures established by the board for requesting a hearing on 3463  
this exclusion. 3464

Any applicant for retirement who has had any amount 3465  
excluded from the applicant's compensation in accordance with 3466  
division (B) of this section may request a hearing on this 3467  
exclusion. Upon receiving such a request, the board shall 3468  
determine in accordance with its criteria and procedures 3469  
whether, for good cause as determined by the board, all or any 3470  
portion of any amount excluded from the applicant's compensation 3471

in accordance with division (B) of this section, up to a maximum 3472  
of seventy-five hundred dollars, is to be included in the 3473  
determination of final average salary under division (C) of this 3474  
section. Any determination of the board under this division 3475  
shall be final. 3476

Sec. 3307.514. (A) As used in this section: 3477

(1) "Compensation ratio" means the ratio for the most 3478  
recent full calendar year for which the information is available 3479  
of the total compensation of all electing employees in the 3480  
alternative retirement plan to the sum of the total compensation 3481  
of all the state teachers retirement system's defined benefit 3482  
plan members and the total compensation of all electing 3483  
employees. 3484

(2) "Electing employee" has the same meaning as in section 3485  
3305.01 of the Revised Code. 3486

(3) "Historical percentage" means the percentage that the 3487  
unfunded actuarial accrued pension liability due to 3488  
participation of electing employees in the alternative 3489  
retirement plan is of the retirement system's total unfunded 3490  
actuarial accrued pension liability as both are determined from 3491  
the annual actuarial valuation under section 3307.51 of the 3492  
Revised Code that is the most recent at the time the initial 3493  
study is conducted. 3494

(B) The state teachers retirement board shall contract 3495  
with an independent actuary to complete an actuarial study to 3496  
determine the percentage of an electing employee's compensation 3497  
to be contributed by a public institution of higher education 3498  
under division (D) of section 3305.06 of the Revised Code. The 3499  
initial study must be completed and submitted by the board to 3500



the department of higher education not later than December 31, 3501  
2016. A subsequent study must be completed and submitted not 3502  
later than the last day of December of every fifth year 3503  
thereafter. 3504

(C) For the initial study required under this section, the 3505  
actuary shall determine the percentage described in division (B) 3506  
of this section as follows: 3507

(1) The actuary shall calculate an amount necessary to 3508  
amortize over a perpetual period the sum of the following: 3509

(a) The unfunded actuarial accrued pension liability due 3510  
to the participation of electing employees in the alternative 3511  
retirement plan; 3512

(b) The amount resulting from multiplying the compensation 3513  
ratio by the unfunded actuarial accrued pension liability of the 3514  
defined benefit plan. 3515

(2) The actuary shall determine the percentage of electing 3516  
employee compensation necessary to amortize over a perpetual 3517  
period the amount calculated under division (C)(1) of this 3518  
section. 3519

(3) The percentage to be contributed under division (D) of 3520  
section 3305.06 of the Revised Code shall be one-fourth of the 3521  
greater of the historical percentage or the percentage 3522  
calculated under division (C)(2) of this section, not to exceed 3523  
four per cent. 3524

(4) To make the calculations and determinations required 3525  
under divisions (C)(1) and (2) of this section, the actuary 3526  
shall use the most recent annual actuarial valuation under 3527  
section 3307.51 of the Revised Code. 3528

(D) For any study conducted after the initial study 3529  
required under this section, the actuary shall determine the 3530  
percentage described in division (B) of this section as follows: 3531

(1) The actuary shall calculate an amount necessary to 3532  
amortize over a perpetual period the sum of the following: 3533

(a) The amount resulting from multiplying the historical 3534  
percentage by the total amount of the unfunded actuarial accrued 3535  
pension liability of the retirement system as reported in the 3536  
annual actuarial valuation under section 3307.51 of the Revised 3537  
Code that is most recent at the time the study is conducted; 3538

(b) The amount resulting from multiplying the compensation 3539  
ratio by the amount of the unfunded actuarial accrued pension 3540  
liability of the defined benefit plan under the annual actuarial 3541  
valuation under section 3307.51 of the Revised Code that is most 3542  
recent at the time the study is conducted. 3543

(2) The actuary shall determine the percentage of electing 3544  
employee compensation necessary to amortize over a perpetual 3545  
period the amount calculated under division (D)(1) of this 3546  
section. 3547

(3) The percentage to be contributed under division (D) of 3548  
section 3305.06 of the Revised Code shall be one-fourth of the 3549  
greater of the historical percentage or the percentage 3550  
calculated under division (D)(2) of this section, not to exceed 3551  
four per cent. 3552

**Sec. 3307.53.** The state teachers retirement board shall 3553  
credit a year of service to any teacher participating in the 3554  
STRS defined benefit plan who is employed on a full-time basis 3555  
in a school district for the number of months the regular day 3556  
schools of such district are in session in said district within 3557

any year. The board shall adopt appropriate rules and 3558  
regulations for the determination of credit for less than a 3559  
complete year of service, and shall be the final authority in 3560  
determining the number of years of service credit. The board 3561  
shall credit not more than one year for all service rendered in 3562  
any year. 3563

~~If concurrent contributions are made to two or more 3564  
retirement systems, except in the case of retirement as provided 3565  
in section 3307.351 of the Revised Code, service credit shall be 3566  
on the basis of the ratio that contributions to this system bear 3567  
to the total contributions in all such systems. 3568~~

The board shall adopt rules for the purpose of determining 3569  
the number of years or partial years of service credit to be 3570  
granted to a member under section 3307.25 of the Revised Code. 3571  
The amount of service credit shall be based on the member's 3572  
length of participation in and contribution to an STRS defined 3573  
contribution plan. The board shall be the final authority in 3574  
determining the amount of service credit. 3575

**Sec. 3307.562.** (A) As used in this section and section 3576  
3307.66 of the Revised Code: 3577

(1) "Child" means a biological or legally adopted child of 3578  
a deceased member. If a court hearing for an interlocutory 3579  
decree for adoption was held prior to the member's death, 3580  
"child" includes the child who was the subject of the hearing if 3581  
a final decree of adoption adjudging the member's spouse as the 3582  
adoptive parent is made subsequent to the member's death. 3583

(2) "Parent" is a parent or legally adoptive parent of a 3584  
deceased member. 3585

(3) "Dependent" means a beneficiary who receives one-half 3586

of the beneficiary's support from a member during the twelve 3587  
months prior to the member's death. 3588

(4) "Surviving spouse" means an individual who establishes 3589  
a valid marriage to a member at the time of the member's death 3590  
by marriage certificate or pursuant to division (E) of this 3591  
section. 3592

(5) "Survivor" means a spouse, child, or dependent parent. 3593

(B) Except as provided in division (B) of section 3307.563 3594  
or division (G) (1) of section 3307.66 of the Revised Code, 3595  
should a member who is participating in the STRS defined benefit 3596  
plan die before service retirement, the member's accumulated 3597  
contributions, plus an amount calculated in accordance with 3598  
section 3307.563 of the Revised Code, and any amounts owed and 3599  
unpaid to a disability benefit recipient shall be paid to such 3600  
beneficiaries as the member has nominated by written designation 3601  
signed by the member and received by the state teachers 3602  
retirement board prior to death. A member may designate two or 3603  
more persons as beneficiaries to be paid the amount determined 3604  
under this division. On and after July 1, 2013, and subject to 3605  
rules adopted by the board, a member who designates two or more 3606  
persons as beneficiaries shall specify the percentage of the 3607  
amount that each beneficiary is to be paid. If the member has 3608  
not specified the percentages, the amount shall be divided 3609  
equally among the designated beneficiaries. If a designated 3610  
beneficiary is deceased, the amount allocated to the deceased 3611  
beneficiary shall be allocated to the remaining beneficiaries 3612  
based on each remaining beneficiary's initial percentage. The 3613  
nomination of beneficiary shall be on a form provided by the 3614  
retirement board. The last nomination of any beneficiary revokes 3615  
all previous nominations. The member's marriage, divorce, 3616

marriage dissolution, legal separation, or withdrawal of 3617  
account, or the birth of the member's child, or the member's 3618  
adoption of a child, shall constitute an automatic revocation of 3619  
the member's previous designation. If a deceased member was also 3620  
a member of the public employees retirement system or the school 3621  
employees retirement system, the beneficiary last established 3622  
among the systems shall be the sole beneficiary in all the 3623  
systems. 3624

Any beneficiary ineligible for monthly survivor benefits 3625  
as provided by section 3307.66 of the Revised Code may waive in 3626  
writing all claim to any benefits and such waiver shall thereby 3627  
put in effect the succession of beneficiaries under division (C) 3628  
of this section, provided the beneficiary thereunder is 3629  
immediately eligible and agrees in writing to accept survivor 3630  
benefits as provided by section 3307.66 of the Revised Code. If 3631  
the accumulated contributions of a deceased member are not 3632  
claimed by a beneficiary, or by the estate of the deceased 3633  
member, within ten years, they shall be transferred to the 3634  
guarantee fund and thereafter paid to such beneficiary or to the 3635  
member's estate upon application to the board. The board shall 3636  
formulate and adopt rules governing all designations of 3637  
beneficiaries. 3638

(C) Except as provided in division (G)(1) of section 3639  
3307.66 of the Revised Code, if a member dies before service 3640  
retirement and is not survived by a designated beneficiary, any 3641  
beneficiaries shall qualify, in the following order of 3642  
precedence, with all attendant rights and privileges: 3643

(1) Surviving spouse; 3644

(2) Children, share and share alike; 3645

(3) A dependent parent, if that parent elects to take survivor benefits under division (C) (2) of section 3307.66 of the Revised Code;

(4) Parents, share and share alike;

(5) Estate.

If any survivor dies before payment is made under this section or is not located prior to the ninety-first day after the board receives notification of the member's death, the survivor next in order of precedence shall qualify as a beneficiary, provided that benefits under division (C) (2) of section 3307.66 of the Revised Code are elected. In the event that the beneficiary originally determined is subsequently located, the beneficiary may qualify for benefits under division (C) (2) of section 3307.66 of the Revised Code upon meeting the conditions of eligibility set forth in division (B) of that section, but in no case earlier than the first day of the month following application by such beneficiary. Any payment made to a beneficiary as determined by the board shall be a full discharge and release to the board from any future claims.

(D) (1) Any amount due any person, as an annuitant, receiving a monthly benefit, and unpaid to the annuitant at death, shall be paid to the beneficiary named by written designation signed by the annuitant and received by the state teachers retirement board prior to death. If no such designation has been filed, or if the beneficiary designated is deceased or is not located prior to the ninety-first day after the board receives notification of the annuitant's death, such amount shall be paid, in the following order of precedence to the annuitant's:

|  |  |
|--|--|
| (a) Surviving spouse;  | 3675   |
| (b) Children, share and share alike;   | 3676   |
| (c) Parents, share and share alike;  | 3677   |
| (d) Estate.  | 3678   |
| (2) If there is no beneficiary under division (D) (1) of this section, an amount not exceeding the cost of the annuitant's burial expenses may be paid to the person responsible for the burial expenses.  | 3679<br>3680<br>3681<br>3682   |
| For purposes of this division an "annuitant" is the last person who received a monthly benefit pursuant to the plan of payment selected by the former member. Such payment shall be a full discharge and release to the board from any future claim for such payment.  | 3683<br>3684<br>3685<br>3686<br>3687                                 |
| (E) If the validity of marriage cannot be established to the satisfaction of the board for the purpose of disbursing any amount due under this section or section 3307.66 of the Revised Code, the board may accept a decision rendered by a court having jurisdiction in the state in which the member was domiciled at the time of death that the relationship constituted a valid marriage at the time of death, or the "spouse" would have the same status as a widow or widower for purposes of sharing the distribution of the member's intestate personal property. | 3688<br>3689<br>3690<br>3691<br>3692<br>3693<br>3694<br>3695<br>3696 |
| (F) As used in this division, "recipient" means an individual who is receiving or may be eligible to receive an allowance or benefit under this chapter based on the individual's service to an employer.  | 3697<br>3698<br>3699<br>3700   |
| If the death of a member, a recipient, or any individual who would be eligible to receive an allowance or benefit under  | 3701<br>3702   |

this chapter by virtue of the death of a member or recipient is 3703  
caused by one of the following beneficiaries, no amount due 3704  
under this chapter to the beneficiary shall be paid to the 3705  
beneficiary in the absence of a court order to the contrary 3706  
filed with the board: 3707

(1) A beneficiary who is convicted of, pleads guilty to, 3708  
or is found not guilty by reason of insanity of a violation of 3709  
or complicity in the violation of either of the following: 3710

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 3711  
Code; 3712

(b) An existing or former law of any other state, the 3713  
United States, or a foreign nation that is substantially 3714  
equivalent to section 2903.01, 2903.02, or 2903.03 of the 3715  
Revised Code; 3716

(2) A beneficiary who is indicted for a violation of or 3717  
complicity in the violation of the sections or laws described in 3718  
division (F) (1) (a) or (b) of this section and is adjudicated 3719  
incompetent to stand trial; 3720

(3) A beneficiary who is a juvenile found to be a 3721  
delinquent child by reason of committing an act that, if 3722  
committed by an adult, would be a violation of or complicity in 3723  
the violation of the sections or laws described in division (F) 3724  
(1) (a) or (b) of this section. 3725

**Sec. 3307.58.** (A) As used in this section, "qualifying 3726  
service credit" means ~~credit~~ all of the following: 3727

(1) Credit earned under section 3307.53 or for which 3728  
contributions were made under section 145.47 or 3309.47 of the 3729  
Revised Code; 3730



~~credit~~ (2) Credit restored under section 145.31, 3307.71,  
or 3309.26 of the Revised Code; 3731  
3732

~~credit~~ (3) Credit purchased under section 145.302,  
3307.752, or 3309.022, or division (D) of section 5505.16 of the  
Revised Code, or obtained under section 742.521 of the Revised  
Code; ~~and credit~~ 3733  
3734  
3735  
3736

(4) Credit obtained under section 3307.761, 3307.763, or  
3307.765 of the Revised Code other than military service credit  
as defined in section 3307.761 of the Revised Code, except that  
"qualifying service credit" includes credit obtained under  
section 3307.761, 3307.763, or 3307.765 of the Revised Code that  
was initially purchased under division (D) of section 5505.16 of  
the Revised Code or obtained under section 742.521 of the  
Revised Code. 3737  
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(B) Any member participating in the STRS defined benefit  
plan who has attained the applicable combination of age and  
service credit shall be granted service retirement after filing  
with the state teachers retirement board a completed application  
on a form approved by the board. 3745  
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(1) Except as provided in division (B) (3) of this section,  
a member is eligible to retire under this division if any of the  
following is the case: 3750  
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3752

(a) The member has five or more years of qualifying  
service credit and has attained age sixty-five; 3753  
3754

(b) The member is applying for service retirement  
following termination of a disability benefit received under  
section 3307.63 or 3307.631 of the Revised Code and has five or  
more years of total service credit; 3755  
3756  
3757  
3758

(c) The member meets one of the following requirements: 3759

|  |                              |
|--|------------------------------|
| (i) Before August 1, 2015, has thirty or more years of service credit at any age;  | 3760<br>3761                 |
| (ii) On or after August 1, 2015, but before August 1, 2017, has thirty-one or more years of service credit at any age;   | 3762<br>3763                 |
| (iii) On or after August 1, 2017, but before August 1, 2019, has thirty-two or more years of service credit at any age;  | 3764<br>3765                 |
| (iv) On or after August 1, 2019, but before August 1, 2021, has thirty-three or more years of service credit at any age;   | 3766<br>3767<br>3768         |
| (v) On or after August 1, 2021, but before August 1, 2023, has thirty-four or more years of service credit at any age;   | 3769<br>3770                 |
| (vi) On or after August 1, 2023, but before August 1, 2026, has thirty-five or more years of service credit at any age;  | 3771<br>3772<br>3773         |
| (vii) On or after August 1, 2026, has thirty-five or more years of service credit and has attained age sixty.  | 3774<br>3775                 |
| (2) Except as provided in division (B)(3) of this section, a member is eligible to retire under this division if any of the following is the case:   | 3776<br>3777<br>3778         |
| (a) The member has five or more years of qualifying service credit and has attained age sixty;   | 3779<br>3780                 |
| (b) The member is applying for service retirement following termination of a disability benefit received under section 3307.63 or 3307.631 of the Revised Code and has five or more years of total service credit; | 3781<br>3782<br>3783<br>3784 |
| (c) The member meets one of the following requirements:  | 3785                         |
| (i) Before August 1, 2015, has twenty-five or more years   | 3786                         |

of service credit and has attained age fifty-five; 3787

(ii) On or after August 1, 2015, but before August 1, 3788  
2017, has twenty-six or more years of service credit and has 3789  
attained age fifty-five or has thirty or more years of service 3790  
credit at any age; 3791

(iii) On or after August 1, 2017, but before August 1, 3792  
2019, has twenty-seven or more years of service credit and has 3793  
attained age fifty-five or has thirty or more years of service 3794  
credit at any age; 3795

(iv) On or after after August 1, 2019, but before August 3796  
1, 2021, has twenty-eight or more years of service credit and 3797  
has attained age fifty-five or has thirty or more years of 3798  
service credit at any age; 3799

(v) On or after August 1, 2021, but before August 1, 2023, 3800  
has twenty-nine or more years of service credit and has attained 3801  
age fifty-five or has thirty or more years of service credit at 3802  
any age; 3803

(vi) On or after August 1, 2023, has thirty or more years 3804  
of service credit at any age. 3805

(3) The board may adjust the retirement eligibility 3806  
requirements of this section if the board's actuary, in its 3807  
annual actuarial valuation required by section 3307.51 of the 3808  
Revised Code or in other evaluations conducted under that 3809  
section, determines that an adjustment does not materially 3810  
impair the fiscal integrity of the retirement system or is 3811  
necessary to preserve the fiscal integrity of the system. 3812

(C) Service retirement shall be effective not earlier than 3813  
the first day of the month next following the later of: 3814

|   |  |
|---|--|
| (1) The last day for which compensation was paid; or  | 3815   |
| (2) The attainment of minimum age and service credit eligibility for benefits provided under this section.  | 3816<br>3817   |
| (D) (1) Except as provided in division (E) of this section, the annual single lifetime benefit of a member whose retirement effective date is before August 1, 2013, shall be the greater of the amounts determined by the member's Ohio service credit multiplied by one of the following:   | 3818<br>3819<br>3820<br>3821<br>3822   |
| (a) Eighty-six dollars;   | 3823   |
| (b) The sum of the following amounts:   | 3824   |
| (i) For each of the first thirty years of Ohio service credit, two and two-tenths per cent of the member's final average salary or, subject to the limitation described in division (D) (1) (c) of this section, two and five-tenths per cent of the member's final average salary if the member has thirty-five or more years of service credit under section 3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, division (A) (2) or (B) of former section 3307.513 of the Revised Code, former section 3307.514 of the Revised Code, section 3307.72 of the Revised Code earned after July 1, 1978, or any combination of service credit under those sections; | 3825<br>3826<br>3827<br>3828<br>3829<br>3830<br>3831<br>3832<br>3833<br>3834<br>3835<br>3836 |
| (ii) For each year or fraction of a year of Ohio service credit in excess of thirty years, two and two-tenths per cent of the member's final average salary or, subject to the limitation described in division (D) (1) (c) of this section, if the member has more than thirty years service credit under section 3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code,  | 3837<br>3838<br>3839<br>3840<br>3841<br>3842<br>3843   |

division (A) (2) or (B) of former section 3307.513 of the Revised Code, former section 3307.514 of the Revised Code, section 3307.72 of the Revised Code earned after July 1, 1978, or any combination of service credit under those sections, the per cent of final average salary shown in the following schedule for each corresponding year or fraction of a year of service credit under those sections that is in excess of thirty years:

| Year          | Per      | Year          | Per      |
|---------------|----------|---------------|----------|
| of            | Cent     | of            | Cent     |
| Service       | for that | Service       | for that |
| Credit        | Year     | Credit        | Year     |
| 30.01 - 31.00 | 2.5%     | 35.01 - 36.00 | 3.0%     |
| 31.01 - 32.00 | 2.6      | 36.01 - 37.00 | 3.1      |
| 32.01 - 33.00 | 2.7      | 37.01 - 38.00 | 3.2      |
| 33.01 - 34.00 | 2.8      | 38.01 - 39.00 | 3.3      |
| 34.01 - 35.00 | 2.9      |               |          |

For purposes of this schedule, years of service credit shall be rounded to the nearest one-hundredth of a year.

(c) For purposes of division (D) (1) of this section, a percentage of final average salary in excess of two and two-tenths per cent shall be applied to service credit under section 3307.57 of the Revised Code only if the service credit was established under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised Code or restored under section 145.31 or 3309.26 of the Revised Code.

(2) (a) Except as provided in division (E) of this section,

the annual single lifetime benefit of a member whose retirement 3871  
effective date is on or after August 1, 2013, but before August 3872  
1, 2015, shall be the amount determined by the member's Ohio 3873  
service credit multiplied by the sum of the following amounts: 3874

(i) For each of the first thirty years of Ohio service 3875  
credit, two and two-tenths per cent of the member's final 3876  
average salary or, subject to the limitation described in 3877  
division (D) (2) (b) of this section, two and five-tenths per cent 3878  
of the member's final average salary if the member has thirty- 3879  
five or more years of service credit under section 3307.48, 3880  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3881  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3882  
division (A) (2) or (B) of former section 3307.513 of the Revised 3883  
Code, former section 3307.514 of the Revised Code, section 3884  
3307.72 of the Revised Code earned after July 1, 1978, or any 3885  
combination of service credit under those sections; 3886

(ii) For each year or fraction of a year of Ohio service 3887  
credit in excess of thirty years, two and two-tenths per cent of 3888  
the member's final average salary or, subject to the limitation 3889  
described in division (D) (2) (b) of this section, if the member 3890  
has more than thirty years service credit under section 3307.48, 3891  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3892  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3893  
division (A) (2) or (B) of former section 3307.513 of the Revised 3894  
Code, former section 3307.514 of the Revised Code, section 3895  
3307.72 of the Revised Code earned after July 1, 1978, or any 3896  
combination of service credit under those sections, the per cent 3897  
of final average salary shown in the following schedule for each 3898  
corresponding year or fraction of a year of service credit under 3899  
those sections that is in excess of thirty years: 3900

|               |          |               |          |      |
|---------------|----------|---------------|----------|------|
| Year          | Per      | Year          | Per      | 3901 |
| of            | Cent     | of            | Cent     | 3902 |
| Service       | for that | Service       | for that | 3903 |
| Credit        | Year     | Credit        | Year     | 3904 |
| 30.01 - 31.00 | 2.5%     | 35.01 - 36.00 | 3.0%     | 3905 |
| 31.01 - 32.00 | 2.6      | 36.01 - 37.00 | 3.1      | 3906 |
| 32.01 - 33.00 | 2.7      | 37.01 - 38.00 | 3.2      | 3907 |
| 33.01 - 34.00 | 2.8      | 38.01 - 39.00 | 3.3      | 3908 |
| 34.01 - 35.00 | 2.9      |               |          | 3909 |

For purposes of this schedule, years of service credit shall be rounded to the nearest one-hundredth of a year. 3910  
3911

(b) For purposes of division (D) (2) (a) (ii) of this section, a percentage of final average salary in excess of two and two-tenths per cent shall be applied to service credit under section 3307.57 of the Revised Code only if the service credit was established under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised Code or restored under section 145.31 or 3309.26 of the Revised Code. 3912  
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(3) Except as provided in division (E) of this section, the annual single lifetime benefit of a member whose retirement effective date is on or after August 1, 2015, shall be the amount determined by the member's service credit multiplied by two and two-tenths per cent of the member's final average salary. 3920  
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(E) (1) The annual single lifetime benefit of a member described in division (B) (2) of this section whose service 3926  
3927

retirement is effective before August 1, 2015, shall be adjusted 3928  
by the greater per cent shown in the following schedule opposite 3929  
the member's attained age or Ohio service credit. 3930

|          | Years of | Per Cent     |         |
|----------|----------|--------------|---------|
| Attained | or       | Ohio Service | of Base |
| Age      |          | Credit       | Amount  |
| 58       |          | 25           | 75%     |
| 59       |          | 26           | 80      |
| 60       |          | 27           | 85      |
| 61       |          |              | 88      |
|          |          | 28           | 90      |
| 62       |          |              | 91      |
| 63       |          |              | 94      |
|          |          | 29           | 95      |
| 64       |          |              | 97      |
| 65       |          | 30 or more   | 100     |

(2) The annual single lifetime benefit of a member 3944  
described in division (B) (2) of this section whose service 3945  
retirement is effective on or after August 1, 2015, shall be 3946  
reduced by a percentage determined by the board's actuary for 3947  
each year the member retires before attaining the applicable age 3948  
and service credit specified in division (B) (1) of this section. 3949  
The board's actuary may use an actuarially based average 3950  
percentage reduction for this purpose. 3951

(F) Notwithstanding any other provision of this section, 3952



on application, a member who, as of July 1, 2015, has five or 3953  
more years of Ohio service credit and has attained age sixty, 3954  
has twenty-five or more years of Ohio service credit and has 3955  
attained age fifty-five, or has thirty or more years of Ohio 3956  
service credit shall be granted service retirement according to 3957  
former section 3307.58 of the Revised Code as in effect 3958  
immediately prior to January 7, 2013. The member's benefit shall 3959  
be the greater of the amount the member would have been eligible 3960  
for had the member retired effective July 1, 2015, or the amount 3961  
determined under division (D) (3) of this section. 3962

(G) The annual single lifetime benefit determined under 3963  
division (D) or (E) of this section shall not exceed the lesser 3964  
of one hundred per cent of the final average salary or the limit 3965  
established by section 415 of the "Internal Revenue Code of 3966  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 3967

(H) The annual single lifetime benefit of a member whose 3968  
retirement effective date is before August 1, 2013, shall be the 3969  
greater of the amounts determined under division (D) (1) or (E) 3970  
(1) of this section as appropriate or under this division. The 3971  
benefit shall not exceed the lesser of the sum of the following 3972  
amounts or the limit established by section 415 of the "Internal 3973  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 3974  
amended: 3975

(1) An annuity with a reserve equal to the member's 3976  
accumulated contributions; 3977

(2) A pension equal to the amount in division (H) (1) of 3978  
this section; 3979

(3) An additional pension of forty dollars annually 3980  
multiplied by the number of years of prior and military service 3981

credit, except years of credit purchased under section 3307.751 3982  
or 3307.752 of the Revised Code. 3983

(I) If a member's disability benefit was terminated under 3984  
section 3307.48 of the Revised Code and the member's retirement 3985  
under this section is effective on the first day of the month 3986  
following the last day for which the disability benefit was 3987  
paid, the member's annual single lifetime benefit determined 3988  
under division (D) or (E) of this section shall be increased by 3989  
a percentage equal to the total of any percentage increases the 3990  
member received under section 3307.67 of the Revised Code, plus 3991  
any additional amount the member received under this chapter 3992  
while receiving the disability benefit. The increase shall be 3993  
based on the plan of payment selected by the member under 3994  
section 3307.60 of the Revised Code. However, the benefit used 3995  
to calculate any future increases under section 3307.67 of the 3996  
Revised Code shall be based on the plan of payment selected by 3997  
the member, plus any additional amount added to the benefit 3998  
determined under this division that established a new base 3999  
benefit to the member. 4000

(J) Benefits determined under this section shall be paid 4001  
as provided in section 3307.60 of the Revised Code. 4002

**Sec. 3307.63.** A member participating in the STRS defined 4003  
benefit plan who has elected disability coverage under this 4004  
section, has not attained age sixty, and is determined by the 4005  
state teachers retirement board under section 3307.62 of the 4006  
Revised Code to qualify for a disability benefit shall be 4007  
retired on disability under this section. 4008

Upon disability retirement, a member shall receive an 4009  
annual amount that shall consist of: 4010

(A) An annuity having a reserve equal to the amount of the 4011  
member's accumulated contributions at that time; 4012

(B) A pension that shall be the difference between the 4013  
annuity and an annual amount determined by multiplying the 4014  
number of years of Ohio service credit of such member, and in 4015  
addition the number of years and fraction of a year between the 4016  
effective date of the member's disability retirement and the 4017  
date the member attained age sixty, assuming continuous service, 4018  
~~by eighty six dollars, or by two per cent of the member's final~~ 4019  
~~average salary, whichever is greater.~~ Such disability retirement 4020  
shall not be less than thirty per cent nor more than seventy- 4021  
five per cent of the member's final average salary, except that 4022  
it shall not exceed any limit to which the retirement system is 4023  
subject under section 415 of the "Internal Revenue Code of 4024  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 4025

If the member is not receiving a disability benefit under 4026  
section 3307.57 of the Revised Code, but is receiving a 4027  
disability benefit from either the public employees retirement 4028  
system or the school employees retirement system, then such 4029  
member shall not be eligible for service credit based upon the 4030  
number of years and fractions thereof between the date of 4031  
disability and the date the member attained age sixty as 4032  
otherwise provided in this section. 4033

A disability retirant under this section whose disability 4034  
retirement has been terminated, when eligible, may apply for 4035  
service retirement provided by section 3307.58 of the Revised 4036  
Code. 4037

**Sec. 3307.66.** (A) As used in this section: 4038

(1) "Physically or mentally incompetent" means incapable 4039

of earning a living because of a physically or mentally 4040  
disabling condition. Physical or mental incompetency may be 4041  
determined by a court or by a doctor of medicine or osteopathic 4042  
medicine appointed by the state teachers retirement board. 4043

(2) "Qualifying service credit" has the same meaning as in 4044  
section 3307.58 of the Revised Code. 4045

(B) For the purposes of this section: 4046

(1) A qualified spouse is the surviving spouse of a 4047  
deceased member of the state teachers retirement system 4048  
participating in the STRS defined benefit plan who is one of the 4049  
following: 4050

(a) Sixty-two years of age or older or any age if the 4051  
deceased member had ten or more years of Ohio service credit; 4052

(b) Caring for a qualified child; 4053

(c) Adjudged physically or mentally incompetent at the 4054  
time of the member's death and has remained continuously 4055  
incompetent; 4056

(d) Any age if the deceased member was eligible for a 4057  
service retirement allowance as provided in section 3307.58 of 4058  
the Revised Code and the surviving spouse elects to receive a 4059  
benefit under division (C) (1) of this section. 4060

(2) A qualified child is a person who is the child of a 4061  
deceased member participating in the STRS defined benefit plan 4062  
to whom both of the following apply: 4063

(a) Never married; 4064

(b) Meets ~~one~~ either of the following age-related 4065  
requirements: 4066

- (i) Is under age ~~eighteen~~; 4067
- ~~(ii) Is under age twenty-two if attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of such institution and as further determined by board policy;~~ 4068  
4069  
4070  
4071  
4072
- ~~(iii)~~ (ii) Is any age if adjudged physically or mentally incompetent, if the person became incompetent prior to attainment of age ~~eighteen or prior to age twenty-two if attending an institution of learning or training described in division (B) (2) (b) (ii) of this section~~, and has remained continuously incompetent. 4073  
4074  
4075  
4076  
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- (3) A qualified parent is a dependent parent of a deceased member participating in the STRS defined benefit plan who is age sixty-five or older. 4079  
4080  
4081
- (4) A person is a "qualified survivor" if the person qualifies as a surviving spouse, child, or dependent parent. 4082  
4083
- (C) Except as provided in division (G) (1) of this section, in lieu of accepting the payment of the accumulated account of a member participating in the STRS defined benefit plan who dies before service retirement, a beneficiary, as determined in section 3307.562 of the Revised Code, may elect to forfeit the accumulated account and to substitute benefits under this division. 4084  
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- (1) If a deceased member was eligible for a service retirement allowance as provided in section 3307.58 or 3307.59 of the Revised Code, a surviving spouse or an individual designated as the member's sole beneficiary pursuant to division (B) of section 3307.562 of the Revised Code who was a qualified 4091  
4092  
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4095

child or dependent parent of the member or received one-half or 4096  
more of support from the member during the twelve-month period 4097  
preceding the member's death may elect to receive a monthly 4098  
benefit computed as the joint-survivor allowance designated as 4099  
option 1 in section 3307.60 of the Revised Code, which the 4100  
member would have received had the member retired on the last 4101  
day of the month of death and had the member at that time 4102  
selected such joint-survivor plan. 4103

(2) (a) A surviving spouse or other qualified survivor may 4104  
elect to receive monthly benefits under division (C) (2) of this 4105  
section if any of the following apply: 4106

(i) The deceased member had service credit on account on 4107  
June 30, 2013, and had completed at least one and one-half years 4108  
of qualifying service credit, with at least one-quarter year of 4109  
qualifying service credit within the two and one-half years 4110  
prior to the date of death, or, if the member did not have 4111  
service credit on account on June 30, 2013, had completed at 4112  
least five years of qualifying service credit and died not later 4113  
than one year after the date contributing service terminated. 4114

(ii) The member was receiving at the time of death a 4115  
disability benefit as provided in section 3307.63 or 3307.631 of 4116  
the Revised Code. 4117

(iii) The member was receiving, within twelve months prior 4118  
to the date of death, a disability benefit as provided in 4119  
section 3307.63 or 3307.631 of the Revised Code and was 4120  
contributing under this chapter or Chapter 145. or 3309. of the 4121  
Revised Code at the time of death. 4122

(b) The surviving spouse or other qualified survivor shall 4123  
elect one of the following methods of calculating benefits 4124

elected under division (C) (2) of this section, which shall, 4125  
 except as provided in division (G) (1) of this section, remain in 4126  
 effect without regard to any change in the number of qualified 4127  
 survivors: 4128

|              |                      | <del>Or</del>           | 4129 |
|--------------|----------------------|-------------------------|------|
| (i) Number   | Annual benefit as a  | Monthly benefit         | 4130 |
| of qualified | per cent of member's | <del>shall not be</del> | 4131 |
| survivors    | final average salary | <del>less than</del>    | 4132 |
| 1            | 25%                  | <del>\$ 96</del>        | 4133 |
| 2            | 40                   | <del>186</del>          | 4134 |
| 3            | 50                   | <del>236</del>          | 4135 |
| 4            | 55                   | <del>236</del>          | 4136 |
| 5 or more    | 60                   | <del>236</del>          | 4137 |

|                       |  | Annual benefit as a  | 4138 |
|-----------------------|--|----------------------|------|
|                       |  | per cent of member's | 4139 |
| (ii) Years of service |  | final average salary | 4140 |
| 20                    |  | 29%                  | 4141 |
| 21                    |  | 33                   | 4142 |
| 22                    |  | 37                   | 4143 |
| 23                    |  | 41                   | 4144 |
| 24                    |  | 45                   | 4145 |
| 25                    |  | 48                   | 4146 |
| 26                    |  | 51                   | 4147 |
| 27                    |  | 54                   | 4148 |
| 28                    |  | 57                   | 4149 |
| 29 or more            |  | 60                   | 4150 |

(3) (a) If at the time of death the deceased member was 4151  
 receiving a disability benefit under section 3307.63 or 3307.631 4152  
 of the Revised Code, the benefit elected under division (C) (1) 4153  
 or (2) of this section shall be increased by a percentage equal 4154

to the total of any percentage increases the member received 4155  
under section 3307.67 of the Revised Code, plus any additional 4156  
amount the member received under this chapter while receiving 4157  
the disability benefit. The increase shall be based on the 4158  
benefit determined under division (C) (1) or (2) of this section. 4159  
~~However, the~~ The benefit used to calculate any future increases 4160  
under section 3307.67 of the Revised Code shall be the benefit 4161  
determined under division (C) (1) or (2) of this section, plus 4162  
any additional amounts added to the benefit determined under 4163  
this division that established a new base benefit to the 4164  
deceased member. 4165

(b) If eligibility for a benefit under division (C) (1) or 4166  
(2) of this section is not established until more than one year 4167  
after the member's death, the annual benefit shall be increased 4168  
by a percentage equal to the total of the percentage increases 4169  
that would have been made under section 3307.67 of the Revised 4170  
Code, plus any additional amount that would have been paid under 4171  
this chapter had the benefit begun in the year in which the 4172  
member died. However, the benefit used to calculate any future 4173  
increases under section 3307.67 of the Revised Code shall be the 4174  
benefit determined under division (C) (1) or (2) of this section, 4175  
plus any additional amounts added to the benefit determined 4176  
under this division that established a new base benefit to the 4177  
deceased member. 4178

(D) If a benefit is calculated pursuant to division (C) (2) 4179  
(b) (i) of this section, benefits to a surviving spouse shall be 4180  
paid in the amount determined for the first qualifying survivor 4181  
in division (C) (2) (b) (i) of this section, ~~but shall not be less-~~ 4182  
~~than one hundred six dollars per month if the deceased member-~~ 4183  
~~had ten or more years of qualifying service credit.~~ All other 4184  
qualifying survivors shall share equally in the benefit or 4185



remaining portion thereof. 4186

If a benefit is calculated pursuant to division (C) (2) (b) 4187  
(ii) of this section and is payable to more than one qualified 4188  
survivor, the benefit shall be apportioned equally among the 4189  
qualified survivors, except that if there is a surviving spouse, 4190  
the portion of the benefit allocated to the surviving spouse 4191  
shall be as follows: 4192

| Number of |  |                                 |      |
|-----------|--|---------------------------------|------|
| survivors |  | Spouse's share of total benefit |      |
| 2         |  | 62.5%                           | 4195 |
| 3         |  | 50.0%                           | 4196 |
| 4         |  | 45.45%                          | 4197 |
| 5 or more |  | 41.67%                          | 4198 |

(E) A qualified survivor shall file with the board an 4199  
application for benefits payable under this section. Payments 4200  
shall begin on whichever of the following applies: 4201

(1) If application is received not later than one year 4202  
after the date of the member's death, benefits shall begin on 4203  
the first day of the month following the date of death. 4204

(2) If application is received later than one year from 4205  
the date of death, benefits shall begin on the first day of the 4206  
month immediately following receipt of application by the board. 4207

Benefits to a qualified survivor shall terminate upon a 4208  
first marriage, abandonment, or adoption. The termination of 4209  
benefits is effective on the first day of the month following 4210  
the day the person ceases to be a qualified survivor. Benefits 4211  
to a deceased member's surviving spouse that were terminated 4212  
under a former version of this section that required termination 4213  
due to remarriage and were not resumed prior to ~~the effective~~ 4214

~~date of this amendment September 16, 1998,~~ shall resume on the 4215  
first day of the month immediately following receipt by the 4216  
board of an application on a form provided by the board. 4217

Benefits to a qualified child who is at least eighteen 4218  
years of age but under twenty-two years of age that under a 4219  
former version of this section never commenced or were 4220  
terminated due to a lack of attendance at an institution of 4221  
learning or training and not commenced or resumed before the 4222  
effective date of this amendment shall commence or resume on the 4223  
first day of the month immediately following receipt by the 4224  
board of an application on a form provided by the board, if the 4225  
application is received on or before the fifteenth day of a 4226  
month. These benefits terminate on the child attaining twenty- 4227  
two years of age. 4228

Upon the death of any subsequent spouse who was a member 4229  
of the public employees retirement system, state teachers 4230  
retirement system, or school employees retirement system, the 4231  
surviving spouse of such member may elect to continue receiving 4232  
benefits under this division, or to receive survivor's benefits, 4233  
based upon the subsequent spouse's membership in one or more of 4234  
the systems, for which such surviving spouse is eligible under 4235  
this section or section 145.45 or 3309.45 of the Revised Code. 4236  
If the surviving spouse elects to continue receiving benefits 4237  
under this division, such election shall not preclude the 4238  
payment of benefits under this division to any other qualified 4239  
survivor. 4240

(F) The beneficiary of a member who is also a member of 4241  
the public employees retirement system, or the school employees 4242  
retirement system, must forfeit the member's accumulated 4243  
contributions in those systems, if the beneficiary elects to 4244

receive a benefit under division (C) of this section. Such 4245  
benefit shall be exclusively governed by section 3307.57 of the 4246  
Revised Code. 4247

(G) (1) Regardless of whether the member is survived by a 4248  
spouse or designated beneficiary, if the state teachers 4249  
retirement system receives notice that a deceased member 4250  
described in division (C) (1) or (2) of this section has one or 4251  
more qualified children, all persons who are qualified survivors 4252  
under division (C) (2) of this section shall receive monthly 4253  
benefits as provided in division (C) (2) of this section. 4254

If, after determining the monthly benefits to be paid 4255  
under division (C) (2) of this section, the system receives 4256  
notice that there is a qualified survivor who was not considered 4257  
when the determination was made, the system shall, 4258  
notwithstanding section 3307.42 of the Revised Code, recalculate 4259  
the monthly benefits with that qualified survivor included, even 4260  
if the benefits to qualified survivors already receiving 4261  
benefits are reduced as a result. The benefits shall be 4262  
calculated as if the qualified survivor who is the subject of 4263  
the notice became eligible on the date the notice was received 4264  
and shall be paid to qualified survivors effective on the first 4265  
day of the first month following the system's receipt of the 4266  
notice. 4267

If the system did not receive notice that a deceased 4268  
member has one or more qualified children prior to making 4269  
payment under section 3307.562 of the Revised Code to a 4270  
beneficiary as determined by the system, the payment is a full 4271  
discharge and release of the system from any future claims under 4272  
this section or section 3307.562 of the Revised Code. 4273

(2) If benefits under division (C) (2) of this section to 4274

all persons, or to all persons other than a surviving spouse or 4275  
sole beneficiary, terminate, there are no children under the age 4276  
of twenty-two years, and the surviving spouse or beneficiary 4277  
qualifies for benefits under division (C)(1) of this section, 4278  
the surviving spouse or beneficiary may elect to receive 4279  
benefits under division (C)(1) of this section. The benefit 4280  
shall be calculated based on the age of the spouse or 4281  
beneficiary at the time of the member's death and is effective 4282  
on the first day of the month following receipt by the board of 4283  
an application for benefits under division (C)(1) of this 4284  
section. 4285

(H) If the benefits due and paid under division (C) of 4286  
this section are in a total amount less than the member's 4287  
accumulated account that was transferred from the teachers' 4288  
savings fund, school employees retirement fund, and public 4289  
employees retirement fund, to the survivors' benefit fund, then 4290  
the difference between the total amount of the benefits paid 4291  
shall be paid to the beneficiary under section 3307.562 of the 4292  
Revised Code. 4293

**Sec. 3307.67.** (A) Except as provided in divisions (D) and 4294  
(E) of this section, the state teachers retirement board shall 4295  
annually increase each allowance or benefit payable under the 4296  
STRS defined benefit plan. Through July 31, 2013, the increase 4297  
shall be three per cent. On and after August 1, 2013, the 4298  
increase shall be two per cent. No allowance or benefit shall 4299  
exceed the limit as annually determined pursuant to section 415 4300  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 4301  
U.S.C.A. 415, as amended, and regulations adopted pursuant 4302  
thereto but before August 1, 2013. The limit may be adjusted in 4303  
accordance with rules adopted by the board. 4304

(B) The first increase is payable to all persons becoming 4305  
eligible ~~for~~ as follows: 4306

(1) For an allowance or benefit after June 30, 1971 4307  
beginning on or after July 1, 1971, but before August 1, 2013, 4308  
upon such persons receiving an allowance or benefit for twelve 4309  
months. 4310

(2) For an allowance or benefit beginning on or after 4311  
August 1, 2013, that was immediately preceded by a disability 4312  
benefit effective before that date but terminated on or after 4313  
it, upon the date that would have been the disability benefit's 4314  
next anniversary date; 4315

(3) For an allowance or benefit beginning on or after 4316  
August 1, 2013, except for an allowance or benefit ~~that was~~ 4317  
~~immediately preceded by a disability benefit granted prior to~~ 4318  
~~that date that has been terminated~~ described in division (B) (2) 4319  
of this section, the first increase is payable upon such persons 4320  
receiving an allowance or benefit for sixty months. 4321

The increased amount is payable for the ensuing twelve- 4322  
month period or until the next increase is granted under this 4323  
section, whichever is later. Subsequent increases shall be 4324  
determined from the date of the first increase paid to the 4325  
former member in the case of an allowance being paid a 4326  
beneficiary under an option, or from the date of the first 4327  
increase to the survivor first receiving an allowance or benefit 4328  
in the case of an allowance or benefit being paid to the 4329  
subsequent survivors of the former member. 4330

The date of the first increase under this section becomes 4331  
the anniversary date for any future increases. 4332

The allowance or benefit used in the first calculation of 4333

an increase under this section shall remain as the base for all 4334  
future increases, unless a new base is established. 4335

(C) If payment of a portion of a benefit is made to an 4336  
alternate payee under section 3307.371 of the Revised Code, 4337  
increases under this section granted while the order is in 4338  
effect shall be apportioned between the alternate payee and the 4339  
benefit recipient in the same proportion that the amount being 4340  
paid to the alternate payee bears to the amount paid to the 4341  
benefit recipient. 4342

If payment of a portion of a benefit is made to one or 4343  
more beneficiaries under "option 4" under division (A) (4) of 4344  
section 3307.60 of the Revised Code, each increase under this 4345  
section granted while the plan of payment is in effect shall be 4346  
divided among the designated beneficiaries in accordance with 4347  
the portion each beneficiary has been allocated. 4348

The apportioned increases under this section shall begin 4349  
with increases granted on or after October 27, 2006. 4350

(D) The board shall not make the increases it would 4351  
otherwise make during the period July 1, 2013, through June 30, 4352  
2014, to persons granted an allowance or benefit prior to July 4353  
1, 2013. The board shall not increase any allowance or benefit 4354  
granted on July 1, 2013, until July 1, 2015. 4355

(E) The board may adjust the increase payable under this 4356  
section if the board's actuary, in its annual actuarial 4357  
valuation required by section 3307.51 of the Revised Code or in 4358  
other evaluations conducted under that section, determines that 4359  
an adjustment does not materially impair the fiscal integrity of 4360  
the retirement system or is necessary to preserve the fiscal 4361  
integrity of the system. 4362

(F) The board shall make all rules necessary to carry out 4363  
this section. 4364

**Sec. 3307.71.** (A) (1) Except as provided in this section, 4365  
section 3305.05, or section 3305.051 of the Revised Code, a 4366  
member or former member of the state teachers retirement system 4367  
participating in the STRS defined benefit plan who has at least 4368  
one and one-half years of contributing service credit in this 4369  
system, the public employees retirement system, the school 4370  
employees retirement system, the Ohio police and fire pension 4371  
fund, or the state highway patrol retirement system after the 4372  
withdrawal and cancellation of service credit in this system may 4373  
restore all or part of such service credit by repayment of the 4374  
amount withdrawn. To this amount shall be added interest at a 4375  
rate per annum, compounded annually, to be determined by the 4376  
state teachers retirement board. Interest shall be payable from 4377  
the first of the month of withdrawal through the month of 4378  
repayment. 4379

(2) If the accumulated contributions were withdrawn under 4380  
section 3307.561 of the Revised Code, service credit may be 4381  
restored only if the member or former member accrued one and 4382  
one-half years of service credit after the withdrawal and 4383  
cancellation of service credit in this system. 4384

(B) A member may choose to purchase only part of such 4385  
credit in any one payment. The cost for restoring partial 4386  
service shall be calculated as the proportion that it bears to 4387  
the total cost at the time of purchase and is subject to the 4388  
rules established by the board. If a former member is eligible 4389  
to buy the service credit as a member of the Ohio police and 4390  
fire pension fund, the state highway patrol retirement system, 4391  
or the city of Cincinnati Retirement System, the former member 4392

is ineligible to restore that service credit under this section. 4393

(C) The total payment to restore canceled service credit 4394  
shall be credited as follows: 4395

~~(1) The amount that equals contributions made pursuant to 4396  
section 3307.26 of the Revised Code, plus any interest on the 4397  
contributions paid by the member pursuant to this section, to 4398  
the member's account in the teachers' savings fund; 4399~~

~~(2) The amount that equals the amount paid under section 4400  
3307.563 of the Revised Code, to the employers trust fund; 4401~~

~~(3) The remainder of the payment to restore canceled 4402  
service credit, to the guarantee fund 4403~~

To the member's account in the teachers' savings fund, the 4404  
portion of the payment that consists of contributions made under 4405  
section 3307.26 of the Revised Code, any interest on the 4406  
contributions received by the member under division (A) of 4407  
section 3307.563 of the Revised Code, and any interest paid 4408  
under division (A) (1) of this section; 4409

(2) To the employers trust fund, the portion of the 4410  
payment that consists of any amounts received by the member 4411  
under division (A) (3) (b) of section 3307.563 of the Revised Code 4412  
and any interest paid under division (A) (1) of this section. 4413

**Sec. 3307.77.** (A) As used in this section, "employer" 4414  
means the employer employing a member of the state teachers 4415  
retirement system at the time the member commences an absence, 4416  
or is granted a leave described in this section. 4417

(B) Any member of the state teachers retirement system 4418  
participating in the STRS defined benefit plan or the STRS 4419  
combined plan who is, or has been, prevented from making 4420



contributions under section 3307.26 of the Revised Code because 4421  
of an absence due to the member's own illness or injury, or who 4422  
is, or has been, granted a leave for educational, professional, 4423  
or other purposes pursuant to section 3319.13, 3319.131, or 4424  
3345.28 of the Revised Code or for any other reason approved by 4425  
the state teachers retirement board, may purchase service 4426  
credit, not to exceed two years for each such period of absence 4427  
or leave, either by having deductions made in accordance with 4428  
division (C) of this section or by making the payment required 4429  
by division (D) of this section. 4430

(C) If the absence or leave begins and ends in the same 4431  
year, the member may purchase credit for the absence or leave by 4432  
having the employer deduct and transmit to the system from 4433  
payrolls in that year employee contributions on the amount 4434  
certified by the employer as the compensation the member would 4435  
have received had the member remained employed in the position 4436  
held when the absence or leave commenced. The deductions may be 4437  
made even though the minimum compensation provided by law for 4438  
the member is reduced thereby, unless the amount to be deducted 4439  
exceeds the compensation to be paid the member from the time 4440  
deductions begin until the end of the year, in which case credit 4441  
may not be purchased under this division. The employer shall pay 4442  
the system the employer contributions on the compensation amount 4443  
certified under this division. Employee and employer 4444  
contributions shall be made at the rates in effect at the time 4445  
the absence or leave occurred. If the employee or employer rates 4446  
in effect change during the absence or leave, the contributions 4447  
for each month of the absence or leave shall be made at the rate 4448  
in effect for that month. 4449

(D) If the absence or leave does not begin and end in the 4450  
same year or the member does not purchase the credit under 4451

division (C) of this section, a member may purchase credit for 4452  
the absence or leave by paying ~~the employer, and the employer-~~ 4453  
~~transmitting~~ to the system, the sum of the following for each 4454  
year of credit purchased: 4455

(1) An amount determined by multiplying the employee rate 4456  
of contribution in effect at the time the absence or leave 4457  
commenced by the member's annual compensation for the member's 4458  
last full year of service prior to the commencement of the 4459  
absence or leave, or, if the member has not had a full year of 4460  
service, the compensation the member would have received for the 4461  
year the absence or leave commenced had the member continued in 4462  
service for a full year; 4463

(2) Interest compounded annually, at a rate determined by 4464  
the board, on the amount determined under division (D) (1) of 4465  
this section from the day following the last day of the year in 4466  
which the absence or leave terminated to the date of payment; 4467

(3) Interest compounded annually, at a rate determined by 4468  
the board, on an amount equal to the employer's contribution 4469  
required by this division from the day following the last day of 4470  
the year in which the absence or leave terminated to the date of 4471  
payment. 4472

The employer shall pay to the system for each year of 4473  
credit purchased under this division an amount determined by 4474  
multiplying the employer contribution rate in effect at the time 4475  
the absence or leave commenced by the member's annual 4476  
compensation for the member's last full year of service prior to 4477  
the commencement of the absence or leave, or, if the member has 4478  
not had a full year of service, the compensation the member 4479  
would have received for the year the absence or leave commenced 4480  
had the member continued in service for a full year. 4481

(E) A member who chooses to purchase service credit under 4482  
division (D) of this section may choose to purchase only part of 4483  
the credit for which the member is eligible in any one payment. 4484

(F) The state teachers retirement board may adopt rules to 4485  
implement this section. 4486

**Sec. 3307.78.** (A) As used in this section, "school board 4487  
member" means a member of a city, local, exempted village, or 4488  
joint vocational school district board of education and 4489  
"governing board member" means a member of an educational 4490  
service center governing board. 4491

(B) A member of the state teachers retirement system 4492  
participating in the STRS defined benefit plan ~~who does both of~~ 4493  
~~the following~~ may purchase credit under section 3307.70 of the 4494  
Revised Code for service as a school board or governing board 4495  
member, other than service subject to the tax on wages imposed 4496  
by the "Federal Insurance Contributions Act," 68A Stat. 415 4497  
(1954), 26 U.S.C.A. 3101, as amended, ~~if the member is eligible~~ 4498  
~~to retire under this chapter or will become eligible to retire~~ 4499  
~~as a result of purchasing the credit:~~ 4500

~~(1) Agrees to retire within ninety days after receiving~~ 4501  
~~notice of the additional liability under division (C) of this~~ 4502  
~~section;~~ 4503

~~(2) Provides.~~ The member must provide evidence 4504  
satisfactory to the state teachers retirement board of service 4505  
as a school board or governing board member during the years for 4506  
which the member wishes to purchase credit. 4507

Credit may be purchased for service as a school board or 4508  
governing board member between September 1, 1920, and the first 4509  
day of January of the year in which the credit is purchased. A 4510

member is eligible to purchase one-quarter of a year's credit 4511  
for each year of service as a school board or governing board 4512  
member. 4513

~~(C) On receipt of a request from a member eligible to 4514  
purchase credit described in this section, the system shall 4515  
obtain from its actuary certification of the additional 4516  
liability to the system for each quarter year of credit the 4517  
member is eligible to purchase and shall notify the member of 4518  
such additional liability. Within ninety days after receiving 4519  
notice of the additional liability, the member may purchase in 4520  
quarter year increments any portion of the credit the member is 4521  
eligible to purchase. Payment shall be made in full at the time 4522  
of purchase. 4523~~

~~(D) If the member does not retire within ninety days after 4524  
purchasing credit described in this section, the system shall 4525  
withdraw the credit and refund the amount paid by the member. 4526~~

**Sec. 3309.013.** (A) As used in this section, "operator" has 4527  
the same meaning as in section 3314.02 of the Revised Code. 4528

(B) "Employee," as defined in division (B) of section 4529  
3309.01 of the Revised Code, does not include either of the 4530  
following: 4531

(1) Any person initially employed on or after July 1, 4532  
2016, by a community school operator and for whom the operator 4533  
withholds and pays employee and employer taxes pursuant to 26 4534  
U.S.C. 3101(a) and 3111(a) beginning with the first paycheck 4535  
after commencing initial employment; 4536

(2) Except as provided in division (C) of this section, 4537  
any person who is a former employee of a community school 4538  
operator who is reemployed on or after July 1, 2016, by that 4539

operator and for whom the operator withholds and pays employee 4540  
and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) 4541  
beginning with the first paycheck after commencing reemployment 4542  
with that operator. 4543

(C) Division (B) (2) of this section does not apply to 4544  
~~either of the following:~~ 4545

~~(1) Any any person who was employed by the same operator 4546  
at any time within the period of July 1, 2015, to June 30, 2016, 4547  
and whose date of reemployment is before July 1, 2017.~~ 4548

~~(2) Any person to whom both of the following apply:~~ 4549

~~(a) The person was employed by the same operator at any 4550  
time in the twelve-month period preceding the date the operator 4551  
for the first time withholds and pays employee and employer 4552  
taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on behalf of its 4553  
employees and had previously only contributed to the school 4554  
employees retirement system;~~ 4555

~~(b) The person's date of reemployment is not more than 4556  
twelve months after the date the operator for the first time 4557  
withholds and pays employee and employer taxes pursuant to 26 4558  
U.S.C. 3101(a) and 3111(a).~~ 4559

(D) This section applies only to a community school 4560  
operator that was withholding and paying employee and employer 4561  
taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on or before 4562  
February 1, 2016, for persons employed in the school. 4563

**Sec. 3309.212.** (A) As used in this section: 4564

(1) "Compensation ratio" means the ratio for the most 4565  
recent full calendar year for which the information is available 4566  
of the total compensation of all electing employees in the 4567

alternative retirement plan to the sum of the total compensation 4568  
of all the school employees retirement system's defined benefit 4569  
plan members and the total compensation of all electing 4570  
employees. 4571

(2) "Electing employee" has the same meaning as in section 4572  
3305.01 of the Revised Code. 4573

(3) "Historical percentage" means the percentage that the 4574  
unfunded actuarial accrued pension liability due to 4575  
participation of electing employees in the alternative 4576  
retirement plan is of the retirement system's total unfunded 4577  
actuarial accrued pension liability as both are determined from 4578  
the annual actuarial valuation under section 3309.21 of the 4579  
Revised Code that is the most recent at the time the initial 4580  
study is conducted. 4581

(B) The school employees retirement board shall contract 4582  
with an independent actuary to complete an actuarial study to 4583  
determine the percentage of an electing employee's compensation 4584  
to be contributed by a public institution of higher education 4585  
under division (D) of section 3305.06 of the Revised Code. The 4586  
initial study must be completed and submitted by the board to 4587  
the department of higher education not later than December 31, 4588  
2016. A subsequent study must be completed and submitted not 4589  
later than the last day of December of every fifth year 4590  
thereafter. 4591

(C) For the initial study required under this section, the 4592  
actuary shall determine the percentage described in division (B) 4593  
of this section as follows: 4594

(1) The actuary shall calculate an amount necessary to 4595  
amortize over a perpetual period the sum of the following: 4596

(a) The unfunded actuarial accrued pension liability due to the participation of electing employees in the alternative retirement plan; 4597  
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4599

(b) The amount resulting from multiplying the compensation ratio by the unfunded actuarial accrued pension liability of the defined benefit plan. 4600  
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4602

(2) The actuary shall determine the percentage of electing employee compensation necessary to amortize over a perpetual period the amount calculated under division (C)(1) of this section. 4603  
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(3) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the greater of the historical percentage or the percentage calculated under division (C)(2) of this section, not to exceed four per cent. 4607  
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(4) To make the calculations and determinations required under divisions (C)(1) and (2) of this section, the actuary shall use the most recent annual actuarial valuation under section 3309.21 of the Revised Code. 4612  
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(D) For any study conducted after the initial study required under this section, the actuary shall determine the percentage described in division (B) of this section as follows: 4616  
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(1) The actuary shall calculate an amount necessary to amortize over a perpetual period the sum of the following: 4619  
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(a) The amount resulting from multiplying the historical percentage by the total amount of the unfunded actuarial accrued pension liability of the retirement system as reported in the annual actuarial valuation under section 3309.21 of the Revised Code that is most recent at the time the study is conducted; 4621  
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(b) The amount resulting from multiplying the compensation ratio by the amount of the unfunded actuarial accrued pension liability of the defined benefit plan under the annual actuarial valuation under section 3309.21 of the Revised Code that is most recent at the time the study is conducted. 4626  
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(2) The actuary shall determine the percentage of electing employee compensation necessary to amortize over a perpetual period the amount calculated under division (D)(1) of this section. 4631  
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(3) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the greater of the historical percentage or the percentage calculated under division (D)(2) of this section, not to exceed four per cent. 4635  
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**Sec. 3309.30.** For service subsequent to June 30, 1955, the retirement board shall credit a year of service credit to any member employed on a full-time basis for nine or more months of service within a year. For contributing and prior service before July 1, 1955 only eight or more months of service on a full-time basis within a year will be necessary for a year of service credit. Effective July 1, 1977, full-time service is defined as one hundred twenty or more days of school service during the school year. If less than one hundred twenty days, such service shall be prorated on the basis of one hundred eighty days. The board shall adopt rules as necessary to carry out the intent of this section. The board shall credit not more than one year for all service rendered in any year. 4640  
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~~Where a member is also a member of the state teachers retirement system, the public employees retirement system, or both, then at retirement, other than retirement on a combined~~ 4653  
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~~bases as provided in section 3309.35 of the Revised Code or as  
provided in section 3309.343 of the Revised Code, adjustment  
shall be made so that service credit for any period shall be  
credited on the basis of the ratio that contributions to the  
school employees retirement system bears to the total  
contributions in all the retirement systems during that period.~~

**Sec. 3309.474.** (A) As used in this section, "state  
retirement system" means the public employees retirement system,  
Ohio police and fire pension fund, state teachers retirement  
system, school employees retirement system, or state highway  
patrol retirement system.

(B) A state retirement system member who while a member of  
the school employees retirement system was out of service due to  
a leave of absence approved by the member's employer may  
purchase from the school employees retirement system service  
credit for any period during the leave for which contributions  
were not made under section 3309.47 of the Revised Code.

For purposes of this section, a period of leave commences  
on the first day for which employee and employer contributions  
were not made to the system and ends on the earlier of the  
termination of the leave or the member's return to contributing  
service.

(C) (1) For each year of service purchased, the member  
shall pay to the school employees retirement system for credit  
to the member's accumulated account with that system an amount  
equal to the sum of the following:

(a) An amount determined by multiplying the compensation  
the member would have received during the leave by the employee  
contribution rate in effect at that time;

(b) An amount determined by multiplying the compensation 4685  
the member would have received during the leave by the employer 4686  
contribution rate in effect at that time; 4687

(c) Compound interest at a rate determined by the school 4688  
employees retirement board from the first day of the year 4689  
following the date the leave commenced to the date of payment. 4690

(2) If the employee or employer contribution rate changed 4691  
during the leave, contributions for each month of the leave 4692  
shall be made at the rate in effect for that month. 4693

(D) Service credit purchased under this section for any 4694  
period of leave shall not exceed two years. Credit may be 4695  
purchased for more than one period of leave, but the total 4696  
number of years purchased shall not exceed the lesser of five 4697  
years or the member's total accumulated number of years of 4698  
service as a contributor to the school employees retirement 4699  
system. The member may choose to purchase only part of such 4700  
credit in any one payment, subject to board rules. 4701

(E) Service credit purchased under this section shall be 4702  
considered the equivalent of Ohio service credit. 4703

(F) The board may adopt rules under section 3309.04 of the 4704  
Revised Code to implement this section. 4705

**Sec. 3309.73.** (A) As used in this section and section 4706  
3309.731 of the Revised Code: 4707

(1) "Uniform retirement system" or "uniform system" means 4708  
the Ohio police and fire pension fund or state highway patrol 4709  
retirement system. 4710

(2) "Military service credit" means service credit 4711  
purchased or obtained under this chapter or Chapter 742. or 4712

5505. of the Revised Code for service in the armed forces of the 4713  
United States. 4714

(B) A member of the school employees retirement system who 4715  
has contributions on deposit with a uniform retirement system 4716  
shall, in computing years of total service, be given full credit 4717  
for service credit earned under Chapter 742. or 5505. of the 4718  
Revised Code or purchased or obtained for military service 4719  
credit if a transfer to the school employees retirement system 4720  
is made under this division. At the request of the member, a 4721  
transfer shall be made if all of the following conditions are 4722  
met: 4723

(1) The member's service credit in the school employees 4724  
retirement system is greater than the amount of credit that 4725  
would be transferred under this division. 4726

(2) The member is eligible, or with the credit will be 4727  
eligible, for a retirement or disability benefit. 4728

(3) The member agrees to retire or accept a disability 4729  
benefit not later than ninety days after receiving notice from 4730  
the school employees retirement system that the credit has been 4731  
obtained. 4732

(4) For each year of service the uniform system shall 4733  
transfer transfers to the school employees retirement system, 4734  
for each year of service, the sum of the following: 4735

~~(1)~~ (a) An amount equal to the member's accumulated 4736  
contributions to the uniform system and any payments by the 4737  
member for military service credit; 4738

~~(2)~~ (b) An amount equal to the lesser of the employer's 4739  
contributions to the uniform system or the amount that would 4740  
have been contributed by the employer for the service had the 4741

member been a member of the school employees retirement system 4742  
at the time the credit was earned; 4743

~~(3)~~ (c) Interest, determined as provided in division (F) 4744  
of this section, on the amounts specified in divisions (B) ~~(1)~~ 4745  
(4) (a) and ~~(2)~~ (b) of this section from the last day of the year 4746  
for which the service credit in the uniform system was earned or 4747  
in which military service credit was purchased or obtained to 4748  
the date the transfer is made. 4749

(C) A member who has at least eighteen months of 4750  
contributing service with the school employees retirement 4751  
system, is a former member of a uniform retirement system, and 4752  
has received a refund of contributions to that uniform system 4753  
~~shall, in computing years of total service, be given full~~ may 4754  
obtain credit for service credit earned under Chapter 742. or 4755  
5505. of the Revised Code or purchased or obtained for military 4756  
service credit if, ~~for~~ all of the following conditions are met: 4757

(1) The member's service credit in the school employees 4758  
retirement system is greater than the amount of credit that 4759  
would be transferred under this division. 4760

(2) The member is eligible, or with the credit will be 4761  
eligible, for a retirement or disability benefit. 4762

(3) The member agrees to retire or accept a disability 4763  
benefit not later than ninety days after receiving notice from 4764  
the school employees retirement system that the credit has been 4765  
obtained. 4766

(4) For each year of service, the school employees 4767  
retirement system receives the sum of the following: 4768

~~(1)~~ (a) An amount, which shall be paid by the member, 4769  
equal to the amount refunded by the uniform system to the member 4770

for that year for accumulated contributions and payments for 4771  
purchase of military service credit, with interest at a rate 4772  
established by the school employees retirement board on that 4773  
amount from the date of the refund to the date of the payment; 4774

~~(2)~~ (b) Interest, which shall be transferred by the 4775  
uniform system, on the amount refunded to the member that is 4776  
attributable to the year of service from the last day of the 4777  
year for which the service credit was earned or in which payment 4778  
was made for military service credit to the date the refund was 4779  
made; 4780

~~(3)~~ (c) An amount, which shall be transferred by the 4781  
uniform system, that is equal to the lesser of the employer's 4782  
contributions to the uniform system or the amount that would 4783  
have been contributed by the employer for the service had the 4784  
member been a member of the school employees retirement system 4785  
at the time the credit was earned, with interest on that amount 4786  
from the last day of the year for which the service credit was 4787  
earned or in which payment was made for military service credit 4788  
to the date of the transfer. 4789

On receipt of payment from the member, the school 4790  
employees retirement system shall notify the uniform system, 4791  
which, on receipt of the notice, shall make the transfer 4792  
required by this division. Interest shall be determined as 4793  
provided in division (F) of this section. The member may choose 4794  
to purchase only part of such credit ~~in any one payment~~, subject 4795  
to board rules. 4796

(D) A member is ineligible to obtain service credit under 4797  
this section for service that is used in the calculation of any 4798  
retirement benefit currently being paid or payable in the future 4799  
to the member under any other retirement program or for service 4800

credit that may be transferred under section 3309.731 of the Revised Code. 4801  
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~~Service credit obtained under this section shall be considered the equivalent of Ohio service credit.~~ 4803  
4804

(E) If a member of the school employees retirement system who is not a current contributor elects to obtain credit under section 742.21 or 5505.40 of the Revised Code for service for which the member contributed to the school employees retirement system or made payment for military service credit, the school employees retirement system shall transfer to the uniform retirement system, as applicable, the amount specified in division (D) of section 742.21 or division (B) (2) of section 5505.40 of the Revised Code. 4805  
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(F) Interest charged under this section shall be calculated separately for each year of service credit. Unless otherwise specified in this section, it shall be calculated at the lesser of the actuarial assumption rate for that year of the school employees retirement system or of the uniform retirement system in which the credit was earned. The interest shall be compounded annually. 4814  
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(G) At the request of the school employees retirement system, the uniform retirement system shall certify to the school employees retirement system a copy of the records of the service and contributions of a school employees retirement system member who seeks service credit under this section. 4821  
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(H) Service credit obtained under this section shall be considered the equivalent of Ohio service credit. 4826  
4827

(I) The school employees retirement system shall withdraw credit obtained under this section and refund all amounts paid 4828  
4829

or transferred to obtain the credit if either of the following 4830  
occurs: 4831

(1) The member fails to retire or accept a disability 4832  
benefit not later than ninety days after receiving notice from 4833  
the school employees retirement system that credit has been 4834  
obtained under this section. 4835

(2) The member's application for a disability benefit is 4836  
denied. 4837

**Sec. 3309.731.** (A) As used in this section, "transferred 4838  
service credit" means service credit purchased or obtained under 4839  
section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 4840  
of the Revised Code prior to the date a member commenced the 4841  
employment covered by the school employees retirement system for 4842  
which the member is currently contributing to the system. 4843

(B) A member of the school employees retirement system who 4844  
has contributions on deposit with, but is no longer contributing 4845  
to, a uniform retirement system shall, in computing years of 4846  
service, be given full credit for transferred service credit if 4847  
a transfer to the school employees retirement system is made 4848  
under this ~~section~~ division. At the request of a member, a 4849  
transfer shall be made if all of the following conditions are 4850  
met: 4851

(1) The member's service credit in the school employees 4852  
retirement system is greater than the amount of credit that 4853  
would be transferred under this division. 4854

(2) The member is eligible, or with the credit will be 4855  
eligible, for a retirement or disability benefit. 4856

(3) The member agrees to retire or accept a disability 4857  
benefit not later than ninety days after receiving notice from 4858

the school employees retirement system that the credit has been 4859  
obtained. 4860

(4) For each year of service, the uniform system ~~shall~~ 4861  
~~transfer~~ transfers to the school employees retirement system the 4862  
sum of the following: 4863

~~(1)~~ (a) An amount equal to the amounts transferred to the 4864  
uniform system under section 742.21, 742.214, 742.375, 5505.201, 4865  
5505.40, or 5505.41 of the Revised Code; 4866

~~(2)~~ (b) Interest, determined as provided in division (E) 4867  
of this section, on the amount specified in division (B) ~~(1)~~ (4) 4868  
(a) of this section for the period from the last day of the year 4869  
in which the transfer under section 742.21, 742.214, 742.375, 4870  
5505.201, 5505.40, or 5505.41 of the Revised Code was made to 4871  
the date a transfer is made under this section. 4872

(C) A member of the school employees retirement system 4873  
with at least eighteen months of contributing service credit 4874  
with the school employees retirement system who has received a 4875  
refund of contributions to a uniform retirement system shall, in 4876  
computing years of service, be given full credit for transferred 4877  
service credit if, ~~for~~ all of the following conditions are met: 4878

(1) The member's service credit in the school employees 4879  
retirement system is greater than the amount of credit that 4880  
would be transferred under this division. 4881

(2) The member is eligible, or with the credit will be 4882  
eligible, for a retirement or disability benefit. 4883

(3) The member agrees to retire or accept a disability 4884  
benefit not later than ninety days after receiving notice from 4885  
the school employees retirement system that the credit has been 4886  
obtained. 4887



(4) For each year of service, the school employees 4888  
retirement system receives the sum of the following: 4889

~~(1)~~ (a) An amount, which shall be paid by the member, 4890  
equal to the amount refunded by the uniform system to the member 4891  
for that year for transferred service credit, with interest on 4892  
that amount from the date of the refund to the date a payment is 4893  
made under this section; 4894

~~(2)~~ (b) Interest, which shall be transferred by the 4895  
uniform system, on the amount refunded to the member for the 4896  
period from the last day of the year in which the transfer under 4897  
section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 4898  
of the Revised Code was made to the date the refund was made; 4899

~~(3)~~ (c) If the uniform system retained any portion of the 4900  
amount transferred under section 742.21, 742.214, 742.375, 4901  
5505.201, 5505.40, or 5505.41 of the Revised Code, an amount, 4902  
which shall be transferred by the uniform system, equal to the 4903  
amount retained, with interest on that amount for the period 4904  
from the last day of the year in which the transfer under 4905  
section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 4906  
of the Revised Code was made to the date a transfer is made 4907  
under this section. 4908

On receipt of payment from the member, the school 4909  
employees retirement system shall notify the uniform system, 4910  
which, on receipt of the notice, shall make the transfer 4911  
required by this division. Interest shall be determined as 4912  
provided in division (E) of this section. 4913

(D) Service credit purchased or obtained under this 4914  
section shall be considered the equivalent of Ohio service 4915  
credit. A member may choose to purchase only part of the credit 4916

the member is eligible to purchase under division (C) of this 4917  
section ~~in any one payment~~, subject to rules adopted by the 4918  
school employees retirement board. A member is ineligible to 4919  
purchase or obtain service credit under this section for service 4920  
to be used in the calculation of any retirement benefit 4921  
currently being paid or payable to the member in the future 4922  
under any other retirement program or for service credit that 4923  
may be purchased or obtained under section 3309.73 of the 4924  
Revised Code. 4925

(E) Interest charged under this section shall be 4926  
calculated separately for each year of service credit at the 4927  
lesser of the actuarial assumption rate for that year of the 4928  
school employees retirement system or of the uniform retirement 4929  
system to which the credit was transferred under section 742.21, 4930  
742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the Revised 4931  
Code. The interest shall be compounded annually. 4932

(F) Any amounts transferred or paid under divisions (B) 4933  
and (C) of this section that are attributable to contributions 4934  
made by the member or to amounts paid to purchase service credit 4935  
shall be credited to the employees' savings fund created under 4936  
section 3309.47 of the Revised Code. Any remaining amounts shall 4937  
be credited to one or more of the funds created under that 4938  
section as determined by the board. 4939

(G) At the request of the school employees retirement 4940  
system, the uniform retirement system shall certify to the 4941  
school employees retirement system a copy of the records of the 4942  
service and contributions of a school employees retirement 4943  
system member who seeks service credit under this section. The 4944  
uniform retirement system shall specify the portions of the 4945  
amounts transferred that are attributable to employee 4946

contributions, employer contributions, and interest. 4947

(H) If a member of the school employees retirement system 4948  
who is not a current contributor elects to receive service 4949  
credit under section 742.214 or 5505.41 of the Revised Code for 4950  
transferred service credit, as defined in those sections, the 4951  
system shall transfer to the uniform retirement system, as 4952  
applicable, the amount specified in division (B) or (C) of 4953  
section 742.214 or division (B) or (C) of section 5505.41 of the 4954  
Revised Code. 4955

(I) The school employees retirement system shall withdraw 4956  
credit obtained under this section and refund all amounts paid 4957  
or transferred to obtain the credit if either of the following 4958  
occurs: 4959

(1) The member fails to retire or accept a disability 4960  
benefit not later than ninety days after receiving notice from 4961  
the school employees retirement system that credit has been 4962  
obtained under this section. 4963

(2) The member's application for a disability benefit is 4964  
denied. 4965

(J) The board may adopt rules to implement this section. 4966

**Sec. 3309.75.** (A) If the conditions described in division 4967  
(B) of section 3309.74 of the Revised Code are met, a member of 4968  
the school employees retirement system who is not receiving a 4969  
pension or benefit from the school employees retirement system 4970  
is eligible to obtain credit for service as a member of the 4971  
Cincinnati retirement system under this section. 4972

(B) A member of the school employees retirement system who 4973  
has contributions on deposit with, but is no longer contributing 4974  
to, the Cincinnati retirement system shall, in computing years 4975

of service credit, be given credit for service credit earned 4976  
under the Cincinnati retirement system or purchased or obtained 4977  
as military service credit if, ~~for~~ all of the following 4978  
conditions are met: 4979

(1) The member's service credit in the school employees 4980  
retirement system is greater than the amount of credit that 4981  
would be transferred under this division. 4982

(2) The member is eligible, or with the credit will be 4983  
eligible, for a retirement or disability benefit. 4984

(3) The member agrees to retire or accept a disability 4985  
benefit not later than ninety days after receiving notice from 4986  
the school employees retirement system that the credit has been 4987  
obtained. 4988

(4) For each year of service, the Cincinnati retirement 4989  
system transfers to the school employees retirement system the 4990  
sum of the following: 4991

~~(1)~~ (a) The amount contributed by the member, or, in the 4992  
case of military service credit, paid by the member, that is 4993  
attributable to the year of service; 4994

~~(2)~~ (b) An amount equal to the lesser of the employer's 4995  
contributions to the Cincinnati retirement system or the amount 4996  
that would have been contributed by the employer for the service 4997  
had the member been a member of the school employees retirement 4998  
system at the time the credit was earned; 4999

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 5000  
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section from the last day of the 5001  
year for which the service credit was earned or in which payment 5002  
was made for military service credit to the date the transfer is 5003  
made. 5004

(C) A member of the school employees retirement system 5005  
with at least eighteen months of contributing service credit 5006  
with the school employees retirement system who has received a 5007  
refund of the member's contributions to the Cincinnati 5008  
retirement system ~~shall, in computing years of service, be given~~ 5009  
may obtain credit for service credit earned under the Cincinnati 5010  
retirement system or purchased or obtained as military service 5011  
credit if, ~~for~~ all of the following conditions are met: 5012

(1) The member's service credit in the school employees 5013  
retirement system is greater than the amount of credit that 5014  
would be transferred under this division. 5015

(2) The member is eligible, or with the credit will be 5016  
eligible, for a retirement or disability benefit. 5017

(3) The member agrees to retire or accept a disability 5018  
benefit not later than ninety days after receiving notice from 5019  
the school employees retirement system that the credit has been 5020  
obtained. 5021

(4) For each year of service, the school employees 5022  
retirement system receives the sum of the following: 5023

~~(1)~~ (a) An amount, paid by the member, equal to the sum of 5024  
the following: 5025

~~(a)~~ (i) The amount refunded by the Cincinnati retirement 5026  
system to the member for that year for contributions and 5027  
payments for military service credit, with interest at a rate 5028  
established by the school employees retirement board on that 5029  
amount from the date of the refund to the date of payment; 5030

~~(b)~~ (ii) The amount of interest, if any, the member 5031  
received when the refund was made that is attributable to the 5032  
year of service. 5033

~~(2)~~ (b) An amount, transferred by the Cincinnati retirement system to the school employees retirement system, equal to the sum of the following:

~~(a)~~ (i) Interest on the amount refunded to the member that is attributable to the year of service from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the refund was made;

~~(b)~~ (ii) An amount equal to the lesser of the employer's contributions to the Cincinnati retirement system or the amount that would have been contributed by the employer for the service had the member been a member of the school employees retirement system at the time the credit was earned, with interest on that amount from the last day of the year for which the service credit was earned to the date of the transfer.

(D) The amount transferred under division (C) ~~(2)~~ (a) ~~(4)~~ (b) (i) of this section shall not include any amount of interest the Cincinnati retirement system paid to the person when it made the refund.

(E) On receipt of payment from the member under division (C) ~~(1)~~ (4) (a) of this section, the school employees retirement system shall notify the Cincinnati retirement system. On receipt of the notice, the Cincinnati retirement system shall transfer the amount described in division (C) ~~(2)~~ (4) (b) of this section.

(F) Interest charged under this section shall be calculated separately for each year of service credit. Unless otherwise specified in this section, it shall be calculated at the lesser of the actuarial assumption rate for that year of the school employees retirement system or the Cincinnati retirement

system. The interest shall be compounded annually. 5063

(G) At the request of the school employees retirement 5064  
system, the Cincinnati retirement system shall certify to the 5065  
school employees retirement system a copy of the records of the 5066  
service and contributions of a school employees retirement 5067  
system member who seeks service credit under this section. 5068

(H) A member may choose to purchase only part of the 5069  
credit the member is eligible to purchase under division (C) of 5070  
this section ~~in any one payment~~, subject to rules of the school 5071  
employees retirement board. 5072

(I) A member is ineligible to obtain credit under this 5073  
section for service that is used in the calculation of any 5074  
retirement benefit currently being paid or payable in the 5075  
future. 5076

(J) Service credit purchased or otherwise obtained under 5077  
this section shall be considered the equivalent of Ohio service 5078  
credit. 5079

(K) The school employees retirement system shall withdraw 5080  
credit obtained under this section and refund all amounts paid 5081  
or transferred to obtain the credit if either of the following 5082  
occurs: 5083

(1) The member fails to retire or accept a disability 5084  
benefit not later than ninety days after receiving notice from 5085  
the school employees retirement system that credit has been 5086  
obtained under this section. 5087

(2) The member's application for a disability benefit is 5088  
denied. 5089

**Sec. 3309.76.** (A) If the conditions described in division 5090

(B) of section 3309.74 of the Revised Code are met and a person 5091  
who is a member or former member of the school employees 5092  
retirement system but not a current contributor and who is not 5093  
receiving a pension or benefit from the school employees 5094  
retirement system elects to receive credit under the Cincinnati 5095  
retirement system for service for which the person contributed 5096  
to the school employees retirement system or purchased or 5097  
obtained as military service credit, the school employees 5098  
retirement system shall transfer the amounts specified in 5099  
~~division (B)~~ divisions (A) (4) (a) or (C) (A) (4) (b) of this 5100  
section to the Cincinnati retirement system. A person may obtain 5101  
credit if all of the following conditions are met: 5102

(1) The member's service credit in the Cincinnati 5103  
retirement system is greater than the amount of credit that 5104  
would be transferred under this division. 5105

(2) The member is eligible, or with the credit will be 5106  
eligible, for a retirement or disability benefit. 5107

(3) The member agrees to retire or accept a disability 5108  
benefit not later than ninety days after receiving notice from 5109  
the school employees retirement system that the credit has been 5110  
obtained. 5111

~~(B)~~ (4) (a) If the person has contributions on deposit with 5112  
the school employees retirement system, the retirement system 5113  
~~shall~~, for each year of service credit, ~~transfer~~ transfers to 5114  
the Cincinnati retirement system the sum of the following: 5115

~~(1)~~ (i) An amount equal to the person's contributions to 5116  
the school employees retirement system and payments made by the 5117  
member for military service credit; 5118

~~(2)~~ (ii) An amount equal to the lesser of the employer's 5119



contributions to the school employees retirement system or the 5120  
amount that would have been contributed by the employer for the 5121  
service had the person been a member of the Cincinnati 5122  
retirement system at the time the credit was earned; 5123

~~(3)~~ (iii) Interest on the amounts specified in divisions 5124  
~~(B) (1)~~ (A) (4) (a) (i) and ~~(2)~~ (ii) of this section for the period 5125  
from the last day of the year for which the service credit was 5126  
earned or in which payment was made for military service credit 5127  
to the date the transfer was made. 5128

~~(C)~~ (b) If the person has received a refund of accumulated 5129  
contributions to the school employees retirement system, the 5130  
retirement system ~~shall~~, for each year of service credit, 5131  
~~transfer~~ transfers to the Cincinnati retirement system the sum 5132  
of the following: 5133

~~(1)~~ (i) Interest on the amount refunded to the former 5134  
member that is attributable to the year of service from the last 5135  
day of the year for which the service credit was earned or in 5136  
which payment was made for military service credit to the date 5137  
the refund was made; 5138

~~(2)~~ (ii) An amount equal to the lesser of the employer's 5139  
contributions to the school employees retirement system or the 5140  
amount that would have been contributed by the employer for the 5141  
service had the person been a member of the Cincinnati 5142  
retirement system at the time the credit was earned, with 5143  
interest on that amount from the last day of the year for which 5144  
the service credit was earned to the date of the transfer. 5145

~~(D)~~ (B) On receipt of notice from the Cincinnati 5146  
retirement system that the Cincinnati retirement system has 5147  
received payment from a person described in division ~~(C)~~ (A) (4) 5148

(b) of this section, the school employees retirement system 5149  
shall transfer the amount described in that division. 5150

~~(E)~~ (C) Interest charged under this section shall be 5151  
calculated separately for each year of service credit. Unless 5152  
otherwise specified in this section, it shall be calculated at 5153  
the lesser of the actuarial assumption rate for that year of the 5154  
school employees retirement system or the Cincinnati retirement 5155  
system. The interest shall be compounded annually. 5156

~~(F)~~ (D) The transfer of any amount under this section 5157  
shall cancel an equivalent amount of service credit. 5158

~~(G)~~ (E) At the request of the Cincinnati retirement 5159  
system, the school employees retirement system shall certify to 5160  
the Cincinnati retirement system a copy of the records of the 5161  
service and contributions of a member or former member of the 5162  
school employees retirement system who elects to receive service 5163  
credit under the Cincinnati retirement system. 5164

**Sec. 5505.01.** As used in this chapter: 5165

(A) "Employee" means any qualified employee in the uniform 5166  
division of the state highway patrol, any qualified employee in 5167  
the radio division hired prior to November 2, 1989, and any 5168  
state highway patrol cadet attending training school pursuant to 5169  
section 5503.05 of the Revised Code whose attendance at the 5170  
school begins on or after June 30, 1991. "Employee" includes the 5171  
superintendent of the state highway patrol. In all cases of 5172  
doubt, the state highway patrol retirement board shall determine 5173  
whether any person is an employee as defined in this division, 5174  
and the decision of the board is final. 5175

(B) "Prior service" means all service rendered as an 5176  
employee of the state highway patrol prior to September 5, 1941, 5177

to the extent credited by the board, provided that in no case 5178  
shall prior service include service rendered prior to November 5179  
15, 1933. 5180

(C) "Total service" means all service rendered by an 5181  
employee to the extent credited by the board. Total service 5182  
includes all of the following: 5183

(1) Contributing service rendered by the employee since 5184  
last becoming a member of the state highway patrol retirement 5185  
system; 5186

(2) All prior service credit; 5187

(3) Restored service credit as provided in this chapter; 5188

(4) Military service credit purchased under division (D) 5189  
of section 5505.16 or section 5505.25 of the Revised Code; 5190

(5) Credit granted under division (C) of section 5505.17 5191  
or section 5505.201, 5505.40, or 5505.402 of the Revised Code; 5192

(6) Credit for any period, not to exceed three years, 5193  
during which the member was out of service and receiving 5194  
benefits under Chapters 4121. and 4123. of the Revised Code. 5195

(D) ~~"Beneficiary" means any person, except a retirant, who~~ 5196  
~~is in receipt of a pension or other benefit payable from funds~~ 5197  
~~of the retirement system.~~ 5198

~~(E)~~ "Regular interest" means interest compounded at rates 5199  
designated from time to time by the retirement board. 5200

~~(F)~~ (E) "Plan" means the provisions of this chapter. 5201

~~(G)~~ (F) "Retirement system" or "system" means the state 5202  
highway patrol retirement system created and established in the 5203  
plan. 5204

~~(H)~~ (G) "Contributing service" means all service rendered 5205  
by a member since September 4, 1941, for which deductions were 5206  
made from the member's salary under the plan. 5207

~~(I)~~ (H) "Retirement board" or "board" means the state 5208  
highway patrol retirement board provided for in the plan. 5209

~~(J)~~ (I) Except as provided in section 5505.18 of the 5210  
Revised Code, "member" means any employee included in the 5211  
membership of the retirement system, whether or not rendering 5212  
contributing service. 5213

~~(K)~~ (J) "Retirant" means any member who ~~retires with a~~ 5214  
~~pension payable from the retirement system~~ has retired under 5215  
section 5505.16 or 5505.18 of the Revised Code. 5216

~~(L)~~ (K) "Accumulated contributions" means the sum of the 5217  
following credited to a member's individual account in the 5218  
employees' savings fund: 5219

(1) All amounts deducted from the salary of the member; 5220

(2) All amounts paid by the member to purchase state 5221  
highway patrol retirement system service credit pursuant to this 5222  
chapter or other state law. 5223

~~(M)~~ (L) (1) Except as provided in division ~~(M)~~ (L) (2) of this 5224  
section, "final average salary" means the average of the highest 5225  
salary paid a member during any five consecutive or 5226  
nonconsecutive years. 5227

If a member has less than five years of contributing 5228  
service, the member's final average salary shall be the average 5229  
of the annual rates of salary paid to the member during the 5230  
member's total years of contributing service. 5231

(2) If a member is credited with service under division 5232

(C) (6) of this section or division (D) of section 5505.16 of the Revised Code, the member's final average salary shall be the average of the highest salary that was paid to the member or would have been paid to the member, had the member been rendering contributing service, during any five consecutive or nonconsecutive years. If that member has less than five years of total service, the member's final average salary shall be the average of the annual rates of salary that were paid to the member or would have been paid to the member during the member's years of total service.

~~(N)~~ (M) "Pension" means an annual amount payable by the retirement system throughout the life of a person or as otherwise provided in the plan.

~~(O)~~ (N) "Pension reserve" means the present value of any pension, or benefit in lieu of any pension, computed upon the basis of mortality and other tables of experience and interest the board shall from time to time adopt.

~~(P)~~ (O) "Deferred pension" means a pension for which an eligible member of the system has made application and which is payable as provided in division (A) or (B) of section 5505.16 of the Revised Code.

~~(Q)~~ (P) "Retirement" means ~~termination as an employee of the state highway patrol, with application having been made to the system for a pension or a deferred pension~~ retirement as provided in sections 5505.16 and 5505.18 of the Revised Code.

~~(R)~~ (Q) "Fiduciary" means any of the following:

(1) A person who exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) A person who renders investment advice for a fee, 5262  
direct or indirect, with respect to money or property of the 5263  
system; 5264

(3) A person who has any discretionary authority or 5265  
responsibility in the administration of the system. 5266

~~(S)~~(R) (1) Except as otherwise provided in this division, 5267  
"salary" means all compensation, wages, and other earnings paid 5268  
to a member by reason of employment but without regard to 5269  
whether any of the compensation, wages, or other earnings are 5270  
treated as deferred income for federal income tax purposes. 5271  
Salary includes all of the following: 5272

(a) Payments for shift differential, hazard duty, 5273  
professional achievement, and longevity; 5274

(b) Payments for occupational injury leave, personal 5275  
leave, sick leave, bereavement leave, administrative leave, and 5276  
vacation leave used by the member; 5277

(c) Payments made under a disability leave program 5278  
sponsored by the state for which the state is required by 5279  
section 5505.151 of the Revised Code to make periodic employer 5280  
and employee contributions to the retirement system. 5281

(2) "Salary" does not include any of the following: 5282

(a) Payments resulting from the conversion of accrued but 5283  
unused sick leave, personal leave, compensatory time, and 5284  
vacation leave; 5285

(b) Payments made by the state to provide life insurance, 5286  
sickness, accident, endowment, health, medical, hospital, 5287  
dental, or surgical coverage, or other insurance for the member 5288  
or the member's family, or amounts paid by the state to the 5289

member in lieu of providing that insurance; 5290

(c) Payments for overtime work; 5291

(d) Incidental benefits, including lodging, food, laundry, 5292  
parking, or services furnished by the state, use of property or 5293  
equipment of the state, and reimbursement for job-related 5294  
expenses authorized by the state including moving and travel 5295  
expenses and expenses related to professional development; 5296

(e) Payments made to or on behalf of a member that are in 5297  
excess of the annual compensation that may be taken into account 5298  
by the retirement system under division (a) (17) of section 401 5299  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 5300  
U.S.C.A. 401 (a) (17), as amended; 5301

(f) Payments made under division (B), (C), or (E) of 5302  
section 5923.05 of the Revised Code, Section 4 of Substitute 5303  
Senate Bill No. 3 of the 119th general assembly, Section 3 of 5304  
Amended Substitute Senate Bill No. 164 of the 124th general 5305  
assembly, or Amended Substitute House Bill No. 405 of the 124th 5306  
general assembly. 5307

(3) The retirement board shall determine by rule whether 5308  
any compensation, wages, or earnings not enumerated in this 5309  
division are salary, and its decision shall be final. 5310

~~(T)~~ (S) "Actuary" means an individual who satisfies all of 5311  
the following requirements: 5312

(1) Is a member of the American academy of actuaries; 5313

(2) Is an associate or fellow of the society of actuaries; 5314

(3) Has a minimum of five years' experience in providing 5315  
actuarial services to public retirement plans. 5316

**Sec. 5505.04.** (A) (1) The general administration and 5317  
management of the state highway patrol retirement system and the 5318  
making effective of this chapter are hereby vested in the state 5319  
highway patrol retirement board. The board may sue and be sued, 5320  
plead and be impleaded, contract and be contracted with, and do 5321  
all things necessary to carry out this chapter. 5322

The board shall consist of the following members: 5323

(a) The superintendent of the state highway patrol; 5324

(b) Two retirant members who reside in this state; 5325

(c) Five employee-members; 5326

(d) One member, known as the treasurer of state's 5327  
investment designee, who shall be appointed by the treasurer of 5328  
state for a term of four years and who shall have the following 5329  
qualifications: 5330

(i) The member is a resident of this state. 5331

(ii) Within the three years immediately preceding the 5332  
appointment, the member has not been employed by the public 5333  
employees retirement system, police and fire pension fund, state 5334  
teachers retirement system, school employees retirement system, 5335  
or state highway patrol retirement system or by any person, 5336  
partnership, or corporation that has provided to one of those 5337  
retirement systems services of a financial or investment nature, 5338  
including the management, analysis, supervision, or investment 5339  
of assets. 5340

(iii) The member has direct experience in the management, 5341  
analysis, supervision, or investment of assets. 5342

(iv) The member is not currently employed by the state or 5343  
a political subdivision of the state. 5344



(e) Two investment expert members, who shall be appointed 5345  
to four-year terms. One investment expert member shall be 5346  
appointed by the governor, and one investment expert member 5347  
shall be jointly appointed by the speaker of the house of 5348  
representatives and the president of the senate. Each investment 5349  
expert member shall have the following qualifications: 5350

(i) Each investment expert member shall be a resident of 5351  
this state. 5352

(ii) Within the three years immediately preceding the 5353  
appointment, each investment expert member shall not have been 5354  
employed by the public employees retirement system, police and 5355  
fire pension fund, state teachers retirement system, school 5356  
employees retirement system, or state highway patrol retirement 5357  
system or by any person, partnership, or corporation that has 5358  
provided to one of those retirement systems services of a 5359  
financial or investment nature, including the management, 5360  
analysis, supervision, or investment of assets. 5361

(iii) Each investment expert member shall have direct 5362  
experience in the management, analysis, supervision, or 5363  
investment of assets. 5364

(2) The board shall annually elect a chairperson and vice- 5365  
chairperson from among its members. The vice-chairperson shall 5366  
act as chairperson in the absence of the chairperson. A majority 5367  
of the members of the board shall constitute a quorum ~~and any~~ 5368  
~~action taken shall be approved by a majority of the members of~~ 5369  
~~the board.~~ The board shall meet not less than once each year, 5370  
upon sufficient notice to the members. All meetings of the board 5371  
shall be open to the public except executive sessions as set 5372  
forth in division (G) of section 121.22 of the Revised Code, and 5373  
any portions of any sessions discussing medical records or the 5374

degree of disability of a member excluded from public inspection 5375  
by this section. 5376

(3) Any member appointed under this section shall hold 5377  
office until the end of the member's term or, if later, the date 5378  
the member's successor takes office. 5379

(B) The attorney general shall prescribe procedures for 5380  
the adoption of rules authorized under this chapter, consistent 5381  
with the provision of section 111.15 of the Revised Code under 5382  
which all rules shall be filed in order to be effective. Such 5383  
procedures shall establish methods by which notice of proposed 5384  
rules are given to interested parties and rules adopted by the 5385  
board published and otherwise made available. When it files a 5386  
rule with the joint committee on agency rule review pursuant to 5387  
section 111.15 of the Revised Code, the board shall submit to 5388  
the Ohio retirement study council a copy of the full text of the 5389  
rule, and if applicable, a copy of the rule summary and fiscal 5390  
analysis required by division (B) of section 127.18 of the 5391  
Revised Code. 5392

(C) (1) As used in this division, "personal history record" 5393  
means information maintained by the board on an individual who 5394  
is a member, former member, retirant, or beneficiary that 5395  
includes the address, electronic mail address, telephone number, 5396  
social security number, record of contributions, correspondence 5397  
with the system, and other information the board determines to 5398  
be confidential. 5399

(2) The records of the board shall be open to public 5400  
inspection and may be made available in printed or electronic 5401  
format, except for the following which shall be excluded: the 5402  
member's, former member's, retirant's, or beneficiary's personal 5403  
history record and the amount of a monthly allowance or benefit 5404

paid to a retirant, beneficiary, or survivor, except with the 5405  
written authorization of the individual concerned. 5406

(D) All medical reports and recommendations are privileged 5407  
except as follows: 5408

(1) Copies of such medical reports or recommendations 5409  
shall be made available to the individual's personal physician, 5410  
attorney, or authorized agent upon written release received from 5411  
such individual or such individual's agent, or when necessary 5412  
for the proper administration of the fund to the board-assigned 5413  
physician. 5414

(2) Documentation required by section 2929.193 of the 5415  
Revised Code shall be provided to a court holding a hearing 5416  
under that section. 5417

(E) Notwithstanding the exceptions to public inspection in 5418  
division (C) (2) of this section, the board may furnish the 5419  
following information: 5420

(1) If a member, former member, or retirant is subject to 5421  
an order issued under section 2907.15 of the Revised Code or an 5422  
order issued under division (A) or (B) of section 2929.192 of 5423  
the Revised Code or is convicted of or pleads guilty to a 5424  
violation of section 2921.41 of the Revised Code, on written 5425  
request of a prosecutor as defined in section 2935.01 of the 5426  
Revised Code, the board shall furnish to the prosecutor the 5427  
information requested from the individual's personal history 5428  
record. 5429

(2) Pursuant to a court order issued under Chapters 3119., 5430  
3121., and 3123. of the Revised Code, the board shall furnish to 5431  
a court or child support enforcement agency the information 5432  
required under those chapters. 5433

(3) At the written request of any nonprofit organization 5434  
or association providing services to retirement system members, 5435  
retirants, or beneficiaries, the board shall provide to the 5436  
organization or association a list of the names and addresses of 5437  
members, former members, retirants, or beneficiaries if the 5438  
organization or association agrees to use such information 5439  
solely in accordance with its stated purpose of providing 5440  
services to such individuals and not for the benefit of other 5441  
persons, organizations, or associations. The costs of compiling, 5442  
copying, and mailing the list shall be paid by such entity. 5443

(4) Within fourteen days after receiving from the director 5444  
of job and family services a list of the names and social 5445  
security numbers of recipients of public assistance pursuant to 5446  
section 5101.181 of the Revised Code, the board shall inform the 5447  
auditor of state of the name, current or most recent employer 5448  
address, and social security number of each member whose name 5449  
and social security number are the same as those of a person 5450  
whose name or social security number was submitted by the 5451  
director. The board and its employees, except for purposes of 5452  
furnishing the auditor of state with information required by 5453  
this section, shall preserve the confidentiality of recipients 5454  
of public assistance in compliance with section 5101.181 of the 5455  
Revised Code. 5456

(5) The system shall comply with orders issued under 5457  
section 3105.87 of the Revised Code. 5458

On the written request of an alternate payee, as defined 5459  
in section 3105.80 of the Revised Code, the system shall furnish 5460  
to the alternate payee information on the amount and status of 5461  
any amounts payable to the alternate payee under an order issued 5462  
under section 3105.171 or 3105.65 of the Revised Code. 5463

(6) At the request of any person, the board shall make 5464  
available to the person copies of all documents, including 5465  
resumes, in the board's possession regarding filling a vacancy 5466  
of an employee member or retirant member of the board. The 5467  
person who made the request shall pay the cost of compiling, 5468  
copying, and mailing the documents. The information described in 5469  
this division is a public record. 5470

(7) The system shall provide the notice required by 5471  
section 5505.263 of the Revised Code to the prosecutor assigned 5472  
to the case. 5473

(8) The system may provide information requested by the 5474  
United States social security administration, United States 5475  
centers for medicare and medicaid, public employees retirement 5476  
system, Ohio public employees deferred compensation program, 5477  
Ohio police and fire pension fund, school employees retirement 5478  
system, state teachers retirement system, or Cincinnati 5479  
retirement system. 5480

(F) A statement that contains information obtained from 5481  
the system's records that is certified and signed by an officer 5482  
of the retirement system and to which the system's official seal 5483  
is affixed, or copies of the system's records to which the 5484  
signature and seal are attached, shall be received as true 5485  
copies of the system's records in any court or before any 5486  
officer of this state. 5487

(G) The board may maintain records in printed or 5488  
electronic format. 5489

**Sec. 5505.16.** (A) A member of the state highway patrol 5490  
retirement system who has twenty-five years of service credit 5491  
according to the rules adopted by the state highway patrol 5492

retirement board may make application for ~~a pension retirement~~ 5493  
which, if the member is under age forty-eight, shall be deferred 5494  
until age forty-eight. 5495

(B) A member who has twenty years of service credit 5496  
according to the rules adopted by the retirement board, may make 5497  
application for ~~a pension retirement~~ that, if the member is 5498  
under age fifty-two, shall be deferred until age fifty-two, 5499  
except that any such member who has attained twenty years of 5500  
service may, on or after attaining age forty-eight but before 5501  
attaining age fifty-two, elect to receive a reduced pension of 5502  
the greater of nine hundred dollars or an amount computed as 5503  
follows: 5504

| Attained Age | Reduced Pension               |      |
|--------------|-------------------------------|------|
| 48           | 75% of normal service pension | 5505 |
| 49           | 80% of normal service pension | 5506 |
| 50           | 86% of normal service pension | 5507 |
| 51           | 93% of normal service pension | 5508 |

In the case of a member who elects to receive a reduced 5510  
pension after attaining age forty-eight, the reduced pension is 5511  
payable from the later of the date of the member's most recent 5512  
birthday or the date the member becomes eligible to receive the 5513  
reduced pension. 5514

A member who has elected to receive a reduced pension in 5515  
accordance with the schedule provided in this division and has 5516  
received a payment in connection therewith may not change the 5517  
election. 5518

(C) Any member who attains the age of sixty years and has 5519  
twenty years of service credit according to the rules adopted by 5520  
the board, shall file application for retirement with the board, 5521

and if the member refuses or neglects to do so, the board may 5522  
deem the member's application to have been filed on the member's 5523  
sixtieth birthday. The member may, upon written application 5524  
approved by the superintendent of the state highway patrol, be 5525  
continued in service after attaining the age of sixty years, but 5526  
only until the member has accumulated twenty years of service 5527  
credit in accordance with rules adopted by the board. 5528

(D) (1) As used in this division: 5529

(a) "Service in the uniformed services" means the 5530  
performance of duty on a voluntary or involuntary basis in a 5531  
uniformed service under competent authority and includes active 5532  
duty, active duty for training, initial active duty for 5533  
training, inactive duty training, full-time national guard duty, 5534  
and a period for which a person is absent from a position of 5535  
employment for the purpose of an examination to determine the 5536  
fitness of the person to perform any such duty. 5537

(b) "Uniformed services" of the United States includes 5538  
both: 5539

(i) Army, navy, air force, marine corps, coast guard, or 5540  
any reserve components of these services; auxiliary corps as 5541  
established by congress; army nurse corps; navy nurse corps; 5542  
service as red cross nurse with the army, navy, air force, or 5543  
hospital service of the United States, or serving full-time with 5544  
the American red cross in a combat zone; and such other service 5545  
as is designated by congress as included therein; 5546

(ii) Personnel of the Ohio national guard, the Ohio 5547  
military reserve, the Ohio naval militia, and the reserve 5548  
components of the armed forces enumerated in division (D) (1) of 5549  
this section who are called to active duty pursuant to an 5550

executive order issued by the president of the United States or 5551  
an act of congress. 5552

(2) A member's total service credit may include periods 5553  
not to exceed a total of seven years, while the member's 5554  
employment with the state highway patrol is or was interrupted 5555  
due to service in the uniformed services of the United States. 5556  
Such military service shall be credited to the member towards 5557  
total service as provided by this chapter and to the extent 5558  
approved by the board, provided that: 5559

(a) The member is or was honorably discharged from service 5560  
in the uniformed services; 5561

(b) The member is or was re-employed by the state highway 5562  
patrol within ninety days immediately following termination of 5563  
service in the uniformed services; 5564

(c) The member, subject to board rules, pays into the 5565  
retirement system to the member's credit in the employees' 5566  
savings fund an amount equal to the total contributions the 5567  
member would have paid had state highway patrol employment not 5568  
been so interrupted. Such payment may be made at any time prior 5569  
to receipt of a pension. 5570

(3) If the member meets the requirements of division (D) 5571  
(2) of this section, on receipt of contributions from the 5572  
member, the state highway patrol shall be billed for the 5573  
employer contribution that would have been paid pursuant to 5574  
section 5505.15 of the Revised Code if the member had not 5575  
rendered service in the uniformed services, subject to board 5576  
rules. 5577

(4) If under division (D) (2) (c) of this section a member 5578  
pays all or any portion of the contributions later than the 5579



lesser of five years or a period that is three times the 5580  
member's period of service in the uniformed services beginning 5581  
from the member's date of re-employment, an amount equal to 5582  
compound interest at a rate established by the board from the 5583  
member's date of re-employment to the date of payment shall be 5584  
added to the remaining amount to be paid by the member to 5585  
purchase service credit under this section. 5586

(5) Credit purchased by a member under division (D) (2) of 5587  
this section shall be used to determine the member's eligibility 5588  
for retirement under this section and section 5505.17 of the 5589  
Revised Code. 5590

**Sec. 5505.17.** (A) (1) Upon retirement as provided in 5591  
section 5505.16 of the Revised Code, a member of the state 5592  
highway patrol retirement system shall receive a life pension, 5593  
without guaranty or refund, equal to the greater of one thousand 5594  
fifty dollars or the sum of two and one-half per cent of the 5595  
member's final average salary multiplied by the first twenty 5596  
years of total service credit, plus two and one-quarter per cent 5597  
of the member's final average salary multiplied by the number of 5598  
years, and fraction of a year, of total service credit in excess 5599  
of twenty years but not in excess of twenty-five years, plus two 5600  
per cent of the member's final average salary multiplied by the 5601  
number of years, and fraction of a year, in excess of twenty- 5602  
five years; provided that in no case shall the pension exceed 5603  
the lesser of seventy-nine and one-quarter per cent of the 5604  
member's final average salary or the limit established by 5605  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 5606  
2085, 26 U.S.C.A. 415, as amended. 5607

(2) A member with fifteen or more years of total service 5608  
credit, who voluntarily resigns or who is discharged from the 5609

state highway patrol for any reason except retirement under this 5610  
chapter, death, dishonesty, cowardice, intemperate habits, or 5611  
conviction of a felony, shall receive a pension equal to one and 5612  
one-half per cent of the member's final average salary 5613  
multiplied by the number of years, and fraction of a year, of 5614  
total service credit, except that the pension shall not exceed 5615  
the limit established by section 415 of the "Internal Revenue 5616  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The 5617  
pension shall commence at the end of the calendar month in which 5618  
the application is filed with the retirement board on or after 5619  
the attainment of age fifty-five years by the applicant. A 5620  
member who withdraws any part or all of the accumulated 5621  
contributions from the employees' savings fund shall thereupon 5622  
forfeit all rights to a pension provided for in this division. 5623

(3) (a) A surviving spouse of a deceased member shall 5624  
receive a monthly pension, determined as follows, during the 5625  
spouse's life: 5626

(i) If at the time of death the member was not eligible to 5627  
be granted a pension payable under division (A) (1) of this 5628  
section or to elect to receive a reduced pension payable under 5629  
section 5505.16 of the Revised Code, nine hundred dollars; 5630

(ii) If at the time of death the member was eligible to be 5631  
granted a pension payable under division (A) (1) of this section 5632  
or to elect to receive a reduced pension payable under section 5633  
5505.16 of the Revised Code, the greater of nine hundred dollars 5634  
or fifty per cent of the computed monthly pension the member 5635  
would have received had the member been granted a pension under 5636  
division (A) (1) of this section or elected to receive a reduced 5637  
pension under section 5505.16 of the Revised Code. 5638

(b) The surviving spouse of a retirant shall receive a 5639

monthly pension, determined as follows, during the spouse's 5640  
life: 5641

(i) If the retirant had applied for a pension payable 5642  
under section 5505.16 of the Revised Code, but at the time of 5643  
death had not attained the age of eligibility for the pension, 5644  
nine hundred dollars; 5645

(ii) If the retirant had applied for a pension payable 5646  
under section 5505.16 of the Revised Code and had attained the 5647  
age of eligibility for the pension, but at the time of death had 5648  
not elected to begin receiving the pension, the greater of nine 5649  
hundred dollars or fifty per cent of the computed monthly 5650  
pension the retirant was eligible to receive under section 5651  
5505.16 of the Revised Code; 5652

(iii) If the retirant was receiving a pension under 5653  
division (A) (1) of this section or section 5505.16 or 5505.18 of 5654  
the Revised Code, or, regardless of whether or not the retirant 5655  
had actually received any payment, if the retirant was eligible 5656  
to receive a pension under division (A) (1) of this section or 5657  
section 5505.16 or 5505.18 of the Revised Code and had elected 5658  
to begin receiving it, the greater of nine hundred dollars or 5659  
fifty per cent of the computed monthly pension awarded the 5660  
retirant. 5661

(c) If a monthly pension to a surviving spouse was 5662  
terminated due to a remarriage, the surviving spouse is eligible 5663  
to receive a monthly pension under division (A) (3) of this 5664  
section effective the first day of the first month following 5665  
June 5, 1996. The pension shall be computed under division (A) 5666  
(3) of this section as of June 5, 1996. The pension payable to a 5667  
person who is the surviving spouse of more than one state 5668  
highway patrol retirement system member or retirant shall be 5669

computed on the basis of the service of the member or retirant 5670  
to whom the surviving spouse was most recently married. 5671

(4) A pension of one hundred fifty dollars per month shall 5672  
be paid by the system to or for the benefit of each child of a 5673  
deceased member or retirant until the child attains the age of 5674  
eighteen years or marries, whichever event occurs first, or 5675  
until the child attains twenty-three years of age if the child 5676  
is a student in and attending an institution of learning or 5677  
training pursuant to a program designed to complete in each 5678  
school year the equivalent of at least two-thirds of the full- 5679  
time curriculum requirements of the institution, as determined 5680  
by the retirement board. If any surviving child, regardless of 5681  
age at the time of the member's or retirant's death, because of 5682  
physical or mental disability, was totally dependent upon the 5683  
deceased member or retirant for support at the time of death, a 5684  
pension of one hundred fifty dollars per month shall be paid by 5685  
the system to or for the benefit of the child during the child's 5686  
natural life or until the child recovers from the disability. 5687

(5) (a) If a retirant died prior to June 6, 1988, and the 5688  
surviving spouse was not married to the retirant while the 5689  
retirant was in the active service of the patrol, the surviving 5690  
spouse shall receive a pension of the greater of four hundred 5691  
twenty-five dollars per month or fifty per cent of the computed 5692  
monthly pension the retirant was receiving. 5693

(b) If the pension payable to a person receiving a pension 5694  
under division (A) (5) (a) of this section on June 30, 2000, is 5695  
less than nine hundred dollars per month, the pension shall be 5696  
increased to nine hundred dollars per month. 5697

(6) If a deceased member or retirant leaves no spouse or 5698  
surviving children, but leaves two parents depending solely upon 5699

the deceased member or retirant for support, each parent shall 5700  
be paid a monthly pension of one hundred fifty-four dollars. If 5701  
in such case there is only one parent dependent solely upon the 5702  
deceased member or retirant for support, such parent shall be 5703  
paid a monthly pension of one hundred fifty-four dollars. Such 5704  
pension shall be paid during the life of the surviving parents, 5705  
or until dependency ceases, or until remarriage, whichever event 5706  
occurs first. 5707

(7) Any amount remaining as accumulated contributions at 5708  
the time of death of a retirant who leaves no surviving spouse 5709  
or dependent children or parents shall be paid to the 5710  
beneficiary or beneficiaries the retirant has nominated by 5711  
written designation duly executed and filed with the board. A 5712  
retirant may designate an individual or a trust as a 5713  
beneficiary. If there is no designated beneficiary surviving the 5714  
retirant, the retirant's accumulated contributions shall be paid 5715  
according to the state law of descent and distribution; provided 5716  
that, if the retirant's accumulated contributions are not 5717  
claimed by an eligible person or by the estate of the retirant 5718  
within seven years, they shall be transferred to the income fund 5719  
of the system and after that shall be paid from that fund to 5720  
such person or estate upon application to the board. 5721

(8) The increase provided for by division (A) (5) of this 5722  
section shall be included in the calculation of the additional 5723  
benefit paid under section 5505.174 of the Revised Code. 5724

(B) The board shall adopt, and may amend or rescind, the 5725  
necessary rules for the administration of this section and all 5726  
decisions of the board shall be final. Any payment of a pension 5727  
or benefit under this section is subject to the provisions of 5728  
section 5505.26 of the Revised Code. 5729

(C) A member's total service credit may include periods 5730  
during which the member's employment with the state highway 5731  
patrol is interrupted by a leave of absence, when requested by 5732  
the governor, to accept employment with another agency of the 5733  
state, provided that: 5734

(1) The member is reemployed by the state highway patrol 5735  
within thirty days following termination of such other 5736  
employment; 5737

(2) The member pays into the retirement system, to the 5738  
credit of the employees' savings fund, an amount equal to the 5739  
total contributions the member would have paid had the state 5740  
highway patrol employment not been so interrupted. Such 5741  
repayment shall begin within ninety days after the member's 5742  
return to duty with the state highway patrol and be completed 5743  
within a period equal to that of the leave of absence. 5744

(D) Service credits granted under division (C) of this 5745  
section shall not include any duplications of credits for which 5746  
a pension is payable by the public employees retirement system. 5747

**Sec. 5505.18.** As used in this section, "member" does not 5748  
include state highway patrol cadets attending training schools 5749  
pursuant to section 5503.05 of the Revised Code. 5750

(A) Upon the application of a member of the state highway 5751  
patrol retirement system, a person acting on behalf of a member, 5752  
or the superintendent of the state highway patrol on behalf of a 5753  
member, a member who becomes totally and permanently 5754  
incapacitated for duty in the employ of the state highway patrol 5755  
may be retired on disability by the board. To be eligible for 5756  
retirement on account of disability incurred not in the line of 5757  
duty, a member must have five or more years of service credit 5758

according to rules adopted by the board. 5759

The medical or psychological examination of a member who 5760  
has applied for disability retirement shall be conducted by a 5761  
competent health-care professional or professionals appointed by 5762  
the board. The health-care professional or professionals shall 5763  
file a written report with the board containing the following 5764  
information: 5765

(1) Whether the member is totally incapacitated for duty 5766  
in the employ of the patrol; 5767

(2) Whether the incapacity is expected to be permanent; 5768

(3) The cause of the member's incapacity. 5769

The board shall determine whether the member qualifies for 5770  
disability retirement and its decision shall be final. The board 5771  
shall consider the written medical or psychological report, 5772  
opinions, statements, and other competent evidence in making its 5773  
determination. If the incapacity is a result of heart disease or 5774  
any cardiovascular disease of a chronic nature, which disease or 5775  
any evidence of which was not revealed by the physical 5776  
examination passed by the member on entry into the patrol, the 5777  
member is presumed to have incurred the disease in the line of 5778  
duty as a member of the patrol, unless the contrary is shown by 5779  
competent evidence. 5780

(B) (1) Except as provided under division (A) of section 5781  
5505.58 of the Revised Code, a member whose retirement on 5782  
account of disability incurred in the line of duty shall receive 5783  
the applicable pension provided for in section 5505.17 of the 5784  
Revised Code, except that if the member has less than twenty- 5785  
five years of contributing service, the member's service credit 5786  
shall be deemed to be twenty-five years for the purpose of this 5787

provision. In no case shall the member's disability pension be 5788  
less than sixty-one and one-quarter per cent or exceed the 5789  
lesser of seventy-nine and one-quarter per cent of the member's 5790  
final average salary or the limit established by section 415 of 5791  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5792  
415, as amended. 5793

(2) Except as provided under division (B) of section 5794  
5505.58 of the Revised Code, a member whose retirement on 5795  
account of disability incurred not in the line of duty shall 5796  
receive the applicable pension provided for in section 5505.17 5797  
of the Revised Code, except that if the member has less than 5798  
twenty years of contributing service, the member's service 5799  
credit shall be deemed to be twenty years for the purpose of 5800  
this provision. In no case shall the member's disability pension 5801  
exceed the lesser of seventy-nine and one-quarter per cent of 5802  
the member's final average salary or the limit established by 5803  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 5804  
2085, 26 U.S.C.A. 415, as amended. 5805

(C) The state highway patrol retirement board shall adopt 5806  
rules requiring a disability retirant, as a condition of 5807  
continuing to receive a disability pension, to agree in writing 5808  
to obtain any medical or psychological treatment recommended by 5809  
the board's health-care professional and submit medical or 5810  
psychological reports regarding the treatment. If the board 5811  
determines that a disability retirant is not obtaining the 5812  
medical or psychological treatment or the board does not receive 5813  
a required medical or psychological report, the disability 5814  
pension shall be suspended until the treatment is obtained, the 5815  
report is received by the board, or the board's health-care 5816  
professional certifies that the treatment is no longer helpful 5817  
or advisable. Should the retirant's failure to obtain treatment 5818



or submit a medical or psychological report continue for one 5819  
year, the recipient's right to the disability pension shall be 5820  
terminated as of the effective date of the original suspension. 5821

(D) A disability retirant who has not attained the age of 5822  
sixty years shall be subject to an annual medical or 5823  
psychological re-examination by health-care professionals 5824  
appointed by the board, except that the board may waive the re- 5825  
examination if the board's health-care professionals certify 5826  
that the retirant's disability is ongoing. If any retirant 5827  
refuses to submit to a medical or psychological re-examination, 5828  
the retirant's disability pension shall be suspended until the 5829  
retirant withdraws the refusal. If the refusal continues for one 5830  
year, all the retirant's rights under and to the disability 5831  
pension shall be terminated as of the effective date of the 5832  
original suspension. 5833

(E) Each disability retirant who has not attained the age 5834  
of sixty years shall file with the board an annual statement of 5835  
earnings, current medical or psychological information on the 5836  
recipient's condition, and any other information required in 5837  
rules adopted by the board. The board may waive the requirement 5838  
that a disability retirant file an annual statement of earnings 5839  
or current medical or psychological information if the board's 5840  
health-care professional certifies that the retirant's 5841  
disability is ongoing. 5842

The board shall annually examine the information submitted 5843  
by the retirant. If a retirant refuses to file the statement or 5844  
information, the disability pension shall be suspended until the 5845  
statement and information are filed. If the refusal continues 5846  
for one year, the right to the pension shall be terminated as of 5847  
the effective date of the original suspension. 5848

(F) (1) Except as provided in division (F) (2) of this section, a disability retirant who has been physically or psychologically examined and found no longer incapable of performing the retirant's duties, or who becomes employed as a law enforcement officer, shall have the right to be restored to the rank the retirant held at the time the retirant was pensioned and the right to have all previous rights ~~shall be~~ restored, including the retirant's civil service status, and the disability pension shall terminate. Upon return to employment in the patrol, the retirant shall again become a contributing member of the retirement system, the total service at the time of the retirant's retirement shall be restored to the retirant's credit, and the retirant shall be given service credit for the period the retirant was in receipt of a disability pension. ~~The provisions of division (F) (1) of this section shall be retroactive to September 5, 1941.~~

(2) The state highway patrol is not required to take action under division (F) (1) of this section if the retirant was dismissed or resigned in lieu of dismissal for dishonesty, misfeasance, malfeasance, or conviction of a felony.

(G) The board shall adopt a rule to define "law enforcement officer" for purposes of division (F) (1) of this section, and may adopt other rules to carry out this section, including rules that specify the types of health-care professionals the board may appoint for the purpose of this section.

**Sec. 5505.19.** Subject to section 5505.26 of the Revised Code, a member of the state highway patrol retirement system who ceases to be an employee of the state highway patrol for any cause except death, disability, or retirement, upon application

filed in writing with the state highway patrol retirement board, 5879  
shall be paid the accumulated contributions, less interest, 5880  
standing to the credit of the member's individual account in the 5881  
employees' savings fund. Except as otherwise provided in this 5882  
chapter, five years after a member ceases to be an employee of 5883  
the patrol any balance of accumulated contributions standing to 5884  
the member's credit in the employees' savings fund shall be 5885  
transferred to the income fund and after that shall be paid from 5886  
that fund to the member, ~~or in the case of a deceased member or~~ 5887  
~~retirant who dies leaving no surviving spouse or dependent~~ 5888  
~~children or parents, shall be paid from that fund to the estate~~ 5889  
~~of the deceased member or retirant,~~ upon application to the 5890  
board. 5891

A member described in this section who is married at the 5892  
time of application for payment and would be eligible for age 5893  
and service retirement under section 5505.16 or 5505.17 of the 5894  
Revised Code but for a forfeiture ordered under division (A) or 5895  
(B) of section 2929.192 of the Revised Code shall submit with 5896  
the application a written statement by the member's spouse 5897  
attesting that the spouse consents to the payment of the 5898  
member's accumulated contributions. Consent shall be valid only 5899  
if it is signed and witnessed by a notary public. The board may 5900  
waive the requirement of consent if the spouse is incapacitated 5901  
or cannot be located, or for any other reason specified by the 5902  
board. Consent or waiver is effective only with regard to the 5903  
spouse who is the subject of the consent or waiver. 5904

**Sec. 5505.21.** Should a member of the state highway patrol 5905  
retirement system die and no pension becomes payable from funds 5906  
of the system on account of ~~his~~ the member's employment with the 5907  
patrol, ~~his~~ the member's accumulated contributions, less 5908  
interest, standing to ~~his~~ the member's credit in the employees' 5909

savings fund at the time of ~~his~~ death shall be paid to ~~such~~ 5910  
~~person the beneficiary or persons as he~~ beneficiaries the member 5911  
has nominated by written designation duly executed and filed 5912  
with the state highway patrol retirement board. A member may 5913  
designate an individual or a trust as a beneficiary. If there is 5914  
no ~~such~~ designated ~~person or persons~~ beneficiary surviving ~~such~~ 5915  
~~the member, his~~ the member's accumulated contributions shall be 5916  
paid according to the state law of descent and distribution; 5917  
provided that, if ~~his~~ the member's accumulated contributions are 5918  
not claimed by an eligible person or by the estate of the 5919  
deceased member within seven years, they shall be transferred to 5920  
the income fund of the system and after that shall be paid from 5921  
that fund to such person or estate upon application to the 5922  
board. 5923

**Sec. 5505.29.** The state highway patrol retirement board 5924  
shall refund the cost of service credit restored under section 5925  
5505.20 or purchased under division (D) of section 5505.16, 5926  
division (C) of section 5505.17, or section 5505.201, 5505.25, 5927  
5505.40, or 5505.402 of the Revised Code to the extent the 5928  
credit does not, or, in the case of a person who retired or died 5929  
prior to June 30, 2000, did not, increase the pension provided 5930  
to the retirant or surviving spouse under section 5505.16, 5931  
5505.162, 5505.17, or 5505.18 of the Revised Code. The board 5932  
shall provide the refund to the retirant or surviving spouse or, 5933  
if there is no surviving spouse, the beneficiary designated by 5934  
the retirant on a form provided by the state highway patrol 5935  
retirement system. A retirant may designate an individual or a 5936  
trust as a beneficiary. If there is no surviving spouse or 5937  
designated beneficiary, the refund shall be provided to the 5938  
retirant's estate. The refund cancels an equivalent amount of 5939  
service credit. 5940

**Sec. 5505.30.** On the death of a person who ~~at the time of~~ 5941  
~~death~~ is receiving a pension from the state highway patrol 5942  
retirement system under division (A) (1) or (2) of section 5943  
5505.17 or section 5505.18 of the Revised Code, a lump-sum 5944  
payment of five thousand dollars shall be paid to the retirant's 5945  
surviving spouse. ~~If or, if~~ there is no surviving spouse, the 5946  
payment shall be made to the beneficiary designated by the 5947  
retirant on a form provided by the state highway patrol 5948  
retirement system. A retirant may designate an individual or a 5949  
trust as a beneficiary. If there is no surviving spouse or 5950  
designated beneficiary, the payment shall be made to the 5951  
retirant's estate. 5952

Application for the payment shall be made on a form 5953  
provided by the state highway patrol retirement board. 5954

A benefit paid under this section shall be treated as life 5955  
insurance for purposes of this chapter and shall be funded 5956  
solely from contributions made under division (B) of section 5957  
5505.15 of the Revised Code and any earnings attributable to 5958  
those contributions. 5959

**Sec. 5505.35.** Any person receiving from the state highway 5960  
patrol retirement system an allowance, pension, or benefit may 5961  
authorize the system to make deductions therefrom for the 5962  
payment of dues and other membership fees to any retirement 5963  
association or other organization composed primarily of retired 5964  
state highway patrol employees or retired state highway patrol 5965  
employees and their spouses if the association or organization 5966  
adopts a resolution approving payment by that method and not 5967  
fewer than one hundred persons receiving allowances, pensions, 5968  
or benefits from the system initially authorize the deduction 5969  
for payment to the same association or organization. The 5970

authorization must be in writing and signed by the person giving 5971  
it. The system shall make the deductions authorized and pay to 5972  
the association or organization the amounts deducted, until the 5973  
authorization is revoked in writing by the person. The system 5974  
may charge the association or organization an amount not 5975  
exceeding the actual costs incurred by the system in making the 5976  
deductions. The system shall adopt rules establishing the method 5977  
of collecting the amount charged, if any. 5978

**Sec. 5505.51.** A state highway patrol retirement system 5979  
member who meets the following requirements may, at any time 5980  
prior to applying for ~~a pension~~ retirement under section 5505.16 5981  
of the Revised Code, elect to participate in the deferred 5982  
retirement option plan established under section 5505.50 of the 5983  
Revised Code: 5984

~~(1)~~ (A) The member is younger than fifty-eight years of 5985  
age. 5986

~~(2)~~ (B) The member is eligible to apply for ~~a pension~~ 5987  
retirement under section 5505.16 of the Revised Code, except 5988  
that eligibility to apply for ~~unless the pension is~~ a reduced 5989  
~~pension as described in~~ under division (B) of that section does 5990  
not make a member eligible to elect to participate in the 5991  
deferred retirement option plan. 5992

The member shall make the election by filing with the 5993  
retirement system an election form provided by the system. The 5994  
election is effective on the first day of ~~the member files the~~ 5995  
~~election form~~ employer's first payroll period immediately 5996  
following the board's receipt of the notice of election. 5997

At the time of making the election to participate in the 5998  
deferred retirement option plan, the member also shall make an 5999

election under section 5505.162 of the Revised Code. Except as 6000  
provided in that section, the election under section 5505.162 of 6001  
the Revised Code is irrevocable from the date it is received by 6002  
the retirement system. 6003

A member electing to participate in the deferred 6004  
retirement option plan must agree to terminate active service in 6005  
the state highway patrol and begin receiving the member's 6006  
pension not later than the earlier of the member's sixtieth 6007  
birthday or the date that is eight years after the effective 6008  
date of the election to participate in the plan. If the member 6009  
refuses or neglects to terminate active service in accordance 6010  
with the agreement, the state highway patrol retirement board 6011  
shall deem the member's service terminated. 6012

~~A member electing to participate in the deferred 6013  
retirement option plan is a retirant for the purposes of rules 6014  
adopted by the state highway patrol retirement board. 6015~~

While participating in the deferred retirement option 6016  
plan, a member shall not be considered to have elected 6017  
retirement under section 5505.16 of the Revised Code. 6018

**Sec. 5505.59.** If a member dies while participating in the 6019  
deferred retirement option plan, all of the following apply: 6020

(A) The amounts accrued to the member's benefit shall be 6021  
paid to the member's surviving spouse or, if there is no 6022  
surviving spouse, the beneficiary designated by the member on a 6023  
form provided by the state highway patrol retirement system. A 6024  
member may designate an individual or a trust as a beneficiary. 6025  
If there is no surviving spouse or designated beneficiary, the 6026  
amounts accrued to the member's benefit shall be paid to the 6027  
member's estate. 6028

Any payment made under this division to a member's estate 6029  
shall be made in the form of a single lump sum payment. A 6030  
surviving spouse or designated beneficiary may select as the 6031  
method of distribution of the amount accrued to the member under 6032  
the plan one of the distribution options provided under section 6033  
401(a) of the "Internal Revenue Code of 1986," 26 U.S.C. 401(a), 6034  
as amended, applicable to governmental plans. 6035

(B) The surviving spouse and, if eligible, each surviving 6036  
child, shall receive a pension as described in division (A) (3) 6037  
(b) (iii) or (4) of section 5505.17 of the Revised Code, 6038  
utilizing the pension amount calculated under section 5505.53 of 6039  
the Revised Code. 6040

(C) If the member has no surviving spouse or surviving 6041  
children, but has a parent or parents dependent on the member 6042  
for support, the parent or parents shall receive a pension 6043  
determined under division (A) (6) of section 5505.17 of the 6044  
Revised Code. 6045

(D) The lump sum payment described in section 5505.30 of 6046  
the Revised Code shall be paid to the member's surviving spouse 6047  
or, if there is no surviving spouse, the beneficiary designated 6048  
by the member on a form provided by the state highway patrol 6049  
retirement system. A member may designate an individual or a 6050  
trust as a beneficiary. If there is no surviving spouse or 6051  
designated beneficiary, the payment shall be made to the 6052  
member's estate. 6053

**Section 2.** That existing sections 145.01, 145.2911, 6054  
145.2912, 145.362, 145.384, 145.40, 145.43, 145.45, 742.105, 6055  
742.37, 742.3711, 742.47, 742.50, 742.63, 3305.052, 3305.06, 6056  
3307.01, 3307.15, 3307.35, 3307.48, 3307.501, 3307.53, 3307.562, 6057  
3307.58, 3307.63, 3307.66, 3307.67, 3307.71, 3307.77, 3307.78, 6058



3309.013, 3309.30, 3309.474, 3309.73, 3309.731, 3309.75, 6059  
3309.76, 5505.01, 5505.04, 5505.16, 5505.17, 5505.18, 5505.19, 6060  
5505.21, 5505.29, 5505.30, 5505.51, and 5505.59 and sections 6061  
171.07, 3305.061, 3305.062, and 3309.54 of the Revised Code are 6062  
hereby repealed. 6063

**Section 3.** Section 3305.06 of the Revised Code is 6064  
presented in this act as a composite of the section as amended 6065  
by both Sub. S.B. 342 and Sub. S.B. 343 of the 129th General 6066  
Assembly. The General Assembly, applying the principle stated in 6067  
division (B) of section 1.52 of the Revised Code that amendments 6068  
are to be harmonized if reasonably capable of simultaneous 6069  
operation, finds that the composite is the resulting version of 6070  
the section in effect prior to the effective date of the section 6071  
as presented in this act. 6072