

As Reported by Senate State and Local Government Committee

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Am. Sub. H. B. No. 520

Representatives Schuring, Ramos

Cosponsors: Representatives Amstutz, Antonio, Boyd, Craig, Fedor, Grossman, Howse, Manning, O'Brien, M., O'Brien, S., Patterson, Pelanda, Rogers, Smith, K., Smith, R., Sprague, Strahorn, Sweeney, Young

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, 3307.42, 3307.48, 3307.501, 3307.53, 5
3307.562, 3307.58, 3307.63, 3307.66, 3307.67, 6
3307.71, 3307.763, 3307.764, 3307.77, 3307.78, 7
3309.01, 3309.013, 3309.30, 3309.392, 3309.42, 8
3309.474, 3309.75, 3309.76, 5505.01, 5505.04, 9
5505.16, 5505.17, 5505.18, 5505.19, 5505.21, 10
5505.29, 5505.30, 5505.51, 5505.52, and 5505.59; 11
to enact sections 145.222, 145.334, 742.091, 12
742.17, 3307.131, 3307.354, 3307.514, 3309.212, 13
and 5505.35; and to repeal sections 171.07, 14
3305.061, 3305.062, 3309.342, 3309.371, 15
3309.372, 3309.373, and 3309.54 of the Revised 16
Code to revise the law governing the state's 17
public retirement systems. 18

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

Section 1. That sections 145.01, 145.2911, 145.2912, 19
145.362, 145.384, 145.40, 145.43, 145.45, 742.105, 742.37, 20
742.3711, 742.47, 742.50, 742.63, 3305.052, 3305.06, 3307.01, 21
3307.15, 3307.35, 3307.42, 3307.48, 3307.501, 3307.53, 3307.562, 22
3307.58, 3307.63, 3307.66, 3307.67, 3307.71, 3307.763, 3307.764, 23
3307.77, 3307.78, 3309.01, 3309.013, 3309.30, 3309.392, 3309.42, 24
3309.474, 3309.75, 3309.76, 5505.01, 5505.04, 5505.16, 5505.17, 25
5505.18, 5505.19, 5505.21, 5505.29, 5505.30, 5505.51, 5505.52, 26
and 5505.59 be amended and sections 145.222, 145.334, 742.091, 27
742.17, 3307.131, 3307.354, 3307.514, 3309.212, and 5505.35 of 28
the Revised Code be enacted to read as follows: 29

Sec. 145.01. As used in this chapter: 30

(A) "Public employee" means: 31

(1) Any person holding an office, not elective, under the 32
state or any county, township, municipal corporation, park 33
district, conservancy district, sanitary district, health 34
district, metropolitan housing authority, state retirement 35
board, Ohio history connection, public library, county law 36
library, union cemetery, joint hospital, institutional 37
commissary, state university, or board, bureau, commission, 38
council, committee, authority, or administrative body as the 39
same are, or have been, created by action of the general 40
assembly or by the legislative authority of any of the units of 41
local government named in division (A) (1) of this section, or 42
employed and paid in whole or in part by the state or any of the 43
authorities named in division (A) (1) of this section in any 44
capacity not covered by section 742.01, 3307.01, 3309.01, or 45
5505.01 of the Revised Code. 46

(2) A person who is a member of the public employees 47
retirement system and who continues to perform the same or 48

similar duties under the direction of a contractor who has 49
contracted to take over what before the date of the contract was 50
a publicly operated function. The governmental unit with which 51
the contract has been made shall be deemed the employer for the 52
purposes of administering this chapter. 53

(3) Any person who is an employee of a public employer, 54
notwithstanding that the person's compensation for that 55
employment is derived from funds of a person or entity other 56
than the employer. Credit for such service shall be included as 57
total service credit, provided that the employee makes the 58
payments required by this chapter, and the employer makes the 59
payments required by sections 145.48 and 145.51 of the Revised 60
Code. 61

(4) A person who elects in accordance with section 145.015 62
of the Revised Code to remain a contributing member of the 63
public employees retirement system. 64

(5) A person who is an employee of the legal rights 65
service on September 30, 2012, and continues to be employed by 66
the nonprofit entity established under Section 319.20 of Am. 67
Sub. H.B. 153 of the 129th general assembly. The nonprofit 68
entity is the employer for the purpose of this chapter. 69

In all cases of doubt, the public employees retirement 70
board shall determine under section 145.036, 145.037, or 145.038 71
of the Revised Code whether any person is a public employee, and 72
its decision is final. 73

(B) "Member" means any public employee, other than a 74
public employee excluded or exempted from membership in the 75
retirement system by section 145.03, 145.031, 145.032, 145.033, 76
145.034, 145.035, or 145.38 of the Revised Code. "Member" 77

includes a PERS retirant who becomes a member under division (C) 78
of section 145.38 of the Revised Code. "Member" also includes a 79
disability benefit recipient. 80

(C) "Head of the department" means the elective or 81
appointive head of the several executive, judicial, and 82
administrative departments, institutions, boards, and 83
commissions of the state and local government as the same are 84
created and defined by the laws of this state or, in case of a 85
charter government, by that charter. 86

(D) "Employer" or "public employer" means the state or any 87
county, township, municipal corporation, park district, 88
conservancy district, sanitary district, health district, 89
metropolitan housing authority, state retirement board, Ohio 90
history connection, public library, county law library, union 91
cemetery, joint hospital, institutional commissary, state 92
medical university, state university, or board, bureau, 93
commission, council, committee, authority, or administrative 94
body as the same are, or have been, created by action of the 95
general assembly or by the legislative authority of any of the 96
units of local government named in this division not covered by 97
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 98
Code. In addition, "employer" means the employer of any public 99
employee. 100

(E) "Prior military service" also means all service 101
credited for active duty with the armed forces of the United 102
States as provided in section 145.30 of the Revised Code. 103

(F) "Contributor" means any person who has an account in 104
the employees' savings fund created by section 145.23 of the 105
Revised Code. When used in the sections listed in division (B) 106
of section 145.82 of the Revised Code, "contributor" includes 107

any person participating in a PERS defined contribution plan. 108

(G) "Beneficiary" or "beneficiaries" means the estate or a 109
person or persons who, as the result of the death of a member, 110
contributor, or retirant, qualify for or are receiving some 111
right or benefit under this chapter. 112

(H) (1) "Total service credit," except as provided in 113
section 145.37 of the Revised Code, means all service credited 114
to a member of the retirement system since last becoming a 115
member, including restored service credit as provided by section 116
145.31 of the Revised Code; credit purchased under sections 117
145.293 and 145.299 of the Revised Code; all the member's 118
military service credit computed as provided in this chapter; 119
all service credit established pursuant to section 145.297 of 120
the Revised Code; and any other service credited under this 121
chapter. For the exclusive purpose of satisfying the service 122
credit requirement and of determining eligibility for benefits 123
under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, 124
and 145.361 of the Revised Code, "five or more years of total 125
service credit" means sixty or more calendar months of 126
contributing service in this system. 127

(2) "One and one-half years of contributing service 128
credit," as used in division (B) of section 145.45 of the 129
Revised Code, also means eighteen or more calendar months of 130
employment by a municipal corporation that formerly operated its 131
own retirement plan for its employees or a part of its 132
employees, provided that all employees of that municipal 133
retirement plan who have eighteen or more months of such 134
employment, upon establishing membership in the public employees 135
retirement system, shall make a payment of the contributions 136
they would have paid had they been members of this system for 137

the eighteen months of employment preceding the date membership 138
was established. When that payment has been made by all such 139
employee members, a corresponding payment shall be paid into the 140
employers' accumulation fund by that municipal corporation as 141
the employer of the employees. 142

~~(3) Where a member also is a member of the state teachers-~~ 143
~~retirement system or the school employees retirement system, or~~ 144
~~both, except in cases of retirement on a combined basis pursuant~~ 145
~~to section 145.37 of the Revised Code or as provided in section~~ 146
~~145.383 of the Revised Code, service credit for any period shall~~ 147
~~be credited on the basis of the ratio that contributions to the~~ 148
~~public employees retirement system bear to total contributions~~ 149
~~in all state retirement systems.~~ 150

~~(4)~~ Not more than one year of credit may be given for any 151
period of twelve months. 152

~~(5)~~ (4) "Ohio service credit" means credit for service 153
that was rendered to the state or any of its political 154
subdivisions or any employer. 155

(I) "Regular interest" means interest at any rates for the 156
respective funds and accounts as the public employees retirement 157
board may determine from time to time. 158

(J) "Accumulated contributions" means the sum of all 159
amounts credited to a contributor's individual account in the 160
employees' savings fund together with any interest credited to 161
the contributor's account under section 145.471 or 145.472 of 162
the Revised Code. 163

(K) (1) "Final average salary" means the greater of the 164
following: 165

(a) The sum of the member's earnable salaries for the 166

appropriate number of calendar years of contributing service, 167
determined under section 145.017 of the Revised Code, in which 168
the member's earnable salary was highest, divided by the same 169
number of calendar years or, if the member has fewer than the 170
appropriate number of calendar years of contributing service, 171
the total of the member's earnable salary for all years of 172
contributing service divided by the number of calendar years of 173
the member's contributing service; 174

(b) The sum of a member's earnable salaries for the 175
appropriate number of consecutive months, determined under 176
section 145.017 of the Revised Code, that were the member's last 177
months of service, up to and including the last month, divided 178
by the appropriate number of years or, if the time between the 179
first and final months of service is less than the appropriate 180
number of consecutive months, the total of the member's earnable 181
salary for all months of contributing service divided by the 182
number of years between the first and final months of 183
contributing service, including any fraction of a year, except 184
that the member's final average salary shall not exceed the 185
member's highest earnable salary for any twelve consecutive 186
months. 187

(2) If contributions were made in only one calendar year, 188
"final average salary" means the member's total earnable salary. 189

(L) "Annuity" means payments for life derived from 190
contributions made by a contributor and paid from the annuity 191
and pension reserve fund as provided in this chapter. All 192
annuities shall be paid in twelve equal monthly installments. 193

(M) "Annuity reserve" means the present value, computed 194
upon the basis of the mortality and other tables adopted by the 195
board, of all payments to be made on account of any annuity, or 196

benefit in lieu of any annuity, granted to a retirant as	197
provided in this chapter.	198
(N) (1) "Disability retirement" means retirement as	199
provided in section 145.36 of the Revised Code.	200
(2) "Disability allowance" means an allowance paid on	201
account of disability under section 145.361 of the Revised Code.	202
(3) "Disability benefit" means a benefit paid as	203
disability retirement under section 145.36 of the Revised Code,	204
as a disability allowance under section 145.361 of the Revised	205
Code, or as a disability benefit under section 145.37 of the	206
Revised Code.	207
(4) "Disability benefit recipient" means a member who is	208
receiving a disability benefit.	209
(O) "Age and service retirement" means retirement as	210
provided in sections 145.32, 145.33, 145.331, 145.332, 145.37,	211
and 145.46 and former section 145.34 of the Revised Code.	212
(P) "Pensions" means annual payments for life derived from	213
contributions made by the employer that at the time of	214
retirement are credited into the annuity and pension reserve	215
fund from the employers' accumulation fund and paid from the	216
annuity and pension reserve fund as provided in this chapter.	217
All pensions shall be paid in twelve equal monthly installments.	218
(Q) "Retirement allowance" means the pension plus that	219
portion of the benefit derived from contributions made by the	220
member.	221
(R) (1) Except as otherwise provided in division (R) of	222
this section, "earnable salary" means all salary, wages, and	223
other earnings paid to a contributor by reason of employment in	224

a position covered by the retirement system. The salary, wages,	225
and other earnings shall be determined prior to determination of	226
the amount required to be contributed to the employees' savings	227
fund under section 145.47 of the Revised Code and without regard	228
to whether any of the salary, wages, or other earnings are	229
treated as deferred income for federal income tax purposes.	230
"Earnable salary" includes the following:	231
(a) Payments made by the employer in lieu of salary,	232
wages, or other earnings for sick leave, personal leave, or	233
vacation used by the contributor;	234
(b) Payments made by the employer for the conversion of	235
sick leave, personal leave, and vacation leave accrued, but not	236
used if the payment is made during the year in which the leave	237
is accrued, except that payments made pursuant to section	238
124.383 or 124.386 of the Revised Code are not earnable salary;	239
(c) Allowances paid by the employer for maintenance,	240
consisting of housing, laundry, and meals, as certified to the	241
retirement board by the employer or the head of the department	242
that employs the contributor;	243
(d) Fees and commissions paid under section 507.09 of the	244
Revised Code;	245
(e) Payments that are made under a disability leave	246
program sponsored by the employer and for which the employer is	247
required by section 145.296 of the Revised Code to make periodic	248
employer and employee contributions;	249
(f) Amounts included pursuant to former division (K) (3)	250
and former division (Y) of this section and section 145.2916 of	251
the Revised Code.	252
(2) "Earnable salary" does not include any of the	253

following:	254
(a) Fees and commissions, other than those paid under	255
section 507.09 of the Revised Code, paid as sole compensation	256
for personal services and fees and commissions for special	257
services over and above services for which the contributor	258
receives a salary;	259
(b) Amounts paid by the employer to provide life	260
insurance, sickness, accident, endowment, health, medical,	261
hospital, dental, or surgical coverage, or other insurance for	262
the contributor or the contributor's family, or amounts paid by	263
the employer to the contributor in lieu of providing the	264
insurance;	265
(c) Incidental benefits, including lodging, food, laundry,	266
parking, or services furnished by the employer, or use of the	267
employer's property or equipment, or amounts paid by the	268
employer to the contributor in lieu of providing the incidental	269
benefits;	270
(d) Reimbursement for job-related expenses authorized by	271
the employer, including moving and travel expenses and expenses	272
related to professional development;	273
(e) Payments for accrued but unused sick leave, personal	274
leave, or vacation that are made at any time other than in the	275
year in which the sick leave, personal leave, or vacation was	276
accrued;	277
(f) Payments made to or on behalf of a contributor that	278
are in excess of the annual compensation that may be taken into	279
account by the retirement system under division (a) (17) of	280
section 401 of the "Internal Revenue Code of 1986," 100 Stat.	281
2085, 26 U.S.C.A. 401(a) (17), as amended;	282

(g) Payments made under division (B), (C), or (E) of	283
section 5923.05 of the Revised Code, Section 4 of Substitute	284
Senate Bill No. 3 of the 119th general assembly, Section 3 of	285
Amended Substitute Senate Bill No. 164 of the 124th general	286
assembly, or Amended Substitute House Bill No. 405 of the 124th	287
general assembly;	288
(h) Anything of value received by the contributor that is	289
based on or attributable to retirement or an agreement to	290
retire, except that payments made on or before January 1, 1989,	291
that are based on or attributable to an agreement to retire	292
shall be included in earnable salary if both of the following	293
apply:	294
(i) The payments are made in accordance with contract	295
provisions that were in effect prior to January 1, 1986;	296
(ii) The employer pays the retirement system an amount	297
specified by the retirement board equal to the additional	298
liability resulting from the payments.	299
(i) The portion of any amount included in section 145.2916	300
of the Revised Code that represents employer contributions.	301
(3) The retirement board shall determine by rule whether	302
any compensation not enumerated in division (R) of this section	303
is earnable salary, and its decision shall be final.	304
(S) "Pension reserve" means the present value, computed	305
upon the basis of the mortality and other tables adopted by the	306
board, of all payments to be made on account of any retirement	307
allowance or benefit in lieu of any retirement allowance,	308
granted to a member or beneficiary under this chapter.	309
(T) "Contributing service" means both of the following:	310

(1) All service credited to a member of the system since 311
January 1, 1935, for which contributions are made as required by 312
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 313
year subsequent to 1934, credit for any service shall be allowed 314
in accordance with section 145.016 of the Revised Code. 315

(2) Service credit received by election of the member 316
under section 145.814 of the Revised Code. 317

(U) "State retirement board" means the public employees 318
retirement board, the school employees retirement board, or the 319
state teachers retirement board. 320

(V) "Retirant" means any former member who retires and is 321
receiving a monthly allowance as provided in sections 145.32, 322
145.33, 145.331, 145.332, and 145.46 and former section 145.34 323
of the Revised Code. 324

(W) "Employer contribution" means the amount paid by an 325
employer as determined under section 145.48 of the Revised Code. 326

(X) "Public service terminates" means the last day for 327
which a public employee is compensated for services performed 328
for an employer or the date of the employee's death, whichever 329
occurs first. 330

(Y) "Five years of service credit," for the exclusive 331
purpose of satisfying the service credit requirements and of 332
determining eligibility under section 145.33 or 145.332 of the 333
Revised Code, means employment covered under this chapter or 334
under a former retirement plan operated, recognized, or endorsed 335
by the employer prior to coverage under this chapter or under a 336
combination of the coverage. 337

(Z) "Deputy sheriff" means any person who is commissioned 338
and employed as a full-time peace officer by the sheriff of any 339

county, and has been so employed since on or before December 31, 340
1965; any person who is or has been commissioned and employed as 341
a peace officer by the sheriff of any county since January 1, 342
1966, and who has received a certificate attesting to the 343
person's satisfactory completion of the peace officer training 344
school as required by section 109.77 of the Revised Code; or any 345
person deputized by the sheriff of any county and employed 346
pursuant to section 2301.12 of the Revised Code as a criminal 347
bailiff or court constable who has received a certificate 348
attesting to the person's satisfactory completion of the peace 349
officer training school as required by section 109.77 of the 350
Revised Code. 351

(AA) "Township constable or police officer in a township 352
police department or district" means any person who is 353
commissioned and employed as a full-time peace officer pursuant 354
to Chapter 505. or 509. of the Revised Code, who has received a 355
certificate attesting to the person's satisfactory completion of 356
the peace officer training school as required by section 109.77 357
of the Revised Code. 358

(BB) "Drug agent" means any person who is either of the 359
following: 360

(1) Employed full time as a narcotics agent by a county 361
narcotics agency created pursuant to section 307.15 of the 362
Revised Code and has received a certificate attesting to the 363
satisfactory completion of the peace officer training school as 364
required by section 109.77 of the Revised Code; 365

(2) Employed full time as an undercover drug agent as 366
defined in section 109.79 of the Revised Code and is in 367
compliance with section 109.77 of the Revised Code. 368

(CC) "Department of public safety enforcement agent" means 369
a full-time employee of the department of public safety who is 370
designated under section 5502.14 of the Revised Code as an 371
enforcement agent and who is in compliance with section 109.77 372
of the Revised Code. 373

(DD) "Natural resources law enforcement staff officer" 374
means a full-time employee of the department of natural 375
resources who is designated a natural resources law enforcement 376
staff officer under section 1501.013 of the Revised Code and is 377
in compliance with section 109.77 of the Revised Code. 378

(EE) "Forest-fire investigator" means a full-time employee 379
of the department of natural resources who is appointed a 380
forest-fire investigator under section 1503.09 of the Revised 381
Code and is in compliance with section 109.77 of the Revised 382
Code. 383

(FF) "Natural resources officer" means a full-time 384
employee of the department of natural resources who is appointed 385
as a natural resources officer under section 1501.24 of the 386
Revised Code and is in compliance with section 109.77 of the 387
Revised Code. 388

(GG) "Wildlife officer" means a full-time employee of the 389
department of natural resources who is designated a wildlife 390
officer under section 1531.13 of the Revised Code and is in 391
compliance with section 109.77 of the Revised Code. 392

(HH) "Park district police officer" means a full-time 393
employee of a park district who is designated pursuant to 394
section 511.232 or 1545.13 of the Revised Code and is in 395
compliance with section 109.77 of the Revised Code. 396

(II) "Conservancy district officer" means a full-time 397

employee of a conservancy district who is designated pursuant to 398
section 6101.75 of the Revised Code and is in compliance with 399
section 109.77 of the Revised Code. 400

(JJ) "Municipal police officer" means a member of the 401
organized police department of a municipal corporation who is 402
employed full time, is in compliance with section 109.77 of the 403
Revised Code, and is not a member of the Ohio police and fire 404
pension fund. 405

(KK) "Veterans' home police officer" means any person who 406
is employed at a veterans' home as a police officer pursuant to 407
section 5907.02 of the Revised Code and is in compliance with 408
section 109.77 of the Revised Code. 409

(LL) "Special police officer for a mental health 410
institution" means any person who is designated as such pursuant 411
to section 5119.08 of the Revised Code and is in compliance with 412
section 109.77 of the Revised Code. 413

(MM) "Special police officer for an institution for 414
persons with intellectual disabilities" means any person who is 415
designated as such pursuant to section 5123.13 of the Revised 416
Code and is in compliance with section 109.77 of the Revised 417
Code. 418

(NN) "State university law enforcement officer" means any 419
person who is employed full time as a state university law 420
enforcement officer pursuant to section 3345.04 of the Revised 421
Code and who is in compliance with section 109.77 of the Revised 422
Code. 423

(OO) "House sergeant at arms" means any person appointed 424
by the speaker of the house of representatives under division 425
(B) (1) of section 101.311 of the Revised Code who has arrest 426

authority under division (E) (1) of that section. 427

(PP) "Assistant house sergeant at arms" means any person 428
appointed by the house sergeant at arms under division (C) (1) of 429
section 101.311 of the Revised Code. 430

(QQ) "Regional transit authority police officer" means a 431
person who is employed full time as a regional transit authority 432
police officer under division (Y) of section 306.35 of the 433
Revised Code and is in compliance with section 109.77 of the 434
Revised Code. 435

(RR) "State highway patrol police officer" means a special 436
police officer employed full time and designated by the 437
superintendent of the state highway patrol pursuant to section 438
5503.09 of the Revised Code or a person serving full time as a 439
special police officer pursuant to that section on a permanent 440
basis on October 21, 1997, who is in compliance with section 441
109.77 of the Revised Code. 442

(SS) "Municipal public safety director" means a person who 443
serves full time as the public safety director of a municipal 444
corporation with the duty of directing the activities of the 445
municipal corporation's police department and fire department. 446

(TT) "Bureau of criminal identification and investigation 447
investigator" means a person who is in compliance with section 448
109.77 of the Revised Code and is employed full time as an 449
investigator, as defined in section 109.541 of the Revised Code, 450
of the bureau of criminal identification and investigation 451
commissioned by the superintendent of the bureau as a special 452
agent for the purpose of assisting law enforcement officers or 453
providing emergency assistance to peace officers pursuant to 454
authority granted under that section. 455

(UU) "Gaming agent" means a person who is in compliance 456
with section 109.77 of the Revised Code and is employed full 457
time as a gaming agent with the Ohio casino control commission 458
pursuant to section 3772.03 of the Revised Code. 459

(VV) "Department of taxation investigator" means a person 460
employed full time with the department of taxation to whom both 461
of the following apply: 462

(1) The person has been delegated investigation powers 463
pursuant to section 5743.45 of the Revised Code for the 464
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 465
5747. of the Revised Code. 466

(2) The person is in compliance with section 109.77 of the 467
Revised Code. 468

(WW) "Special police officer for a port authority" means a 469
person who is in compliance with section 109.77 of the Revised 470
Code and is employed full time as a special police officer with 471
a port authority under section 4582.04 or 4582.28 of the Revised 472
Code. 473

(XX) "Special police officer for a municipal airport" 474
means a person to whom both of the following apply: 475

(1) The person is employed full time as a special police 476
officer with a municipal corporation at a municipal airport or 477
other municipal air navigation facility that meets both of the 478
following requirements: 479

(a) The airport or navigation facility has scheduled 480
operations, as defined in 14 C.F.R. 110.2, as amended. 481

(b) The airport or navigation facility is required to be 482
under a security program and is governed by aviation security 483

rules of the transportation security administration of the 484
United States department of transportation as provided in 49 485
C.F.R. parts 1542 and 1544, as amended. 486

(2) The person is in compliance with section 109.77 of the 487
Revised Code. 488

(YY) Notwithstanding section 2901.01 of the Revised Code, 489
"PERS law enforcement officer" means a sheriff or any of the 490
following whose primary duties are to preserve the peace, 491
protect life and property, and enforce the laws of this state: a 492
deputy sheriff, township constable or police officer in a 493
township police department or district, drug agent, department 494
of public safety enforcement agent, natural resources law 495
enforcement staff officer, wildlife officer, forest-fire 496
investigator, natural resources officer, park district police 497
officer, conservancy district officer, veterans' home police 498
officer, special police officer for a mental health institution, 499
special police officer for an institution for persons with 500
developmental disabilities, state university law enforcement 501
officer, municipal police officer, house sergeant at arms, 502
assistant house sergeant at arms, regional transit authority 503
police officer, or state highway patrol police officer. ~~"PERS-~~ 504

"PERS law enforcement officer" also includes a person 505
employed as a bureau of criminal identification and 506
investigation investigator, gaming agent, department of taxation 507
investigator, special police officer for a port authority, or 508
special police officer for a municipal airport who commences 509
employment in any of those positions on or after the effective 510
date of this amendment or makes the election described in 511
section 145.334 of the Revised Code. 512

"PERS law enforcement officer" also includes a person 513

514 serving as a municipal public safety director at any time during
515 the period from September 29, 2005, to March 24, 2009, if the
516 duties of that service were to preserve the peace, protect life
517 and property, and enforce the laws of this state.

518 ~~(UU)~~ (ZZ) "Hamilton county municipal court bailiff" means
519 a person appointed by the clerk of courts of the Hamilton county
520 municipal court under division (A) (3) of section 1901.32 of the
521 Revised Code who is employed full time as a bailiff or deputy
522 bailiff, who has received a certificate attesting to the
523 person's satisfactory completion of the peace officer basic
524 training described in division (D) (1) of section 109.77 of the
525 Revised Code.

526 ~~(VV)~~ (AAA) "PERS public safety officer" means a Hamilton
527 county municipal court bailiff, or any of the following whose
528 primary duties are other than to preserve the peace, protect
529 life and property, and enforce the laws of this state: a deputy
530 sheriff, township constable or police officer in a township
531 police department or district, drug agent, department of public
532 safety enforcement agent, natural resources law enforcement
533 staff officer, wildlife officer, forest-fire investigator,
534 natural resources officer, park district police officer,
535 conservancy district officer, veterans' home police officer,
536 special police officer for a mental health institution, special
537 police officer for an institution for persons with developmental
538 disabilities, state university law enforcement officer,
539 municipal police officer, house sergeant at arms, assistant
540 house sergeant at arms, regional transit authority police
541 officer, or state highway patrol police officer. ~~"PERS"~~

542 "PERS public safety officer" also includes a person
543 employed as a bureau of criminal identification and

investigation investigator, gaming agent, department of taxation 544
investigator, special police officer for a port authority, or 545
special police officer for a municipal airport who commences 546
employment in any of those positions on or after the effective 547
date of this amendment or makes the election described in 548
section 145.334 of the Revised Code. 549

"PERS public safety officer" also includes a person 550
serving as a municipal public safety director at any time during 551
the period from September 29, 2005, to March 24, 2009, if the 552
duties of that service were other than to preserve the peace, 553
protect life and property, and enforce the laws of this state. 554

~~(WW)~~ (BBB) "Fiduciary" means a person who does any of the 555
following: 556

(1) Exercises any discretionary authority or control with 557
respect to the management of the system or with respect to the 558
management or disposition of its assets; 559

(2) Renders investment advice for a fee, direct or 560
indirect, with respect to money or property of the system; 561

(3) Has any discretionary authority or responsibility in 562
the administration of the system. 563

~~(XX)~~ (CCC) "Actuary" means an individual who satisfies all 564
of the following requirements: 565

(1) Is a member of the American academy of actuaries; 566

(2) Is an associate or fellow of the society of actuaries; 567

(3) Has a minimum of five years' experience in providing 568
actuarial services to public retirement plans. 569

~~(YY)~~ (DDD) "PERS defined benefit plan" means the plan 570

described in sections 145.201 to 145.79 of the Revised Code. 571

~~(ZZ)~~ (EEE) "PERS defined contribution plans" means the 572
plan or plans established under section 145.81 of the Revised 573
Code. 574

Sec. 145.222. (A) As used in this section: 575

(1) "Compensation" means both of the following: 576

(a) In the case of a public employees retirement system 577
member, the member's earnable salary; 578

(b) In the case of an electing employee, the amount that 579
would be the electing employee's earnable salary if the electing 580
employee was a member of the retirement system. 581

(2) "Compensation ratio" means the ratio for the most 582
recent full fiscal year for which the information is available 583
of the total compensation of all electing employees to the sum 584
of the total compensation of all the retirement system's members 585
in the PERS defined benefit plan and the total compensation of 586
all electing employees. 587

(3) "Electing employee" means a participant in an 588
alternative retirement plan provided pursuant to Chapter 3305. 589
of the Revised Code who would otherwise be a member of the 590
retirement system. 591

(4) "Historical liability" means the portion of the 592
retirement system's total unfunded actuarial accrued pension 593
liability attributed to the difference between the following: 594

(a) The cumulative contributions received under division 595
(D) of section 3305.06 of the Revised Code on behalf of electing 596
employees since the establishment of the alternative retirement 597
plan; 598

(b) The cumulative contributions toward the unfunded actuarial accrued liability of the retirement system that would have been made if the electing employees had been members of the retirement system in the PERS defined benefit plan. 599
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(B) The public employees retirement board shall contract with an independent actuary to complete an actuarial study to determine the percentage of an electing employee's compensation to be contributed by a public institution of higher education under division (D) of section 3305.06 of the Revised Code. The initial study must be completed and submitted by the board to the department of higher education not later than December 31, 2017. A subsequent study must be completed and submitted not later than the last day of December of every fifth year thereafter. 603
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(C) For the initial study required under this section, the actuary shall determine the percentage described in division (B) of this section as follows: 613
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615

(1) The actuary shall calculate a percentage necessary to amortize the historical liability over an indefinite period. 616
617

(2) The actuary shall calculate a percentage necessary to amortize over a thirty-year period the amount resulting from multiplying the compensation ratio by the difference between the following: 618
619
620
621

(a) The unfunded actuarial accrued pension liability of the PERS defined benefit plan; 622
623

(b) The historical liability. 624

(3) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the sum of the percentages calculated under divisions (C) (1) and (2) 625
626
627

of this section, not to exceed four and one-half per cent. 628

(4) To make the calculations and determinations required 629
under divisions (C) (1) and (2) of this section, the actuary 630
shall use the most recent annual actuarial valuation under 631
section 145.22 of the Revised Code that is available at the time 632
the study is conducted. 633

(D) For any study conducted after the initial study 634
required under this section, the actuary shall determine the 635
percentage described in division (B) of this section as follows: 636

(1) The actuary shall calculate a percentage necessary to 637
amortize over a thirty-year period the amount resulting from 638
multiplying the compensation ratio by the difference between the 639
following: 640

(a) The unfunded actuarial accrued pension liability of 641
the PERS defined benefit plan under the annual actuarial 642
valuation under section 145.22 of the Revised Code that is most 643
recent at the time the study is conducted; 644

(b) The historical liability determined under division (C) 645
of this section. 646

(2) The percentage to be contributed under division (D) of 647
section 3305.06 of the Revised Code shall be one-fourth of the 648
sum of the percentages calculated under divisions (C) (1) and (D) 649
(1) of this section but not less than one-fourth of the 650
percentage determined under division (C) (1) of this section, 651
except that the percentage shall not exceed four and one-half 652
per cent. 653

Sec. 145.2911. (A) If the conditions described in division 654
(B) of section 145.2910 of the Revised Code are met, a member of 655
the public employees retirement system who is not receiving a 656

pension or benefit from the public employees retirement system 657
is eligible to obtain credit for service as a member of the 658
Cincinnati retirement system under this section. 659

(B) A member of the public employees retirement system who 660
has contributions on deposit with, but is no longer contributing 661
to, the Cincinnati retirement system shall, in computing years 662
of service credit, be given credit for service credit earned 663
under the Cincinnati retirement system or purchased or obtained 664
as military service credit if all of the following conditions 665
are met: 666

(1) The member's service credit in the public employees 667
retirement system is greater than the amount of credit that 668
would be obtained under this division. 669

(2) The member is eligible, or with the credit will be 670
eligible, for a retirement or disability benefit. 671

~~(2)~~-(3) The member agrees to retire or accept a disability 672
benefit not later than ninety days after receiving notice from 673
the public employees retirement system that the credit has been 674
obtained. 675

~~(3)~~-(4) For each year of service, the Cincinnati 676
retirement system transfers to the public employees retirement 677
system the sum of the following: 678

(a) The amount contributed by the member, or, in the case 679
of military service credit, paid by the member, that is 680
attributable to the year of service; 681

(b) An amount equal to the lesser of the employer's 682
contributions to the Cincinnati retirement system or the 683
appropriate employer contributions under section 145.48 or 684
145.49 of the Revised Code; 685

(c) Interest on the amounts specified in divisions (B) ~~(3)~~ 686
(4) (a) and (b) of this section from the last day of the year for 687
which the service credit was earned or in which payment was made 688
for military service credit to the date the transfer is made. 689

(C) A member of the public employees retirement system 690
with at least eighteen months of contributing service credit 691
with the public employees retirement system who has received a 692
refund of the member's contributions to the Cincinnati 693
retirement system may obtain credit for service credit earned 694
under the Cincinnati retirement system or purchased or obtained 695
as military service credit if all of the following conditions 696
are met: 697

(1) The member's service credit in the public employees 698
retirement system is greater than the amount of credit that 699
would be obtained under this division. 700

(2) The member is eligible, or with the credit will be 701
eligible, for a retirement or disability benefit. 702

~~(2)~~ (3) The member agrees to retire or accept a disability 703
benefit not later than ninety days after receiving notice from 704
the public employees retirement system that the credit has been 705
obtained. 706

~~(3)~~ (4) For each year of service, the public employees 707
retirement system receives the sum of the following: 708

(a) An amount, paid by the member, equal to the sum of the 709
following: 710

(i) The amount refunded by the Cincinnati retirement 711
system to the member for that year for contributions and 712
payments for military service, with interest at a rate 713
established by the public employees retirement board on that 714

amount from the date of the refund to the date of payment; 715

(ii) The amount of interest, if any, the member received 716
when the refund was made that is attributable to the year of 717
service. 718

(b) An amount, transferred by the Cincinnati retirement 719
system to the public employees retirement system, equal to the 720
sum of the following: 721

(i) Interest on the amount refunded to the member that is 722
attributable to the year of service from the last day of the 723
year for which the service credit was earned or in which payment 724
was made for military service credit to the date the refund was 725
made; 726

(ii) An amount equal to the lesser of the employer's 727
contributions to the Cincinnati retirement system or the 728
appropriate employer contribution under section 145.48 or 145.49 729
of the Revised Code, with interest on that amount from the last 730
day of the year for which the service credit was earned to the 731
date of the transfer. 732

(D) The amount transferred under division (C) ~~(3)~~ (4) (b) (i) 733
of this section shall not include any amount of interest the 734
Cincinnati retirement system paid to the person when it made the 735
refund. 736

(E) On receipt of payment from the member under division 737
(C) ~~(3)~~ (4) (a) of this section, the public employees retirement 738
system shall notify the Cincinnati retirement system. On receipt 739
of the notice, the Cincinnati retirement system shall transfer 740
the amount described in division (C) ~~(3)~~ (4) (b) of this section. 741

(F) Interest charged under this section shall be 742
calculated separately for each year of service credit. Unless 743

otherwise specified in this section, it shall be calculated at 744
the lesser of the actuarial assumption rate for that year of the 745
public employees retirement system or the Cincinnati retirement 746
system. The interest shall be compounded annually. 747

(G) At the request of the public employees retirement 748
system, the Cincinnati retirement system shall certify to the 749
public employees retirement system a copy of the records of the 750
service and contributions of a member of the public employees 751
retirement system who seeks service credit under this section. 752

(H) Service credit purchased or otherwise obtained under 753
this section shall be considered the equivalent of Ohio service 754
credit. 755

The public employees retirement system shall withdraw the 756
credit and refund all amounts paid or transferred under this 757
section if either of the following occurs: 758

(1) The member fails to retire or accept a disability 759
benefit not later than ninety days after receiving notice from 760
the public employees retirement system that credit has been 761
obtained under this section. 762

(2) The member's application for a disability benefit is 763
denied. 764

(I) A member may choose to purchase only part of the 765
credit the member is eligible to purchase under division (C) of 766
this section, subject to rules of the public employees 767
retirement board. 768

(J) A member is ineligible to purchase or otherwise obtain 769
credit under this section for the service to be used in 770
calculation of any retirement benefit currently being paid or 771
payable to the member in the future. 772

Sec. 145.2912. (A) If the conditions described in division 773
(B) of section 145.2910 of the Revised Code are met and a person 774
who is a member or former member of the public employees 775
retirement system but not a current contributor and who is not 776
receiving a pension or benefit from the public employees 777
retirement system elects to receive credit under the Cincinnati 778
retirement system for service for which the person contributed 779
to the public employees retirement system or purchased or 780
obtained as military service credit, the public employees 781
retirement system shall transfer the amounts specified in 782
divisions (A) ~~(3)~~ (4) (a) and (b) of this section to the Cincinnati 783
retirement system. A person may obtain credit if all of the 784
following conditions are met: 785

(1) The member's service credit in the Cincinnati 786
retirement system is greater than the amount of credit that 787
would be obtained under this division. 788

(2) The member is eligible, or with the credit will be 789
eligible, for a retirement or disability benefit. 790

~~(2)~~ (3) The member agrees to retire or accept a disability 791
benefit not later than ninety days after receiving notice from 792
the ~~public employees Cincinnati~~ retirement system that the 793
credit has been obtained. 794

~~(3)~~ (4) (a) If the person has contributions on deposit with 795
the public employees retirement system, the public employees 796
retirement system, for each year of service credit, transfers to 797
the Cincinnati retirement system the sum of the following: 798

(i) An amount equal to the person's contributions to the 799
public employees retirement system and payments made by the 800
member for military service credit; 801

(ii) An amount equal to the lesser of the employer's 802
contributions to the public employees retirement system or the 803
amount that would have been contributed by the employer for the 804
service had the person been a member of the Cincinnati 805
retirement system at the time the credit was earned; 806

(iii) Interest on the amounts specified in divisions (A) 807
~~(3)~~(4)(a) (i) and (ii) of this section for the period from the 808
last day of the year for which the service credit was earned or 809
in which payment was made for military service credit to the 810
date the transfer was made. 811

(b) If the person has received a refund of accumulated 812
contributions to the public employees retirement system, the 813
public employees retirement system, for each year of service 814
credit, transfers to the Cincinnati retirement system the sum of 815
the following: 816

(i) Interest on the amount refunded to the former member 817
that is attributable to the year of service from the last day of 818
the year for which the service credit was earned or in which 819
payment was made for military service credit to the date the 820
refund was made; 821

(ii) An amount equal to the lesser of the employer's 822
contributions to the public employees retirement system or the 823
amount that would have been contributed by the employer for the 824
service had the person been a member of the Cincinnati 825
retirement system at the time the credit was earned, with 826
interest on that amount from the last day of the year for which 827
the service credit was earned to the date of the transfer. 828

(B) The amount transferred under division (A) ~~(3)~~(4) (b) of 829
this section shall not include any amount of the employer's 830

contributions or interest on employee contributions the person 831
received under section 145.40 of the Revised Code. 832

(C) On receipt of notice from the Cincinnati retirement 833
system that the Cincinnati retirement system has received 834
payment from a person described in division (A) ~~(3)~~ (4) (b) of this 835
section, the public employees retirement system shall transfer 836
the amount described in that division. 837

(D) Interest charged under this section shall be 838
calculated separately for each year of service credit. Unless 839
otherwise specified in this section, it shall be calculated at 840
the lesser of the actuarial assumption rate for that year of the 841
public employees retirement system or the Cincinnati retirement 842
system. The interest shall be compounded annually. 843

(E) The transfer of any amount under this section cancels 844
an equivalent amount of service credit. 845

(F) At the request of the Cincinnati retirement system, 846
the public employees retirement system shall certify to the 847
Cincinnati retirement system a copy of the records of the 848
service and contributions of a member or former member of the 849
public employees retirement system who elects to receive service 850
credit under the Cincinnati retirement system. 851

Sec. 145.334. A member who, on the effective date of this 852
section, meets the definition of bureau of criminal 853
identification and investigation investigator, gaming agent, 854
department of taxation investigator, special police officer for 855
a port authority, or special police officer for a municipal 856
airport in section 145.01 of the Revised Code may make the 857
election to be considered a PERS law enforcement officer or PERS 858
public safety officer by giving notice to the public employees 859

retirement system on a form provided by the public employees 860
retirement board. To be valid, the notice must be received by 861
the retirement system not later than ninety days after the 862
effective date of this section. The election, once made, causes 863
the member to be considered a PERS law enforcement officer or 864
PERS public safety officer and is irrevocable. 865

Service credit earned by a member of the public employees 866
retirement system before the first day of the first month 867
following the retirement system's receipt of the notice of 868
election shall not be considered service credit as a PERS law 869
enforcement officer or PERS public safety officer. 870

Sec. 145.362. A disability benefit recipient whose 871
application for a disability benefit was received by the public 872
employees retirement system before January 7, 2013, shall, 873
regardless of when the disability occurred, retain membership 874
status and shall be considered on leave of absence from 875
employment during the first five years following the effective 876
date of a disability benefit, notwithstanding any contrary 877
provisions in this chapter. 878

A disability benefit recipient whose application for a 879
disability benefit is received by the system on or after January 880
7, 2013, shall, regardless of when the disability occurred, 881
retain membership status and shall be considered on leave of 882
absence from employment during the first three years following 883
the effective date of a disability benefit, except that, if the 884
member is receiving rehabilitative services acceptable to the 885
board's examining physician, the board may permit the recipient 886
to retain membership status and be considered on leave of 887
absence from employment for up to five years following the 888
effective date of a disability benefit. 889

The public employees retirement board shall require any 890
disability benefit recipient to undergo ~~an annual~~ a periodic 891
medical examination, ~~except that the~~ as determined by the 892
board's medical consultant or as specified in rules adopted by 893
the board. The board may waive the medical examination if the 894
board's medical consultant certifies that the recipient's 895
disability is ongoing or for any other reason specified in rules 896
adopted by the board. If any disability benefit recipient 897
refuses to submit to a medical examination, the recipient's 898
disability benefit shall be suspended until withdrawal of the 899
refusal. Should the refusal continue for one year, all the 900
recipient's rights in and to the disability benefit shall be 901
terminated as of the effective date of the original suspension. 902

On completion of the examination by the board's examining 903
physician, the physician shall report to the board's medical 904
consultant and certify whether the disability benefit recipient 905
meets the applicable standard for termination of a disability 906
benefit. If the examining physician certifies that the recipient 907
meets the applicable standard for termination of a disability 908
benefit and the medical consultant concurs, the medical 909
consultant shall certify to the board that the recipient meets 910
the applicable standard for termination. 911

(A) Regardless of when the disability occurred, if the 912
recipient's application for a disability benefit was received by 913
the system before January 7, 2013, or, if on or after that date, 914
the recipient has been receiving the benefit for less than three 915
years or is receiving rehabilitative services acceptable to the 916
board's examining physician and considered on leave of absence, 917
or, if, at the time contributing service terminated, the 918
recipient was a PERS law enforcement officer, the standard for 919
termination is that the recipient is no longer physically and 920

mentally incapable of resuming the service from which the 921
recipient was found disabled. 922

(B) Regardless of when the disability occurred, if the 923
recipient's application for a disability benefit is received by 924
the system on or after January 7, 2013, the recipient has been 925
receiving the benefit for three years or longer, the recipient 926
was not a PERS law enforcement officer at the time contributing 927
service terminated, and the recipient is not receiving 928
rehabilitative services acceptable to the board's examining 929
physician, the standard for termination is that the recipient is 930
not physically or mentally incapable of performing the duties of 931
any position that meets all of the following criteria: 932

(1) Replaces not less than seventy-five per cent of the 933
member's final average salary, adjusted each year by the actual 934
average increase in the consumer price index prepared by the 935
United States bureau of labor statistics (U.S. city average for 936
urban wage earners and clerical workers: "all items 1982- 937
1984=100"); 938

(2) Is reasonably to be found in the member's regional job 939
market; 940

(3) Is one that the member is qualified for by experience 941
or education. 942

If the board concurs in the report that the disability 943
benefit recipient meets the applicable standard for termination 944
of a disability benefit, the payment of the disability benefit 945
shall be terminated not later than three months after the date 946
of the board's concurrence or upon employment as a public 947
employee. If the leave of absence has not expired, the 948
retirement board shall certify to the disability benefit 949

recipient's last employer before being found disabled that the 950
recipient is no longer physically and mentally incapable of 951
resuming service that is the same or similar to that from which 952
the recipient was found disabled. The employer shall restore the 953
recipient to the recipient's previous position and salary or to 954
a position and salary similar thereto, unless the recipient was 955
dismissed or resigned in lieu of dismissal for dishonesty, 956
misfeasance, malfeasance, or conviction of a felony. 957

Each disability benefit recipient shall file with the 958
board an annual statement of earnings, current medical 959
information on the recipient's condition, and any other 960
information required in rules adopted by the board. The board 961
may waive the requirement that a disability benefit recipient 962
file an annual statement of earnings or current medical 963
information if the board's medical consultant certifies that the 964
recipient's disability is ongoing. 965

The board shall annually examine the information submitted 966
by the recipient. If a disability benefit recipient ~~refuses~~ 967
fails to file the statement or information, the disability 968
benefit shall be suspended until the statement and information 969
are filed. If the ~~refusal~~-failure continues for one year, the 970
recipient's right to the disability benefit shall be terminated 971
as of the effective date of the original suspension. 972

If a disability benefit recipient is restored to service 973
by, or elected to an elective office with, an employer covered 974
by this chapter, the recipient's disability benefit shall cease. 975

The board may terminate a disability benefit at the 976
request of the recipient if the board's medical consultant 977
determines that the recipient is no longer disabled. 978

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

If a disability allowance paid under section 145.361 of the Revised Code is terminated for any reason, the reserve on the allowance at that time in the annuity and pension reserve fund shall be transferred from that fund to the employers' accumulation fund.

If a former disability benefit recipient again becomes a contributor, other than as an other system retirant under section 145.38 of the Revised Code, to this system, the state teachers retirement system, or the school employees retirement system, and completes an additional two years of service credit, the former disability benefit recipient shall be entitled to full service credit, not exceeding five years' service credit, for the period as a disability benefit recipient, except that if the board adopts a rule requiring payment for the service credit it shall be granted only if the former disability benefit recipient pays an amount determined under the rule. The rule shall not require payment of more than the additional liability

to the retirement system resulting from granting the credit. The 1010
former recipient may choose to purchase only part of the credit 1011
in any one payment. 1012

If any employer employs any member who is receiving a 1013
disability benefit, the employer shall file notice of employment 1014
with the retirement board, designating the date of employment. 1015
In case the notice is not filed, the total amount of the benefit 1016
paid during the period of employment prior to notice shall be 1017
charged to and paid by the employer. 1018

Sec. 145.384. (A) As used in this section, "PERS retirant" 1019
means a PERS retirant who is not subject to division (C) of 1020
section 145.38 of the Revised Code. For purposes of this 1021
section, "PERS retirant" also includes both of the following: 1022

(1) A member who retired under section 145.383 of the 1023
Revised Code; 1024

(2) A retirant whose retirement allowance resumed under 1025
section 145.385 of the Revised Code. 1026

(B) (1) An other system retirant or PERS retirant who has 1027
made contributions under section 145.38 or 145.383 of the 1028
Revised Code or, in the case of a retirant described in division 1029
(A) (2) of this section, section 145.47 of the Revised Code may 1030
file an application with the public employees retirement system 1031
to receive either a benefit, as provided in division (B) (2) of 1032
this section, or payment of the retirant's contributions made 1033
under those sections, as provided in division (H) of this 1034
section. 1035

(2) A benefit under this section shall consist of an 1036
annuity having a reserve equal to the amount of the retirant's 1037
accumulated contributions for the period of employment, other 1038

than the contributions excluded pursuant to division (B) (4) (a) 1039
or (b) of section 145.38 of the Revised Code, and an amount of 1040
the employer's contributions determined by the board. 1041

(a) Unless, as described in division (I) of this section, 1042
the application is accompanied by a statement of the spouse's 1043
consent to another form of payment or the board waives the 1044
requirement of spousal consent, a PERS retirant or other system 1045
retirant who is married at the time of application for a benefit 1046
under this section shall receive a monthly annuity under which 1047
the actuarial equivalent of the retirant's single life annuity 1048
is paid in a lesser amount for life and one-half of the lesser 1049
amount continues after the retirant's death to the surviving 1050
spouse. 1051

(b) A PERS retirant or other system retirant who is not 1052
subject to division (B) (2) (a) of this section shall elect either 1053
to receive the benefit as a monthly annuity or a lump sum 1054
payment discounted to the present value using a rate of interest 1055
determined by the board. A retirant who elects to receive a 1056
monthly annuity shall select one of the following as the plan of 1057
payment: 1058

(i) The retirant's single life annuity; 1059

(ii) The actuarial equivalent of the retirant's single 1060
life annuity in an equal or lesser amount for life and 1061
continuing after death to a surviving beneficiary designated at 1062
the time the plan of payment is selected. 1063

If a retirant who is eligible to select a plan of payment 1064
under division (B) (2) (b) of this section fails to do so, the 1065
benefit shall be paid as a monthly annuity under the plan of 1066
payment specified in rules adopted by the public employees 1067

retirement board. 1068

(c) Notwithstanding divisions (B) (2) (a) and (b) of this 1069
section, if a monthly annuity would be less than twenty-five 1070
dollars per month, the retirant shall receive a lump sum 1071
payment. 1072

(C) (1) The death of a spouse or other designated 1073
beneficiary under a plan of payment described in division (B) (2) 1074
of this section cancels that plan of payment. The PERS retirant 1075
or other system retirant shall receive the equivalent of the 1076
retirant's single life annuity, as determined by the board, 1077
effective the first day of the month following the date of 1078
death. 1079

(2) On divorce, annulment, or marriage dissolution, a PERS 1080
retirant or other system retirant receiving a benefit described 1081
in division (B) (2) of this section under which the beneficiary 1082
is the spouse may, with the written consent of the spouse or 1083
pursuant to an order of the court with jurisdiction over the 1084
termination of the marriage, elect to cancel the plan and 1085
receive the equivalent of the retirant's single life annuity as 1086
determined by the board. The election shall be made on a form 1087
provided by the board and shall be effective the month following 1088
its receipt by the board. 1089

(D) Following a marriage or remarriage, a PERS retirant or 1090
other system retirant who is receiving a benefit described in 1091
division (B) (2) (b) (i) of this section may elect a new plan of 1092
payment under division (B) (2) (b) of this section based on the 1093
actuarial equivalent of the retirant's single life annuity as 1094
determined by the board. 1095

If the marriage or remarriage occurs on or after June 6, 1096

2005, the election must be made not later than one year after 1097
the date of the marriage or remarriage. 1098

The plan elected under this division shall be effective on 1099
the date of receipt by the board of an application on a form 1100
approved by the board, but any change in the amount of the 1101
benefit shall commence on the first day of the month following 1102
the effective date of the plan. 1103

(E) A benefit payable under division (B)(2) of this 1104
section shall commence on the latest of the following: 1105

(1) The last day for which compensation for all employment 1106
subject to section 145.38, 145.383, or 145.385 of the Revised 1107
Code was paid; 1108

(2) Attainment by the PERS retirant or other system 1109
retirant of age sixty-five; 1110

(3) If the PERS retirant or other system retirant was 1111
previously employed under section 145.38, 145.383, or 145.385 of 1112
the Revised Code and is receiving or previously received a 1113
benefit under this section, completion of a period of twelve 1114
months since the effective date of the last benefit under this 1115
section; 1116

(4) Ninety days prior to receipt by the board of the 1117
member's completed application for retirement; 1118

(5) A date specified by the retirant. 1119

(F)(1) If a PERS retirant or other system retirant dies 1120
while employed in employment subject to section 145.38, 145.383, 1121
or 145.385 of the Revised Code, a lump sum payment shall be paid 1122
to the retirant's beneficiary under division (G) of this 1123
section. The lump sum shall be calculated in accordance with 1124

division (H) of this section if the retirant was under age 1125
sixty-five at the time of death. It shall be calculated in 1126
accordance with division (B) (2) of this section if the retirant 1127
was age sixty-five or older at the time of death. 1128

(2) If at the time of death a PERS retirant or other 1129
system retirant receiving a monthly annuity under division (B) 1130
(2) (b) (i) of this section has received less than the retirant 1131
would have received as a lump sum payment, the difference 1132
between the amount received and the amount that would have been 1133
received as a lump sum payment shall be paid to the retirant's 1134
beneficiary under division (G) of this section. 1135

(3) If a beneficiary receiving a monthly annuity under 1136
division (B) (2) of this section dies and, at the time of the 1137
beneficiary's death, the total of the amounts paid to the 1138
retirant and beneficiary are less than the amount the retirant 1139
would have received as a lump sum payment, the difference 1140
between the total of the amounts received by the retirant and 1141
beneficiary and the amount that the retirant would have received 1142
as a lump sum payment shall be paid to the beneficiary's estate. 1143

(G) A PERS retirant or other system retirant employed 1144
under section 145.38, 145.383, or 145.385 of the Revised Code 1145
may designate one or more persons as beneficiary to receive any 1146
benefits payable under division (B) (2) (b) of this section due to 1147
death. The designation shall be in writing duly executed on a 1148
form provided by the public employees retirement board, signed 1149
by the PERS retirant or other system retirant, and filed with 1150
the board prior to death. The last designation of a beneficiary 1151
revokes all previous designations. The PERS retirant's or other 1152
system retirant's marriage, divorce, marriage dissolution, legal 1153
separation, withdrawal of account, birth of a child, or adoption 1154

of a child revokes all previous designations. If there is no 1155
designated beneficiary or the beneficiary is not located within 1156
ninety days, the beneficiary shall be determined in the 1157
following order of precedence: 1158

(1) Surviving spouse; 1159

(2) Children, share and share alike; 1160

(3) Parents, share and share alike; 1161

(4) Estate. 1162

If any benefit payable under this section due to the death 1163
of a PERS retirant or other system retirant is not claimed by a 1164
beneficiary within five years after the death, the amount 1165
payable shall be transferred to the income fund and thereafter 1166
paid to the beneficiary or the estate of the PERS retirant or 1167
other system retirant on application to the board. 1168

(H) (1) A PERS retirant or other system retirant who 1169
applies under division (B) (1) of this section for payment of the 1170
retirant's contributions and is unmarried or is married and, 1171
unless the board has waived the requirement of spousal consent, 1172
includes with the application a statement of the spouse's 1173
consent to the payment, shall be paid the contributions made 1174
under section 145.38 or 145.383 of the Revised Code or, in the 1175
case of a retirant described in division (A) (2) of this section, 1176
section 145.47 of the Revised Code, plus interest as provided in 1177
section 145.471 of the Revised Code, if the following conditions 1178
are met: 1179

(a) The retirant has not attained sixty-five years of age 1180
and has terminated employment subject to section 145.38, 1181
145.383, or 145.385 of the Revised Code for any cause other than 1182
death or the receipt of a benefit under this section. 1183

(b) ~~Three~~Two months have elapsed since the termination of 1184
the retirant's employment subject to section 145.38, 145.383, or 1185
145.385 of the Revised Code, other than employment exempted from 1186
contribution pursuant to section 145.03 of the Revised Code. 1187

(c) The retirant has not returned to public service, other 1188
than service exempted from contribution pursuant to section 1189
145.03 of the Revised Code, during the ~~three-month~~two-month 1190
period. 1191

(2) Payment of a retirant's contributions cancels the 1192
retirant's right to a benefit under division (B) (2) of this 1193
section. 1194

(I) A statement of a spouse's consent under division (B) 1195
(2) of this section to the form of a benefit or under division 1196
(H) of this section to a payment of contributions is valid only 1197
if signed by the spouse and witnessed by a notary public. The 1198
board may waive the requirement of spousal consent if the spouse 1199
is incapacitated or cannot be located, or for any other reason 1200
specified by the board. Consent or waiver is effective only with 1201
regard to the spouse who is the subject of the consent or 1202
waiver. 1203

(J) No amount received under this section shall be 1204
included in determining an additional benefit under section 1205
145.323 of the Revised Code or any other post-retirement benefit 1206
increase. 1207

Sec. 145.40. (A) (1) Subject to the provisions of section 1208
145.57 of the Revised Code and except as provided in division 1209
(B) of this section, if a member elects to become exempt from 1210
contribution to the public employees retirement system pursuant 1211
to section 145.03 of the Revised Code or ceases to be a public 1212

employee for any cause other than death, retirement, receipt of 1213
a disability benefit, or current employment in a position in 1214
which the member has elected to participate in an alternative 1215
retirement plan under section 3305.05 or 3305.051 of the Revised 1216
Code, upon application the public employees retirement board 1217
shall pay the member the member's accumulated contributions, 1218
plus any applicable amount calculated under section 145.401 of 1219
the Revised Code, provided that both the following apply: 1220

(a) ~~Three~~Two months have elapsed since the member's 1221
service subject to this chapter, other than service exempted 1222
from contribution pursuant to section 145.03 of the Revised 1223
Code, was terminated; 1224

(b) The member has not returned to service subject to this 1225
chapter, other than service exempted from contribution pursuant 1226
to section 145.03 of the Revised Code, during that ~~three-month-~~ 1227
two-month period. 1228

The payment of such accumulated contributions shall cancel 1229
the total service credit of such member in the public employees 1230
retirement system. 1231

(2) A member described in division (A)(1) of this section 1232
who is married at the time of application for payment and is 1233
eligible for age and service retirement under section 145.32, 1234
145.33, 145.331, or 145.332 of the Revised Code or would be 1235
eligible for age and service retirement under any of those 1236
sections but for a forfeiture ordered under division (A) or (B) 1237
of section 2929.192 of the Revised Code shall submit with the 1238
application a written statement by the member's spouse attesting 1239
that the spouse consents to the payment of the member's 1240
accumulated contributions. Consent shall be valid only if it is 1241
signed and witnessed by a notary public. 1242

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

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

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

(1) On receipt of a certified copy of a form evidencing an election under section 3305.05 or 3305.051 of the Revised Code, pay to the appropriate provider, in accordance with section 3305.052 of the Revised Code, the amount described in section 3305.052 of the Revised Code;

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

(C) Payment of a member's accumulated contributions under division (B) of this section cancels the member's total service credit in the public employees retirement system. A member whose

accumulated contributions are paid to a provider pursuant to 1272
division (B) of this section is forever barred from claiming or 1273
purchasing service credit under the public employees retirement 1274
system for the period of employment attributable to those 1275
contributions. 1276

Sec. 145.43. (A) As used in this section and in section 1277
145.45 of the Revised Code: 1278

(1) "Child" means a biological or legally adopted child of 1279
a deceased member. If a court hearing for an interlocutory 1280
decree for adoption was held prior to the member's death, 1281
"child" includes the child who was the subject of the hearing 1282
notwithstanding the fact that the final decree of adoption, 1283
adjudging the surviving spouse as the adoptive parent, is made 1284
subsequent to the member's death. 1285

(2) "Parent" is a parent or legally adoptive parent of a 1286
deceased member. 1287

(3) "Dependent" means a beneficiary who receives one-half 1288
of the beneficiary's support from a member during the twelve 1289
months prior to the member's death. 1290

(4) "Surviving spouse" means an individual who establishes 1291
a valid marriage to a member at the time of the member's death 1292
by marriage certificate or pursuant to division (E) of this 1293
section. 1294

(5) "Survivor" means a surviving spouse, child, or parent. 1295

(6) "Accumulated contributions" has the meaning given in 1296
section 145.01 of the Revised Code, except that, notwithstanding 1297
that section, it does not include additional amounts deposited 1298
in the employees' savings fund pursuant to the version of 1299
division (C) of section 145.23 of the Revised Code as it existed 1300

immediately prior to April 6, 2007, or pursuant to section 1301
145.62 of the Revised Code. 1302

(B) Except as provided in division (C)(1) of section 1303
145.45 of the Revised Code, should a member die before age and 1304
service retirement, the member's accumulated contributions and 1305
any applicable amount calculated under section 145.401 of the 1306
Revised Code, shall be paid to the person or persons the member 1307
has designated under section 145.431 of the Revised Code. A 1308
member may designate two or more persons as beneficiaries to be 1309
paid the accumulated account in a lump sum. Subject to rules 1310
adopted by the public employees retirement board, a member who 1311
designates two or more persons as beneficiaries shall specify 1312
the percentage of the lump sum that each beneficiary is to be 1313
paid. If the member has not specified the percentages, the lump 1314
sum shall be divided equally among the beneficiaries. 1315

The last designation of any beneficiary revokes all 1316
previous designations. The member's marriage, divorce, marriage 1317
dissolution, legal separation, or withdrawal of account, or the 1318
birth of the member's child, or adoption of a child, shall 1319
constitute an automatic revocation of the member's previous 1320
designation. If a deceased member was also a member of the 1321
school employees retirement system or the state teachers 1322
retirement system and a survivor benefit may be paid under 1323
section 145.37, 3307.57, or 3309.35 of the Revised Code, the 1324
beneficiary last established among the systems shall be the sole 1325
beneficiary in all the systems. 1326

If the accumulated contributions of a deceased member are 1327
not claimed by a beneficiary or by the estate of the deceased 1328
member within five years after the death, the contributions 1329
shall remain in the employees' savings fund or may be 1330

transferred to the income fund and thereafter shall be paid to 1331
the beneficiary or to the member's estate upon application to 1332
the board. The board shall formulate and adopt the necessary 1333
rules governing all designations of beneficiaries. 1334

(C) Except as provided in division (C)(1) of section 1335
145.45 of the Revised Code, if a member dies before age and 1336
service retirement and is not survived by a designated 1337
beneficiary, the following shall qualify, with all attendant 1338
rights and privileges, in the following order of precedence, the 1339
member's: 1340

(1) Surviving spouse; 1341

(2) Children, share and share alike; 1342

(3) A dependent parent, if that parent takes survivor 1343
benefits under division (B) of section 145.45 of the Revised 1344
Code; 1345

(4) Parents, share and share alike; 1346

(5) Estate. 1347

If the beneficiary is deceased or is not located within 1348
ninety days, the beneficiary ceases to qualify for any benefit 1349
and the beneficiary next in order of precedence shall qualify as 1350
a beneficiary. 1351

Any payment made to a beneficiary as determined by the 1352
board shall be a full discharge and release to the board from 1353
any future claims. 1354

(D) Any amount due a retirant or disability benefit 1355
recipient receiving a monthly benefit and unpaid to the retirant 1356
or recipient at death shall be paid to the beneficiary 1357
designated in writing duly executed on a form provided by the 1358

board, signed by the retirant or recipient, and filed with the 1359
board. If no such designation has been filed, or if the 1360
designated beneficiary is not located within ninety days, any 1361
amounts payable under this chapter due to the death of the 1362
retirant or recipient shall be paid in the following order of 1363
precedence to the retirant's or recipient's: 1364

- (1) Surviving spouse; 1365
- (2) Children, share and share alike; 1366
- (3) Parents, share and share alike; 1367
- (4) Estate. 1368

The payment shall be a full discharge and release to the 1369
board from any future claim for the payment. 1370

Any amount due a beneficiary receiving a monthly benefit 1371
and unpaid to the beneficiary at the beneficiary's death shall 1372
be paid to the beneficiary's estate. 1373

(E) If the validity of marriage cannot be established to 1374
the satisfaction of the board for the purpose of disbursing any 1375
amount due under this section or section 145.45 of the Revised 1376
Code, the board may accept a decision rendered by a court having 1377
jurisdiction in the state in which the member was domiciled at 1378
the time of death that the relationship constituted a valid 1379
marriage at the time of death, or the "spouse" would have the 1380
same status as a widow or widower for purposes of sharing the 1381
distribution of the member's intestate personal property. 1382

(F) As used in this division, "recipient" means an 1383
individual who is receiving or may be eligible to receive an 1384
allowance or benefit under this chapter based on the 1385
individual's service to a public employer. 1386

If the death of a member, a recipient, or any individual 1387
who would be eligible to receive an allowance or benefit under 1388
this chapter by virtue of the death of a member or recipient is 1389
caused by one of the following beneficiaries, no amount due 1390
under this chapter to the beneficiary shall be paid to the 1391
beneficiary in the absence of a court order to the contrary 1392
filed with the board: 1393

(1) A beneficiary who is convicted of, pleads guilty to, 1394
or is found not guilty by reason of insanity of a violation of 1395
or complicity in the violation of either of the following: 1396

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 1397
Code; 1398

(b) An existing or former law of any other state, the 1399
United States, or a foreign nation that is substantially 1400
equivalent to section 2903.01, 2903.02, or 2903.03 of the 1401
Revised Code. 1402

(2) A beneficiary who is indicted for a violation of or 1403
complicity in the violation of the sections or laws described in 1404
division (F) (1) (a) or (b) of this section and is adjudicated 1405
incompetent to stand trial; 1406

(3) A beneficiary who is a juvenile found to be a 1407
delinquent child by reason of committing an act that, if 1408
committed by an adult, would be a violation of or complicity in 1409
the violation of the sections or laws described in division (F) 1410
(1) (a) or (b) of this section. 1411

Sec. 145.45. Except as provided in division (C) (1) of this 1412
section, in lieu of accepting the payment of the accumulated 1413
account of a member who dies before service retirement, a 1414
beneficiary, as determined in this section or section 145.43 of 1415

the Revised Code, may elect to forfeit the accumulated 1416
contributions and to substitute certain other benefits under 1417
division (A) or (B) of this section. 1418

(A) (1) If a deceased member was eligible for a service 1419
retirement benefit as provided in section 145.33, 145.331, or 1420
145.332 of the Revised Code, a surviving spouse or other sole 1421
dependent beneficiary may elect to receive a monthly benefit 1422
computed as a joint-life plan under which the spouse or 1423
beneficiary receives one hundred per cent of the actuarial 1424
equivalent of the deceased member's lesser retirement allowance 1425
payable for the member's life, which the member would have 1426
received had the member retired on the last day of the month of 1427
death and had the member at that time selected such a plan. 1428
Payment shall begin with the month subsequent to the member's 1429
death, except that a surviving spouse who is less than sixty- 1430
five years old may defer receipt of such benefit. Upon receipt, 1431
the benefit shall be calculated based upon the spouse's age at 1432
the time of first payment, and shall accrue regular interest 1433
during the time of deferral. 1434

(2) Beginning on a date selected by the public employees 1435
retirement board, which shall be not later than July 1, 2004, a 1436
surviving spouse or other sole dependent beneficiary may elect, 1437
in lieu of a monthly payment under division (A) (1) of this 1438
section, a plan of payment consisting of both of the following: 1439

(a) A lump sum in an amount the surviving spouse or other 1440
sole dependent beneficiary designates that constitutes a portion 1441
of the allowance that would be payable under division (A) (1) of 1442
this section; 1443

(b) The remainder of that allowance in monthly payments. 1444

The total amount paid as a lump sum and a monthly benefit 1445
shall be the actuarial equivalent of the amount that would have 1446
been paid had the lump sum not been selected. 1447

The lump sum amount designated by the surviving spouse or 1448
other sole dependent beneficiary under division (A) (2) (a) of 1449
this section shall be not less than six times and not more than 1450
thirty-six times the monthly amount that would be payable to the 1451
surviving spouse or other sole dependent beneficiary under 1452
division (A) (1) of this section and shall not result in a 1453
monthly payment that is less than fifty per cent of that monthly 1454
amount. 1455

(B) If a deceased member had, except as provided in 1456
division (B) (7) of this section, at least one and one-half years 1457
of contributing service credit, with, except as provided in 1458
division (B) (7) of this section, at least one-quarter year of 1459
contributing service credit within the two and one-half years 1460
prior to the date of death, or was receiving at the time of 1461
death a disability benefit as provided in section 145.36, 1462
145.361, or 145.37 of the Revised Code, qualified survivors who 1463
elect to receive monthly benefits shall receive the greater of 1464
the benefits provided in division (B) (1) (a) or (b) and (4) of 1465
this section as allocated in accordance with division (B) (5) of 1466
this section. 1467

(1) (a) Number Or 1468
of Qualified Monthly 1469
survivors Annual Benefit as a Per Benefit 1470
affecting Cent of Decedent's Final shall 1471
not be 1472
the benefit Average Salary less 1473
than 1474

1	25%	\$250	1475
2	40	400	1476
3	50	500	1477
4	55	500	1478
5 or more	60	500	1479

(b) Years of Service 1480
Annual Benefit as a Per Cent
of Member's Final Average 1481
Salary 1482

20	29%	1483
21	33	1484
22	37	1485
23	41	1486
24	45	1487
25	48	1488
26	51	1489
27	54	1490
28	57	1491
29 or more	60	1492

(2) Benefits shall begin as qualified survivors meet 1493
eligibility requirements as follows: 1494

(a) A qualified spouse is the surviving spouse of the 1495
deceased member, who is age sixty-two, or regardless of age 1496
meets one of the following qualifications: 1497

(i) Except as provided in division (B) (7) of this section, 1498
the deceased member had ten or more years of Ohio service 1499
credit. 1500

(ii) The spouse is caring for a qualified child. 1501

(iii) The spouse is adjudged physically or mentally 1502
incompetent. 1503

A spouse of a member who died prior to August 27, 1970, 1504
whose eligibility was determined at the member's death, and who 1505
is physically or mentally incompetent on or after August 20, 1506
1976, shall be paid the monthly benefit which that person would 1507
otherwise receive when qualified by age. 1508

(b) A qualified child is any child of the deceased member 1509
who has never been married and to whom one of the following 1510
applies: 1511

(i) Is under age ~~eighteen, or under age twenty-two if the~~ 1512
~~child is attending an institution of learning or training~~ 1513
~~pursuant to a program designed to complete in each school year~~ 1514
~~the equivalent of at least two-thirds of the full-time~~ 1515
~~curriculum requirements of such institution and as further~~ 1516
~~determined by board policy;~~ 1517

(ii) Regardless of age, is adjudged physically or mentally 1518
incompetent at the time of the member's death. 1519

(c) A qualified parent is a dependent parent aged sixty- 1520
five or older or regardless of age if physically or mentally 1521
incompetent, a dependent parent whose eligibility was determined 1522
by the member's death prior to August 20, 1976, and who is 1523
physically or mentally incompetent on or after August 20, 1976, 1524
shall be paid the monthly benefit for which that person would 1525
otherwise qualify. 1526

(3) "Physically or mentally incompetent" as used in this 1527
section may be determined by a court of jurisdiction, or by a 1528
physician appointed by the retirement board. Incapability of 1529
making a living because of a physically or mentally disabling 1530
condition shall meet the qualifications of this division. 1531

(4) Benefits to a qualified survivor shall terminate upon 1532

ceasing to meet eligibility requirements as provided in this 1533
division, a first marriage, abandonment, adoption, or during 1534
active military service. Benefits to a deceased member's 1535
surviving spouse that were terminated under a former version of 1536
this section that required termination due to remarriage and 1537
were not resumed prior to September 16, 1998, shall resume on 1538
the first day of the month immediately following receipt by the 1539
board of an application on a form provided by the board. 1540

Benefits to a qualified child who is at least eighteen 1541
years of age but under twenty-two years of age that under a 1542
former version of this section never commenced or were 1543
terminated due to a lack of attendance at an institution of 1544
learning or training and not commenced or resumed before the 1545
effective date of this amendment shall commence or resume on the 1546
first day of the month immediately following receipt by the 1547
board of an application on a form provided by the board if the 1548
application is received on or before the date that is one year 1549
after the effective date of this amendment. These benefits 1550
terminate on the child attaining twenty-two years of age. 1551

Upon the death of any subsequent spouse who was a member 1552
of the public employees retirement system, state teachers 1553
retirement system, or school employees retirement system, the 1554
surviving spouse of such member may elect to continue receiving 1555
benefits under this division, or to receive survivor's benefits, 1556
based upon the subsequent spouse's membership in one or more of 1557
the systems, for which such surviving spouse is eligible under 1558
this section or section 3307.66 or 3309.45 of the Revised Code. 1559
If the surviving spouse elects to continue receiving benefits 1560
under this division, such election shall not preclude the 1561
payment of benefits under this division to any other qualified 1562
survivor. 1563

Benefits shall begin or resume on the first day of the 1564
month following the attainment of eligibility and shall 1565
terminate on the first day of the month following loss of 1566
eligibility. 1567

(5) (a) If a benefit is payable under division (B) (1) (a) of 1568
this section, benefits to a qualified spouse shall be paid in 1569
the amount determined for the first qualifying survivor in 1570
division (B) (1) (a) of this section. All other qualifying 1571
survivors shall share equally in the benefit or remaining 1572
portion thereof. 1573

(b) All qualifying survivors shall share equally in a 1574
benefit payable under division (B) (1) (b) of this section, except 1575
that if there is a surviving spouse, the surviving spouse shall 1576
receive not less than the amount determined for the first 1577
qualifying survivor in division (B) (1) (a) of this section. 1578

(6) The beneficiary of a member who is also a member of 1579
the state teachers retirement system or of the school employees 1580
retirement system, must forfeit the member's accumulated 1581
contributions in those systems and in the public employees 1582
retirement system, if the beneficiary takes a survivor benefit. 1583
Such benefit shall be exclusively governed by section 145.37 of 1584
the Revised Code. 1585

(7) The following restrictions do not apply if the 1586
deceased member was contributing toward benefits under section 1587
145.332 of the Revised Code at the time of death: 1588

(a) That the deceased member have had at least one and 1589
one-half years of contributing service credit, with at least 1590
one-quarter year of contributing service within the two and one- 1591
half years prior to the date of death; 1592

(b) If the deceased member was killed in the line of duty, 1593
that the deceased member have had ten or more years of Ohio 1594
service credit as described in division (B) (2) (a) (i) of this 1595
section. 1596

For the purposes of division (B) (7) (b) of this section, 1597
"killed in the line of duty," means either that death occurred 1598
in the line of duty or that death occurred as a result of injury 1599
sustained in the line of duty. 1600

(C) (1) Regardless of whether the member is survived by a 1601
spouse or designated beneficiary, if the public employees 1602
retirement system receives notice that a deceased member 1603
described in division (A) or (B) of this section has one or more 1604
qualified children, all persons who are qualified survivors 1605
under division (B) of this section shall receive monthly 1606
benefits as provided in division (B) of this section. 1607

If, after determining the monthly benefits to be paid 1608
under division (B) of this section, the system receives notice 1609
that there is a qualified survivor who was not considered when 1610
the determination was made, the system shall, notwithstanding 1611
section 145.561 of the Revised Code, recalculate the monthly 1612
benefits with that qualified survivor included, even if the 1613
benefits to qualified survivors already receiving benefits are 1614
reduced as a result. The benefits shall be calculated as if the 1615
qualified survivor who is the subject of the notice became 1616
eligible on the date the notice was received and shall be paid 1617
to qualified survivors effective on the first day of the first 1618
month following the system's receipt of the notice. 1619

If the retirement system did not receive notice that a 1620
deceased member has one or more qualified children prior to 1621
making payment under section 145.43 of the Revised Code to a 1622

beneficiary as determined by the retirement system, the payment 1623
is a full discharge and release of the system from any future 1624
claims under this section or section 145.43 of the Revised Code. 1625

(2) If benefits under division (C)(1) of this section to 1626
all persons, or to all persons other than a surviving spouse or 1627
other sole beneficiary, terminate, there are no children under 1628
the age of twenty-two years, and the surviving spouse or 1629
beneficiary qualifies for benefits under division (A) of this 1630
section, the surviving spouse or beneficiary may elect to 1631
receive benefits under division (A) of this section. The 1632
benefits shall be effective on the first day of the month 1633
immediately following the termination. 1634

(D) The final average salary used in the calculation of a 1635
benefit payable pursuant to division (A) or (B) of this section 1636
to a survivor or beneficiary of a disability benefit recipient 1637
shall be adjusted for each year between the disability benefit's 1638
effective date and the recipient's date of death by the lesser 1639
of three per cent or the actual average percentage increase in 1640
the consumer price index prepared by the United States bureau of 1641
labor statistics (U.S. city average for urban wage earners and 1642
clerical workers: "all items 1982-84=100"). 1643

(E) If the survivor benefits due and paid under this 1644
section are in a total amount less than the member's accumulated 1645
account that was transferred from the public employees' savings 1646
fund to the survivors' benefit fund, then the difference between 1647
the total amount of the benefits paid shall be paid to the 1648
beneficiary under section 145.43 of the Revised Code. 1649

Sec. 742.091. Any action brought against the Ohio police 1650
and fire pension fund or the Ohio police and fire pension fund 1651
board of trustees or its officers, employees, or board members 1652

in their official capacities shall be brought in the appropriate 1653
court in Franklin county, Ohio. 1654

Sec. 742.105. The Ohio police and fire pension fund board 1655
of trustees shall appoint a committee to oversee the selection 1656
of an internal auditor. The committee shall select one or more 1657
persons for employment as an internal auditor. The board shall 1658
employ the person or persons selected by the committee. 1659

The committee shall consist of the following board 1660
members: one retirant member, one employee member, and one other 1661
member. The committee shall annually prepare and submit to the 1662
Ohio retirement study council a report of its actions during the 1663
preceding year. 1664

Sec. 742.17. An application or election made under this 1665
chapter shall be submitted to the Ohio police and fire pension 1666
fund in the form and manner specified by the fund. The fund 1667
shall determine whether an application or election is complete 1668
and properly submitted. Its determination is final. 1669

If the fund determines that an application or election is 1670
incomplete or not properly submitted, it may give the person who 1671
submitted the application or election the opportunity to correct 1672
any deficiency or may reject the application or election and 1673
require that it be resubmitted. The fund shall give written 1674
notice of the rejection to the person who submitted the 1675
application or election. 1676

Sec. 742.37. The board of trustees of the Ohio police and 1677
fire pension fund shall adopt rules for the management of the 1678
fund and for the disbursement of benefits and pensions as set 1679
forth in this section and section 742.39 of the Revised Code. 1680
Any payment of a benefit or pension under this section is 1681

subject to the provisions of section 742.461 of the Revised 1682
Code. Notwithstanding any other provision of this section, no 1683
pension or benefit paid or determined under division (B) or (C) 1684
of this section or section 742.39 of the Revised Code shall 1685
exceed the limit established by section 415 of the "Internal 1686
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1687
amended. 1688

(A) Persons who were receiving benefit or pension payments 1689
from a police relief and pension fund established under former 1690
section 741.32 of the Revised Code, or from a firemen's relief 1691
and pension fund established under former section 521.02 or 1692
741.02 of the Revised Code, at the time the assets of the fund 1693
were transferred to the Ohio police and fire pension fund, known 1694
at that time as the police and firemen's disability and pension 1695
fund, shall receive benefit and pension payments from the Ohio 1696
police and fire pension fund in the same amount and subject to 1697
the same conditions as such payments were being made from the 1698
former fund on the date of the transfer. 1699

(B) A member of the fund who, pursuant to law, elected to 1700
receive benefits and pensions from a police relief and pension 1701
fund established under former section 741.32 of the Revised 1702
Code, or from a firemen's relief and pension fund established 1703
under former section 741.02 of the Revised Code, in accordance 1704
with the rules of the fund governing the granting of benefits or 1705
pensions therefrom in force on April 1, 1947, shall receive 1706
benefits and pensions from the Ohio police and fire pension fund 1707
in accordance with such rules; provided, that any member of the 1708
fund who is not receiving a benefit or pension from the fund on 1709
August 12, 1975, may, upon application for a benefit or pension 1710
to be received on or after August 12, 1975, elect to receive a 1711
benefit or pension in accordance with division (C) of this 1712

section. 1713

(C) Unless the board acts under section 742.161 of the 1714
Revised Code, members of the fund who have not elected to 1715
receive benefits and pensions from a police relief and pension 1716
fund or a firemen's relief and pension fund in accordance with 1717
the rules of the fund in force on April 1, 1947, shall receive 1718
pensions and benefits in accordance with the following 1719
provisions: 1720

(1) A member of the fund who has twenty-five years of 1721
service credit and has attained the requisite age may elect to 1722
retire. The requisite age is forty-eight for a member whose 1723
membership began before July 2, 2013, and fifty-two for a member 1724
whose membership began on or after that date. 1725

Upon notifying the board in writing of the election, the 1726
member shall receive an annual pension, payable in twelve 1727
monthly installments, in an amount equal to a percentage of the 1728
member's average annual salary. If, as of July 2, 2013, the 1729
member had fifteen or more years of service credit, the average 1730
annual salary shall be determined using three years of 1731
contributions. If, as of that date, the member had less than 1732
fifteen years of service credit, the average annual salary shall 1733
be determined using five years of contributions. 1734

The percentage shall be the sum of two and one-half per 1735
cent for each of the first twenty years of service credit, plus 1736
two per cent for each of the twenty-first to twenty-fifth years 1737
of service credit, plus one and one-half per cent for each year 1738
in excess of twenty-five years of service credit. The annual 1739
pension shall not exceed seventy-two per cent of the member's 1740
average annual salary. 1741

A member who has twenty-five years of service credit, has 1742
resigned or been discharged, and has left the sum deducted from 1743
the member's salary on deposit in the pension fund shall upon 1744
attaining the requisite age be entitled to receive a normal 1745
service pension benefit computed and paid under division (C) (1) 1746
of this section. 1747

While participating in the deferred retirement option plan 1748
established under section 742.43 of the Revised Code, a member 1749
shall not be considered to have elected retirement under 1750
division (C) (1) of this section. On notifying the board under 1751
division (B) (1) of section 742.444 of the Revised Code of the 1752
member's election to terminate active service, a member 1753
described in division (B) of that section shall receive an 1754
annual pension under division (C) (1) of this section calculated 1755
in accordance with section 742.442 of the Revised Code and rules 1756
that shall be adopted by the board of trustees of the Ohio 1757
police and fire pension fund. 1758

(2) A member of the fund who has fifteen or more years of 1759
service credit and who voluntarily resigns or is discharged from 1760
the department for any reason other than dishonesty, cowardice, 1761
intemperate habits, or conviction of a felony, shall receive an 1762
annual pension, payable in twelve monthly installments, in an 1763
amount equal to one and one-half per cent of the member's 1764
average annual salary multiplied by the number of full years of 1765
the member's service credit. If, as of July 2, 2013, the member 1766
had fifteen or more years of service credit, the average annual 1767
salary shall be determined using three years of contributions. 1768
If, as of that date, the member had less than fifteen years of 1769
service credit, the average annual salary shall be determined 1770
using five years of contributions. 1771

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

(3) A member of the fund who has fifteen or more years of service credit and who has attained sixty-two years of age, may retire from the department and, upon notifying the board in writing of the election to retire, shall receive an annual pension, payable in twelve monthly installments, in an amount equal to a percentage of the member's average annual salary. If, as of July 2, 2013, the member had fifteen or more years of service credit, the average annual salary shall be determined using three years of contributions. If, as of that date, the member had less than fifteen years of service credit, the average annual salary shall be determined using five years of contributions. The percentage shall be the sum of two and one-half per cent for each of the first twenty years of service credit, plus two per cent for each of the twenty-first to twenty-fifth years of service credit, plus one and one-half per cent for each year in excess of twenty-five years of service credit. The annual pension shall not exceed seventy-two per cent of the member's average annual salary.

(4) A member of the fund whose membership began on or after July 2, 2013, and who has twenty-five years of service credit and has attained forty-eight years of age may elect to

retire. Upon notifying the board in writing of the election, the member shall receive an annual pension, payable in twelve monthly installments, in an amount determined under division (C) (1) of this section except that the amount shall be reduced to be the actuarial equivalent, as determined by the fund's actuary, of the amount payable had the member retired at fifty-two years of age.

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

If a member covered by division (C) of this section or section 742.38 of the Revised Code dies prior to the time the member has received a payment and leaves a surviving spouse or dependent child, the surviving spouse or dependent child shall receive a pension under division (D) or (E) of this section.

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

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

(b) For the period beginning July 1, 2000, and ending June 30, 2002, five hundred fifty dollars plus an amount determined by multiplying five hundred fifty dollars by the average percentage change in the consumer price index, not exceeding three per cent, as was annually determined by the board under

section 742.3716 of the Revised Code as that section existed on 1832
January 31, 2002; 1833

(c) For the period beginning July 1, 2002, and the period 1834
beginning the first day of July of each year thereafter and 1835
continuing for the following twelve months, an amount equal to 1836
the monthly amount paid during the prior twelve-month period 1837
plus sixteen dollars and fifty cents. 1838

(2) A surviving spouse of a deceased member of the fund 1839
shall receive a monthly pension of four hundred ten dollars if 1840
the surviving spouse is eligible for a benefit under division 1841
(B) or (D) of section 742.63 of the Revised Code. If the 1842
surviving spouse ceases to be eligible for a benefit under 1843
division (B) or (D) of section 742.63 of the Revised Code, the 1844
pension shall be increased, effective the first day of the first 1845
month following the day on which the surviving spouse ceases to 1846
be eligible for the benefit, to the amount it would be under 1847
division (D)(1) of this section had the spouse never been 1848
eligible for a benefit under division (B) or (D) of section 1849
742.63 of the Revised Code. 1850

(3) A pension paid under this division shall continue 1851
during the natural life of the surviving spouse. Benefits to a 1852
deceased member's surviving spouse that were terminated under a 1853
former version of this section that required termination due to 1854
remarriage and were not resumed prior to September 16, 1998, 1855
shall resume on the first day of the month immediately following 1856
receipt by the board of an application on a form provided by the 1857
board. 1858

(4) A surviving spouse of a deceased member of or 1859
contributor to a fund established under former Chapter 521. or 1860
741. of the Revised Code whose benefit or pension was terminated 1861

or not paid due to remarriage shall receive a monthly pension 1862
under division (D) (1) of this section. 1863

The pension shall commence on the first day of the month 1864
immediately following receipt by the board of a completed 1865
application on a form provided by the board and evidence 1866
acceptable to the board that at the time of death the deceased 1867
spouse was a member of or contributor to a police or firemen's 1868
relief and pension fund established under former Chapter 521. or 1869
741. of the Revised Code and that the surviving spouse's 1870
benefits were terminated or not granted due to remarriage. 1871

(E) (1) ~~Each~~ (a) Except as provided in division (E) (2) of 1872
this section, before January 1, 2017, each surviving child of a 1873
deceased member of the fund shall receive a monthly pension 1874
until the child attains the age of eighteen years, or marries, 1875
whichever event occurs first. A pension under this division, 1876
however, shall continue to be payable to a child under age 1877
twenty-two who is a student in and attending an institution of 1878
learning or training pursuant to a program designed to complete 1879
in each school year the equivalent of at least two-thirds of the 1880
full-time curriculum requirements of the institution, as 1881
determined by the board. 1882

(b) Except as provided in division (E) (2) of this section, 1883
effective January 1, 2017, each surviving child of a deceased 1884
member of the fund shall receive a monthly pension until the 1885
child attains twenty-two years of age or marries, whichever 1886
event occurs first. 1887

Benefits to a surviving child who is at least eighteen 1888
years of age but under twenty-two years of age that under a 1889
former version of this section never commenced or were 1890
terminated due to a lack of attendance at an institution of 1891

learning or training and not commenced or resumed before January 1, 2017, shall commence or resume on the first day of the month immediately following receipt by the board of an application on a form provided by the board if the application is received on or before December 31, 2017. These benefits terminate on the child attaining twenty-two years of age.

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

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

(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 1921
the surviving parents, or until dependency ceases, or until 1922
remarriage, whichever event occurs first. 1923

(2) Each eligible surviving parent shall be paid a monthly 1924
pension as follows: 1925

(a) For the period ending June 30, 2002, one hundred six 1926
dollars for each parent or two hundred twelve dollars for a sole 1927
dependent parent; 1928

(b) For the period beginning July 1, 2002, and ending June 1929
30, 2003, one hundred nine dollars for each parent or two 1930
hundred eighteen dollars for a sole dependent parent; 1931

(c) For the period beginning July 1, 2003, and the first 1932
day of each July thereafter and continuing for the following 1933
twelve months, an amount equal to the monthly amount paid during 1934
the prior twelve-month period plus three dollars for each parent 1935
or six dollars for a sole dependent parent. 1936

(G) (1) Subject to the provisions of section 742.461 of the 1937
Revised Code, a member of the fund who voluntarily resigns or is 1938
removed from active service in a police or fire department is 1939
entitled to receive an amount equal to the sums deducted from 1940
the member's salary and credited to the member's account in the 1941
fund, ~~except that a~~ if all of the following apply: 1942

(a) The member is not receiving a disability benefit or 1943
service pension ~~is not entitled to receive any return of~~ 1944
~~contributions to~~ from the fund; 1945

(b) Two months have elapsed since the member's active 1946
service in a police or fire department was terminated; 1947

(c) The member has not returned to active service in a 1948

police or fire department during that two-month period. 1949

The payment of such accumulated contributions shall cancel 1950
the member's total service credit in the Ohio police and fire 1951
pension fund. 1952

(2) A member described in division (G)(1) of this section 1953
who is married at the time of application for payment and would 1954
be eligible for age and service retirement under this section or 1955
section 742.39 of the Revised Code but for a forfeiture ordered 1956
under division (A) or (B) of section 2929.192 of the Revised 1957
Code shall submit with the application a written statement by 1958
the member's spouse attesting that the spouse consents to the 1959
payment of the member's accumulated contributions. Consent shall 1960
be valid only if it is signed and witnessed by a notary public. 1961
The board may waive the requirement of consent if the spouse is 1962
incapacitated or cannot be located, or for any other reason 1963
specified by the board. Consent or waiver is effective only with 1964
regard to the spouse who is the subject of the consent or 1965
waiver. 1966

(H) On and after January 1, 1970, all pensions shall be 1967
increased in accordance with the following provisions: 1968

(1) A member of the fund who retired prior to January 1, 1969 1969
1967, has attained age sixty-five on January 1, 1970, and was 1970
receiving a pension on December 31, 1969, pursuant to division 1971
(B) or (C)(1) of this section or former division (C)(2), (3), 1972
(4), or (5) of this section, shall have the pension increased by 1973
ten per cent. 1974

(2) The monthly pension payable to eligible surviving 1975
spouses under division (D) of this section shall be increased by 1976
forty dollars for each surviving spouse receiving a pension on 1977

December 31, 1969.	1978
(3) The monthly pension payable to each eligible child under division (E) of this section shall be increased by ten dollars for each child receiving a pension on December 31, 1969.	1979 1980 1981
(4) The monthly pension payable to each eligible dependent parent under division (F) of this section shall be increased by thirty dollars for each parent receiving a pension on December 31, 1969.	1982 1983 1984 1985
(5) A member of the fund, including a survivor of a member, who is receiving a pension in accordance with the rules governing the granting of pensions and benefits in force on April 1, 1947, that provide an increase in the original pension from time to time pursuant to changes in the salaries of active members, shall not be eligible for the benefits provided in this division.	1986 1987 1988 1989 1990 1991 1992
(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:	1993 1994 1995 1996 1997
(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.	1998 1999 2000
(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.	2001 2002 2003
The following shall not be eligible to receive increased pensions or benefits as provided in this division:	2004 2005

(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 pursuant to former division (C) (3), (5), or (6) of this section, shall have such annual pension or benefit increased by three hundred dollars.

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

(1) 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;

(2) A member of the fund who is receiving a pension or benefit under division (B) or (C) (2) of this section or former

division (C) (3), (5), or (6) of this section based on volunteer 2035
or part-time service. 2036

(K) (1) Except as otherwise provided in this division, 2037
every person who on July 24, 1986, is receiving an age and 2038
service or disability pension, allowance, or benefit pursuant to 2039
this chapter in an amount less than thirteen thousand dollars a 2040
year that is based upon an award made effective prior to 2041
February 28, 1984, shall receive an increase of six hundred 2042
dollars a year or the amount necessary to increase the pension 2043
or benefit to four thousand two hundred dollars after all 2044
adjustments required by this section, whichever is greater. 2045

(2) Division (K) (1) of this section does not apply to the 2046
following: 2047

(a) A member of the fund who is receiving a pension or 2048
benefit in accordance with rules in force on April 1, 1947, that 2049
govern the granting of pensions and benefits and that provide an 2050
increase in the original pension or benefit from time to time 2051
pursuant to changes in the salaries of active members; 2052

(b) A member of the fund who is receiving a pension or 2053
benefit based on funded volunteer or funded part-time service. 2054

(L) On and after July 24, 1986: 2055

(1) The pension of each person receiving a pension under 2056
division (D) of this section on July 24, 1986, shall be 2057
increased to three hundred ten dollars per month. 2058

(2) The pension of each person receiving a pension under 2059
division (E) of this section on July 24, 1986, shall be 2060
increased to ninety-three dollars per month. 2061

Sec. 742.3711. (A) On application for retirement as 2062

provided in section 742.37 or 742.39 of the Revised Code, a 2063
member of the fund may elect to receive a retirement allowance 2064
payable throughout the member's life, or may elect, on the 2065
application for retirement, to receive the actuarial equivalent 2066
of the member's retirement allowance in a lesser amount payable 2067
for life and continuing after death to a surviving designated 2068
beneficiary under one of the following optional plans, provided 2069
the amount payable to the beneficiary shall not exceed the 2070
amount payable to the retiring member of the fund, and is 2071
certified by the actuary engaged by the board of trustees of the 2072
Ohio police and fire pension fund to be the actuarial equivalent 2073
of the member's retirement allowance and is approved by the 2074
board. 2075

(1) Option 1. The member's lesser retirement allowance 2076
shall be paid for life to the sole beneficiary designated at the 2077
time of the member's retirement. 2078

(2) Option 2. One-half or some other portion of the 2079
member's lesser retirement allowance shall be paid for life to 2080
the sole beneficiary designated at the time of the member's 2081
retirement. 2082

(3) Option 3. Upon the member's death before the 2083
expiration of a certain period from the retirement date and 2084
elected by the member and approved by the retirement board, the 2085
member's lesser retirement allowance shall be continued for the 2086
remainder of that period to the beneficiary the member has 2087
designated in writing filed with the retirement board. 2088

Should the member's designated beneficiary die prior to 2089
the expiration of the guarantee period, then for the purpose of 2090
completing payment for the remainder of the guarantee period, 2091
the present value of such payments shall be paid to the estate 2092

of the beneficiary last receiving. 2093

(4) Option 4. The member's lesser retirement allowance or 2094
a portion of the lesser retirement allowance shall be paid for 2095
life to two, three, or four surviving beneficiaries designated 2096
at the time of the member's retirement, in such portions as 2097
specified at retirement. If the member elects this plan as 2098
required by a court order issued under section 3105.171 or 2099
3105.65 of the Revised Code or the laws of another state 2100
regarding the division of marital property and compliance with 2101
the court order requires the allocation of a portion less than 2102
ten per cent to any beneficiary, the member shall allocate a 2103
portion less than ten per cent to that beneficiary in accordance 2104
with that order. In all other circumstances, no portion 2105
allocated under this plan of payment shall be less than ten per 2106
cent. The total of the portions allocated shall not exceed one 2107
hundred per cent of the member's lesser allowance. 2108

(B) (1) The death of a spouse designated as beneficiary or 2109
the death of any other designated beneficiary following a 2110
member's retirement or election under section 742.44 of the 2111
Revised Code to participate in the deferred retirement option 2112
plan shall cancel the portion of the optional plan of payment 2113
providing continuing lifetime benefits to the deceased 2114
designated beneficiary. The member of the fund shall receive the 2115
actuarial equivalent of the member's single lifetime benefit, as 2116
determined by the board, based on the number of remaining 2117
beneficiaries, with no change in the amount payable to any 2118
remaining beneficiary. The change shall be effective the month 2119
following receipt by the board of notice of the death. 2120

(2) On divorce, annulment, or marriage dissolution, a 2121
member receiving a retirement allowance under a plan that 2122

provides for continuation of all or part of the allowance after 2123
death for the lifetime of the member's surviving spouse may, 2124
with the written consent of the spouse or pursuant to an order 2125
of the court with jurisdiction over the termination of the 2126
marriage, elect to cancel the portion of the plan providing 2127
continuing lifetime benefits to that spouse. The member shall 2128
receive the actuarial equivalent of the member's single lifetime 2129
benefit as determined by the board based on the number of 2130
remaining beneficiaries, with no change in amount payable to any 2131
remaining beneficiary. The election shall be made on a form 2132
provided by the board and shall be effective the month following 2133
its receipt by the board. 2134

(C) (1) Following marriage or remarriage, both of the 2135
following apply: 2136

(a) A member of the fund receiving a retirement allowance 2137
under section 742.37 or 742.39 of the Revised Code may elect not 2138
later than one year after the date of marriage or remarriage a 2139
new optional plan of payment based on the actuarial equivalent 2140
of the member's single lifetime benefit as determined by the 2141
board. 2142

(b) If a member is receiving a retirement allowance 2143
pursuant to a plan of payment providing for payment to a former 2144
spouse pursuant to a court order described in division (D) (1) (c) 2145
of this section and the board has received a copy of the order 2146
described in that division, the member may elect a new plan of 2147
payment under "option 4" based on the actuarial equivalent of 2148
the retirant's single lifetime retirement allowance as 2149
determined by the board if the new plan of payment elected does 2150
not reduce the payment to the former spouse. 2151

(2) A plan elected under this division and the member's 2152

lesser retirement allowance shall become effective on the date 2153
of receipt by the board of an application on a form approved by 2154
the board. 2155

(D) (1) Unless one of the following occurs, an application 2156
for retirement by a married person shall be considered an 2157
election of a benefit under option 2 as provided for in division 2158
(A) (2) of this section under which one-half of the lesser 2159
retirement allowance payable during the life of the retirant 2160
will be paid after death to the retirant's spouse for life as 2161
sole beneficiary: 2162

(a) The retirant selects an optional plan under division 2163
(A) of this section providing for payment after death to the 2164
retirant's spouse for life as sole beneficiary of more than one- 2165
half of the lesser retirement allowance payable during the life 2166
of the retirant; 2167

(b) The retirant submits to the board a written statement 2168
signed by the spouse attesting that the spouse consents to the 2169
retirant's election to receive a single lifetime retirement 2170
allowance or a payment under an optional benefit plan under 2171
which after the death of the retirant the surviving spouse will 2172
receive less than one-half of the lesser retirement allowance 2173
payable during the life of the retirant; 2174

(c) A plan of payment providing for payment in a specified 2175
amount continuing after the retirant's death to a former spouse 2176
is required by a court order issued prior to the effective date 2177
of the retirant's retirement under section 3105.171 or 3105.65 2178
of the Revised Code or the laws of another state regarding 2179
division of marital property. 2180

(d) If a retirant is subject to division (D) (1) (c) of this 2181

section and the board has received a copy of the order described 2182
in that division, the board shall accept the retirant's election 2183
of a plan of payment under this section only if the retirant 2184
complies with both of the following: 2185

(i) The retirant elects a plan of payment that is in 2186
accordance with the order described in division (D) (1) (c) of 2187
this section. 2188

(ii) If the retirant is married, the retirant elects 2189
"option 4" and designates the retirant's current spouse as a 2190
beneficiary under that plan unless that spouse consents in 2191
writing to not being designated a beneficiary under any plan of 2192
payment or the board waives the requirement that the current 2193
spouse consent. 2194

(2) An application for retirement shall include an 2195
explanation of all of the following: 2196

(a) That, if the member is married, unless the spouse 2197
consents to another plan of payment or there is a court order 2198
dividing marital property issued under section 3105.171 or 2199
3105.65 of the Revised Code or the laws of another state 2200
regarding the division of marital property that provides for 2201
payment in a specified amount, the member's retirement allowance 2202
will be paid under "option 2" and consist of the actuarial 2203
equivalent of the member's retirement allowance in a lesser 2204
amount payable for life and one-half of the lesser allowance 2205
continuing after death to the surviving spouse for the life of 2206
the spouse; 2207

(b) A description of the alternative plans of payment 2208
available with the consent of the spouse; 2209

(c) That the spouse may consent to another plan of payment 2210

and the procedure for giving consent; 2211

(d) That consent is irrevocable once notice of consent is 2212
filed with the board. 2213

Consent shall be valid only if it is signed, in writing, 2214
and witnessed by an employee of the board or a notary public. 2215

(3) If the retirant does not select an optional plan as 2216
described in division (D) (1) (a) of this section and the board 2217
does not receive the written statement provided for in division 2218
(D) (1) (b) of this section, it shall determine and pay the 2219
retirement allowance in accordance with division (A) (2) of this 2220
section, except that the board may provide by rule for waiver by 2221
the board of the statement and payment of the allowance other 2222
than in accordance with division (A) (2) of this section if the 2223
retirant is unable to obtain the statement due to absence or 2224
incapacity of the spouse or other cause specified by the board. 2225

(E) A member of the fund who has elected an optional plan 2226
under this section or section 742.3715 of the Revised Code may, 2227
with the consent of the designated beneficiary, cancel the 2228
optional plan and receive the retirement allowance payable 2229
throughout life the member would have received had the member 2230
not elected the optional plan, if the member makes a request to 2231
cancel the optional plan not later than one year after the later 2232
of September 9, 1988, or the date on which the member first 2233
receives a payment under this section or section 742.3715 of the 2234
Revised Code. Cancellation of the optional plan shall be 2235
effective the month after acceptance of the request by the 2236
trustees of the fund. No payment or adjustment shall be made in 2237
the retirement allowance payable throughout the member's life to 2238
compensate for the lesser allowance the member received under 2239
the optional plan. 2240

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

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

(G) A person is eligible to receive a benefit increase under this division if the person is receiving a retirement allowance or benefit under an optional plan elected under this section or section 742.3715 of the Revised Code based on an award made prior to July 24, 1986. A person is not eligible to receive an increase under this division if the person is receiving a pension or benefit in accordance with rules in force on April 1, 1947, that govern the granting of pensions and benefits and that provide an increase in the original pension or benefit from time to time pursuant to changes in the salaries of active members.

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

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

section, whichever is later. 2271

The date of the first increase payable under this section 2272
shall be the anniversary date for future increases. 2273

If payment of a portion of a benefit is made to an 2274
alternate payee under section 742.462 of the Revised Code, 2275
increases under this division granted while the order is in 2276
effect shall be apportioned between the alternate payee and the 2277
benefit recipient in the same proportion that the amount being 2278
paid to the alternate payee bears to the amount paid to the 2279
benefit recipient. 2280

If payment of a portion of a retirement allowance is made 2281
to one or more beneficiaries under "option 4" under division (A) 2282
(4) of section 742.3711 of the Revised Code, each increase under 2283
this division granted while the plan of payment is in effect 2284
shall be divided among the designated beneficiaries in 2285
accordance with the portion each beneficiary has been allocated. 2286

Sec. 742.47. Except as provided in sections 742.461, 2287
742.462, 742.463, 742.464, 3105.171, 3105.65, and 3115.501 and 2288
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, 2289
sums of money due or to become due to any individual from the 2290
Ohio police and fire pension fund are not liable to attachment, 2291
garnishment, the operation of bankruptcy or insolvency laws, 2292
levy, or seizure under any legal or equitable process or any 2293
other process of law whatsoever, whether those sums remain with 2294
the treasurer of the fund or any officer or agent of the board 2295
of trustees of the fund or are in the course of transmission to 2296
the individual entitled to them, but shall inure wholly to the 2297
benefit of that individual. 2298

Sec. 742.50. As used in this section, "member's 2299

contribution" means the total amount deducted from the salary of 2300
a member of the Ohio police and fire pension fund and credited 2301
to the member's account in the fund. 2302

If a member of the fund dies before receiving pension and 2303
benefit payments from the fund in an amount equal to the 2304
member's contribution and leaves no surviving spouse, surviving 2305
children, or dependent parent eligible for monthly pension 2306
payments under section 742.37 of the Revised Code, the board of 2307
trustees of the Ohio police and fire pension fund shall pay to 2308
the estate of such deceased member an amount equal to the 2309
member's contribution, less the total amount received by such 2310
member as benefit or pension payments from such fund. 2311

If a member who dies before receiving pension and benefit 2312
payments from the fund in an amount equal to the member's 2313
contribution leaves one or more survivors eligible for monthly 2314
pension payments under section 742.37 of the Revised Code but 2315
the total amount paid all survivors under that section is less 2316
than the member's contribution, the fund shall pay to the 2317
survivors or their estates, in equal shares, an amount equal to 2318
the member's contribution, less the total amount received by the 2319
member and all survivors as benefit or pension payments from the 2320
fund. 2321

If the accumulated contributions of a deceased member are 2322
not claimed by a survivor, or by the estate of the deceased 2323
member or survivor, within seven years, they shall be 2324
transferred to the guarantee fund and thereafter paid to such 2325
survivor or to the estate of the member or survivor upon 2326
application to the board. 2327

Sec. 742.63. The board of trustees of the Ohio police and 2328
fire pension fund shall adopt rules for the management of the 2329

Ohio public safety officers death benefit fund and for	2330
disbursements of benefits as set forth in this section.	2331
(A) As used in this section:	2332
(1) "Member" means all of the following:	2333
(a) A member of the Ohio police and fire pension fund,	2334
including a member of the fund who has elected to participate in	2335
the deferred retirement option plan established under section	2336
742.43 of the Revised Code or a member of or contributor to a	2337
police or firemen's relief and pension fund established under	2338
former Chapter 521. or 741. of the Revised Code;	2339
(b) A member of the state highway patrol retirement	2340
system, including a member who is participating in the deferred	2341
retirement option plan established under section 5505.50 of the	2342
Revised Code;	2343
(c) A member of the public employees retirement system who	2344
at the time of the member's death was one of the following:	2345
(i) A county sheriff or deputy sheriff;	2346
(ii) A full-time regular police officer in a municipal	2347
corporation or township;	2348
(iii) A full-time regular firefighter employed by the	2349
state, an instrumentality of the state, a municipal corporation,	2350
a township, a joint fire district, or another political	2351
subdivision;	2352
(iv) A full-time park district ranger or patrol trooper;	2353
(v) A full-time law enforcement officer of the department	2354
of natural resources;	2355
(vi) A full-time department of public safety enforcement	2356

agent;	2357
(vii) A full-time law enforcement officer of parks,	2358
waterway lands, or reservoir lands under the control of a	2359
municipal corporation;	2360
(viii) A full-time law enforcement officer of a	2361
conservancy district;	2362
(ix) A correction officer at an institution under the	2363
control of a county, a group of counties, a municipal	2364
corporation, or the department of rehabilitation and correction;	2365
(x) A state university law enforcement officer;	2366
(xi) An investigator, as defined in section 109.541 of the	2367
Revised Code, or an investigator commissioned as a special agent	2368
of the bureau of criminal identification and investigation;	2369
(xii) A drug agent, as defined in section 145.01 of the	2370
Revised Code;	2371
(xiii) A gaming agent, as defined in section 3772.01 of	2372
the Revised Code;	2373
(xiv) An employee of the department of taxation who has	2374
been delegated investigation powers pursuant to section 5743.45	2375
of the Revised Code for the enforcement of Chapters 5728.,	2376
5735., 5739., 5741., 5743., and 5747. of the Revised Code.	2377
(d) A member of a retirement system operated by a	2378
municipal corporation who at the time of death was a full-time	2379
law enforcement officer of parks, waterway lands, or reservoir	2380
lands under the control of the municipal corporation.	2381
(2) Notwithstanding section 742.01 of the Revised Code,	2382
"fire or police department" includes a fire department of the	2383

state or an instrumentality of the state or of a municipal 2384
corporation, township, joint fire district, or other political 2385
subdivision, the state highway patrol, a county sheriff's 2386
office, the security force of an institution under the control 2387
of the department of rehabilitation and correction, the security 2388
force of a jail or workhouse under the control of a county, 2389
group of counties, or municipal corporation, the security force 2390
of a metropolitan, county, or township park district, the 2391
security force of lands under the control of the department of 2392
natural resources, department of public safety enforcement 2393
agents, the security force of parks, waterway lands, or 2394
reservoir lands under the control of a municipal corporation, 2395
the security force of a conservancy district, the police 2396
department of a township or municipal corporation, and the 2397
police force of a state university. 2398

(3) "Firefighter or police officer" includes a state 2399
highway patrol trooper, a county sheriff or deputy sheriff, a 2400
correction officer at an institution under the control of a 2401
county, a group of counties, a municipal corporation, or the 2402
department of rehabilitation and correction, a police officer 2403
employed by a township or municipal corporation, a firefighter 2404
employed by the state, an instrumentality of the state, a 2405
municipal corporation, a township, a joint fire district, or 2406
another political subdivision, a full-time park district ranger 2407
or patrol trooper, a full-time law enforcement officer of the 2408
department of natural resources, a full-time department of 2409
public safety enforcement agent, a full-time law enforcement 2410
officer of parks, waterway lands, or reservoir lands under the 2411
control of a municipal corporation, a full-time law enforcement 2412
officer of a conservancy district, and a state university law 2413
enforcement officer. 2414

- (4) "Correction officer" includes, in addition to any 2415
correction officer, any correction corporal, sergeant, 2416
lieutenant, or captain, and the equivalents of all such persons. 2417
- (5) "A park district ranger or patrol trooper" means a 2418
peace officer commissioned to make arrests, execute warrants, 2419
and preserve the peace upon lands under the control of a board 2420
of park commissioners of a metropolitan, county, or township 2421
park district. 2422
- (6) "Metropolitan, county, or township park district" 2423
means a park district created under the authority of Chapter 2424
511. or 1545. of the Revised Code. 2425
- (7) "Conservancy district" means a conservancy district 2426
created under the authority of Chapter 6101. of the Revised 2427
Code. 2428
- (8) "Law enforcement officer" means an officer 2429
commissioned to make arrests, execute warrants, and preserve the 2430
peace upon lands under the control of the governmental entity 2431
granting the commission. 2432
- (9) "Department of natural resources law enforcement 2433
officer" includes a forest officer designated pursuant to 2434
section 1503.29 of the Revised Code, a preserve officer 2435
designated pursuant to section 1517.10 of the Revised Code, a 2436
wildlife officer designated pursuant to section 1531.13 of the 2437
Revised Code, a park officer designated pursuant to section 2438
1541.10 of the Revised Code, and a state watercraft officer 2439
designated pursuant to section 1547.521 of the Revised Code. 2440
- (10) "Retirement eligibility date" means the last day of 2441
the month in which a deceased member would have first become 2442
eligible, had the member lived, for the retirement pension 2443

provided under section 145.332, Chapter 145., 521., or 741., 2444
division (C)(1) of section 742.37, or division (A)(1) of section 2445
5505.17 of the Revised Code or provided by a retirement system 2446
operated by a municipal corporation. 2447

(11) "Death benefit amount" means an amount equal to the 2448
full monthly salary received by a deceased member prior to 2449
death, minus an amount equal to the benefit received under 2450
section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code 2451
or the benefit received from a retirement system operated by a 2452
municipal corporation, plus any increases in salary that would 2453
have been granted the deceased member. 2454

(12) "Killed in the line of duty" means either of the 2455
following: 2456

(a) Death in the line of duty; 2457

(b) Death from injury sustained in the line of duty, 2458
including heart attack or other fatal injury or illness caused 2459
while in the line of duty. 2460

(B) A spouse of a deceased member shall receive a death 2461
benefit each month equal to the full death benefit amount, 2462
provided that the deceased member was a firefighter or police 2463
officer killed in the line of duty and there are no surviving 2464
children eligible for a benefit under this section. The spouse 2465
shall receive this benefit during the spouse's natural life 2466
until the deceased member's retirement eligibility date, on 2467
which date the benefit provided under this division shall 2468
terminate. 2469

(C)(1) If a member killed in the line of duty as a 2470
firefighter or police officer is survived only by a child or 2471
children, the child or children shall receive a benefit each 2472

month equal to the full death benefit amount. If there is more 2473
than one surviving child, the benefit shall be divided equally 2474
among these children. 2475

(2) If the death benefit paid under this division is 2476
divided among two or more surviving children and any of the 2477
children become ineligible to continue receiving a portion of 2478
the benefit as provided in division (H) of this section, the 2479
full death benefit amount shall be paid to the remaining 2480
eligible child or divided among the eligible children so that 2481
the benefit paid to the remaining eligible child or children 2482
equals the full death benefit amount. 2483

(3) Notwithstanding divisions (C) (1) and (2) of this 2484
section, all death benefits paid under this division shall 2485
terminate on the deceased member's retirement eligibility date. 2486

(D) If a member killed in the line of duty as a 2487
firefighter or police officer is survived by both a spouse and a 2488
child or children, the monthly benefit provided shall be as 2489
follows: 2490

(1) (a) If there is a surviving spouse and one surviving 2491
child, the spouse shall receive an amount each month equal to 2492
one-half of the full death benefit amount and the child shall 2493
receive an amount equal to one-half of the full death benefit 2494
amount. 2495

(b) If the surviving spouse dies or the child becomes 2496
ineligible as provided in division (H) of this section, the 2497
surviving spouse or child remaining eligible shall receive the 2498
full death benefit amount. 2499

(2) (a) If there is a surviving spouse and more than one 2500
child, the spouse shall receive an amount each month equal to 2501

one-third of the full death benefit amount and the children 2502
shall receive an amount, equally divided among them, equal to 2503
two-thirds of the full death benefit amount. 2504

(b) If a spouse and more than one child each are receiving 2505
a death benefit under division (D)(2)(a) of this section and the 2506
spouse dies, the children shall receive an amount each month, 2507
equally divided among them, equal to the full death benefit 2508
amount. 2509

(c) If a spouse and more than one child each are receiving 2510
a benefit under division (D)(2)(a) of this section and any of 2511
the children becomes ineligible to receive a benefit as provided 2512
in division (H) of this section, the spouse and remaining 2513
eligible child or children shall receive a death benefit as 2514
follows: 2515

(i) If there are two or more remaining eligible children, 2516
the spouse shall receive an amount each month equal to one-third 2517
of the full death benefit amount and the children shall receive 2518
an amount each month, equally divided among them, equal to two- 2519
thirds of the full death benefit amount; 2520

(ii) If there is one remaining eligible child, the spouse 2521
shall receive an amount each month equal to one-half of the full 2522
death benefit amount, and the child shall receive an amount each 2523
month equal to one-half of the full death benefit amount. 2524

(d) If a spouse and more than one child each are receiving 2525
a benefit under division (D)(2)(a) of this section and all of 2526
the children become ineligible to receive a benefit as provided 2527
in division (H) of this section, the spouse shall receive the 2528
full death benefit amount. 2529

(3) Notwithstanding divisions (D)(1) and (2) of this 2530

section, death benefits paid under this division to a surviving spouse shall terminate on the member's retirement eligibility date. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (H) of this section.

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

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

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

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

(2) The monthly death benefit shall be one-half of an 2560
amount equal to the monthly salary received by the deceased 2561
member prior to the member's death, plus any salary increases 2562
the deceased member would have received prior to the member's 2563
retirement eligibility date. The benefit shall terminate on the 2564
surviving spouse's death. A death benefit payable under this 2565
division shall be reduced by an amount equal to any allowance or 2566
benefit payable to the surviving spouse under section 742.3714 2567
of the Revised Code. 2568

(3) A benefit granted to a surviving spouse under division 2569
(F) (1) (b) of this section shall commence on the first day of the 2570
month immediately following receipt by the board of a completed 2571
application on a form provided by the board and any evidence the 2572
board may require to establish that the deceased spouse was 2573
killed in the line of duty. 2574

(G) (1) If there is not a surviving spouse eligible to 2575
receive a death benefit under division (F) of this section or 2576
the surviving spouse receiving a death benefit under that 2577
division dies, a surviving child or children whose benefits 2578
under division (C) or (D) of this section are or have been 2579
terminated pursuant to division (C) (3) or (D) (3) of this section 2580
or who would qualify for a benefit under division (C) or (D) of 2581
this section except that the deceased member reached the 2582
member's retirement eligibility date prior to the member's death 2583
shall receive a monthly death benefit under this division. The 2584
monthly death benefit shall be one-half of an amount equal to 2585
the monthly salary received by the deceased member prior to the 2586
member's death, plus any salary increases the member would have 2587
received prior to the member's retirement eligibility date. If 2588
there is more than one surviving child, the benefit shall be 2589
divided equally among the surviving children. 2590

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

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

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

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

~~(2) The child is unmarried, under age twenty-two, and a student in and is 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 the institution, as determined 2621
by the trustees of the fund. 2622

(2) Except as provided in division (H)(3) of this section, 2623
effective January 1, 2017, a death benefit paid to a surviving 2624
child under division (C), (D), or (G) of this section shall 2625
terminate on the earlier of the death of the child, the child 2626
attaining twenty-two years of age, or marriage. 2627

Benefits to a surviving child who is at least eighteen 2628
years of age but under twenty-two years of age that under a 2629
former version of this section never commenced or were 2630
terminated due to a lack of attendance at an institution of 2631
learning or training and not commenced or resumed before January 2632
1, 2017, shall commence or resume on the first day of the month 2633
immediately following receipt by the board of an application on 2634
a form provided by the board if the application is received on 2635
or before December 31, 2017. These benefits terminate on the 2636
child attaining twenty-two years of age. 2637

(3) If, regardless of age, a surviving child who at the 2638
time of the member's death because of physical or mental 2639
disability is totally dependent upon the deceased member for 2640
support at the time of death, the death benefit shall terminate 2641
on the child's death or when the child has recovered from the 2642
disability. 2643

(I) Acceptance of any death benefit under this section 2644
does not prohibit a spouse or child from receiving other 2645
benefits provided under the Ohio police and fire pension fund, 2646
the state highway patrol retirement system, the public employees 2647
retirement system, or a retirement system operated by a 2648
municipal corporation. 2649

(J) No person shall receive a benefit under this section 2650
if any of the following occur: 2651

(1) The person fails to exercise the right to a monthly 2652
survivor benefit under division (A) or (B) of section 145.45, 2653
division (D), (E), or (F) of section 742.37, or division (A)(3), 2654
(4), or (6) of section 5505.17 of the Revised Code; to a monthly 2655
survivor benefit from a retirement system operated by a 2656
municipal corporation; or to a retirement allowance under 2657
section 742.3714 of the Revised Code. 2658

(2) The member's accumulated contributions under this 2659
chapter or Chapter 145. or 5505. of the Revised Code are 2660
refunded unless the member had been a member of the public 2661
employees retirement system and had fewer than eighteen months 2662
of total service credit at the time of death. 2663

(3) In the case of a full-time park district ranger or 2664
patrol trooper, a full-time law enforcement officer of the 2665
department of natural resources, a full-time law enforcement 2666
officer of parks, waterway lands, or reservoir lands under the 2667
control of a municipal corporation, a full-time law enforcement 2668
officer of a conservancy district, a correction officer at an 2669
institution under the control of a county, group of counties, or 2670
municipal corporation, or a member of a retirement system 2671
operated by a municipal corporation who at the time of the 2672
member's death was a full-time law enforcement officer of parks, 2673
waterway lands, or reservoir lands under the control of the 2674
municipal corporation, the member died prior to April 9, 1981, 2675
in the case of a benefit under division (B), (C), or (D) of this 2676
section, or prior to January 1, 1980, in the case of a benefit 2677
under division (E) of this section. 2678

(4) In the case of a full-time department of public safety 2679

enforcement agent who prior to June 30, 1999, was a liquor 2680
control investigator of the department of public safety, the 2681
member died prior to December 23, 1986; 2682

(5) In the case of a full-time department of public safety 2683
enforcement agent other than an enforcement agent who, prior to 2684
June 30, 1999, was a liquor control investigator, the member 2685
died prior to June 30, 1999. 2686

(K) A surviving spouse whose benefit was terminated prior 2687
to June 30, 1999, due to remarriage shall receive a benefit 2688
under division (B), (D), or (F) of this section beginning on the 2689
first day of the month following receipt by the board of an 2690
application on a form provided by the board. The benefit amount 2691
shall be determined as of that date. 2692

(1) If the benefit will begin prior to the deceased 2693
member's retirement eligibility date, it shall be paid under 2694
division (B) or (D) of this section and shall terminate as 2695
provided in those divisions. A benefit paid to a surviving 2696
spouse under division (D) of this section shall be determined in 2697
accordance with that division, even if benefits paid to 2698
surviving children are reduced as a result. 2699

(2) If the benefit will begin on or after the deceased 2700
member's retirement eligibility date, it shall be paid under 2701
division (F) of this section and shall terminate as provided in 2702
that division. A benefit paid to a surviving spouse under 2703
division (F) of this section shall be determined in accordance 2704
with that division, even if benefits paid to surviving children 2705
are terminated as a result. 2706

Sec. 3305.052. (A) The state retirement system that covers 2707
the position held by an employee of a public institution of 2708

higher education who makes an election under division (B) (2) or 2709
(3) of section 3305.05 or division (B) of section 3305.051 of 2710
the Revised Code to participate in the public institution's 2711
alternative retirement plan shall, not later than thirty days 2712
after the date on which the certified copy of the employee's 2713
election is filed with the state retirement system under that 2714
section, do one of the following: 2715

(1) If the employee was participating in a defined benefit 2716
plan as provided in sections 145.201 to 145.79, sections 3307.50 2717
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 2718
pay to the provider of the investment option selected by the 2719
employee any employee and employer contributions made to the 2720
retirement system by or on behalf of that employee for the 2721
period beginning on the employee's starting day of employment 2722
and ending on the day before the day on which contributions 2723
commence under an alternative retirement plan, less the amount 2724
due the retirement system pursuant to division (D) of section 2725
3305.06 ~~or 3305.062~~ of the Revised Code for that period. 2726

(2) If the employee was participating in a defined 2727
contribution plan as provided in section 145.81, 3307.81, or 2728
3309.81 of the Revised Code, pay to the provider of the 2729
investment option selected by the employee the amount on deposit 2730
in the employee's individual account for the period beginning on 2731
the employee's starting day of employment and ending on the day 2732
before the day on which contributions commence under an 2733
alternative retirement plan. 2734

(B) The state retirement system that covers the position 2735
held by an employee of a public institution of higher education 2736
who makes an election under division (B) (1) of section 3305.05 2737
or division (C) of section 3305.051 of the Revised Code to 2738

participate in the public institution's alternative retirement 2739
plan shall, not later than thirty days after the date on which a 2740
certified copy of the employee's election is filed with the 2741
state retirement system under that section, do one of the 2742
following: 2743

(1) If the employee was participating in a defined benefit 2744
plan as provided in sections 145.201 to 145.79, sections 3307.50 2745
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 2746
pay to the provider of the investment option selected by the 2747
employee any employee and employer contributions made to the 2748
retirement system by or on behalf of that employee for any 2749
period commencing after the date on which the election becomes 2750
irrevocable under division (C) (1) of section 3305.05 of the 2751
Revised Code or the applicable date described in division (C) (2) 2752
(a) or (b) of section 3305.051 of the Revised Code and ending on 2753
the day before the day on which contributions commence under an 2754
alternative retirement plan, less the amount due the retirement 2755
system pursuant to division (D) of section 3305.06 ~~or 3305.062~~ 2756
of the Revised Code for that period. 2757

(2) If the employee was participating in a defined 2758
contribution plan as provided in section 145.81, 3307.81, or 2759
3309.81 of the Revised Code, pay to the provider of the 2760
investment option selected by the employee the amount on deposit 2761
in the employee's individual account for the period commencing 2762
after the date on which the election becomes irrevocable under 2763
division (C) (1) of section 3305.05 of the Revised Code and 2764
ending on the day before the day on which contributions commence 2765
under an alternative retirement plan. 2766

Sec. 3305.06. (A) Each electing employee shall contribute 2767
an amount, which shall be a certain percentage of the employee's 2768

compensation, to the provider of the investment option the 2769
employee has selected. This percentage shall be the percentage 2770
the electing employee would have otherwise been required to 2771
contribute to the state retirement system that applies to the 2772
employee's position, except that the percentage shall not be 2773
less than three per cent. Employee contributions under this 2774
division may be treated as employer contributions in accordance 2775
with Internal Revenue Code 414(h). 2776

(B) Each public institution of higher education employing 2777
an electing employee shall contribute a percentage of the 2778
employee's compensation to the provider of the investment option 2779
the employee has selected. This percentage shall be equal to the 2780
percentage that the public institution of higher education would 2781
otherwise contribute on behalf of that employee to the state 2782
retirement system that would otherwise cover that employee's 2783
position, less the percentage contributed by the public 2784
institution of higher education under division (D) of this 2785
section. 2786

(C) (1) In no event shall the amount contributed by the 2787
electing employee pursuant to division (A) of this section and 2788
on the electing employee's behalf pursuant to division (B) of 2789
this section be less than the amount necessary to qualify the 2790
plan as a state retirement system pursuant to Internal Revenue 2791
Code 3121(b) (7) and the regulations adopted thereunder. 2792

(2) The full amount of the electing employee's 2793
contribution under division (A) of this section and the full 2794
amount of the employer's contribution made on behalf of that 2795
employee under division (B) of this section shall be paid to the 2796
appropriate provider for application to the electing employee's 2797
investment option. 2798

(D) Each public institution of higher education employing 2799
an electing employee shall contribute on behalf of that employee 2800
to the state retirement system that otherwise applies to the 2801
electing employee's position a percentage of the electing 2802
employee's compensation to mitigate any negative financial 2803
impact of the alternative retirement program on the state 2804
retirement system. The percentage shall be ~~six per cent, except~~ 2805
~~that the percentage may be adjusted by the Ohio retirement study~~ 2806
~~council to reflect the determinations made~~ determined by the 2807
~~actuarial studies~~ study conducted under section ~~171.07-145.222,~~ 2808
~~3307.514, or 3309.212~~ of the Revised Code, as applicable. 2809
~~Any adjustment shall become effective on the first day of the second-~~ 2810
~~month following submission of the actuarial study to the Ohio~~ 2811
~~board of regents under section 171.07 of the Revised Code.~~ 2812

~~Contributions on behalf of an electing employee shall~~ 2813
~~continue in accordance with this division until the occurrence~~ 2814
~~of the following:~~ 2815

~~(1) If the electing employee would be subject to Chapter~~ 2816
~~145. of the Revised Code had the employee not made an election~~ 2817
~~pursuant to section 3305.05 or 3305.051 of the Revised Code,~~ 2818
~~until the unfunded actuarial accrued liability for all benefits,~~ 2819
~~except health care benefits provided under section 145.58 or~~ 2820
~~145.584 of the Revised Code and benefit increases provided after~~ 2821
~~March 31, 1997, is fully amortized, as determined by the annual~~ 2822
~~actuarial valuation prepared under section 145.22 of the Revised~~ 2823
~~Code;~~ 2824

~~(2) If the electing employee would be subject to Chapter~~ 2825
~~3307. of the Revised Code had the employee not made an election~~ 2826
~~pursuant to section 3305.05 or 3305.051 of the Revised Code,~~ 2827
~~until the unfunded actuarial accrued liability for all benefits,~~ 2828

~~except health care benefits provided under section 3307.39 of~~ 2829
~~the Revised Code and benefit increases provided after March 31,~~ 2830
~~1997, is fully amortized, as determined by the annual actuarial~~ 2831
~~valuation prepared under section 3307.51 of the Revised Code,~~ 2832

~~(3) If the electing employee would be subject to Chapter~~ 2833
~~3309. of the Revised Code had the employee not made an election~~ 2834
~~pursuant to section 3305.05 or 3305.051 of the Revised Code,~~ 2835
~~until the unfunded actuarial accrued liability for all benefits,~~ 2836
~~except health care benefits provided under section 3309.375 or~~ 2837
~~3309.69 of the Revised Code and benefit increases provided after~~ 2838
~~March 31, 1997, is fully amortized, as determined by the annual~~ 2839
~~actuarial valuation prepared under section 3309.21 of the~~ 2840
~~Revised Code.~~ 2841

Sec. 3307.01. As used in this chapter: 2842

(A) "Employer" means the board of education, school 2843
district, governing authority of any community school 2844
established under Chapter 3314. of the Revised Code, a science, 2845
technology, engineering, and mathematics school established 2846
under Chapter 3326. of the Revised Code, college, university, 2847
institution, or other agency within the state by which a teacher 2848
is employed and paid. 2849

(B) (1) "Teacher" means all of the following: 2850

(a) Any person paid from public funds and employed in the 2851
public schools of the state under any type of contract described 2852
in section 3311.77 or 3319.08 of the Revised Code in a position 2853
for which the person is required to have a license issued 2854
pursuant to sections 3319.22 to 3319.31 of the Revised Code; 2855

(b) Except as provided in division (B) (2) (b) or (c) of 2856
this section, any person employed as a teacher or faculty member 2857

in a community school or a science, technology, engineering, and 2858
mathematics school pursuant to Chapter 3314. or 3326. of the 2859
Revised Code; 2860

(c) Any person having a license issued pursuant to 2861
sections 3319.22 to 3319.31 of the Revised Code and employed in 2862
a public school in this state in an educational position, as 2863
determined by the state board of education, under programs 2864
provided for by federal acts or regulations and financed in 2865
whole or in part from federal funds, but for which no licensure 2866
requirements for the position can be made under the provisions 2867
of such federal acts or regulations; 2868

(d) Any other teacher or faculty member employed in any 2869
school, college, university, institution, or other agency wholly 2870
controlled and managed, and supported in whole or in part, by 2871
the state or any political subdivision thereof, including 2872
Central state university, Cleveland state university, and the 2873
university of Toledo; 2874

(e) The educational employees of the department of 2875
education, as determined by the state superintendent of public 2876
instruction. 2877

In all cases of doubt, the state teachers retirement board 2878
shall determine whether any person is a teacher, and its 2879
decision shall be final. 2880

(2) "Teacher" does not include any of the following: 2881

(a) Any eligible employee of a public institution of 2882
higher education, as defined in section 3305.01 of the Revised 2883
Code, who elects to participate in an alternative retirement 2884
plan established under Chapter 3305. of the Revised Code; 2885

(b) Any person employed by a community school operator, as 2886

defined in section 3314.02 of the Revised Code, if on or before 2887
February 1, 2016, the school's operator was withholding and 2888
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 2889
and 3111(a) for persons employed in the school as teachers, 2890
unless the person had contributing service in a community school 2891
in the state within one year prior to the later of February 1, 2892
2016, or the date on which the operator for the first time 2893
withholds and pays employee and employer taxes pursuant to 26 2894
U.S.C. 3101(a) and 3111(a) for that person; 2895

(c) Any person who would otherwise be a teacher under 2896
division (B) (2) (b) of this section who terminates employment 2897
with a community school operator and has no contributing service 2898
in a community school in the state for a period of at least one 2899
year from the date of termination of employment. 2900

(C) "Member" means any person included in the membership 2901
of the state teachers retirement system, which shall consist of 2902
all teachers and contributors as defined in divisions (B) and 2903
(D) of this section and all disability benefit recipients, as 2904
defined in section 3307.50 of the Revised Code. However, for 2905
purposes of this chapter, the following persons shall not be 2906
considered members: 2907

(1) A student, intern, or resident who is not a member 2908
while employed part-time by a school, college, or university at 2909
which the student, intern, or resident is regularly attending 2910
classes; 2911

(2) A person denied membership pursuant to section 3307.24 2912
of the Revised Code; 2913

(3) An other system retirant, as defined in section 2914
3307.35 of the Revised Code, or a superannuate; 2915

(4) An individual employed in a program established	2916
pursuant to the "Job Training Partnership Act," 96 Stat. 1322	2917
(1982), 29 U.S.C.A. 1501;	2918
(5) The surviving spouse of a member or retirant if the	2919
surviving spouse's only connection to the retirement system is	2920
an account in an STRS defined contribution plan.	2921
(D) "Contributor" means any person who has an account in	2922
the teachers' savings fund or defined contribution fund, except	2923
that "contributor" does not mean a member or retirant's	2924
surviving spouse with an account in an STRS defined contribution	2925
plan.	2926
(E) "Beneficiary" means any person eligible to receive, or	2927
in receipt of, a retirement allowance or other benefit provided	2928
by this chapter.	2929
(F) "Year" means the year beginning the first day of July	2930
and ending with the thirtieth day of June next following, except	2931
that for the purpose of determining final average salary under	2932
the plan described in sections 3307.50 to 3307.79 of the Revised	2933
Code, "year" may mean the contract year.	2934
(G) "Local district pension system" means any school	2935
teachers pension fund created in any school district of the	2936
state in accordance with the laws of the state prior to	2937
September 1, 1920.	2938
(H) "Employer contribution" means the amount paid by an	2939
employer, as determined by the employer rate, including the	2940
normal and deficiency rates, contributions, and funds wherever	2941
used in this chapter.	2942
(I) "Five years of service credit" means employment	2943
covered under this chapter and employment covered under a former	2944

retirement plan operated, recognized, or endorsed by a college, 2945
institute, university, or political subdivision of this state 2946
prior to coverage under this chapter. 2947

(J) "Actuary" means an actuarial professional contracted 2948
with or employed by the state teachers retirement board, who 2949
shall be either of the following: 2950

(1) A member of the American academy of actuaries; 2951

(2) A firm, partnership, or corporation of which at least 2952
one person is a member of the American academy of actuaries. 2953

(K) "Fiduciary" means a person who does any of the 2954
following: 2955

(1) Exercises any discretionary authority or control with 2956
respect to the management of the system, or with respect to the 2957
management or disposition of its assets; 2958

(2) Renders investment advice for a fee, direct or 2959
indirect, with respect to money or property of the system; 2960

(3) Has any discretionary authority or responsibility in 2961
the administration of the system. 2962

(L) (1) (a) Except as provided in this division, 2963
"compensation" means all salary, wages, and other earnings paid 2964
to a teacher by reason of the teacher's employment, including 2965
compensation paid pursuant to a supplemental contract. The 2966
salary, wages, and other earnings shall be determined prior to 2967
determination of the amount required to be contributed to the 2968
teachers' savings fund or defined contribution fund under 2969
section 3307.26 of the Revised Code and without regard to 2970
whether any of the salary, wages, or other earnings are treated 2971
as deferred income for federal income tax purposes. 2972

(b) Except as provided in division (L)(1)(c) of this 2973
section, "compensation" includes amounts paid by an employer as 2974
a retroactive payment of earnings, damages, or back pay pursuant 2975
to a court order, court-adopted settlement agreement, or other 2976
settlement agreement if the retirement system receives both of 2977
the following: 2978

(i) Teacher and employer contributions under sections 2979
3307.26 and 3307.28 of the Revised Code, plus interest 2980
compounded annually at a rate determined by the state teachers 2981
retirement board, for each year or portion of a year for which 2982
amounts are paid under the order or agreement; 2983

(ii) Teacher and employer contributions under sections 2984
3307.26 and 3307.28 of the Revised Code, plus interest 2985
compounded annually at a rate determined by the board, for each 2986
year or portion of a year not subject to division (L)(1)(b)(i) 2987
of this section for which the board determines the teacher was 2988
improperly paid, regardless of the teacher's ability to recover 2989
on such amounts improperly paid. 2990

(c) If any portion of an amount paid by an employer as a 2991
retroactive payment of earnings, damages, or back pay is for an 2992
amount, benefit, or payment described in division (L)(2) of this 2993
section, that portion of the amount is not compensation under 2994
this section. 2995

(2) Compensation does not include any of the following: 2996

(a) Payments for accrued but unused sick leave or personal 2997
leave, including payments made under a plan established pursuant 2998
to section 124.39 of the Revised Code or any other plan 2999
established by the employer; 3000

(b) Payments made for accrued but unused vacation leave, 3001

including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

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

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

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L) (2) of this section;

(g) Payments by the employer for services not actually rendered;

(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:

(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code

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that is paid in accordance with uniform criteria applicable to 3031
all members employed by the board in positions requiring the 3032
licenses; 3033

(ii) A retroactive increase paid to a member employed by a 3034
school district board of education in a position that requires a 3035
license designated for being an administrator issued under 3036
section 3319.22 of the Revised Code that is paid in accordance 3037
with uniform criteria applicable to all members employed by the 3038
board in positions requiring the licenses; 3039

(iii) A retroactive increase paid to a member employed by 3040
a school district board of education as a superintendent that is 3041
also paid as described in division (L) (2) (h) (i) of this section; 3042

(iv) A retroactive increase paid to a member employed by 3043
an employer other than a school district board of education in 3044
accordance with uniform criteria applicable to all members 3045
employed by the employer. 3046

(i) Payments made to or on behalf of a teacher that are in 3047
excess of the annual compensation that may be taken into account 3048
by the retirement system under division (a) (17) of section 401 3049
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 3050
U.S.C.A. 401(a) (17), as amended. For a teacher who first 3051
establishes membership before July 1, 1996, the annual 3052
compensation that may be taken into account by the retirement 3053
system shall be determined under division (d) (3) of section 3054
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 3055
L. No. 103-66, 107 Stat. 472. 3056

(j) Payments made under division (B), (C), or (E) of 3057
section 5923.05 of the Revised Code, Section 4 of Substitute 3058
Senate Bill No. 3 of the 119th general assembly, Section 3 of 3059

Amended Substitute Senate Bill No. 164 of the 124th general 3060
assembly, or Amended Substitute House Bill No. 405 of the 124th 3061
general assembly; 3062

(k) Anything of value received by the teacher that is 3063
based on or attributable to retirement or an agreement to 3064
retire; 3065

~~(l) Any amount paid by the employer as a retroactive 3066
payment of earnings, damages, or back pay pursuant to a court 3067
order, court adopted settlement agreement, or other settlement 3068
agreement, unless the retirement system receives both of the 3069
following: 3070~~

~~(i) Teacher and employer contributions under sections 3071
3307.26 and 3307.28 of the Revised Code, plus interest 3072
compounded annually at a rate determined by the board, for each 3073
year or portion of a year for which amounts are paid under the 3074
order or agreement; 3075~~

~~(ii) Teacher and employer contributions under sections 3076
3307.26 and 3307.28 of the Revised Code, plus interest 3077
compounded annually at a rate determined by the board, for each 3078
year or portion of a year not subject to division (L)(2)(1)(i) 3079
of this section for which the board determines the teacher was 3080
improperly paid, regardless of the teacher's ability to recover 3081
on such amounts improperly paid. 3082~~

(3) The retirement board shall determine both of the 3083
following: 3084

(a) Whether particular forms of earnings are included in 3085
any of the categories enumerated in this division; 3086

(b) Whether any form of earnings not enumerated in this 3087
division is to be included in compensation. 3088

Decisions of the board made under this division shall be 3089
final. 3090

(M) "Superannuate" means both of the following: 3091

(1) A former teacher receiving from the system a 3092
retirement allowance under section 3307.58 or 3307.59 of the 3093
Revised Code; 3094

(2) A former teacher receiving a benefit from the system 3095
under a plan established under section 3307.81 of the Revised 3096
Code, except that "superannuate" does not include a former 3097
teacher who is receiving a benefit based on disability under a 3098
plan established under section 3307.81 of the Revised Code. 3099

For purposes of sections 3307.35 and 3307.353 of the 3100
Revised Code, "superannuate" also means a former teacher 3101
receiving from the system a combined service retirement benefit 3102
paid in accordance with section 3307.57 of the Revised Code, 3103
regardless of which retirement system is paying the benefit. 3104

(N) "STRS defined benefit plan" means the plan described 3105
in sections 3307.50 to 3307.79 of the Revised Code. 3106

(O) "STRS defined contribution plan" means the plans 3107
established under section 3307.81 of the Revised Code and 3108
includes the STRS combined plan under that section. 3109

(P) "Faculty" means the teaching staff of a university, 3110
college, or school, including any academic administrators. 3111

Sec. 3307.131. Any action brought against the state 3112
teachers retirement system or the state teachers retirement 3113
board or its officers, employees, or board members in their 3114
official capacities shall be brought in the appropriate court in 3115
Franklin county, Ohio. 3116

Sec. 3307.15. (A) The members of the state teachers 3117
retirement board shall be the trustees of the funds created by 3118
section 3307.14 of the Revised Code. The board shall have full 3119
power to invest the funds. The board and other fiduciaries shall 3120
discharge their duties with respect to the funds solely in the 3121
interest of the participants and beneficiaries; for the 3122
exclusive purpose of providing benefits to participants and 3123
their beneficiaries and defraying reasonable expenses of 3124
administering the system; with care, skill, prudence, and 3125
diligence under the circumstances then prevailing that a prudent 3126
person acting in a like capacity and familiar with these matters 3127
would use in the conduct of an enterprise of a like character 3128
and with like aims; and by diversifying the investments of the 3129
system so as to minimize the risk of large losses, unless under 3130
the circumstances it is clearly prudent not to do so. 3131

To facilitate investment of the funds, the board may 3132
establish a partnership, trust, limited liability company, 3133
corporation, including a corporation exempt from taxation under 3134
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 3135
amended, or any other legal entity authorized to transact 3136
business in this state. 3137

(B) In exercising its fiduciary responsibility with 3138
respect to the investment of the funds, it shall be the intent 3139
of the board to give consideration to investments that enhance 3140
the general welfare of the state and its citizens where the 3141
investments offer quality, return, and safety comparable to 3142
other investments currently available to the board. In 3143
fulfilling this intent, equal consideration shall also be given 3144
to investments otherwise qualifying under this section that 3145
involve minority owned and controlled firms and firms owned and 3146
controlled by women, either alone or in joint venture with other 3147

firms. 3148

The board shall adopt, in regular meeting, policies, 3149
objectives, or criteria for the operation of the investment 3150
program that include asset allocation targets and ranges, risk 3151
factors, asset class benchmarks, time horizons, total return 3152
objectives, and performance evaluation guidelines. In adopting 3153
policies and criteria for the selection of agents with whom the 3154
board may contract for the administration of the funds, the 3155
board shall comply with sections 3307.152 and 3307.154 of the 3156
Revised Code and shall also give equal consideration to minority 3157
owned and controlled firms, firms owned and controlled by women, 3158
and ventures involving minority owned and controlled firms and 3159
firms owned and controlled by women that otherwise meet the 3160
policies and criteria established by the board. Amendments and 3161
additions to the policies and criteria shall be adopted in 3162
regular meeting. The board shall publish its policies, 3163
objectives, and criteria under this provision no less often than 3164
annually and shall make copies available to interested parties. 3165

When reporting on the performance of investments, the 3166
board shall comply with the performance presentation standards 3167
established by the ~~association for investment management and~~ 3168
~~research~~ CFA institute. 3169

(C) All bonds, notes, certificates, stocks, or other 3170
evidences of investments purchased by the board shall be 3171
delivered to the treasurer of state, who is hereby designated as 3172
custodian thereof, or to the treasurer of state's authorized 3173
agent, and the treasurer of state or the agent shall collect the 3174
principal, interest, dividends, and distributions that become 3175
due and payable and place them when so collected into the 3176
custodial funds. Evidences of title of the investments may be 3177

deposited by the treasurer of state for safekeeping with an 3178
authorized agent, selected by the treasurer of state, who is a 3179
qualified trustee under section 135.18 of the Revised Code. The 3180
treasurer of state shall pay for the investments purchased by 3181
the board on receipt of written or electronic instructions from 3182
the board or the board's designated agent authorizing the 3183
purchase and pending receipt of the evidence of title of the 3184
investment by the treasurer of state or the treasurer of state's 3185
authorized agent. The board may sell investments held by the 3186
board, and the treasurer of state or the treasurer of state's 3187
authorized agent shall accept payment from the purchaser and 3188
deliver evidence of title of the investment to the purchaser on 3189
receipt of written or electronic instructions from the board or 3190
the board's designated agent authorizing the sale, and pending 3191
receipt of the moneys for the investments. The amount received 3192
shall be placed into the custodial funds. The board and the 3193
treasurer of state may enter into agreements to establish 3194
procedures for the purchase and sale of investments under this 3195
division and the custody of the investments. 3196

(D) No purchase or sale of any investment shall be made 3197
under this section except as authorized by the board. 3198

(E) Any statement of financial position distributed by the 3199
board shall include the fair value, as of the statement date, of 3200
all investments held by the board under this section. 3201

Sec. 3307.35. (A) As used in this section and section 3202
3307.352 of the Revised Code, "other system retirant" means 3203
either of the following: 3204

(1) A member or former member of the public employees 3205
retirement system, Ohio police and fire pension fund, school 3206
employees retirement system, state highway patrol retirement 3207

system, or Cincinnati retirement system who is receiving from a 3208
system of which the retirant is a member or former member age 3209
and service or commuted age and service retirement, a benefit, 3210
allowance, or distribution under a plan established under 3211
section 145.81 or 3309.81 of the Revised Code, or a disability 3212
benefit; 3213

(2) A person who is participating or has participated in 3214
an alternative retirement plan established under Chapter 3305. 3215
of the Revised Code and is receiving a benefit, allowance, or 3216
distribution under the plan. 3217

(B) Subject to this section and section 3307.353 of the 3218
Revised Code, a superannuate or other system retirant may be 3219
employed as a teacher. 3220

(C) A superannuate or other system retirant employed in 3221
accordance with this section shall contribute to the state 3222
teachers retirement system in accordance with section 3307.26 of 3223
the Revised Code and the employer shall contribute in accordance 3224
with sections 3307.28 and 3307.31 of the Revised Code. Such 3225
contributions shall be received as specified in section 3307.14 3226
of the Revised Code. A superannuate or other system retirant 3227
employed as a teacher is not a member of the state teachers 3228
retirement system, does not have any of the rights, privileges, 3229
or obligations of membership, except as provided in this 3230
section, and is not eligible to receive health, medical, 3231
hospital, or surgical benefits under section 3307.39 of the 3232
Revised Code for employment subject to this section. 3233

(D) The employer that employs a superannuate or other 3234
system retirant shall notify the state teachers retirement board 3235
of the employment not later than the end of the month in which 3236
the employment commences. Any overpayment of benefits to a 3237

superannuate by the retirement system resulting from an 3238
employer's failure to give timely notice may be charged to the 3239
employer and may be certified and deducted as provided in 3240
section 3307.31 of the Revised Code. 3241

(E) On receipt of notice from an employer that a person 3242
who is an other system retirant has been employed, the state 3243
teachers retirement system shall notify the state retirement 3244
system of which the other system retirant was a member of such 3245
employment. 3246

(F) A superannuate or other system retirant who has 3247
received an allowance or benefit for less than two months when 3248
employment subject to this section or section 3305.05 of the 3249
Revised Code commences shall forfeit the allowance or benefit 3250
for any month the superannuate or retirant is employed prior to 3251
the expiration of such period. The allowance or benefit 3252
forfeited each month shall be equal to the monthly amount the 3253
superannuate or other system retirant is eligible to receive 3254
under a single lifetime benefit plan of payment described in 3255
division (A) of section 3307.60 of the Revised Code. 3256
Contributions shall be made to the retirement system from the 3257
first day of such employment, but service and contributions for 3258
that period shall not be used in the calculation of any benefit 3259
payable to the superannuate or other system retirant, and those 3260
contributions shall be refunded on the superannuate's or 3261
retirant's death or termination of the employment. Contributions 3262
made on compensation earned after the expiration of such period 3263
shall be used in calculation of the benefit or payment due under 3264
section 3307.352 of the Revised Code. 3265

For purposes of this division, "employment" does not 3266
include uncompensated volunteer work if the position is 3267

different from the superannuate's or other system retirant's 3268
position with the employer by which the superannuate or retirant 3269
was employed at the time of retirement. 3270

(G) On receipt of notice from the Ohio police and fire 3271
pension fund, public employees retirement system, ~~or~~ school 3272
employees retirement system, or Cincinnati retirement system of 3273
the re-employment of a superannuate, the state teachers 3274
retirement system shall not pay, or if paid shall recover, the 3275
amount to be forfeited by the superannuate in accordance with 3276
section 145.38, 742.26, or 3309.341 of the Revised Code or any 3277
requirement of the Cincinnati retirement system. 3278

(H) If the disability benefit of an other system retirant 3279
employed under this section is terminated, the retirant shall 3280
become a member of the state teachers retirement system, 3281
effective on the first day of the month next following the 3282
termination, with all the rights, privileges, and obligations of 3283
membership. If the retirant, after the termination of the 3284
retirant's disability benefit, earns two years of service credit 3285
under this retirement system or under the public employees 3286
retirement system, Ohio police and fire pension fund, school 3287
employees retirement system, or state highway patrol retirement 3288
system, the retirant's prior contributions as an other system 3289
retirant under this section shall be included in the retirant's 3290
total service credit, as defined in section 3307.50 of the 3291
Revised Code, as a state teachers retirement system member, and 3292
the retirant shall forfeit all rights and benefits of this 3293
section. Not more than one year of credit may be given for any 3294
period of twelve months. 3295

(I) This section does not affect the receipt of benefits 3296
by or eligibility for benefits of any person who on August 20, 3297

1976, was receiving a disability benefit or service retirement 3298
pension or allowance from a state or municipal retirement system 3299
in Ohio and was a member of any other state or municipal 3300
retirement system of this state. 3301

(J) The state teachers retirement board may make the 3302
necessary rules to carry into effect this section and to prevent 3303
the abuse of the rights and privileges thereunder. 3304

Sec. 3307.354. The state teachers retirement board may 3305
establish a plan under which any contributions described in 3306
section 3307.352 of the Revised Code are invested at the 3307
direction of a superannuate or other system retirant in 3308
accordance with investment options established by the board. 3309

If the board establishes a plan, the state teachers 3310
retirement system shall transfer a superannuate's or other 3311
system retirant's contributions to the plan. 3312

Sec. 3307.42. (A) Except as provided in section 3307.373 3313
of the Revised Code, the granting to any person of an allowance, 3314
annuity, pension, or other benefit under the STRS defined 3315
benefit plan, or the granting of a benefit under an STRS defined 3316
contribution plan, pursuant to an action of the state teachers' 3317
retirement board vests a right in such person, so long as the 3318
person remains the beneficiary of any of the funds established 3319
by section 3307.14 of the Revised Code, to receive the 3320
allowance, annuity, pension, or benefit at the rate fixed at the 3321
time of granting the allowance, annuity, pension, or benefit. 3322
Such right shall also be vested with equal effect in the 3323
beneficiary of a grant heretofore made from any of the funds 3324
named in section 3307.14 of the Revised Code. 3325

(B) (1) The state teachers retirement system may suspend 3326

the benefit of a person receiving a benefit under section 3327
3307.58 or 3307.59 of the Revised Code, a disability benefit 3328
under section 3307.63 or 3307.631 of the Revised Code, a 3329
survivor benefit under section 3307.66 of the Revised Code, any 3330
payment under section 3307.352 of the Revised Code, a benefit 3331
under section 3307.60 of the Revised Code as a beneficiary, or a 3332
benefit under an STRS defined contribution plan under either of 3333
the following circumstances: 3334

(a) The retirement system has good cause to believe that 3335
the person receiving benefits is incapacitated and no other 3336
person or entity has legal authority to act or receive benefits 3337
on the person's behalf. 3338

(b) The retirement system learns that the person receiving 3339
benefits is missing, and no person provides evidence 3340
satisfactory to the system that the person is alive and is 3341
entitled to receive benefits. 3342

(2) Benefits shall resume on presentation of evidence 3343
satisfactory to the board ~~that the~~ of any of the following: 3344

(a) The person is no longer incapacitated ~~or;~~ 3345

(b) Another person or entity has legal authority to act or 3346
receive benefits on the person's behalf; 3347

(c) The person is alive and entitled to receive benefits. 3348

~~Any~~ 3349

Any missed payments shall be paid in a single lump sum 3350
payment. 3351

(3) A benefit suspended under division (B) (1) (b) of this 3352
section shall be terminated on presentation to the board of a 3353
decree of presumed death. Notwithstanding section 2121.04 of the 3354

Revised Code, the termination shall be retroactive to the date 3355
the benefit was suspended. 3356

Sec. 3307.48. (A) As used in this section, "disability 3357
benefit recipient" means a recipient of a disability benefit 3358
under any of the following: 3359

(1) Section 3307.63 of the Revised Code; 3360

(2) Section 3307.631 of the Revised Code; 3361

(3) The STRS combined plan. 3362

(B) A disability benefit recipient, notwithstanding 3363
section 3319.13 of the Revised Code, shall retain membership in 3364
the state teachers retirement system and shall be considered on 3365
leave of absence during the first five years following the 3366
effective date of a disability benefit. 3367

(C) The state teachers retirement board shall require any 3368
disability benefit recipient to submit to an annual medical 3369
examination by a physician selected by the board, except that 3370
the board may forgo the medical examination if the board's 3371
physician determines that the recipient's disability is ongoing 3372
or may require additional examinations if the board's physician 3373
determines that additional information should be obtained. If a 3374
disability benefit recipient ~~refuses~~ fails to submit to a 3375
medical examination, the recipient's disability benefit shall be 3376
suspended until the ~~recipient withdraws the refusal~~ examination 3377
has occurred. If the ~~refusal~~ failure continues for one year or 3378
the disability benefit is terminated for any reason during the 3379
one-year period, all the recipient's rights under and to the 3380
disability benefit shall be terminated as of the effective date 3381
of the original suspension. 3382

After the examination, the examiner shall report and 3383

certify to the board whether the disability benefit recipient is 3384
no longer physically and mentally incapable of resuming the 3385
service from which the recipient was found disabled. If the 3386
board concurs in a report by the examining physician that the 3387
disability benefit recipient is no longer incapable, the board 3388
shall order termination of payment of a disability benefit ~~not~~ 3389
~~later than the following thirty first day of August or as~~ 3390
follows: 3391

(1) Immediately upon employment as a teacher~~prior~~ 3392
~~thereto;~~ 3393

(2) If the leave of absence has not expired and the 3394
recipient is not employed as a teacher, the later of the last 3395
day of the third month following the board's termination or the 3396
following thirty-first day of August; 3397

(3) If the leave of absence has expired and the recipient 3398
is not employed as a teacher, the last day of the third month 3399
following the board's termination. 3400

The board shall provide notice to the recipient of the 3401
board's order. At the request of the recipient, a hearing on the 3402
order shall be conducted in accordance with procedures 3403
established by the board. If the leave of absence has not 3404
expired, the board shall so certify to the disability benefit 3405
recipient's last employer before being found disabled that the 3406
recipient is no longer physically and mentally incapable of 3407
resuming service that is the same or similar to that from which 3408
the recipient was found disabled. If the recipient was under 3409
contract at the time the recipient was found disabled, the 3410
employer by the first day of the next succeeding year shall 3411
restore the recipient to the recipient's previous position and 3412
salary or to a position and salary similar thereto, unless the 3413

recipient was dismissed or resigned in lieu of dismissal for 3414
dishonesty, misfeasance, malfeasance, or conviction of a felony. 3415

(D) An individual receiving a disability benefit from the 3416
system shall be ineligible to perform any teaching service, as 3417
defined by the board. A disability benefit shall immediately 3418
terminate if the disability benefit recipient performs any 3419
teaching service in this state or elsewhere. The board shall 3420
notify the recipient that the benefit is terminated. The 3421
recipient may submit, not later than thirty days after the date 3422
the notice is sent, to the board information specifying that the 3423
disability recipient did not perform teaching services while 3424
receiving disability benefits along with any supporting evidence 3425
available to the recipient. The board shall review the 3426
information and any accompanying evidence to determine whether 3427
the individual performed teaching services. The board may 3428
designate an individual to review the information and submit a 3429
recommendation to the board. The board shall determine whether 3430
the benefit was correctly terminated. If not, the benefit shall 3431
be reinstated and any missed payments paid to the recipient. The 3432
board's decision is final. 3433

(E) If any employer should employ or reemploy a disability 3434
benefit recipient prior to the termination of a disability 3435
benefit, the employer shall file notice of employment with the 3436
board designating the date of the employment. If the disability 3437
benefit recipient received a disability benefit and performed 3438
teaching services for all or any part of the same month, the 3439
recipient shall repay to the annuity and pension reserve fund 3440
the amount of the disability benefit received by the recipient 3441
from the beginning of employment. 3442

(F) Each disability benefit recipient shall file with the 3443

board an annual statement of earnings, current medical 3444
information on the recipient's condition, and any other 3445
information required in rules adopted by the board. The board 3446
may waive the requirement that a disability benefit recipient 3447
file an annual statement of earnings or current medical 3448
information if the board's physician certifies that the 3449
recipient's disability is ongoing. 3450

The board shall annually examine the information submitted 3451
by the recipient. If a disability benefit recipient ~~refuses~~ 3452
fails to file the statement or information, the disability 3453
benefit shall be suspended until the statement and information 3454
are filed. If the ~~refusal-failure~~ continues for one year or the 3455
disability benefit is terminated for any reason during the one- 3456
year period, the recipient's right to the disability benefit 3457
shall be terminated as of the effective date of the original 3458
suspension. 3459

(G) A disability benefit ~~also~~ may be terminated by the 3460
board at the request of the disability benefit recipient. 3461

(H) If disability retirement under section 3307.63 of the 3462
Revised Code is terminated for any reason, the annuity and 3463
pension reserves at that time in the annuity and pension reserve 3464
fund shall be transferred to the teachers' savings fund and the 3465
employers' trust fund, respectively. If the total disability 3466
benefit paid was less than the amount of the accumulated 3467
contributions of the member transferred to the annuity and 3468
pension reserve fund at the time of the member's disability 3469
retirement, then the difference shall be transferred from the 3470
annuity and pension reserve fund to another fund as required. In 3471
determining the amount of a member's account following the 3472
termination of disability retirement for any reason, the total 3473

amount paid shall be charged against the member's refundable 3474
account. 3475

(I) If a disability allowance paid under section 3307.631 3476
of the Revised Code is terminated for any reason, the reserve on 3477
the allowance at that time in the annuity and pension reserve 3478
fund shall be transferred from that fund to the employers' trust 3479
fund. 3480

If a (J) A former disability benefit recipient shall 3481
receive credit for the period as a disability benefit recipient 3482
if either of the following occurs: 3483

(1) The former disability recipient again becomes a 3484
contributor, other than as an other system retirant under 3485
section 3307.35 of the Revised Code, to this retirement system, ~~to~~ 3486
in the STRS defined benefit plan or to the school employees 3487
retirement system, or the public employees retirement system in 3488
the PERS defined benefit plan, and completes at least two 3489
additional years of service credit, ~~the former disability~~ 3490
~~benefit recipient shall receive credit for the period as a~~ 3491
~~disability benefit recipient;~~ 3492

(2) The former disability benefit recipient again becomes 3493
a contributor, other than as an other system retirant under 3494
section 3307.35 of the Revised Code, to this retirement system 3495
in the STRS defined contribution plan and completes at least two 3496
additional years of service credit. 3497

Credit may be received for more than one period of leave 3498
as a disability benefit recipient, except that for credit 3499
received on or after July 1, 2013, the total number of years 3500
received shall not exceed the lesser of the years of 3501
contributing service following the termination of disability 3502

benefits or five years of total service credit. 3503

Sec. 3307.501. (A) As used in this section, "percentage 3504
increase" means the percentage that an increase in compensation 3505
is of the compensation paid prior to the increase. 3506

(B) ~~Notwithstanding division (L) of section 3307.01 of the~~ 3507
~~Revised Code, for~~ For the purpose of determining final average 3508
salary under this section, "compensation" has the same meaning 3509
as in ~~that division~~ section 3307.01 of the Revised Code, except 3510
that it does not include any amount resulting from a percentage 3511
increase paid to a member during the member's two highest years 3512
of compensation ~~that~~, and any partial year of compensation as 3513
determined under divisions (C) (1) and (2) of this section to 3514
which the percentage increase also applies, if the percentage 3515
increase exceeds the greater of the following: 3516

(1) The highest percentage increase in compensation paid 3517
to the member during any of the three years immediately 3518
preceding the earlier of the member's two highest years of 3519
compensation ~~and any subsequent partial year of compensation~~ 3520
~~used in calculating the member's final average salary;~~ 3521

(2) A percentage increase paid to the member as part of an 3522
increase generally applicable to members employed by the 3523
employer. An increase shall be considered generally applicable 3524
if it is paid to members employed by a school district board of 3525
education in positions requiring a license issued under section 3526
3319.22 of the Revised Code in accordance with uniform criteria 3527
applicable to all such members or if paid to members employed by 3528
an employer other than a school district board of education in 3529
accordance with uniform criteria applicable to all such members. 3530

(C) The state teachers retirement board shall determine 3531

the final average salary of a member as follows: 3532

(1) For benefits beginning before August 1, 2015, by 3533
dividing the sum of the member's annual compensation for the 3534
three highest years of compensation for which the member made 3535
contributions plus any amount determined under division (E) of 3536
this section by three, except that if the member has a partial 3537
year of contributing service in the year the member's employment 3538
terminates and the compensation for the partial year is at a 3539
rate higher than the rate of compensation for any one of the 3540
member's highest three years of compensation, the board shall 3541
substitute the compensation for the partial year for the 3542
compensation for the same portion of the lowest of the member's 3543
three highest years of compensation; 3544

(2) For benefits beginning on or after August 1, 2015, by 3545
dividing the sum of the member's annual compensation for the 3546
five highest years of compensation for which the member made 3547
contributions plus any amount determined under division (E) of 3548
this section by five, except that if the member has a partial 3549
year of contributing service in the year the member's employment 3550
terminates and the compensation for the partial year is at a 3551
rate higher than the rate of compensation for any one of the 3552
member's highest five years of compensation, the board shall 3553
substitute the compensation for the partial year for the 3554
compensation for the same portion of the lowest of the member's 3555
five highest years of compensation. 3556

If a member has less than the requisite years of 3557
contributing membership, the member's final average salary shall 3558
be the member's total compensation for the period of 3559
contributing membership plus any amount determined under 3560
division (E) of this section divided by the total years, 3561

including any portion of a year, of contributing service. 3562

For the purpose of calculating benefits payable to a 3563
member qualifying for service credit under division (I) of 3564
section 3307.01 of the Revised Code, the board shall calculate 3565
the member's final average salary by dividing the member's total 3566
compensation as a teacher covered under this chapter plus any 3567
amount determined under division (E) of this section by the 3568
total number of years, including any portion of a year, of 3569
contributing membership during that period. If contributions 3570
were made for less than twelve months, the member's final 3571
average salary is the total amount of compensation paid to the 3572
member during all periods of contributions under this chapter. 3573

(D) Contributions made by a member ~~and an employer~~ on 3574
amounts that, pursuant to division (B) of this section, are not 3575
compensation or are not included, pursuant to division (E) of 3576
this section, for the purpose of determining final average 3577
salary shall be treated as additional deposits to the member's 3578
account under section 3307.26 of the Revised Code and used to 3579
provide additional annuity income. 3580

(E) The state teachers retirement board shall adopt rules 3581
establishing criteria and procedures for administering this 3582
division. 3583

The board shall notify each applicant for retirement of 3584
any amount excluded from the applicant's compensation in 3585
accordance with division (B) of this section and of the 3586
procedures established by the board for requesting a hearing on 3587
this exclusion. 3588

Any applicant for retirement who has had any amount 3589
excluded from the applicant's compensation in accordance with 3590

division (B) of this section may request a hearing on this 3591
exclusion. Upon receiving such a request, the board shall 3592
determine in accordance with its criteria and procedures 3593
whether, for good cause as determined by the board, all or any 3594
portion of any amount excluded from the applicant's compensation 3595
in accordance with division (B) of this section, up to a maximum 3596
of seventy-five hundred dollars, is to be included in the 3597
determination of final average salary under division (C) of this 3598
section. Any determination of the board under this division 3599
shall be final. 3600

Sec. 3307.514. (A) As used in this section: 3601

(1) "Compensation" has the same meaning as in section 3602
3307.01 of the Revised Code except that in the case of an 3603
electing employee, "compensation" means the amount that would be 3604
the electing employee's compensation if the electing employee 3605
was a member of the state teachers retirement system. 3606

(2) "Compensation ratio" means the ratio for the most 3607
recent full fiscal year for which the information is available 3608
of the total compensation of all electing employees to the sum 3609
of the total compensation of all the retirement system's members 3610
in the STRS defined benefit plan and the total compensation of 3611
all electing employees. 3612

(3) "Electing employee" means a participant in an 3613
alternative retirement plan provided pursuant to Chapter 3305. 3614
of the Revised Code who would otherwise be a member of the 3615
retirement system. 3616

(4) "Historical liability" means the portion of the 3617
retirement system's total unfunded actuarial accrued pension 3618
liability attributed to the difference between the following: 3619

(a) The cumulative contributions received under division (D) of section 3305.06 of the Revised Code on behalf of electing employees since the establishment of the alternative retirement plan; 3620
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(b) The cumulative contributions toward the unfunded actuarial accrued liability of the retirement system that would have been made if the electing employees had been members of the retirement system in the STRS defined benefit plan. 3624
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(B) The state teachers retirement board shall contract with an independent actuary to complete an actuarial study to determine the percentage of an electing employee's compensation to be contributed by a public institution of higher education under division (D) of section 3305.06 of the Revised Code. The initial study must be completed and submitted by the board to the department of higher education not later than December 31, 2017. A subsequent study must be completed and submitted not later than the last day of December of every fifth year thereafter. 3628
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(C) For the initial study required under this section, the actuary shall determine the percentage described in division (B) of this section as follows: 3638
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(1) The actuary shall calculate a percentage necessary to amortize the historical liability over an indefinite period. 3641
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(2) The actuary shall calculate a percentage necessary to amortize over a thirty-year period the amount resulting from multiplying the compensation ratio by the difference between the following: 3643
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(a) The unfunded actuarial accrued pension liability of the STRS defined benefit plan; 3647
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(b) The historical liability. 3649

(3) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the sum of the percentages calculated under divisions (C) (1) and (2) of this section, not to exceed four and one-half per cent. 3650
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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 3307.51 of the Revised Code that is available at the time the study is conducted. 3654
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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: 3659
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(1) The actuary shall calculate a percentage necessary to amortize over a thirty-year period the amount resulting from multiplying the compensation ratio by the difference between the following: 3662
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(a) The unfunded actuarial accrued pension liability of the STRS defined benefit plan under the annual actuarial valuation under section 3307.51 of the Revised Code that is most recent at the time the study is conducted; 3666
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(b) The historical liability determined under division (C) of this section. 3670
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(2) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the sum of the percentages calculated under divisions (C) (1) and (D) (1) of this section but not less than one-fourth of the percentage determined under division (C) (1) of this section, except that the percentage shall not exceed four and one-half 3672
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per cent.

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Sec. 3307.53. The state teachers retirement board shall
credit a year of service to any teacher participating in the
STRS defined benefit plan who is employed on a full-time basis
in a school district for the number of months the regular day
schools of such district are in session in said district within
any year. The board shall adopt appropriate rules and
regulations for the determination of credit for less than a
complete year of service, and shall be the final authority in
determining the number of years of service credit. The board
shall credit not more than one year for all service rendered in
any year.

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

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

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

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(1) "Child" means a biological or legally adopted child of
a deceased member. If a court hearing for an interlocutory
decree for adoption was held prior to the member's death,

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"child" includes the child who was the subject of the hearing if 3707
a final decree of adoption adjudging the member's spouse as the 3708
adoptive parent is made subsequent to the member's death. 3709

(2) "Parent" is a parent or legally adoptive parent of a 3710
deceased member. 3711

(3) "Dependent" means a beneficiary who receives one-half 3712
of the beneficiary's support from a member during the twelve 3713
months prior to the member's death. 3714

(4) "Surviving spouse" means an individual who establishes 3715
a valid marriage to a member at the time of the member's death 3716
by marriage certificate or pursuant to division (E) of this 3717
section. 3718

(5) "Survivor" means a spouse, child, or dependent parent. 3719

(B) Except as provided in division (B) of section 3307.563 3720
or division (G) (1) of section 3307.66 of the Revised Code, 3721
should a member who is participating in the STRS defined benefit 3722
plan die before service retirement, the member's accumulated 3723
contributions, plus an amount calculated in accordance with 3724
section 3307.563 of the Revised Code, and any amounts owed and 3725
unpaid to a disability benefit recipient shall be paid to such 3726
beneficiaries as the member has nominated by written designation 3727
signed by the member and received by the state teachers 3728
retirement board prior to death. A member may designate two or 3729
more persons as beneficiaries to be paid the amount determined 3730
under this division. On and after July 1, 2013, and subject to 3731
rules adopted by the board, a member who designates two or more 3732
persons as beneficiaries shall specify the percentage of the 3733
amount that each beneficiary is to be paid. If the member has 3734
not specified the percentages, the amount shall be divided 3735

equally among the designated beneficiaries. If a designated 3736
beneficiary is deceased, the amount allocated to the deceased 3737
beneficiary shall be allocated to the remaining beneficiaries 3738
based on each remaining beneficiary's initial percentage. The 3739
nomination of beneficiary shall be on a form provided by the 3740
retirement board. The last nomination of any beneficiary revokes 3741
all previous nominations. The member's marriage, divorce, 3742
marriage dissolution, legal separation, or withdrawal of 3743
account, or the birth of the member's child, or the member's 3744
adoption of a child, shall constitute an automatic revocation of 3745
the member's previous designation. If a deceased member was also 3746
a member of the public employees retirement system or the school 3747
employees retirement system, the beneficiary last established 3748
among the systems shall be the sole beneficiary in all the 3749
systems. 3750

Any beneficiary ineligible for monthly survivor benefits 3751
as provided by section 3307.66 of the Revised Code may waive in 3752
writing all claim to any benefits and such waiver shall thereby 3753
put in effect the succession of beneficiaries under division (C) 3754
of this section, provided the beneficiary thereunder is 3755
immediately eligible and agrees in writing to accept survivor 3756
benefits as provided by section 3307.66 of the Revised Code. If 3757
the accumulated contributions of a deceased member are not 3758
claimed by a beneficiary, or by the estate of the deceased 3759
member, within ten years, they shall be transferred to the 3760
guarantee fund and thereafter paid to such beneficiary or to the 3761
member's estate upon application to the board. The board shall 3762
formulate and adopt rules governing all designations of 3763
beneficiaries. 3764

(C) Except as provided in division (G) (1) of section 3765
3307.66 of the Revised Code, if a member dies before service 3766

retirement and is not survived by a designated beneficiary, any 3767
beneficiaries shall qualify, in the following order of 3768
precedence, with all attendant rights and privileges: 3769

(1) Surviving spouse; 3770

(2) Children, share and share alike; 3771

(3) A dependent parent, if that parent elects to take 3772
survivor benefits under division (C) (2) of section 3307.66 of 3773
the Revised Code; 3774

(4) Parents, share and share alike; 3775

(5) Estate. 3776

If any survivor dies before payment is made under this 3777
section or is not located prior to the ninety-first day after 3778
the board receives notification of the member's death, the 3779
survivor next in order of precedence shall qualify as a 3780
beneficiary, provided that benefits under division (C) (2) of 3781
section 3307.66 of the Revised Code are elected. In the event 3782
that the beneficiary originally determined is subsequently 3783
located, the beneficiary may qualify for benefits under division 3784
(C) (2) of section 3307.66 of the Revised Code upon meeting the 3785
conditions of eligibility set forth in division (B) of that 3786
section, but in no case earlier than the first day of the month 3787
following application by such beneficiary. Any payment made to a 3788
beneficiary as determined by the board shall be a full discharge 3789
and release to the board from any future claims. 3790

(D) (1) Any amount due any person, as an annuitant, 3791
receiving a monthly benefit, and unpaid to the annuitant at 3792
death, shall be paid to the beneficiary named by written 3793
designation signed by the annuitant and received by the state 3794
teachers retirement board prior to death. If no such designation 3795

has been filed, or if the beneficiary designated is deceased or 3796
is not located prior to the ninety-first day after the board 3797
receives notification of the annuitant's death, such amount 3798
shall be paid, in the following order of precedence to the 3799
annuitant's: 3800

(a) Surviving spouse; 3801

(b) Children, share and share alike; 3802

(c) Parents, share and share alike; 3803

(d) Estate. 3804

(2) If there is no beneficiary under division (D) (1) of 3805
this section, an amount not exceeding the cost of the 3806
annuitant's burial expenses may be paid to the person 3807
responsible for the burial expenses. 3808

For purposes of this division an "annuitant" is the last 3809
person who received a monthly benefit pursuant to the plan of 3810
payment selected by the former member. Such payment shall be a 3811
full discharge and release to the board from any future claim 3812
for such payment. 3813

(E) If the validity of marriage cannot be established to 3814
the satisfaction of the board for the purpose of disbursing any 3815
amount due under this section or section 3307.66 of the Revised 3816
Code, the board may accept a decision rendered by a court having 3817
jurisdiction in the state in which the member was domiciled at 3818
the time of death that the relationship constituted a valid 3819
marriage at the time of death, or the "spouse" would have the 3820
same status as a widow or widower for purposes of sharing the 3821
distribution of the member's intestate personal property. 3822

(F) As used in this division, "recipient" means an 3823

individual who is receiving or may be eligible to receive an 3824
allowance or benefit under this chapter based on the 3825
individual's service to an employer. 3826

If the death of a member, a recipient, or any individual 3827
who would be eligible to receive an allowance or benefit under 3828
this chapter by virtue of the death of a member or recipient is 3829
caused by one of the following beneficiaries, no amount due 3830
under this chapter to the beneficiary shall be paid to the 3831
beneficiary in the absence of a court order to the contrary 3832
filed with the board: 3833

(1) A beneficiary who is convicted of, pleads guilty to, 3834
or is found not guilty by reason of insanity of a violation of 3835
or complicity in the violation of either of the following: 3836

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 3837
Code; 3838

(b) An existing or former law of any other state, the 3839
United States, or a foreign nation that is substantially 3840
equivalent to section 2903.01, 2903.02, or 2903.03 of the 3841
Revised Code; 3842

(2) A beneficiary who is indicted for a violation of or 3843
complicity in the violation of the sections or laws described in 3844
division (F)(1)(a) or (b) of this section and is adjudicated 3845
incompetent to stand trial; 3846

(3) A beneficiary who is a juvenile found to be a 3847
delinquent child by reason of committing an act that, if 3848
committed by an adult, would be a violation of or complicity in 3849
the violation of the sections or laws described in division (F) 3850
(1)(a) or (b) of this section. 3851

Sec. 3307.58. (A) As used in this section, "qualifying 3852

service credit" means ~~credit~~ all of the following: 3853

(1) Credit earned under section 3307.53 or for which 3854
contributions were made under section 145.47 or 3309.47 of the 3855
Revised Code; 3856

~~credit~~ (2) Credit restored under section 145.31, 3307.71, 3857
or 3309.26 of the Revised Code; 3858

~~credit~~ (3) Credit purchased under section 145.302, 3859
3307.752, or 3309.022, or division (D) of section 5505.16 of the 3860
Revised Code, or obtained under section 742.521 of the Revised 3861
Code; ~~and credit~~ 3862

(4) Credit obtained under section 3307.761, 3307.763, or 3863
3307.765 of the Revised Code other than military service credit 3864
as defined in section 3307.761 of the Revised Code, except that 3865
"qualifying service credit" includes credit obtained under 3866
section 3307.761, 3307.763, or 3307.765 of the Revised Code that 3867
was initially purchased under division (D) of section 5505.16 of 3868
the Revised Code or obtained under section 742.521 of the 3869
Revised Code. 3870

(B) Any member participating in the STRS defined benefit 3871
plan who has attained the applicable combination of age and 3872
service credit shall be granted service retirement after filing 3873
with the state teachers retirement board a completed application 3874
on a form approved by the board. 3875

(1) Except as provided in division (B) (3) of this section, 3876
a member is eligible to retire under this division if any of the 3877
following is the case: 3878

(a) The member has five or more years of qualifying 3879
service credit and has attained age sixty-five; 3880

(b) The member is applying for service retirement	3881
following termination of a disability benefit received under	3882
section 3307.63 or 3307.631 of the Revised Code and has five or	3883
more years of total service credit;	3884
(c) The member meets one of the following requirements:	3885
(i) Before August 1, 2015, has thirty or more years of	3886
service credit at any age;	3887
(ii) On or after August 1, 2015, but before August 1,	3888
2017, has thirty-one or more years of service credit at any age;	3889
(iii) On or after August 1, 2017, but before August 1,	3890
2019, has thirty-two or more years of service credit at any age;	3891
(iv) On or after August 1, 2019, but before August 1,	3892
2021, has thirty-three or more years of service credit at any	3893
age;	3894
(v) On or after August 1, 2021, but before August 1, 2023,	3895
has thirty-four or more years of service credit at any age;	3896
(vi) On or after August 1, 2023, but before August 1,	3897
2026, has thirty-five or more years of service credit at any	3898
age;	3899
(vii) On or after August 1, 2026, has thirty-five or more	3900
years of service credit and has attained age sixty.	3901
(2) Except as provided in division (B)(3) of this section,	3902
a member is eligible to retire under this division if any of the	3903
following is the case:	3904
(a) The member has five or more years of qualifying	3905
service credit and has attained age sixty;	3906
(b) The member is applying for service retirement	3907

following termination of a disability benefit received under 3908
section 3307.63 or 3307.631 of the Revised Code and has five or 3909
more years of total service credit; 3910

(c) The member meets one of the following requirements: 3911

(i) Before August 1, 2015, has twenty-five or more years 3912
of service credit and has attained age fifty-five; 3913

(ii) On or after August 1, 2015, but before August 1, 3914
2017, has twenty-six or more years of service credit and has 3915
attained age fifty-five or has thirty or more years of service 3916
credit at any age; 3917

(iii) On or after August 1, 2017, but before August 1, 3918
2019, has twenty-seven or more years of service credit and has 3919
attained age fifty-five or has thirty or more years of service 3920
credit at any age; 3921

(iv) On or after after August 1, 2019, but before August 3922
1, 2021, has twenty-eight or more years of service credit and 3923
has attained age fifty-five or has thirty or more years of 3924
service credit at any age; 3925

(v) On or after August 1, 2021, but before August 1, 2023, 3926
has twenty-nine or more years of service credit and has attained 3927
age fifty-five or has thirty or more years of service credit at 3928
any age; 3929

(vi) On or after August 1, 2023, has thirty or more years 3930
of service credit at any age. 3931

(3) The board may adjust the retirement eligibility 3932
requirements of this section if the board's actuary, in its 3933
annual actuarial valuation required by section 3307.51 of the 3934
Revised Code or in other evaluations conducted under that 3935

section, determines that an adjustment does not materially 3936
impair the fiscal integrity of the retirement system or is 3937
necessary to preserve the fiscal integrity of the system. 3938

(C) Service retirement shall be effective not earlier than 3939
the first day of the month next following the later of: 3940

(1) The last day for which compensation was paid; or 3941

(2) The attainment of minimum age and service credit 3942
eligibility for benefits provided under this section. 3943

(D) (1) Except as provided in division (E) of this section, 3944
the annual single lifetime benefit of a member whose retirement 3945
effective date is before August 1, 2013, shall be the greater of 3946
the amounts determined by the member's Ohio service credit 3947
multiplied by one of the following: 3948

(a) Eighty-six dollars; 3949

(b) The sum of the following amounts: 3950

(i) For each of the first thirty years of Ohio service 3951
credit, two and two-tenths per cent of the member's final 3952
average salary or, subject to the limitation described in 3953
division (D) (1) (c) of this section, two and five-tenths per cent 3954
of the member's final average salary if the member has thirty- 3955
five or more years of service credit under section 3307.48, 3956
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3957
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3958
division (A) (2) or (B) of former section 3307.513 of the Revised 3959
Code, former section 3307.514 of the Revised Code, section 3960
3307.72 of the Revised Code earned after July 1, 1978, or any 3961
combination of service credit under those sections; 3962

(ii) For each year or fraction of a year of Ohio service 3963

credit in excess of thirty years, two and two-tenths per cent of 3964
the member's final average salary or, subject to the limitation 3965
described in division (D) (1) (c) of this section, if the member 3966
has more than thirty years service credit under section 3307.48, 3967
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3968
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3969
division (A) (2) or (B) of former section 3307.513 of the Revised 3970
Code, former section 3307.514 of the Revised Code, section 3971
3307.72 of the Revised Code earned after July 1, 1978, or any 3972
combination of service credit under those sections, the per cent 3973
of final average salary shown in the following schedule for each 3974
corresponding year or fraction of a year of service credit under 3975
those sections that is in excess of thirty years: 3976

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%	3977
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3978
32.01 - 33.00	2.7	37.01 - 38.00	3.2	3979
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3980
34.01 - 35.00	2.9			3981

For purposes of this schedule, years of service credit shall be 3986
rounded to the nearest one-hundredth of a year. 3987

(c) For purposes of division (D) (1) of this section, a 3988
percentage of final average salary in excess of two and two- 3989
tenths per cent shall be applied to service credit under section 3990

3307.57 of the Revised Code only if the service credit was 3991
established under section 145.30, 145.301, 145.302, 145.47, 3992
145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised 3993
Code or restored under section 145.31 or 3309.26 of the Revised 3994
Code. 3995

(2) (a) Except as provided in division (E) of this section, 3996
the annual single lifetime benefit of a member whose retirement 3997
effective date is on or after August 1, 2013, but before August 3998
1, 2015, shall be the amount determined by the member's Ohio 3999
service credit multiplied by the sum of the following amounts: 4000

(i) For each of the first thirty years of Ohio service 4001
credit, two and two-tenths per cent of the member's final 4002
average salary or, subject to the limitation described in 4003
division (D) (2) (b) of this section, two and five-tenths per cent 4004
of the member's final average salary if the member has thirty- 4005
five or more years of service credit under section 3307.48, 4006
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 4007
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 4008
division (A) (2) or (B) of former section 3307.513 of the Revised 4009
Code, former section 3307.514 of the Revised Code, section 4010
3307.72 of the Revised Code earned after July 1, 1978, or any 4011
combination of service credit under those sections; 4012

(ii) For each year or fraction of a year of Ohio service 4013
credit in excess of thirty years, two and two-tenths per cent of 4014
the member's final average salary or, subject to the limitation 4015
described in division (D) (2) (b) of this section, if the member 4016
has more than thirty years service credit under section 3307.48, 4017
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 4018
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 4019
division (A) (2) or (B) of former section 3307.513 of the Revised 4020

Code, former section 3307.514 of the Revised Code, section 4021
3307.72 of the Revised Code earned after July 1, 1978, or any 4022
combination of service credit under those sections, the per cent 4023
of final average salary shown in the following schedule for each 4024
corresponding year or fraction of a year of service credit under 4025
those sections that is in excess of thirty years: 4026

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%	4031
31.01 - 32.00	2.6	36.01 - 37.00	3.1	4032
32.01 - 33.00	2.7	37.01 - 38.00	3.2	4033
33.01 - 34.00	2.8	38.01 - 39.00	3.3	4034
34.01 - 35.00	2.9			4035

For purposes of this schedule, years of service credit shall be 4036
rounded to the nearest one-hundredth of a year. 4037

(b) For purposes of division (D) (2) (a) (ii) of this 4038
section, a percentage of final average salary in excess of two 4039
and two-tenths per cent shall be applied to service credit under 4040
section 3307.57 of the Revised Code only if the service credit 4041
was established under section 145.30, 145.301, 145.302, 145.47, 4042
145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised 4043
Code or restored under section 145.31 or 3309.26 of the Revised 4044
Code. 4045

(3) Except as provided in division (E) of this section, 4046
the annual single lifetime benefit of a member whose retirement 4047

effective date is on or after August 1, 2015, shall be the 4048
amount determined by the member's service credit multiplied by 4049
two and two-tenths per cent of the member's final average 4050
salary. 4051

(E) (1) The annual single lifetime benefit of a member 4052
described in division (B) (2) of this section whose service 4053
retirement is effective before August 1, 2015, shall be adjusted 4054
by the greater per cent shown in the following schedule opposite 4055
the member's attained age or Ohio service credit. 4056

Attained	or	Years of Ohio Service	Per Cent of Base	
Age		Credit	Amount	
58		25	75%	4060
59		26	80	4061
60		27	85	4062
61			88	4063
		28	90	4064
62			91	4065
63			94	4066
		29	95	4067
64			97	4068
65		30 or more	100	4069

(2) The annual single lifetime benefit of a member 4070
described in division (B) (2) of this section whose service 4071
retirement is effective on or after August 1, 2015, shall be 4072

reduced by a percentage determined by the board's actuary for 4073
each year the member retires before attaining the applicable age 4074
and service credit specified in division (B)(1) of this section. 4075
The board's actuary may use an actuarially based average 4076
percentage reduction for this purpose. 4077

(F) Notwithstanding any other provision of this section, 4078
on application, a member who, as of July 1, 2015, has five or 4079
more years of Ohio service credit and has attained age sixty, 4080
has twenty-five or more years of Ohio service credit and has 4081
attained age fifty-five, or has thirty or more years of Ohio 4082
service credit shall be granted service retirement according to 4083
former section 3307.58 of the Revised Code as in effect 4084
immediately prior to January 7, 2013. The member's benefit shall 4085
be the greater of the amount the member would have been eligible 4086
for had the member retired effective July 1, 2015, or the amount 4087
determined under division (D)(3) of this section. 4088

(G) The annual single lifetime benefit determined under 4089
division (D) or (E) of this section shall not exceed the lesser 4090
of one hundred per cent of the final average salary or the limit 4091
established by section 415 of the "Internal Revenue Code of 4092
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 4093

(H) The annual single lifetime benefit of a member whose 4094
retirement effective date is before August 1, 2013, shall be the 4095
greater of the amounts determined under division (D)(1) or (E) 4096
(1) of this section as appropriate or under this division. The 4097
benefit shall not exceed the lesser of the sum of the following 4098
amounts or the limit established by section 415 of the "Internal 4099
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 4100
amended: 4101

(1) An annuity with a reserve equal to the member's 4102

accumulated contributions; 4103

(2) A pension equal to the amount in division (H) (1) of 4104
this section; 4105

(3) An additional pension of forty dollars annually 4106
multiplied by the number of years of prior and military service 4107
credit, except years of credit purchased under section 3307.751 4108
or 3307.752 of the Revised Code. 4109

(I) If a member's disability benefit was terminated under 4110
section 3307.48 of the Revised Code and the member's retirement 4111
under this section is effective on the first day of the month 4112
following the last day for which the disability benefit was 4113
paid, the member's annual single lifetime benefit determined 4114
under division (D) or (E) of this section shall be increased by 4115
a percentage equal to the total of any percentage increases the 4116
member received under section 3307.67 of the Revised Code, plus 4117
any additional amount the member received under this chapter 4118
while receiving the disability benefit. The increase shall be 4119
based on the plan of payment selected by the member under 4120
section 3307.60 of the Revised Code. However, the benefit used 4121
to calculate any future increases under section 3307.67 of the 4122
Revised Code shall be based on the plan of payment selected by 4123
the member, plus any additional amount added to the benefit 4124
determined under this division that established a new base 4125
benefit to the member. 4126

(J) Benefits determined under this section shall be paid 4127
as provided in section 3307.60 of the Revised Code. 4128

Sec. 3307.63. A member participating in the STRS defined 4129
benefit plan who has elected disability coverage under this 4130
section, has not attained age sixty, and is determined by the 4131

state teachers retirement board under section 3307.62 of the 4132
Revised Code to qualify for a disability benefit shall be 4133
retired on disability under this section. 4134

Upon disability retirement, a member shall receive an 4135
annual amount that shall consist of: 4136

(A) An annuity having a reserve equal to the amount of the 4137
member's accumulated contributions at that time; 4138

(B) A pension that shall be the difference between the 4139
annuity and an annual amount determined by multiplying the 4140
number of years of Ohio service credit of such member, and in 4141
addition the number of years and fraction of a year between the 4142
effective date of the member's disability retirement and the 4143
date the member attained age sixty, assuming continuous service, 4144
~~by eighty six dollars, or by two per cent of the member's final~~ 4145
~~average salary, whichever is greater.~~ Such disability retirement 4146
shall not be less than thirty per cent nor more than seventy- 4147
five per cent of the member's final average salary, except that 4148
it shall not exceed any limit to which the retirement system is 4149
subject under section 415 of the "Internal Revenue Code of 4150
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 4151

If the member is not receiving a disability benefit under 4152
section 3307.57 of the Revised Code, but is receiving a 4153
disability benefit from either the public employees retirement 4154
system or the school employees retirement system, then such 4155
member shall not be eligible for service credit based upon the 4156
number of years and fractions thereof between the date of 4157
disability and the date the member attained age sixty as 4158
otherwise provided in this section. 4159

A disability retirant under this section whose disability 4160

retirement has been terminated, when eligible, may apply for 4161
service retirement provided by section 3307.58 of the Revised 4162
Code. 4163

Sec. 3307.66. (A) As used in this section: 4164

(1) "Physically or mentally incompetent" means incapable 4165
of earning a living because of a physically or mentally 4166
disabling condition. Physical or mental incompetency may be 4167
determined by a court or by a doctor of medicine or osteopathic 4168
medicine appointed by the state teachers retirement board. 4169

(2) "Qualifying service credit" has the same meaning as in 4170
section 3307.58 of the Revised Code. 4171

(B) For the purposes of this section: 4172

(1) A qualified spouse is the surviving spouse of a 4173
deceased member of the state teachers retirement system 4174
participating in the STRS defined benefit plan who is one of the 4175
following: 4176

(a) Sixty-two years of age or older or any age if the 4177
deceased member had ten or more years of Ohio service credit; 4178

(b) Caring for a qualified child; 4179

(c) Adjudged physically or mentally incompetent at the 4180
time of the member's death and has remained continuously 4181
incompetent; 4182

(d) Any age if the deceased member was eligible for a 4183
service retirement allowance as provided in section 3307.58 of 4184
the Revised Code and the surviving spouse elects to receive a 4185
benefit under division (C)(1) of this section. 4186

(2) A qualified child is a person who is the child of a 4187

deceased member participating in the STRS defined benefit plan 4188
to whom both of the following apply: 4189

(a) Never married; 4190

(b) Meets ~~one~~either of the following age-related 4191
requirements: 4192

(i) Is under age ~~eighteen~~; 4193

~~(ii) Is under age twenty-two if attending an institution~~ 4194
~~of learning or training pursuant to a program designed to~~ 4195
~~complete in each school year the equivalent of at least two~~ 4196
~~thirds of the full time curriculum requirements of such~~ 4197
~~institution and as further determined by board policy;~~ 4198

~~(iii)~~(ii) Is any age if adjudged physically or mentally 4199
incompetent, if the person became incompetent prior to 4200
attainment of age ~~eighteen or prior to age twenty-two if~~ 4201
~~attending an institution of learning or training described in~~ 4202
~~division (B) (2) (b) (ii) of this section,~~ and has remained 4203
continuously incompetent. 4204

(3) A qualified parent is a dependent parent of a deceased 4205
member participating in the STRS defined benefit plan who is age 4206
sixty-five or older. 4207

(4) A person is a "qualified survivor" if the person 4208
qualifies as a surviving spouse, child, or dependent parent. 4209

(C) Except as provided in division (G) (1) of this section, 4210
in lieu of accepting the payment of the accumulated account of a 4211
member participating in the STRS defined benefit plan who dies 4212
before service retirement, a beneficiary, as determined in 4213
section 3307.562 of the Revised Code, may elect to forfeit the 4214
accumulated account and to substitute benefits under this 4215

division. 4216

(1) If a deceased member was eligible for a service 4217
retirement allowance as provided in section 3307.58 or 3307.59 4218
of the Revised Code, a surviving spouse or an individual 4219
designated as the member's sole beneficiary pursuant to division 4220
(B) of section 3307.562 of the Revised Code who was a qualified 4221
child or dependent parent of the member or received one-half or 4222
more of support from the member during the twelve-month period 4223
preceding the member's death may elect to receive a monthly 4224
benefit computed as the joint-survivor allowance designated as 4225
option 1 in section 3307.60 of the Revised Code, which the 4226
member would have received had the member retired on the last 4227
day of the month of death and had the member at that time 4228
selected such joint-survivor plan. 4229

(2) (a) A surviving spouse or other qualified survivor may 4230
elect to receive monthly benefits under division (C) (2) of this 4231
section if any of the following apply: 4232

(i) The deceased member had service credit on account on 4233
June 30, 2013, and had completed at least one and one-half years 4234
of qualifying service credit, with at least one-quarter year of 4235
qualifying service credit within the two and one-half years 4236
prior to the date of death, or, if the member did not have 4237
service credit on account on June 30, 2013, had completed at 4238
least five years of qualifying service credit and died not later 4239
than one year after the date contributing service terminated. 4240

(ii) The member was receiving at the time of death a 4241
disability benefit as provided in section 3307.63 or 3307.631 of 4242
the Revised Code. 4243

(iii) The member was receiving, within twelve months prior 4244

to the date of death, a disability benefit as provided in 4245
 section 3307.63 or 3307.631 of the Revised Code and was 4246
 contributing under this chapter or Chapter 145. or 3309. of the 4247
 Revised Code at the time of death. 4248

(b) The surviving spouse or other qualified survivor shall 4249
 elect one of the following methods of calculating benefits 4250
 elected under division (C) (2) of this section, which shall, 4251
 except as provided in division (G) (1) of this section, remain in 4252
 effect without regard to any change in the number of qualified 4253
 survivors: 4254

		Or	4255
(i) Number	Annual benefit as a	Monthly benefit	4256
of qualified	per cent of member's	shall not be	4257
survivors	final average salary	less than	4258
1	25%	\$ 96	4259
2	40	186	4260
3	50	236	4261
4	55	236	4262
5 or more	60	236	4263

		Annual benefit as a	4264
(ii) Years of service		per cent of member's	4265
		final average salary	4266
20		29%	4267
21		33	4268
22		37	4269
23		41	4270
24		45	4271
25		48	4272
26		51	4273
27		54	4274

28	57	4275
29 or more	60	4276

(3) (a) If at the time of death the deceased member was 4277
receiving a disability benefit under section 3307.63 or 3307.631 4278
of the Revised Code, the benefit elected under division (C) (1) 4279
or (2) of this section shall be increased by a percentage equal 4280
to the total of any percentage increases the member received 4281
under section 3307.67 of the Revised Code, plus any additional 4282
amount the member received under this chapter while receiving 4283
the disability benefit. The increase shall be based on the 4284
benefit determined under division (C) (1) or (2) of this section. 4285
~~However, the~~ The benefit used to calculate any future increases 4286
under section 3307.67 of the Revised Code shall be the benefit 4287
determined under division (C) (1) or (2) of this section, plus 4288
any additional amounts added to the benefit determined under 4289
this division that established a new base benefit to the 4290
deceased member. 4291

(b) If eligibility for a benefit under division (C) (1) or 4292
(2) of this section is not established until more than one year 4293
after the member's death, the annual benefit shall be increased 4294
by a percentage equal to the total of the percentage increases 4295
that would have been made under section 3307.67 of the Revised 4296
Code, plus any additional amount that would have been paid under 4297
this chapter had the benefit begun in the year in which the 4298
member died. However, the benefit used to calculate any future 4299
increases under section 3307.67 of the Revised Code shall be the 4300
benefit determined under division (C) (1) or (2) of this section, 4301
plus any additional amounts added to the benefit determined 4302
under this division that established a new base benefit to the 4303
deceased member. 4304

(D) If a benefit is calculated pursuant to division (C) (2) 4305
(b) (i) of this section, benefits to a surviving spouse shall be 4306
paid in the amount determined for the first qualifying survivor 4307
in division (C) (2) (b) (i) of this section, ~~but shall not be less~~ 4308
~~than one hundred six dollars per month if the deceased member~~ 4309
~~had ten or more years of qualifying service credit.~~ All other 4310
qualifying survivors shall share equally in the benefit or 4311
remaining portion thereof. 4312

If a benefit is calculated pursuant to division (C) (2) (b) 4313
(ii) of this section and is payable to more than one qualified 4314
survivor, the benefit shall be apportioned equally among the 4315
qualified survivors, except that if there is a surviving spouse, 4316
the portion of the benefit allocated to the surviving spouse 4317
shall be as follows: 4318

Number of			
survivors		Spouse's share of total benefit	
2		62.5%	4321
3		50.0%	4322
4		45.45%	4323
5 or more		41.67%	4324

(E) A qualified survivor shall file with the board an 4325
application for benefits payable under this section. Payments 4326
shall begin on whichever of the following applies: 4327

(1) If application is received not later than one year 4328
after the date of the member's death, benefits shall begin on 4329
the first day of the month following the date of death. 4330

(2) If application is received later than one year from 4331
the date of death, benefits shall begin on the first day of the 4332
month immediately following receipt of application by the board. 4333

Benefits to a qualified survivor shall terminate upon a 4334
first marriage, abandonment, or adoption. The termination of 4335
benefits is effective on the first day of the month following 4336
the day the person ceases to be a qualified survivor. Benefits 4337
to a deceased member's surviving spouse that were terminated 4338
under a former version of this section that required termination 4339
due to remarriage and were not resumed prior to ~~the effective~~ 4340
~~date of this amendment~~ September 16, 1998, shall resume on the 4341
first day of the month immediately following receipt by the 4342
board of an application on a form provided by the board. 4343

Benefits to a qualified child who is at least eighteen 4344
years of age but under twenty-two years of age that under a 4345
former version of this section never commenced or were 4346
terminated due to a lack of attendance at an institution of 4347
learning or training and not commenced or resumed before the 4348
effective date of this amendment shall commence or resume on the 4349
first day of the month immediately following receipt by the 4350
board of an application on a form provided by the board, if the 4351
application is received on or before the fifteenth day of a 4352
month. These benefits terminate on the child attaining twenty- 4353
two years of age. 4354

Upon the death of any subsequent spouse who was a member 4355
of the public employees retirement system, state teachers 4356
retirement system, or school employees retirement system, the 4357
surviving spouse of such member may elect to continue receiving 4358
benefits under this division, or to receive survivor's benefits, 4359
based upon the subsequent spouse's membership in one or more of 4360
the systems, for which such surviving spouse is eligible under 4361
this section or section 145.45 or 3309.45 of the Revised Code. 4362
If the surviving spouse elects to continue receiving benefits 4363
under this division, such election shall not preclude the 4364

payment of benefits under this division to any other qualified survivor. 4365
4366

(F) The beneficiary of a member who is also a member of the public employees retirement system, or the school employees retirement system, must forfeit the member's accumulated contributions in those systems, if the beneficiary elects to receive a benefit under division (C) of this section. Such benefit shall be exclusively governed by section 3307.57 of the Revised Code. 4367
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(G) (1) Regardless of whether the member is survived by a spouse or designated beneficiary, if the state teachers retirement system receives notice that a deceased member described in division (C) (1) or (2) of this section has one or more qualified children, all persons who are qualified survivors under division (C) (2) of this section shall receive monthly benefits as provided in division (C) (2) of this section. 4374
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If, after determining the monthly benefits to be paid under division (C) (2) of this section, the system receives notice that there is a qualified survivor who was not considered when the determination was made, the system shall, notwithstanding section 3307.42 of the Revised Code, recalculate the monthly benefits with that qualified survivor included, even if the benefits to qualified survivors already receiving benefits are reduced as a result. The benefits shall be calculated as if the qualified survivor who is the subject of the notice became eligible on the date the notice was received and shall be paid to qualified survivors effective on the first day of the first month following the system's receipt of the notice. 4381
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If the system did not receive notice that a deceased 4394

member has one or more qualified children prior to making 4395
payment under section 3307.562 of the Revised Code to a 4396
beneficiary as determined by the system, the payment is a full 4397
discharge and release of the system from any future claims under 4398
this section or section 3307.562 of the Revised Code. 4399

(2) If benefits under division (C) (2) of this section to 4400
all persons, or to all persons other than a surviving spouse or 4401
sole beneficiary, terminate, there are no children under the age 4402
of twenty-two years, and the surviving spouse or beneficiary 4403
qualifies for benefits under division (C) (1) of this section, 4404
the surviving spouse or beneficiary may elect to receive 4405
benefits under division (C) (1) of this section. The benefit 4406
shall be calculated based on the age of the spouse or 4407
beneficiary at the time of the member's death and is effective 4408
on the first day of the month following receipt by the board of 4409
an application for benefits under division (C) (1) of this 4410
section. 4411

(H) If the benefits due and paid under division (C) of 4412
this section are in a total amount less than the member's 4413
accumulated account that was transferred from the teachers' 4414
savings fund, school employees retirement fund, and public 4415
employees retirement fund, to the survivors' benefit fund, then 4416
the difference between the total amount of the benefits paid 4417
shall be paid to the beneficiary under section 3307.562 of the 4418
Revised Code. 4419

Sec. 3307.67. (A) Except as provided in divisions (D) and 4420
(E) of this section, the state teachers retirement board shall 4421
annually increase each allowance or benefit payable under the 4422
STRS defined benefit plan. Through July 31, 2013, the increase 4423
shall be three per cent. On and after August 1, 2013, the 4424

increase shall be two per cent. No allowance or benefit shall 4425
exceed the limit as annually determined pursuant to section 415 4426
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 4427
U.S.C.A. 415, as amended, and regulations adopted pursuant 4428
thereto but before August 1, 2013. The limit may be adjusted in 4429
accordance with rules adopted by the board. 4430

(B) The first increase is payable to all persons becoming 4431
eligible ~~for~~ as follows: 4432

(1) For an allowance or benefit after June 30, 1971 4433
beginning on or after July 1, 1971, but before August 1, 2013, 4434
upon such persons receiving an allowance or benefit for twelve 4435
months. 4436

(2) For an allowance or benefit beginning on or after 4437
August 1, 2013, that was immediately preceded by a disability 4438
benefit effective before that date but terminated on or after 4439
it, upon the date that would have been the disability benefit's 4440
next anniversary date; 4441

(3) For an allowance or benefit beginning on or after 4442
August 1, 2013, except for an allowance or benefit ~~that was~~ 4443
~~immediately preceded by a disability benefit granted prior to~~ 4444
~~that date that has been terminated~~ described in division (B) (2) 4445
of this section, the first increase is payable upon such persons 4446
receiving an allowance or benefit for sixty months. 4447

The increased amount is payable for the ensuing twelve- 4448
month period or until the next increase is granted under this 4449
section, whichever is later. Subsequent increases shall be 4450
determined from the date of the first increase paid to the 4451
former member in the case of an allowance being paid a 4452
beneficiary under an option, or from the date of the first 4453

increase to the survivor first receiving an allowance or benefit 4454
in the case of an allowance or benefit being paid to the 4455
subsequent survivors of the former member. 4456

The date of the first increase under this section becomes 4457
the anniversary date for any future increases. 4458

The allowance or benefit used in the first calculation of 4459
an increase under this section shall remain as the base for all 4460
future increases, unless a new base is established. 4461

(C) If payment of a portion of a benefit is made to an 4462
alternate payee under section 3307.371 of the Revised Code, 4463
increases under this section granted while the order is in 4464
effect shall be apportioned between the alternate payee and the 4465
benefit recipient in the same proportion that the amount being 4466
paid to the alternate payee bears to the amount paid to the 4467
benefit recipient. 4468

If payment of a portion of a benefit is made to one or 4469
more beneficiaries under "option 4" under division (A)(4) of 4470
section 3307.60 of the Revised Code, each increase under this 4471
section granted while the plan of payment is in effect shall be 4472
divided among the designated beneficiaries in accordance with 4473
the portion each beneficiary has been allocated. 4474

The apportioned increases under this section shall begin 4475
with increases granted on or after October 27, 2006. 4476

(D) The board shall not make the increases it would 4477
otherwise make during the period July 1, 2013, through June 30, 4478
2014, to persons granted an allowance or benefit prior to July 4479
1, 2013. The board shall not increase any allowance or benefit 4480
granted on July 1, 2013, until July 1, 2015. 4481

(E) The board may adjust the increase payable under this 4482

section if the board's actuary, in its annual actuarial 4483
valuation required by section 3307.51 of the Revised Code or in 4484
other evaluations conducted under that section, determines that 4485
an adjustment does not materially impair the fiscal integrity of 4486
the retirement system or is necessary to preserve the fiscal 4487
integrity of the system. 4488

(F) The board shall make all rules necessary to carry out 4489
this section. 4490

Sec. 3307.71. (A) (1) Except as provided in this section, 4491
section 3305.05, or section 3305.051 of the Revised Code, a 4492
member or former member of the state teachers retirement system 4493
participating in the STRS defined benefit plan who has at least 4494
one and one-half years of contributing service credit in this 4495
system, the public employees retirement system, the school 4496
employees retirement system, the Ohio police and fire pension 4497
fund, or the state highway patrol retirement system after the 4498
withdrawal and cancellation of service credit in this system may 4499
restore all or part of such service credit by repayment of the 4500
amount withdrawn. To this amount shall be added interest at a 4501
rate per annum, compounded annually, to be determined by the 4502
state teachers retirement board. Interest shall be payable from 4503
the first of the month of withdrawal through the month of 4504
repayment. 4505

(2) If the accumulated contributions were withdrawn under 4506
section 3307.561 of the Revised Code, service credit may be 4507
restored only if the member or former member accrued one and 4508
one-half years of service credit after the withdrawal and 4509
cancellation of service credit in this system. 4510

(B) A member may choose to purchase only part of such 4511
credit in any one payment. The cost for restoring partial 4512

service shall be calculated as the proportion that it bears to 4513
the total cost at the time of purchase and is subject to the 4514
rules established by the board. If a former member is eligible 4515
to buy the service credit as a member of the Ohio police and 4516
fire pension fund, the state highway patrol retirement system, 4517
or the city of Cincinnati Retirement System, the former member 4518
is ineligible to restore that service credit under this section. 4519

(C) The total payment to restore canceled service credit 4520
shall be credited as follows: 4521

~~(1) The amount that equals contributions made pursuant to 4522
section 3307.26 of the Revised Code, plus any interest on the 4523
contributions paid by the member pursuant to this section, to 4524
the member's account in the teachers' savings fund; 4525~~

~~(2) The amount that equals the amount paid under section 4526
3307.563 of the Revised Code, to the employers trust fund; 4527~~

~~(3) The remainder of the payment to restore canceled 4528
service credit, to the guarantee fund 4529~~

To the member's account in the teachers' savings fund, the 4530
portion of the payment that consists of contributions made under 4531
section 3307.26 of the Revised Code, any interest on the 4532
contributions received by the member under division (A) of 4533
section 3307.563 of the Revised Code, and any interest paid 4534
under division (A) (1) of this section; 4535

(2) To the employers trust fund, the portion of the 4536
payment that consists of any amounts received by the member 4537
under division (A) (3) (b) of section 3307.563 of the Revised Code 4538
and any interest paid under division (A) (1) of this section. 4539

Sec. 3307.763. (A) If the conditions described in division 4540
(B) of section 3307.762 of the Revised Code are met, a member of 4541

the state teachers retirement system who is not receiving a 4542
pension or benefit from the state teachers retirement system is 4543
eligible to obtain credit for service as a member of the 4544
Cincinnati retirement system under this section. 4545

(B) A member of the state teachers retirement system 4546
participating in the STRS defined benefit plan who has 4547
contributions on deposit with, but is no longer contributing to, 4548
the Cincinnati retirement system shall, in computing years of 4549
service credit, be given credit for service credit earned under 4550
the Cincinnati retirement system or purchased or obtained as 4551
military service credit if, ~~for~~ all of the following conditions 4552
are met: 4553

(1) The member's service credit in the state teachers 4554
retirement system is greater than the amount of credit that 4555
would be obtained under this division. 4556

(2) The member is eligible, or with the credit will be 4557
eligible, for a retirement or disability benefit. 4558

(3) The member agrees to retire or accept a disability 4559
benefit not later than ninety days after receiving notice from 4560
the state teachers retirement system that the credit has been 4561
obtained. 4562

(4) For each year of service, the Cincinnati retirement 4563
system transfers to the state teachers retirement system the sum 4564
of the following: 4565

~~(1)~~ (a) The amount contributed by the member, or, in the 4566
case of military service credit, paid by the member, that is 4567
attributable to the year of service; 4568

~~(2)~~ (b) An amount equal to the lesser of the employer's 4569
contributions to the Cincinnati retirement system or the amount 4570

that would have been contributed by the employer for the service 4571
had the member been a member of the state teachers retirement 4572
system at the time the credit was earned; 4573

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 4574
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section from the last day of the 4575
year for which service credit was earned or in which payment was 4576
made for military service credit to the date the transfer is 4577
made. 4578

(C) A member of the state teachers retirement system with 4579
at least one and one-half years of contributing service credit 4580
with the state teachers retirement system who has received a 4581
refund of the member's contributions to the Cincinnati 4582
retirement system ~~shall, in computing years of service, be given~~ 4583
may obtain credit for service credit earned under the Cincinnati 4584
retirement system or purchased or obtained as military service 4585
credit if, ~~for~~ all of the following conditions are met: 4586

(1) The member's service credit in the state teachers 4587
retirement system is greater than the amount of credit that 4588
would be obtained under this division. 4589

(2) The member is eligible, or with the credit will be 4590
eligible, for a retirement or disability benefit. 4591

(3) The member agrees to retire or accept a disability 4592
benefit not later than ninety days after receiving notice from 4593
the state teachers retirement system that the credit has been 4594
obtained. 4595

(4) For each year of service, the state teachers 4596
retirement system receives the sum of the following: 4597

~~(1)~~ (a) An amount, paid by the member, equal to the sum of 4598
the following: 4599

~~(a)~~ (i) The amount refunded by the Cincinnati retirement system to the member for that year for contributions and payments for military service credit, with interest at a rate established by the state teachers retirement board on that amount from the date of the refund to the date of payment;

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

~~(2)~~ (b) An amount, transferred by the Cincinnati retirement system to the state teachers 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 state teachers 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 state teachers retirement

system shall notify the Cincinnati retirement system. On receipt 4629
of the notice, the Cincinnati retirement system shall transfer 4630
the amount described in division (C) ~~(2)~~ (4) (b) of this section. 4631

(F) Interest charged under this section shall be 4632
calculated separately for each year of service credit. Unless 4633
otherwise specified in this section, it shall be calculated at 4634
the lesser of the actuarial assumption rate for that year of the 4635
state teachers retirement system or the Cincinnati retirement 4636
system. The interest shall be compounded annually. 4637

(G) At the request of the state teachers retirement 4638
system, the Cincinnati retirement system shall certify to the 4639
state teachers retirement system a copy of the records of the 4640
service and contributions of a state teachers retirement system 4641
member who seeks service credit under this section. 4642

(H) A member may choose to purchase only part of the 4643
credit the member is eligible to purchase under division (C) of 4644
this section ~~in any one payment~~, subject to rules of the state 4645
teachers retirement board. 4646

(I) A member is ineligible to obtain credit under this 4647
section for service that is used in the calculation of any 4648
retirement benefit currently being paid or payable in the 4649
future. 4650

(J) The state teachers retirement board shall credit to 4651
the member's account in the teachers' savings fund the amounts 4652
described in divisions (B) ~~(1)~~ (4) (a) and (C) ~~(1)~~ (4) (a) (i) of this 4653
section, except that interest paid by the member under division 4654
(C) ~~(1)~~ (4) (a) (i) of this section shall be credited to the 4655
employers' trust fund. The board shall credit to the employers' 4656
trust fund the amounts described in divisions (B) ~~(2)~~ (4) (b), (B) 4657

~~(3) (4) (c), (C) (1) (b) (4) (a) (ii), and (C) (2) (4) (b)~~ of this 4658
section. 4659

(K) The state teachers retirement system shall withdraw 4660
credit obtained under this section and refund all amounts paid 4661
or transferred to obtain the credit if either of the following 4662
occurs: 4663

(1) The member fails to retire or accept a disability 4664
benefit not later than ninety days after receiving notice from 4665
the state teachers retirement system that credit has been 4666
obtained under this section. 4667

(2) The member's application for a disability benefit is 4668
denied. 4669

Sec. 3307.764. (A) If the conditions described in division 4670
(B) of section 3307.762 of the Revised Code are met and a person 4671
who is a member or former member of the state teachers 4672
retirement system through participation in the STRS defined 4673
benefit plan, but is not a current contributor and who is not 4674
receiving a pension or benefit from the state teachers 4675
retirement system elects to receive credit under the Cincinnati 4676
retirement system for service for which the person contributed 4677
to the state teachers retirement system or purchased or obtained 4678
as military service credit, the state teachers retirement system 4679
shall transfer the amounts specified in division (B) or (C) of 4680
this section to the Cincinnati retirement system. 4681

(B) If the person has contributions on deposit with the 4682
state teachers retirement system, ~~the retirement system shall,~~ 4683
~~for~~ the person may obtain credit if all of the following 4684
conditions are met: 4685

(1) The member's service credit in the Cincinnati 4686

retirement system is greater than the amount of credit that 4687
would be obtained under this division. 4688

(2) The member is eligible, or with the credit will be 4689
eligible, for a retirement or disability benefit. 4690

(3) The member agrees to retire or accept a disability 4691
benefit not later than ninety days after receiving notice from 4692
the state teachers retirement system that the credit has been 4693
obtained. 4694

(4) For each year of service credit, ~~transfer the~~ 4695
retirement system transfers to the Cincinnati retirement system 4696
the sum of the following: 4697

~~(1)~~ (a) An amount equal to the person's contributions to 4698
the state teachers retirement system and payments made by the 4699
member for military service credit; 4700

~~(2)~~ (b) An amount equal to the lesser of the employer's 4701
contributions to the state teachers retirement system or the 4702
amount that would have been contributed by the employer for the 4703
service had the person been a member of the Cincinnati 4704
retirement system at the time the credit was earned; 4705

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 4706
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section for the period from the 4707
last day of the year for which the service credit was earned or 4708
in which payment was made for military service credit to the 4709
date the transfer was made. 4710

(C) (1) If the person has received a refund of accumulated 4711
contributions to the state teachers retirement system, the ~~state~~ 4712
~~teachers retirement system shall, for person may obtain credit~~ 4713
if all of the following conditions are met: 4714

(a) The member's service credit in the Cincinnati retirement system is greater than the amount of credit that would be obtained under this division. 4715
4716
4717

(b) The member is eligible, or with the credit will be eligible, for a retirement or disability benefit. 4718
4719

(c) The member agrees to retire or accept a disability benefit not later than ninety days after receiving notice from the state teachers retirement system that the credit has been obtained. 4720
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4723

(d) For each year of service credit, ~~transfer the~~ retirement system transfers to the Cincinnati retirement system the sum of the following: 4724
4725
4726

~~(a)~~ (i) Interest on the amount refunded to the former 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; 4727
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~~(b)~~ (ii) An amount equal to the lesser of the employer's contributions to the state teachers retirement system or the amount that would have been contributed by the employer for the service had the person been a member of the Cincinnati 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. 4732
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(2) The amount transferred under division (C) (1) (d) of this section shall not include any amount added to the member's accumulated contributions under section 3307.563 of the Revised Code and paid under section 3307.56 or 3307.562 of the Revised Code. 4739
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(3) On receipt of notice from the Cincinnati retirement system that the Cincinnati retirement system has received payment from a person described in division (C) (1) (d) of this section, the state teachers retirement system shall transfer the amount described in that division.

(D) 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 state teachers retirement system or the Cincinnati retirement system. The interest shall be compounded annually.

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

(F) At the request of the Cincinnati retirement system, the state teachers retirement system shall certify to the Cincinnati retirement system a copy of the records of the service and contributions of a member or former member of the state teachers retirement system who elects to receive service credit under the Cincinnati retirement system.

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

(B) Any member of the state teachers retirement system participating in the STRS defined benefit plan or the STRS combined plan who is, or has been, prevented from making contributions under section 3307.26 of the Revised Code because of an absence due to the member's own illness or injury, or who is, or has been, granted a leave for educational, professional,

or other purposes pursuant to section 3319.13, 3319.131, or 4773
3345.28 of the Revised Code or for any other reason approved by 4774
the state teachers retirement board, may purchase service 4775
credit, not to exceed two years for each such period of absence 4776
or leave, either by having deductions made in accordance with 4777
division (C) of this section or by making the payment required 4778
by division (D) of this section. 4779

(C) If the absence or leave begins and ends in the same 4780
year, the member may purchase credit for the absence or leave by 4781
having the employer deduct and transmit to the system from 4782
payrolls in that year employee contributions on the amount 4783
certified by the employer as the compensation the member would 4784
have received had the member remained employed in the position 4785
held when the absence or leave commenced. The deductions may be 4786
made even though the minimum compensation provided by law for 4787
the member is reduced thereby, unless the amount to be deducted 4788
exceeds the compensation to be paid the member from the time 4789
deductions begin until the end of the year, in which case credit 4790
may not be purchased under this division. The employer shall pay 4791
the system the employer contributions on the compensation amount 4792
certified under this division. Employee and employer 4793
contributions shall be made at the rates in effect at the time 4794
the absence or leave occurred. If the employee or employer rates 4795
in effect change during the absence or leave, the contributions 4796
for each month of the absence or leave shall be made at the rate 4797
in effect for that month. 4798

(D) If the absence or leave does not begin and end in the 4799
same year or the member does not purchase the credit under 4800
division (C) of this section, a member may purchase credit for 4801
the absence or leave by paying ~~the employer, and the employer~~ 4802
~~transmitting~~ to the system, the sum of the following for each 4803

year of credit purchased: 4804

(1) An amount determined by multiplying the employee rate 4805
of contribution in effect at the time the absence or leave 4806
commenced by the member's annual compensation for the member's 4807
last full year of service prior to the commencement of the 4808
absence or leave, or, if the member has not had a full year of 4809
service, the compensation the member would have received for the 4810
year the absence or leave commenced had the member continued in 4811
service for a full year; 4812

(2) Interest compounded annually, at a rate determined by 4813
the board, on the amount determined under division (D)(1) of 4814
this section from the day following the last day of the year in 4815
which the absence or leave terminated to the date of payment; 4816

(3) Interest compounded annually, at a rate determined by 4817
the board, on an amount equal to the employer's contribution 4818
required by this division from the day following the last day of 4819
the year in which the absence or leave terminated to the date of 4820
payment. 4821

The employer shall pay to the system for each year of 4822
credit purchased under this division an amount determined by 4823
multiplying the employer contribution rate in effect at the time 4824
the absence or leave commenced by the member's annual 4825
compensation for the member's last full year of service prior to 4826
the commencement of the absence or leave, or, if the member has 4827
not had a full year of service, the compensation the member 4828
would have received for the year the absence or leave commenced 4829
had the member continued in service for a full year. 4830

(E) A member who chooses to purchase service credit under 4831
division (D) of this section may choose to purchase only part of 4832

the credit for which the member is eligible in any one payment. 4833

(F) The state teachers retirement board may adopt rules to 4834
implement this section. 4835

Sec. 3307.78. (A) As used in this section, "school board 4836
member" means a member of a city, local, exempted village, or 4837
joint vocational school district board of education and 4838
"governing board member" means a member of an educational 4839
service center governing board. 4840

(B) A member of the state teachers retirement system 4841
participating in the STRS defined benefit plan ~~who does both of~~ 4842
~~the following~~ may purchase credit under section 3307.70 of the 4843
Revised Code for service as a school board or governing board 4844
member, other than service subject to the tax on wages imposed 4845
by the "Federal Insurance Contributions Act," 68A Stat. 415 4846
(1954), 26 U.S.C.A. 3101, as amended, ~~if the member is eligible~~ 4847
~~to retire under this chapter or will become eligible to retire~~ 4848
~~as a result of purchasing the credit:~~ 4849

~~(1) Agrees to retire within ninety days after receiving~~ 4850
~~notice of the additional liability under division (C) of this~~ 4851
~~section;~~ 4852

~~(2) Provides.~~ The member must provide evidence 4853
satisfactory to the state teachers retirement board of service 4854
as a school board or governing board member during the years for 4855
which the member wishes to purchase credit. 4856

Credit may be purchased for service as a school board or 4857
governing board member between September 1, 1920, and the first 4858
day of January of the year in which the credit is purchased. A 4859
member is eligible to purchase one-quarter of a year's credit 4860
for each year of service as a school board or governing board 4861

member. 4862

~~(C) On receipt of a request from a member eligible to 4863
purchase credit described in this section, the system shall 4864
obtain from its actuary certification of the additional 4865
liability to the system for each quarter year of credit the 4866
member is eligible to purchase and shall notify the member of 4867
such additional liability. Within ninety days after receiving 4868
notice of the additional liability, the member may purchase in 4869
quarter year increments any portion of the credit the member is 4870
eligible to purchase. Payment shall be made in full at the time 4871
of purchase. 4872~~

~~(D) If the member does not retire within ninety days after 4873
purchasing credit described in this section, the system shall 4874
withdraw the credit and refund the amount paid by the member. 4875~~

Sec. 3309.01. As used in this chapter: 4876

(A) "Employer" or "public employer" means boards of 4877
education, school districts, joint vocational districts, 4878
governing authorities of community schools established under 4879
Chapter 3314. of the Revised Code, a science, technology, 4880
engineering, and mathematics school established under Chapter 4881
3326. of the Revised Code, educational institutions, technical 4882
colleges, state, municipal, and community colleges, community 4883
college branches, universities, university branches, other 4884
educational institutions, or other agencies within the state by 4885
which an employee is employed and paid, including any 4886
organization using federal funds, provided the federal funds are 4887
disbursed by an employer as determined by the above. In all 4888
cases of doubt, the school employees retirement board shall 4889
determine whether any employer is an employer as defined in this 4890
chapter, and its decision shall be final. 4891

(B) "Employee" means all of the following:	4892
(1) Any person employed by a public employer in a position for which the person is not required to have a certificate or license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;	4893 4894 4895 4896
(2) Any person who performs a service common to the normal daily operation of an educational unit even though the person is employed and paid by one who has contracted with an employer to perform the service, and the contracting board or educational unit shall be the employer for the purposes of administering the provisions of this chapter;	4897 4898 4899 4900 4901 4902
(3) Any person, not a faculty member, employed in any school or college or other institution wholly controlled and managed, and wholly or partly supported by the state or any political subdivision thereof, the board of trustees, or other managing body of which shall accept the requirements and obligations of this chapter.	4903 4904 4905 4906 4907 4908
In all cases of doubt, the school employees retirement board shall determine whether any person is an employee, as defined in this division, and its decision is final.	4909 4910 4911
(C) "Prior service" means all service rendered prior to September 1, 1937:	4912 4913
(1) As an employee as defined in division (B) of this section;	4914 4915
(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system;	4916 4917 4918
(3) As an employee of an institution in another state,	4919

service credit for which was procured by a member under the 4920
provisions of section 3309.31 of the Revised Code. 4921

Prior service, for service as an employee in a capacity 4922
covered by the public employees retirement system or the state 4923
teachers retirement system, shall be granted a member under 4924
qualifications identical to the laws and rules applicable to 4925
service credit in those systems. 4926

Prior service shall not be granted any member for service 4927
rendered in a capacity covered by the public employees 4928
retirement system, the state teachers retirement system, and 4929
this system in the event the service credit has, in the 4930
respective systems, been received, waived by exemption, or 4931
forfeited by withdrawal of contributions, except as provided in 4932
this chapter. 4933

If a member who has been granted prior service should, 4934
subsequent to September 16, 1957, and before retirement, 4935
establish three years of contributing service in the public 4936
employees retirement system, or one year in the state teachers 4937
retirement system, then the prior service granted shall become, 4938
at retirement, the liability of the other system, if the prior 4939
service or employment was in a capacity that is covered by that 4940
system. 4941

The provisions of this division shall not cancel any prior 4942
service granted a member by the school employees retirement 4943
board prior to August 1, 1959. 4944

(D) "Total service," "total service credit," or "Ohio 4945
service credit" means all contributing service of a member of 4946
the school employees retirement system, and all prior service, 4947
computed as provided in this chapter, and all service 4948

established pursuant to sections 3309.31, 3309.311, and 3309.33 4949
of the Revised Code. In addition, "total service" includes any 4950
period, not in excess of three years, during which a member was 4951
out of service and receiving benefits from the state insurance 4952
fund, provided the injury or incapacitation was the direct 4953
result of school employment. 4954

(E) "Member" means any employee, except an SERS retirant 4955
or other system retirant as defined in section 3309.341 of the 4956
Revised Code, who has established membership in the school 4957
employees retirement system. "Member" includes a disability 4958
benefit recipient. 4959

(F) "Contributor" means any person who has an account in 4960
the employees' savings fund. When used in the sections listed in 4961
division (B) of section 3309.82 of the Revised Code, 4962
"contributor" includes any person participating in a plan 4963
established under section 3309.81 of the Revised Code. 4964

(G) "Retirant" means any former member who retired and is 4965
receiving a service retirement allowance or commuted service 4966
retirement allowance as provided in this chapter. 4967

(H) "Beneficiary" or "beneficiaries" means the estate or a 4968
person or persons who, as the result of the death of a 4969
contributor or retirant, qualifies for or is receiving some 4970
right or benefit under this chapter. 4971

(I) "Interest," as specified in division (E) of section 4972
3309.60 of the Revised Code, means interest at the rates for the 4973
respective funds and accounts as the school employees retirement 4974
board may determine from time to time, ~~except as follows:~~ 4975

~~(1) The rate of interest credited on employee 4976
contributions at retirement shall be four per cent per annum, 4977~~

~~compounded annually, to and including June 30, 1955; three per-~~ 4978
~~cent per annum, compounded annually, from July 1, 1955, to and~~ 4979
~~including June 30, 1963; three and one-quarter per cent per~~ 4980
~~annum, compounded annually, from July 1, 1963, through June 30,~~ 4981
~~1966; and thereafter, four per cent per annum compounded~~ 4982
~~annually until a change in the amount is recommended by the~~ 4983
~~system's actuary and approved by the retirement board.~~ 4984
~~Subsequent to June 30, 1959, the retirement board shall~~ 4985
~~discontinue the annual crediting of current interest on a~~ 4986
~~contributor's accumulated contributions. Noncrediting of current~~ 4987
~~interest shall not affect the rate of interest at retirement~~ 4988
~~guaranteed under this division.~~ 4989

~~(2) In determining the reserve value for purposes of~~ 4990
~~computing the amount of the contributor's annuity, the rate of~~ 4991
~~interest used in the annuity values shall be four per cent per~~ 4992
~~annum through September 30, 1956; three per cent per annum~~ 4993
~~compounded annually from October 1, 1956, through June 30, 1963;~~ 4994
~~three and one-quarter per cent per annum compounded annually~~ 4995
~~from July 1, 1963, through June 30, 1966; and, thereafter, four~~ 4996
~~per cent per annum compounded annually until a change in the~~ 4997
~~amount is recommended by the system's actuary and approved by~~ 4998
~~the retirement board. In the purchase of out of state service~~ 4999
~~credit as provided in section 3309.31 of the Revised Code, and~~ 5000
~~in the purchase of an additional annuity, as provided in section~~ 5001
~~3309.47 of the Revised Code, interest shall be computed and~~ 5002
~~credited to reserves therefor at the rate the school employees~~ 5003
~~retirement board shall fix as regular interest thereon.~~ 5004

(J) "Accumulated contributions" means the sum of all 5005
amounts credited to a contributor's account in the employees' 5006
savings fund together with any regular interest credited thereon 5007
at the rates approved by the retirement board prior to 5008

retirement. 5009

(K) "Final average salary" means the sum of the annual 5010
compensation for the three highest years of compensation for 5011
which contributions were made by the member, divided by three. 5012
If the member has a partial year of contributing service in the 5013
year in which the member terminates employment and the partial 5014
year is at a rate of compensation that is higher than the rate 5015
of compensation for any one of the highest three years of annual 5016
earnings, the board shall substitute the compensation earned for 5017
the partial year for the compensation earned for a similar 5018
fractional portion in the lowest of the three high years of 5019
annual compensation before dividing by three. If a member has 5020
less than three years of contributing membership, the final 5021
average salary shall be the total compensation divided by the 5022
total number of years, including any fraction of a year, of 5023
contributing service. 5024

(L) "Annuity" means payments for life derived from 5025
contributions made by a contributor and paid from the annuity 5026
and pension reserve fund as provided in this chapter. All 5027
annuities shall be paid in twelve equal monthly installments. 5028

(M) (1) "Pension" means annual payments for life derived 5029
from appropriations made by an employer and paid from the 5030
employers' trust fund or the annuity and pension reserve fund. 5031
All pensions shall be paid in twelve equal monthly installments. 5032

(2) "Disability retirement" means retirement as provided 5033
in section 3309.40 of the Revised Code. 5034

(N) "Retirement allowance" means the pension plus the 5035
annuity. 5036

(O) (1) "Benefit" means a payment, other than a retirement 5037

allowance or the annuity paid under section 3309.344 of the Revised Code, payable from the accumulated contributions of the member or the employer, or both, under this chapter and includes a disability allowance or disability benefit.

(2) "Disability allowance" means an allowance paid on account of disability under section 3309.401 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 3309.40 of the Revised Code, as a disability allowance under section 3309.401 of the Revised Code, or as a disability benefit under section 3309.35 of the Revised Code.

(P) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant.

(Q) "Pension reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a retirant or a beneficiary.

(R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following.

(S) "Local district pension system" means any school employees' pension fund created in any school district of the state prior to September 1, 1937.

(T) "Employer contribution" means the amount paid by an employer as determined under section 3309.49 of the Revised

Code.	5067
(U) "Fiduciary" means a person who does any of the	5068
following:	5069
(1) Exercises any discretionary authority or control with	5070
respect to the management of the system, or with respect to the	5071
management or disposition of its assets;	5072
(2) Renders investment advice for a fee, direct or	5073
indirect, with respect to money or property of the system;	5074
(3) Has any discretionary authority or responsibility in	5075
the administration of the system.	5076
(V) (1) Except as otherwise provided in this division,	5077
"compensation" means all salary, wages, and other earnings paid	5078
to a contributor by reason of employment. The salary, wages, and	5079
other earnings shall be determined prior to determination of the	5080
amount required to be contributed to the employees' savings fund	5081
under section 3309.47 of the Revised Code and without regard to	5082
whether any of the salary, wages, or other earnings are treated	5083
as deferred income for federal income tax purposes.	5084
(2) Compensation does not include any of the following:	5085
(a) Payments for accrued but unused sick leave or personal	5086
leave, including payments made under a plan established pursuant	5087
to section 124.39 of the Revised Code or any other plan	5088
established by the employer;	5089
(b) Payments made for accrued but unused vacation leave,	5090
including payments made pursuant to section 124.13 of the	5091
Revised Code or a plan established by the employer;	5092
(c) Payments made for vacation pay covering concurrent	5093
periods for which other salary or compensation is also paid or	5094

during which benefits are paid under this chapter; 5095

(d) Amounts paid by the employer to provide life 5096
insurance, sickness, accident, endowment, health, medical, 5097
hospital, dental, or surgical coverage, or other insurance for 5098
the contributor or the contributor's family, or amounts paid by 5099
the employer to the contributor in lieu of providing the 5100
insurance; 5101

(e) Incidental benefits, including lodging, food, laundry, 5102
parking, or services furnished by the employer, use of the 5103
employer's property or equipment, and reimbursement for job- 5104
related expenses authorized by the employer, including moving 5105
and travel expenses and expenses related to professional 5106
development; 5107

(f) Payments made to or on behalf of a contributor that 5108
are in excess of the annual compensation that may be taken into 5109
account by the retirement system under division (a) (17) of 5110
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 5111
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who 5112
first establishes membership before July 1, 1996, the annual 5113
compensation that may be taken into account by the retirement 5114
system shall be determined under division (d) (3) of section 5115
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 5116
L. No. 103-66, 107 Stat. 472; 5117

(g) Payments made under division (B), (C), or (E) of 5118
section 5923.05 of the Revised Code, Section 4 of Substitute 5119
Senate Bill No. 3 of the 119th general assembly, Section 3 of 5120
Amended Substitute Senate Bill No. 164 of the 124th general 5121
assembly, or Amended Substitute House Bill No. 405 of the 124th 5122
general assembly; 5123

(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 compensation if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986.

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability from the payments.

(3) The retirement board shall determine by rule whether any form of earnings not enumerated in this division is to be included in compensation, and its decision shall be final.

(W) "Disability benefit recipient" means a member who is receiving a disability benefit.

(X) "Actuary" means an individual who satisfies all of the following requirements:

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

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

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

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

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

(1) Any person initially employed on or after July 1, 5151
2016, by a community school operator and for whom the operator 5152
withholds and pays employee and employer taxes pursuant to 26 5153
U.S.C. 3101(a) and 3111(a) beginning with the first paycheck 5154
after commencing initial employment; 5155

(2) Except as provided in division (C) of this section, 5156
any person who is a former employee of a community school 5157
operator who is reemployed on or after July 1, 2016, by that 5158
operator and for whom the operator withholds and pays employee 5159
and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) 5160
beginning with the first paycheck after commencing reemployment 5161
with that operator. 5162

(C) Division (B) (2) of this section does not apply to 5163
~~either of the following:~~ 5164

~~(1) Any any person who was employed by the same operator 5165
at any time within the period of July 1, 2015, to June 30, 2016, 5166
and whose date of reemployment is before July 1, 2017;~~ 5167

~~(2) Any person to whom both of the following apply:~~ 5168

~~(a) The person was employed by the same operator at any 5169
time in the twelve-month period preceding the date the operator 5170
for the first time withholds and pays employee and employer 5171
taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on behalf of its 5172
employees and had previously only contributed to the school 5173
employees retirement system;~~ 5174

~~(b) The person's date of reemployment is not more than 5175
twelve months after the date the operator for the first time 5176
withholds and pays employee and employer taxes pursuant to 26 5177
U.S.C. 3101(a) and 3111(a).~~ 5178

(D) This section applies only to a community school 5179

operator that was withholding and paying employee and employer 5180
taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on or before 5181
February 1, 2016, for persons employed in the school. 5182

Sec. 3309.212. (A) As used in this section: 5183

(1) "Compensation" has the same meaning as in section 5184
3309.01 of the Revised Code except that in the case of an 5185
electing employee, "compensation" means the amount that would be 5186
the electing employee's compensation if the electing employee 5187
was a member of the retirement system. 5188

(2) "Compensation ratio" means the ratio for the most 5189
recent full fiscal year for which the information is available 5190
of the total compensation of all electing employees to the sum 5191
of the total compensation of all the retirement system's members 5192
in the system's defined benefit plan and the total compensation 5193
of all electing employees. 5194

(3) "Electing employee" means a participant in an 5195
alternative retirement plan provided pursuant to Chapter 3305. 5196
of the Revised Code who would otherwise be a member of the 5197
retirement system. 5198

(4) "Historical liability" means the portion of the 5199
retirement system's total unfunded actuarial accrued pension 5200
liability attributed to the difference between the following: 5201

(a) The cumulative contributions received under division 5202
(D) of section 3305.06 of the Revised Code on behalf of electing 5203
employees since the establishment of the alternative retirement 5204
plan; 5205

(b) The cumulative contributions toward the unfunded 5206
actuarial accrued liability of the retirement system that would 5207
have been made if the electing employees had been members of the 5208

retirement system in the system's defined benefit plan. 5209

(B) The school employees retirement board shall contract 5210
with an independent actuary to complete an actuarial study to 5211
determine the percentage of an electing employee's compensation 5212
to be contributed by a public institution of higher education 5213
under division (D) of section 3305.06 of the Revised Code. The 5214
initial study must be completed and submitted by the board to 5215
the department of higher education not later than December 31, 5216
2017. A subsequent study must be completed and submitted not 5217
later than the last day of December of every fifth year 5218
thereafter. 5219

(C) For the initial study required under this section, the 5220
actuary shall determine the percentage described in division (B) 5221
of this section as follows: 5222

(1) The actuary shall calculate a percentage necessary to 5223
amortize the historical liability over an indefinite period. 5224

(2) The actuary shall calculate a percentage necessary to 5225
amortize over a thirty-year period the amount resulting from 5226
multiplying the compensation ratio by the difference between the 5227
following: 5228

(a) The unfunded actuarial accrued pension liability of 5229
the defined benefit plan; 5230

(b) The historical liability. 5231

(3) The percentage to be contributed under division (D) of 5232
section 3305.06 of the Revised Code shall be one-fourth of the 5233
sum of the percentages calculated under divisions (C) (1) and (2) 5234
of this section, not to exceed four and one-half per cent. 5235

(4) To make the calculations and determinations required 5236

under divisions (C) (1) and (2) of this section, the actuary 5237
shall use the most recent annual actuarial valuation under 5238
section 3309.21 of the Revised Code that is available at the 5239
time the study is conducted. 5240

(D) For any study conducted after the initial study 5241
required under this section, the actuary shall determine the 5242
percentage described in division (B) of this section as follows: 5243

(1) The actuary shall calculate a percentage necessary to 5244
amortize over a thirty-year period the amount resulting from 5245
multiplying the compensation ratio by the difference between the 5246
following: 5247

(a) The unfunded actuarial accrued pension liability of 5248
the retirement system's defined benefit plan under the annual 5249
actuarial valuation under section 3309.21 of the Revised Code 5250
that is most recent at the time the study is conducted; 5251

(b) The historical liability determined under division (C) 5252
of this section. 5253

(2) The percentage to be contributed under division (D) of 5254
section 3305.06 of the Revised Code shall be one-fourth of the 5255
sum of the percentages calculated under divisions (C) (1) and (D) 5256
(1) of this section but not less than one-fourth of the 5257
percentage determined under division (C) (1) of this section, 5258
except that the percentage shall not exceed four and one-half 5259
per cent. 5260

Sec. 3309.30. For service subsequent to June 30, 1955, the 5261
retirement board shall credit a year of service credit to any 5262
member employed on a full-time basis for nine or more months of 5263
service within a year. For contributing and prior service before 5264
July 1, 1955 only eight or more months of service on a full-time 5265

basis within a year will be necessary for a year of service 5266
credit. Effective July 1, 1977, full-time service is defined as 5267
one hundred twenty or more days of school service during the 5268
school year. If less than one hundred twenty days, such service 5269
shall be prorated on the basis of one hundred eighty days. The 5270
board shall adopt rules as necessary to carry out the intent of 5271
this section. The board shall credit not more than one year for 5272
all service rendered in any year. 5273

~~Where a member is also a member of the state teachers-~~ 5274
~~retirement system, the public employees retirement system, or~~ 5275
~~both, then at retirement, other than retirement on a combined-~~ 5276
~~bases as provided in section 3309.35 of the Revised Code or as~~ 5277
~~provided in section 3309.343 of the Revised Code, adjustment~~ 5278
~~shall be made so that service credit for any period shall be~~ 5279
~~credited on the basis of the ratio that contributions to the~~ 5280
~~school employees retirement system bears to the total-~~ 5281
~~contributions in all the retirement systems during that period.~~ 5282

Sec. 3309.392. (A) A recipient of a disability benefit 5283
granted under this chapter on or after ~~the effective date of~~ 5284
~~this section~~ January 7, 2013, but before the effective date of 5285
this amendment, who is enrolled in health care coverage under 5286
section 3309.69 of the Revised Code shall apply for social 5287
security disability insurance benefit payments under 42 U.S.C. 5288
423 if the recipient meets the requirements of divisions (a)(1) 5289
(A), (B), and (C) of that section. ~~The application shall be made~~ 5290
~~not later than ninety days after the recipient is granted a~~ 5291
~~disability benefit under this chapter unless~~ 5292

(B) A recipient of a disability benefit granted under this 5293
chapter on or after the effective date of this amendment who is 5294
enrolled in health care coverage under section 3309.69 of the 5295

<u>Revised Code shall apply for both of the following:</u>	5296
<u>(1) Social security disability insurance benefit payments</u>	5297
<u>under 42 U.S.C. 423 if the recipient meets the requirements of</u>	5298
<u>divisions (a) (1) (A), (B), and (C) of that section;</u>	5299
<u>(2) Hospital insurance benefits under 42 U.S.C. 426(b), if</u>	5300
<u>both of the following are the case:</u>	5301
<u>(a) The recipient had medicare qualified government</u>	5302
<u>employment, as defined in 42 U.S.C. 410(p).</u>	5303
<u>(b) The recipient would have met the requirements of</u>	5304
<u>divisions (a) (1) (A), (B), and (C) of 42 U.S.C. 423 if the</u>	5305
<u>medicare qualified government employment was treated as</u>	5306
<u>employment under 42 U.S.C. 410(a).</u>	5307
<u>(C) Unless the school employees retirement board-system</u>	5308
<u>determines from the member's medical records that the member is</u>	5309
<u>physically or mentally unable to make the application <u>good cause</u></u>	5310
<u>exists to exempt the recipient from the requirements of this</u>	5311
<u>section, a recipient who is subject to division (A) or (B) of</u>	5312
<u>this section shall file the applications required by those</u>	5313
<u>divisions as follows:</u>	5314
<u>(1) For a recipient who on the effective date of this</u>	5315
<u>amendment is enrolled in health care coverage under section</u>	5316
<u>3309.69 of the Revised Code, not later than one hundred eighty</u>	5317
<u>days after the effective date of this amendment;</u>	5318
<u>(2) For a recipient who enrolls in health care coverage</u>	5319
<u>under section 3309.69 of the Revised Code on or after the</u>	5320
<u>effective date of this amendment, not later than ninety days</u>	5321
<u>after enrolling. The</u>	5322
<u>(D) The recipient shall file a copy of the each completed</u>	5323

application and a copy of the social security administration's 5324
acknowledgement of receipt of the application with the ~~school-~~ 5325
~~employees~~ retirement system. The system shall accept the copy 5326
and acknowledgement as evidence of the ~~member's~~ recipient's 5327
application. 5328

The recipient shall file with the system a copy of the 5329
social security administration's final action on the recipient's 5330
application for social security disability insurance benefit 5331
payments or hospital insurance benefits, as applicable. 5332

If a (E) (1) Unless an exemption is granted under division 5333
(C) of this section: 5334

(a) A recipient subject to division (A) or (B) of this 5335
section who fails without just cause to apply for social 5336
security disability insurance benefit payments or to file a copy 5337
of the application and acknowledgement of receipt with the 5338
system, comply with division (D) of this section shall have the 5339
recipient's disability benefit under this chapter shall be 5340
suspended until application is made the recipient applies for 5341
the payments and a copy of the application and acknowledgement 5342
is filed with the system complies with division (D) of this 5343
section. 5344

~~The member shall file with the system a copy of the social-~~ 5345
~~security administration's final action on the member's~~ 5346
~~application for social security disability insurance benefit~~ 5347
~~payments.~~ (b) A recipient subject to division (B) of this section 5348
who fails without just cause to apply for hospital insurance 5349
benefits or to comply with division (D) of this section shall 5350
have the recipient's disability benefit suspended until the 5351
recipient applies for the benefits and complies with division 5352
(D) of this section. 5353

(2) A recipient subject to division (B) of this section 5354
whose application for hospital insurance benefits is approved by 5355
the social security administration shall enroll in coverage for 5356
those benefits. A recipient who fails to enroll in coverage for 5357
hospital insurance benefits is not eligible for health care 5358
coverage under section 3309.69 of the Revised Code until the 5359
recipient enrolls in the coverage for hospital insurance 5360
benefits. 5361

(F) The school employees retirement board may adopt rules 5362
as it considers necessary to implement this section. 5363

Sec. 3309.42. (A) (1) Subject to section 3309.67 of the 5364
Revised Code and except as provided in division (B) of this 5365
section, a member who elects to become exempt from contribution 5366
to the school employees retirement system pursuant to section 5367
3309.23 of the Revised Code, or ceases to be an employee for any 5368
cause other than death, retirement, receipt of a disability 5369
benefit, or current employment in a position in which the member 5370
has elected to participate in an alternative retirement plan 5371
pursuant to section 3305.05 or 3305.051 of the Revised Code, 5372
shall be paid the accumulated contributions standing to the 5373
credit of the member's individual account in the employees' 5374
savings fund upon application and subject to such rules as are 5375
established by the school employees retirement board and 5376
provided three months have elapsed since employment, other than 5377
employment exempt from contribution under division (C) of 5378
section 3309.23 of the Revised Code, ceased. 5379

(2) A member described in division (A) (1) of this section 5380
who is married at the time of application for payment and ~~would~~ 5381
~~be~~ is eligible for age and service retirement under section 5382
3309.34, 3309.36, or ~~3309.40~~ 3309.381 of the Revised Code or 5383

would be eligible for age and service retirement under any of 5384
those sections but for a forfeiture ordered under division (A) 5385
or (B) of section 2929.192 of the Revised Code shall submit with 5386
the application a written statement by the member's spouse 5387
attesting that the spouse consents to the payment of the 5388
member's accumulated contributions. Consent shall be valid only 5389
if it is signed and witnessed by an employee of the school 5390
employees retirement system or a notary public. The board may 5391
waive the requirement of consent if the spouse is incapacitated 5392
or cannot be located, or for any other reason specified by the 5393
board. Consent or waiver is effective only with regard to the 5394
spouse who is the subject of the consent or waiver. 5395

(B) This division applies to any member who is employed in 5396
a position in which the member has elected under section 3305.05 5397
or 3305.051 of the Revised Code to participate in an alternative 5398
retirement plan and due to the election ceases to be an employee 5399
for purposes of that position. 5400

Subject to section 3309.67 of the Revised Code, the school 5401
employees retirement system shall do the following: 5402

(1) On receipt of an election under section 3305.05 or 5403
3305.051 of the Revised Code, pay, in accordance with section 5404
3305.052 of the Revised Code, the amount described in that 5405
section to the appropriate provider; 5406

(2) If a member has accumulated contributions, in addition 5407
to those subject to division (B)(1) of this section, standing to 5408
the credit of the member's individual account and is not 5409
otherwise in a position in which the member is considered an 5410
employee for the purposes of that position, pay, to the provider 5411
the member selected pursuant to section 3305.05 or 3305.051 of 5412
the Revised Code, the accumulated contributions standing to the 5413

credit of the member's individual account in the employees' 5414
saving fund. The payment shall be made on the member's 5415
application. 5416

(C) Payment of a member's accumulated contributions under 5417
this section cancels the member's total service credit in the 5418
school employees retirement system. A member whose accumulated 5419
contributions are paid to a provider pursuant to division (B) of 5420
this section is forever barred from claiming or purchasing 5421
service credit under the school employees retirement system for 5422
the period of employment attributable to those contributions. 5423

Sec. 3309.474. (A) As used in this section, "state 5424
retirement system" means the public employees retirement system, 5425
Ohio police and fire pension fund, state teachers retirement 5426
system, school employees retirement system, or state highway 5427
patrol retirement system. 5428

(B) A state retirement system member who while a member of 5429
the school employees retirement system was out of service due to 5430
a leave of absence approved by the member's employer may 5431
purchase from the school employees retirement system service 5432
credit for any period during the leave for which contributions 5433
were not made under section 3309.47 of the Revised Code. 5434

For purposes of this section, a period of leave commences 5435
on the first day for which employee and employer contributions 5436
were not made to the system and ends on the earlier of the 5437
termination of the leave or the member's return to contributing 5438
service. 5439

(C) (1) For each year of service purchased, the member 5440
shall pay to the school employees retirement system for credit 5441
to the member's accumulated account with that system an amount 5442

equal to the sum of the following: 5443

(a) An amount determined by multiplying the compensation 5444
the member would have received during the leave by the employee 5445
contribution rate in effect at that time; 5446

(b) An amount determined by multiplying the compensation 5447
the member would have received during the leave by the employer 5448
contribution rate in effect at that time; 5449

(c) Compound interest at a rate determined by the school 5450
employees retirement board from the first day of the year 5451
following the date the leave commenced to the date of payment. 5452

(2) If the employee or employer contribution rate changed 5453
during the leave, contributions for each month of the leave 5454
shall be made at the rate in effect for that month. 5455

(D) Service credit purchased under this section for any 5456
period of leave shall not exceed two years. Credit may be 5457
purchased for more than one period of leave, but the total 5458
number of years purchased shall not exceed the lesser of five 5459
years or the member's total accumulated number of years of 5460
service as a contributor to the school employees retirement 5461
system. The member may choose to purchase only part of such 5462
credit in any one payment, subject to board rules. 5463

(E) Service credit purchased under this section shall be 5464
considered the equivalent of Ohio service credit. 5465

(F) The board may adopt rules under section 3309.04 of the 5466
Revised Code to implement this section. 5467

Sec. 3309.75. (A) If the conditions described in division 5468
(B) of section 3309.74 of the Revised Code are met, a member of 5469
the school employees retirement system who is not receiving a 5470

pension or benefit from the school employees retirement system 5471
is eligible to obtain credit for service as a member of the 5472
Cincinnati retirement system under this section. 5473

(B) A member of the school employees retirement system who 5474
has contributions on deposit with, but is no longer contributing 5475
to, the Cincinnati retirement system shall, in computing years 5476
of service credit, be given credit for service credit earned 5477
under the Cincinnati retirement system or purchased or obtained 5478
as military service credit if, for all of the following 5479
conditions are met: 5480

(1) The member's service credit in the school employees 5481
retirement system is greater than the amount of credit that 5482
would be transferred under this division. 5483

(2) The member is eligible, or with the credit will be 5484
eligible, for a retirement or disability benefit. 5485

(3) The member agrees to retire or accept a disability 5486
benefit not later than ninety days after receiving notice from 5487
the school employees retirement system that the credit has been 5488
obtained. 5489

(4) For each year of service, the Cincinnati retirement 5490
system transfers to the school employees retirement system the 5491
sum of the following: 5492

~~(1)~~ (a) The amount contributed by the member, or, in the 5493
case of military service credit, paid by the member, that is 5494
attributable to the year of service; 5495

~~(2)~~ (b) An amount equal to the lesser of the employer's 5496
contributions to the Cincinnati retirement system or the amount 5497
that would have been contributed by the employer for the service 5498
had the member been a member of the school employees retirement 5499

system at the time the credit was earned; 5500

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 5501
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section from the last day of the 5502
year for which the service credit was earned or in which payment 5503
was made for military service credit to the date the transfer is 5504
made. 5505

(C) A member of the school employees retirement system 5506
with at least eighteen months of contributing service credit 5507
with the school employees retirement system who has received a 5508
refund of the member's contributions to the Cincinnati 5509
retirement system ~~shall, in computing years of service, be given~~ 5510
may obtain credit for service credit earned under the Cincinnati 5511
retirement system or purchased or obtained as military service 5512
credit if, ~~for~~ all of the following conditions are met: 5513

(1) The member's service credit in the school employees 5514
retirement system is greater than the amount of credit that 5515
would be transferred under this division. 5516

(2) The member is eligible, or with the credit will be 5517
eligible, for a retirement or disability benefit. 5518

(3) The member agrees to retire or accept a disability 5519
benefit not later than ninety days after receiving notice from 5520
the school employees retirement system that the credit has been 5521
obtained. 5522

(4) For each year of service, the school employees 5523
retirement system receives the sum of the following: 5524

~~(1)~~ (a) An amount, paid by the member, equal to the sum of 5525
the following: 5526

~~(a)~~ (i) The amount refunded by the Cincinnati retirement 5527

system to the member for that year for contributions and 5528
payments for military service credit, with interest at a rate 5529
established by the school employees retirement board on that 5530
amount from the date of the refund to the date of payment; 5531

~~(b)~~ (ii) The amount of interest, if any, the member 5532
received when the refund was made that is attributable to the 5533
year of service. 5534

~~(2)~~ (b) An amount, transferred by the Cincinnati 5535
retirement system to the school employees retirement system, 5536
equal to the sum of the following: 5537

~~(a)~~ (i) Interest on the amount refunded to the member that 5538
is attributable to the year of service from the last day of the 5539
year for which the service credit was earned or in which payment 5540
was made for military service credit to the date the refund was 5541
made; 5542

~~(b)~~ (ii) An amount equal to the lesser of the employer's 5543
contributions to the Cincinnati retirement system or the amount 5544
that would have been contributed by the employer for the service 5545
had the member been a member of the school employees retirement 5546
system at the time the credit was earned, with interest on that 5547
amount from the last day of the year for which the service 5548
credit was earned to the date of the transfer. 5549

(D) The amount transferred under division (C) ~~(2)~~ ~~(a)~~ (4) (b) 5550
(i) of this section shall not include any amount of interest the 5551
Cincinnati retirement system paid to the person when it made the 5552
refund. 5553

(E) On receipt of payment from the member under division 5554
(C) ~~(1)~~ (4) (a) of this section, the school employees retirement 5555
system shall notify the Cincinnati retirement system. On receipt 5556

of the notice, the Cincinnati retirement system shall transfer 5557
the amount described in division (C) ~~(2)~~ (4) (b) of this section. 5558

(F) Interest charged under this section shall be 5559
calculated separately for each year of service credit. Unless 5560
otherwise specified in this section, it shall be calculated at 5561
the lesser of the actuarial assumption rate for that year of the 5562
school employees retirement system or the Cincinnati retirement 5563
system. The interest shall be compounded annually. 5564

(G) At the request of the school employees retirement 5565
system, the Cincinnati retirement system shall certify to the 5566
school employees retirement system a copy of the records of the 5567
service and contributions of a school employees retirement 5568
system member who seeks service credit under this section. 5569

(H) A member may choose to purchase only part of the 5570
credit the member is eligible to purchase under division (C) of 5571
this section ~~in any one payment~~, subject to rules of the school 5572
employees retirement board. 5573

(I) A member is ineligible to obtain credit under this 5574
section for service that is used in the calculation of any 5575
retirement benefit currently being paid or payable in the 5576
future. 5577

(J) Service credit purchased or otherwise obtained under 5578
this section shall be considered the equivalent of Ohio service 5579
credit. 5580

(K) The school employees retirement system shall withdraw 5581
credit obtained under this section and refund all amounts paid 5582
or transferred to obtain the credit if either of the following 5583
occurs: 5584

(1) The member fails to retire or accept a disability 5585

benefit not later than ninety days after receiving notice from 5586
the school employees retirement system that credit has been 5587
obtained under this section. 5588

(2) The member's application for a disability benefit is 5589
denied. 5590

Sec. 3309.76. (A) If the conditions described in division 5591
(B) of section 3309.74 of the Revised Code are met and a person 5592
who is a member or former member of the school employees 5593
retirement system but not a current contributor and who is not 5594
receiving a pension or benefit from the school employees 5595
retirement system elects to receive credit under the Cincinnati 5596
retirement system for service for which the person contributed 5597
to the school employees retirement system or purchased or 5598
obtained as military service credit, the school employees 5599
retirement system shall transfer the amounts specified in 5600
~~division (B)~~ divisions (A) (4) (a) or (C) (A) (4) (b) of this 5601
section to the Cincinnati retirement system. A person may obtain 5602
credit if all of the following conditions are met: 5603

(1) The member's service credit in the Cincinnati 5604
retirement system is greater than the amount of credit that 5605
would be transferred under this division. 5606

(2) The member is eligible, or with the credit will be 5607
eligible, for a retirement or disability benefit. 5608

(3) The member agrees to retire or accept a disability 5609
benefit not later than ninety days after receiving notice from 5610
the school employees retirement system that the credit has been 5611
obtained. 5612

~~(B)~~ (4) (a) If the person has contributions on deposit with 5613
the school employees retirement system, the retirement system 5614

~~shall~~, for each year of service credit, ~~transfer~~ transfers to 5615
the Cincinnati retirement system the sum of the following: 5616

~~(1)~~ (i) An amount equal to the person's contributions to 5617
the school employees retirement system and payments made by the 5618
member for military service credit; 5619

~~(2)~~ (ii) An amount equal to the lesser of the employer's 5620
contributions to the school employees retirement system or the 5621
amount that would have been contributed by the employer for the 5622
service had the person been a member of the Cincinnati 5623
retirement system at the time the credit was earned; 5624

~~(3)~~ (iii) Interest on the amounts specified in divisions 5625
~~(B)~~ ~~(1)~~ (A) (4) (a) (i) and ~~(2)~~ (ii) of this section for the period 5626
from the last day of the year for which the service credit was 5627
earned or in which payment was made for military service credit 5628
to the date the transfer was made. 5629

~~(C)~~ (b) If the person has received a refund of accumulated 5630
contributions to the school employees retirement system, the 5631
retirement system ~~shall~~, for each year of service credit, 5632
~~transfer~~ transfers to the Cincinnati retirement system the sum 5633
of the following: 5634

~~(1)~~ (i) Interest on the amount refunded to the former 5635
member that is attributable to the year of service from the last 5636
day of the year for which the service credit was earned or in 5637
which payment was made for military service credit to the date 5638
the refund was made; 5639

~~(2)~~ (ii) An amount equal to the lesser of the employer's 5640
contributions to the school employees retirement system or the 5641
amount that would have been contributed by the employer for the 5642
service had the person been a member of the Cincinnati 5643

retirement system at the time the credit was earned, with 5644
interest on that amount from the last day of the year for which 5645
the service credit was earned to the date of the transfer. 5646

~~(D)~~ (B) On receipt of notice from the Cincinnati 5647
retirement system that the Cincinnati retirement system has 5648
received payment from a person described in division ~~(C)~~ (A) (4) 5649
(b) of this section, the school employees retirement system 5650
shall transfer the amount described in that division. 5651

~~(E)~~ (C) Interest charged under this section shall be 5652
calculated separately for each year of service credit. Unless 5653
otherwise specified in this section, it shall be calculated at 5654
the lesser of the actuarial assumption rate for that year of the 5655
school employees retirement system or the Cincinnati retirement 5656
system. The interest shall be compounded annually. 5657

~~(F)~~ (D) The transfer of any amount under this section 5658
shall cancel an equivalent amount of service credit. 5659

~~(G)~~ (E) At the request of the Cincinnati retirement 5660
system, the school employees retirement system shall certify to 5661
the Cincinnati retirement system a copy of the records of the 5662
service and contributions of a member or former member of the 5663
school employees retirement system who elects to receive service 5664
credit under the Cincinnati retirement system. 5665

Sec. 5505.01. As used in this chapter: 5666

(A) "Employee" means any qualified employee in the uniform 5667
division of the state highway patrol, any qualified employee in 5668
the radio division hired prior to November 2, 1989, and any 5669
state highway patrol cadet attending training school pursuant to 5670
section 5503.05 of the Revised Code whose attendance at the 5671
school begins on or after June 30, 1991. "Employee" includes the 5672

superintendent of the state highway patrol. In all cases of 5673
doubt, the state highway patrol retirement board shall determine 5674
whether any person is an employee as defined in this division, 5675
and the decision of the board is final. 5676

(B) "Prior service" means all service rendered as an 5677
employee of the state highway patrol prior to September 5, 1941, 5678
to the extent credited by the board, provided that in no case 5679
shall prior service include service rendered prior to November 5680
15, 1933. 5681

(C) "Total service" means all service rendered by an 5682
employee to the extent credited by the board. Total service 5683
includes all of the following: 5684

(1) Contributing service rendered by the employee since 5685
last becoming a member of the state highway patrol retirement 5686
system; 5687

(2) All prior service credit; 5688

(3) Restored service credit as provided in this chapter; 5689

(4) Military service credit purchased under division (D) 5690
of section 5505.16 or section 5505.25 of the Revised Code; 5691

(5) Credit granted under division (C) of section 5505.17 5692
or section 5505.201, 5505.40, or 5505.402 of the Revised Code; 5693

(6) Credit for any period, not to exceed three years, 5694
during which the member was out of service and receiving 5695
benefits under Chapters 4121. and 4123. of the Revised Code. 5696

(D) ~~"Beneficiary" means any person, except a retirant, who~~ 5697
~~is in receipt of a pension or other benefit payable from funds~~ 5698
~~of the retirement system.~~ 5699

~~(E)~~ "Regular interest" means interest compounded at rates designated from time to time by the retirement board. 5700
5701

~~(F)~~ (E) "Plan" means the provisions of this chapter. 5702

~~(G)~~ (F) "Retirement system" or "system" means the state highway patrol retirement system created and established in the plan. 5703
5704
5705

~~(H)~~ (G) "Contributing service" means all service rendered by a member since September 4, 1941, for which deductions were made from the member's salary under the plan. 5706
5707
5708

~~(I)~~ (H) "Retirement board" or "board" means the state highway patrol retirement board provided for in the plan. 5709
5710

~~(J)~~ (I) Except as provided in section 5505.18 of the Revised Code, "member" means any employee included in the membership of the retirement system, whether or not rendering contributing service. 5711
5712
5713
5714

~~(K)~~ (J) "Retirant" means any member who ~~retires with a pension payable from the retirement system~~ has retired under section 5505.16 or 5505.18 of the Revised Code. 5715
5716
5717

~~(L)~~ (K) "Accumulated contributions" means the sum of the following credited to a member's individual account in the employees' savings fund: 5718
5719
5720

(1) All amounts deducted from the salary of the member; 5721

(2) All amounts paid by the member to purchase state highway patrol retirement system service credit pursuant to this chapter or other state law. 5722
5723
5724

~~(M)~~ (L) (1) Except as provided in division ~~(M)~~ (L) (2) of this section, "final average salary" means the average of the highest 5725
5726

salary paid a member during any five consecutive or 5727
nonconsecutive years. 5728

If a member has less than five years of contributing 5729
service, the member's final average salary shall be the average 5730
of the annual rates of salary paid to the member during the 5731
member's total years of contributing service. 5732

(2) If a member is credited with service under division 5733
(C) (6) of this section or division (D) of section 5505.16 of the 5734
Revised Code, the member's final average salary shall be the 5735
average of the highest salary that was paid to the member or 5736
would have been paid to the member, had the member been 5737
rendering contributing service, during any five consecutive or 5738
nonconsecutive years. If that member has less than five years of 5739
total service, the member's final average salary shall be the 5740
average of the annual rates of salary that were paid to the 5741
member or would have been paid to the member during the member's 5742
years of total service. 5743

~~(N)~~(M) "Pension" means an annual amount payable by the 5744
retirement system throughout the life of a person or as 5745
otherwise provided in the plan. 5746

~~(O)~~(N) "Pension reserve" means the present value of any 5747
pension, or benefit in lieu of any pension, computed upon the 5748
basis of mortality and other tables of experience and interest 5749
the board shall from time to time adopt. 5750

~~(P)~~(O) "Deferred pension" means a pension for which an 5751
eligible member of the system has made application and which is 5752
payable as provided in division (A) or (B) of section 5505.16 of 5753
the Revised Code. 5754

~~(Q)~~(P) "Retirement" means ~~termination as an employee of~~ 5755

~~the state highway patrol, with application having been made to~~ 5756
~~the system for a pension or a deferred pension retirement as~~ 5757
provided in sections 5505.16 and 5505.18 of the Revised Code. 5758

~~(R)~~ (Q) "Fiduciary" means any of the following: 5759

(1) A person who exercises any discretionary authority or 5760
control with respect to the management of the system, or with 5761
respect to the management or disposition of its assets; 5762

(2) A person who renders investment advice for a fee, 5763
direct or indirect, with respect to money or property of the 5764
system; 5765

(3) A person who has any discretionary authority or 5766
responsibility in the administration of the system. 5767

~~(S)~~ (R) (1) Except as otherwise provided in this division, 5768
"salary" means all compensation, wages, and other earnings paid 5769
to a member by reason of employment but without regard to 5770
whether any of the compensation, wages, or other earnings are 5771
treated as deferred income for federal income tax purposes. 5772
Salary includes all of the following: 5773

(a) Payments for shift differential, hazard duty, 5774
professional achievement, and longevity; 5775

(b) Payments for occupational injury leave, personal 5776
leave, sick leave, bereavement leave, administrative leave, and 5777
vacation leave used by the member; 5778

(c) Payments made under a disability leave program 5779
sponsored by the state for which the state is required by 5780
section 5505.151 of the Revised Code to make periodic employer 5781
and employee contributions to the retirement system. 5782

(2) "Salary" does not include any of the following: 5783

(a) Payments resulting from the conversion of accrued but unused sick leave, personal leave, compensatory time, and vacation leave;	5784 5785 5786
(b) Payments made by the state to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the member or the member's family, or amounts paid by the state to the member in lieu of providing that insurance;	5787 5788 5789 5790 5791
(c) Payments for overtime work;	5792
(d) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the state, use of property or equipment of the state, and reimbursement for job-related expenses authorized by the state including moving and travel expenses and expenses related to professional development;	5793 5794 5795 5796 5797
(e) Payments made to or on behalf of a member 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;	5798 5799 5800 5801 5802
(f) 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 general assembly.	5803 5804 5805 5806 5807 5808
(3) The retirement board shall determine by rule whether any compensation, wages, or earnings not enumerated in this division are salary, and its decision shall be final.	5809 5810 5811
(T) <u>(S)</u> "Actuary" means an individual who satisfies all of	5812

the following requirements: 5813

- (1) Is a member of the American academy of actuaries; 5814
- (2) Is an associate or fellow of the society of actuaries; 5815
- (3) Has a minimum of five years' experience in providing 5816
actuarial services to public retirement plans. 5817

Sec. 5505.04. (A) (1) The general administration and 5818
management of the state highway patrol retirement system and the 5819
making effective of this chapter are hereby vested in the state 5820
highway patrol retirement board. The board may sue and be sued, 5821
plead and be impleaded, contract and be contracted with, and do 5822
all things necessary to carry out this chapter. 5823

The board shall consist of the following members: 5824

- (a) The superintendent of the state highway patrol; 5825
- (b) Two retirant members who reside in this state; 5826
- (c) Five employee-members; 5827
- (d) One member, known as the treasurer of state's 5828
investment designee, who shall be appointed by the treasurer of 5829
state for a term of four years and who shall have the following 5830
qualifications: 5831

- (i) The member is a resident of this state. 5832
- (ii) Within the three years immediately preceding the 5833
appointment, the member has not been employed by the public 5834
employees retirement system, police and fire pension fund, state 5835
teachers retirement system, school employees retirement system, 5836
or state highway patrol retirement system or by any person, 5837
partnership, or corporation that has provided to one of those 5838
retirement systems services of a financial or investment nature, 5839

including the management, analysis, supervision, or investment 5840
of assets. 5841

(iii) The member has direct experience in the management, 5842
analysis, supervision, or investment of assets. 5843

(iv) The member is not currently employed by the state or 5844
a political subdivision of the state. 5845

(e) Two investment expert members, who shall be appointed 5846
to four-year terms. One investment expert member shall be 5847
appointed by the governor, and one investment expert member 5848
shall be jointly appointed by the speaker of the house of 5849
representatives and the president of the senate. Each investment 5850
expert member shall have the following qualifications: 5851

(i) Each investment expert member shall be a resident of 5852
this state. 5853

(ii) Within the three years immediately preceding the 5854
appointment, each investment expert member shall not have been 5855
employed by the public employees retirement system, police and 5856
fire pension fund, state teachers retirement system, school 5857
employees retirement system, or state highway patrol retirement 5858
system or by any person, partnership, or corporation that has 5859
provided to one of those retirement systems services of a 5860
financial or investment nature, including the management, 5861
analysis, supervision, or investment of assets. 5862

(iii) Each investment expert member shall have direct 5863
experience in the management, analysis, supervision, or 5864
investment of assets. 5865

(2) The board shall annually elect a chairperson and vice- 5866
chairperson from among its members. The vice-chairperson shall 5867
act as chairperson in the absence of the chairperson. A majority 5868

of the members of the board shall constitute a quorum ~~and any~~ 5869
~~action taken shall be approved by a majority of the members of~~ 5870
~~the board.~~ The board shall meet not less than once each year, 5871
upon sufficient notice to the members. All meetings of the board 5872
shall be open to the public except executive sessions as set 5873
forth in division (G) of section 121.22 of the Revised Code, and 5874
any portions of any sessions discussing medical records or the 5875
degree of disability of a member excluded from public inspection 5876
by this section. 5877

(3) Any member appointed under this section shall hold 5878
office until the end of the member's term or, if later, the date 5879
the member's successor takes office. 5880

(B) The attorney general shall prescribe procedures for 5881
the adoption of rules authorized under this chapter, consistent 5882
with the provision of section 111.15 of the Revised Code under 5883
which all rules shall be filed in order to be effective. Such 5884
procedures shall establish methods by which notice of proposed 5885
rules are given to interested parties and rules adopted by the 5886
board published and otherwise made available. When it files a 5887
rule with the joint committee on agency rule review pursuant to 5888
section 111.15 of the Revised Code, the board shall submit to 5889
the Ohio retirement study council a copy of the full text of the 5890
rule, and if applicable, a copy of the rule summary and fiscal 5891
analysis required by division (B) of section 127.18 of the 5892
Revised Code. 5893

(C) (1) As used in this division, "personal history record" 5894
means information maintained by the board on an individual who 5895
is a member, former member, retirant, or beneficiary that 5896
includes the address, electronic mail address, telephone number, 5897
social security number, record of contributions, correspondence 5898

with the system, and other information the board determines to be confidential. 5899
5900

(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except for the following which shall be excluded: the member's, former member's, retirant's, or beneficiary's personal history record and the amount of a monthly allowance or benefit paid to a retirant, beneficiary, or survivor, except with the written authorization of the individual concerned. 5901
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(D) All medical reports and recommendations are privileged except as follows: 5908
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(1) Copies of such medical reports or recommendations shall be made available to the individual's personal physician, attorney, or authorized agent upon written release received from such individual or such individual's agent, or when necessary for the proper administration of the fund to the board-assigned physician. 5910
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(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 5916
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(E) Notwithstanding the exceptions to public inspection in division (C)(2) of this section, the board may furnish the following information: 5919
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5921

(1) If a member, former member, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the 5922
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5924
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Revised Code, the board shall furnish to the prosecutor the 5928
information requested from the individual's personal history 5929
record. 5930

(2) Pursuant to a court order issued under Chapters 3119., 5931
3121., and 3123. of the Revised Code, the board shall furnish to 5932
a court or child support enforcement agency the information 5933
required under those chapters. 5934

(3) At the written request of any nonprofit organization 5935
or association providing services to retirement system members, 5936
retirants, or beneficiaries, the board shall provide to the 5937
organization or association a list of the names and addresses of 5938
members, former members, retirants, or beneficiaries if the 5939
organization or association agrees to use such information 5940
solely in accordance with its stated purpose of providing 5941
services to such individuals and not for the benefit of other 5942
persons, organizations, or associations. The costs of compiling, 5943
copying, and mailing the list shall be paid by such entity. 5944

(4) Within fourteen days after receiving from the director 5945
of job and family services a list of the names and social 5946
security numbers of recipients of public assistance pursuant to 5947
section 5101.181 of the Revised Code, the board shall inform the 5948
auditor of state of the name, current or most recent employer 5949
address, and social security number of each member whose name 5950
and social security number are the same as those of a person 5951
whose name or social security number was submitted by the 5952
director. The board and its employees, except for purposes of 5953
furnishing the auditor of state with information required by 5954
this section, shall preserve the confidentiality of recipients 5955
of public assistance in compliance with section 5101.181 of the 5956
Revised Code. 5957

(5) The system shall comply with orders issued under 5958
section 3105.87 of the Revised Code. 5959

On the written request of an alternate payee, as defined 5960
in section 3105.80 of the Revised Code, the system shall furnish 5961
to the alternate payee information on the amount and status of 5962
any amounts payable to the alternate payee under an order issued 5963
under section 3105.171 or 3105.65 of the Revised Code. 5964

(6) At the request of any person, the board shall make 5965
available to the person copies of all documents, including 5966
resumes, in the board's possession regarding filling a vacancy 5967
of an employee member or retirant member of the board. The 5968
person who made the request shall pay the cost of compiling, 5969
copying, and mailing the documents. The information described in 5970
this division is a public record. 5971

(7) The system shall provide the notice required by 5972
section 5505.263 of the Revised Code to the prosecutor assigned 5973
to the case. 5974

(8) The system may provide information requested by the 5975
United States social security administration, United States 5976
centers for medicare and medicaid, public employees retirement 5977
system, Ohio public employees deferred compensation program, 5978
Ohio police and fire pension fund, school employees retirement 5979
system, state teachers retirement system, or Cincinnati 5980
retirement system. 5981

(F) A statement that contains information obtained from 5982
the system's records that is certified and signed by an officer 5983
of the retirement system and to which the system's official seal 5984
is affixed, or copies of the system's records to which the 5985
signature and seal are attached, shall be received as true 5986

copies of the system's records in any court or before any 5987
officer of this state. 5988

(G) The board may maintain records in printed or 5989
electronic format. 5990

Sec. 5505.16. (A) A member of the state highway patrol 5991
retirement system who has twenty-five years of service credit 5992
according to the rules adopted by the state highway patrol 5993
retirement board may make application for a pension retirement 5994
which, if the member is under age forty-eight, shall be deferred 5995
until age forty-eight. 5996

(B) A member who has twenty years of service credit 5997
according to the rules adopted by the retirement board, may make 5998
application for a pension retirement that, if the member is 5999
under age fifty-two, shall be deferred until age fifty-two, 6000
except that any such member who has attained twenty years of 6001
service may, on or after attaining age forty-eight but before 6002
attaining age fifty-two, elect to receive a reduced pension of 6003
the greater of nine hundred dollars or an amount computed as 6004
follows: 6005

Attained Age	Reduced Pension	
48	75% of normal service pension	6006
49	80% of normal service pension	6007
50	86% of normal service pension	6008
51	93% of normal service pension	6009

In the case of a member who elects to receive a reduced 6011
pension after attaining age forty-eight, the reduced pension is 6012
payable from the later of the date of the member's most recent 6013
birthday or the date the member becomes eligible to receive the 6014
reduced pension. 6015

A member who has elected to receive a reduced pension in accordance with the schedule provided in this division and has received a payment in connection therewith may not change the election.

(C) Any member who attains the age of sixty years and has twenty years of service credit according to the rules adopted by the board, shall file application for retirement with the board, and if the member refuses or neglects to do so, the board may deem the member's application to have been filed on the member's sixtieth birthday. The member may, upon written application approved by the superintendent of the state highway patrol, be continued in service after attaining the age of sixty years, but only until the member has accumulated twenty years of service credit in accordance with rules adopted by the board.

(D) (1) As used in this division:

(a) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(b) "Uniformed services" of the United States includes both:

(i) Army, navy, air force, marine corps, coast guard, or any reserve components of these services; auxiliary corps as established by congress; army nurse corps; navy nurse corps; service as red cross nurse with the army, navy, air force, or

hospital service of the United States, or serving full-time with 6045
the American red cross in a combat zone; and such other service 6046
as is designated by congress as included therein; 6047

(ii) Personnel of the Ohio national guard, the Ohio 6048
military reserve, the Ohio naval militia, and the reserve 6049
components of the armed forces enumerated in division (D)(1) of 6050
this section who are called to active duty pursuant to an 6051
executive order issued by the president of the United States or 6052
an act of congress. 6053

(2) A member's total service credit may include periods 6054
not to exceed a total of seven years, while the member's 6055
employment with the state highway patrol is or was interrupted 6056
due to service in the uniformed services of the United States. 6057
Such military service shall be credited to the member towards 6058
total service as provided by this chapter and to the extent 6059
approved by the board, provided that: 6060

(a) The member is or was honorably discharged from service 6061
in the uniformed services; 6062

(b) The member is or was re-employed by the state highway 6063
patrol within ninety days immediately following termination of 6064
service in the uniformed services; 6065

(c) The member, subject to board rules, pays into the 6066
retirement system to the member's credit in the employees' 6067
savings fund an amount equal to the total contributions the 6068
member would have paid had state highway patrol employment not 6069
been so interrupted. Such payment may be made at any time prior 6070
to receipt of a pension. 6071

(3) If the member meets the requirements of division (D) 6072
(2) of this section, on receipt of contributions from the 6073

member, the state highway patrol shall be billed for the 6074
employer contribution that would have been paid pursuant to 6075
section 5505.15 of the Revised Code if the member had not 6076
rendered service in the uniformed services, subject to board 6077
rules. 6078

(4) If under division (D) (2) (c) of this section a member 6079
pays all or any portion of the contributions later than the 6080
lesser of five years or a period that is three times the 6081
member's period of service in the uniformed services beginning 6082
from the member's date of re-employment, an amount equal to 6083
compound interest at a rate established by the board from the 6084
member's date of re-employment to the date of payment shall be 6085
added to the remaining amount to be paid by the member to 6086
purchase service credit under this section. 6087

(5) Credit purchased by a member under division (D) (2) of 6088
this section shall be used to determine the member's eligibility 6089
for retirement under this section and section 5505.17 of the 6090
Revised Code. 6091

Sec. 5505.17. (A) (1) Upon retirement as provided in 6092
section 5505.16 of the Revised Code, a member of the state 6093
highway patrol retirement system shall receive a life pension, 6094
without guaranty or refund, equal to the greater of one thousand 6095
fifty dollars or the sum of two and one-half per cent of the 6096
member's final average salary multiplied by the first twenty 6097
years of total service credit, plus two and one-quarter per cent 6098
of the member's final average salary multiplied by the number of 6099
years, and fraction of a year, of total service credit in excess 6100
of twenty years but not in excess of twenty-five years, plus two 6101
per cent of the member's final average salary multiplied by the 6102
number of years, and fraction of a year, in excess of twenty- 6103

five years; provided that in no case shall the pension exceed 6104
the lesser of seventy-nine and one-quarter per cent of the 6105
member's final average salary or the limit established by 6106
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 6107
2085, 26 U.S.C.A. 415, as amended. 6108

(2) A member with fifteen or more years of total service 6109
credit, who voluntarily resigns or who is discharged from the 6110
state highway patrol for any reason except retirement under this 6111
chapter, death, dishonesty, cowardice, intemperate habits, or 6112
conviction of a felony, shall receive a pension equal to one and 6113
one-half per cent of the member's final average salary 6114
multiplied by the number of years, and fraction of a year, of 6115
total service credit, except that the pension shall not exceed 6116
the limit established by section 415 of the "Internal Revenue 6117
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The 6118
pension shall commence at the end of the calendar month in which 6119
the application is filed with the retirement board on or after 6120
the attainment of age fifty-five years by the applicant. A 6121
member who withdraws any part or all of the accumulated 6122
contributions from the employees' savings fund shall thereupon 6123
forfeit all rights to a pension provided for in this division. 6124

(3) (a) A surviving spouse of a deceased member shall 6125
receive a monthly pension, determined as follows, during the 6126
spouse's life: 6127

(i) If at the time of death the member was not eligible to 6128
be granted a pension payable under division (A) (1) of this 6129
section or to elect to receive a reduced pension payable under 6130
section 5505.16 of the Revised Code, nine hundred dollars; 6131

(ii) If at the time of death the member was eligible to be 6132
granted a pension payable under division (A) (1) of this section 6133

or to elect to receive a reduced pension payable under section 6134
5505.16 of the Revised Code, the greater of nine hundred dollars 6135
or fifty per cent of the computed monthly pension the member 6136
would have received had the member been granted a pension under 6137
division (A) (1) of this section or elected to receive a reduced 6138
pension under section 5505.16 of the Revised Code. 6139

(b) The surviving spouse of a retirant shall receive a 6140
monthly pension, determined as follows, during the spouse's 6141
life: 6142

(i) If the retirant had applied for a pension payable 6143
under section 5505.16 of the Revised Code, but at the time of 6144
death had not attained the age of eligibility for the pension, 6145
nine hundred dollars; 6146

(ii) If the retirant had applied for a pension payable 6147
under section 5505.16 of the Revised Code and had attained the 6148
age of eligibility for the pension, but at the time of death had 6149
not elected to begin receiving the pension, the greater of nine 6150
hundred dollars or fifty per cent of the computed monthly 6151
pension the retirant was eligible to receive under section 6152
5505.16 of the Revised Code; 6153

(iii) If the retirant was receiving a pension under 6154
division (A) (1) of this section or section 5505.16 or 5505.18 of 6155
the Revised Code, or, regardless of whether or not the retirant 6156
had actually received any payment, if the retirant was eligible 6157
to receive a pension under division (A) (1) of this section or 6158
section 5505.16 or 5505.18 of the Revised Code and had elected 6159
to begin receiving it, the greater of nine hundred dollars or 6160
fifty per cent of the computed monthly pension awarded the 6161
retirant. 6162

(c) If a monthly pension to a surviving spouse was 6163
terminated due to a remarriage, the surviving spouse is eligible 6164
to receive a monthly pension under division (A) (3) of this 6165
section effective the first day of the first month following 6166
June 5, 1996. The pension shall be computed under division (A) 6167
(3) of this section as of June 5, 1996. The pension payable to a 6168
person who is the surviving spouse of more than one state 6169
highway patrol retirement system member or retirant shall be 6170
computed on the basis of the service of the member or retirant 6171
to whom the surviving spouse was most recently married. 6172

(4) A pension of one hundred fifty dollars per month shall 6173
be paid by the system to or for the benefit of each child of a 6174
deceased member or retirant until the child attains the age of 6175
eighteen years or marries, whichever event occurs first, or 6176
until the child attains twenty-three years of age if the child 6177
is a student in and attending an institution of learning or 6178
training pursuant to a program designed to complete in each 6179
school year the equivalent of at least two-thirds of the full- 6180
time curriculum requirements of the institution, as determined 6181
by the retirement board. If any surviving child, regardless of 6182
age at the time of the member's or retirant's death, because of 6183
physical or mental disability, was totally dependent upon the 6184
deceased member or retirant for support at the time of death, a 6185
pension of one hundred fifty dollars per month shall be paid by 6186
the system to or for the benefit of the child during the child's 6187
natural life or until the child recovers from the disability. 6188

(5) (a) If a retirant died prior to June 6, 1988, and the 6189
surviving spouse was not married to the retirant while the 6190
retirant was in the active service of the patrol, the surviving 6191
spouse shall receive a pension of the greater of four hundred 6192
twenty-five dollars per month or fifty per cent of the computed 6193

monthly pension the retirant was receiving. 6194

(b) If the pension payable to a person receiving a pension 6195
under division (A) (5) (a) of this section on June 30, 2000, is 6196
less than nine hundred dollars per month, the pension shall be 6197
increased to nine hundred dollars per month. 6198

(6) If a deceased member or retirant leaves no spouse or 6199
surviving children, but leaves two parents depending solely upon 6200
the deceased member or retirant for support, each parent shall 6201
be paid a monthly pension of one hundred fifty-four dollars. If 6202
in such case there is only one parent dependent solely upon the 6203
deceased member or retirant for support, such parent shall be 6204
paid a monthly pension of one hundred fifty-four dollars. Such 6205
pension shall be paid during the life of the surviving parents, 6206
or until dependency ceases, or until remarriage, whichever event 6207
occurs first. 6208

(7) Any amount remaining as accumulated contributions at 6209
the time of death of a retirant who leaves no surviving spouse 6210
or dependent children or parents shall be paid to the 6211
beneficiary or beneficiaries the retirant has nominated by 6212
written designation duly executed and filed with the board. A 6213
retirant may designate an individual or a trust as a 6214
beneficiary. If there is no designated beneficiary surviving the 6215
retirant, the retirant's accumulated contributions shall be paid 6216
according to the state law of descent and distribution; provided 6217
that, if the retirant's accumulated contributions are not 6218
claimed by an eligible person or by the estate of the retirant 6219
within seven years, they shall be transferred to the income fund 6220
of the system and after that shall be paid from that fund to 6221
such person or estate upon application to the board. 6222

(8) The increase provided for by division (A) (5) of this 6223

section shall be included in the calculation of the additional 6224
benefit paid under section 5505.174 of the Revised Code. 6225

(B) The board shall adopt, and may amend or rescind, the 6226
necessary rules for the administration of this section and all 6227
decisions of the board shall be final. Any payment of a pension 6228
or benefit under this section is subject to the provisions of 6229
section 5505.26 of the Revised Code. 6230

(C) A member's total service credit may include periods 6231
during which the member's employment with the state highway 6232
patrol is interrupted by a leave of absence, when requested by 6233
the governor, to accept employment with another agency of the 6234
state, provided that: 6235

(1) The member is reemployed by the state highway patrol 6236
within thirty days following termination of such other 6237
employment; 6238

(2) The member pays into the retirement system, to the 6239
credit of the employees' savings fund, an amount equal to the 6240
total contributions the member would have paid had the state 6241
highway patrol employment not been so interrupted. Such 6242
repayment shall begin within ninety days after the member's 6243
return to duty with the state highway patrol and be completed 6244
within a period equal to that of the leave of absence. 6245

(D) Service credits granted under division (C) of this 6246
section shall not include any duplications of credits for which 6247
a pension is payable by the public employees retirement system. 6248

Sec. 5505.18. As used in this section, "member" does not 6249
include state highway patrol cadets attending training schools 6250
pursuant to section 5503.05 of the Revised Code. 6251

(A) Upon the application of a member of the state highway 6252

patrol retirement system, a person acting on behalf of a member, 6253
or the superintendent of the state highway patrol on behalf of a 6254
member, a member who becomes totally and permanently 6255
incapacitated for duty in the employ of the state highway patrol 6256
may be retired on disability by the board. To be eligible for 6257
retirement on account of disability incurred not in the line of 6258
duty, a member must have five or more years of service credit 6259
according to rules adopted by the board. 6260

The medical or psychological examination of a member who 6261
has applied for disability retirement shall be conducted by a 6262
competent health-care professional or professionals appointed by 6263
the board. The health-care professional or professionals shall 6264
file a written report with the board containing the following 6265
information: 6266

(1) Whether the member is totally incapacitated for duty 6267
in the employ of the patrol; 6268

(2) Whether the incapacity is expected to be permanent; 6269

(3) The cause of the member's incapacity. 6270

The board shall determine whether the member qualifies for 6271
disability retirement and its decision shall be final. The board 6272
shall consider the written medical or psychological report, 6273
opinions, statements, and other competent evidence in making its 6274
determination. If the incapacity is a result of heart disease or 6275
any cardiovascular disease of a chronic nature, which disease or 6276
any evidence of which was not revealed by the physical 6277
examination passed by the member on entry into the patrol, the 6278
member is presumed to have incurred the disease in the line of 6279
duty as a member of the patrol, unless the contrary is shown by 6280
competent evidence. 6281

(B) (1) Except as provided under division (A) of section 6282
5505.58 of the Revised Code, a member whose retirement on 6283
account of disability incurred in the line of duty shall receive 6284
the applicable pension provided for in section 5505.17 of the 6285
Revised Code, except that if the member has less than twenty- 6286
five years of contributing service, the member's service credit 6287
shall be deemed to be twenty-five years for the purpose of this 6288
provision. In no case shall the member's disability pension be 6289
less than sixty-one and one-quarter per cent or exceed the 6290
lesser of seventy-nine and one-quarter per cent of the member's 6291
final average salary or the limit established by section 415 of 6292
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6293
415, as amended. 6294

(2) Except as provided under division (B) of section 6295
5505.58 of the Revised Code, a member whose retirement on 6296
account of disability incurred not in the line of duty shall 6297
receive the applicable pension provided for in section 5505.17 6298
of the Revised Code, except that if the member has less than 6299
twenty years of contributing service, the member's service 6300
credit shall be deemed to be twenty years for the purpose of 6301
this provision. In no case shall the member's disability pension 6302
exceed the lesser of seventy-nine and one-quarter per cent of 6303
the member's final average salary or the limit established by 6304
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 6305
2085, 26 U.S.C.A. 415, as amended. 6306

(C) The state highway patrol retirement board shall adopt 6307
rules requiring a disability retirant, as a condition of 6308
continuing to receive a disability pension, to agree in writing 6309
to obtain any medical or psychological treatment recommended by 6310
the board's health-care professional and submit medical or 6311
psychological reports regarding the treatment. If the board 6312

determines that a disability retirant is not obtaining the 6313
medical or psychological treatment or the board does not receive 6314
a required medical or psychological report, the disability 6315
pension shall be suspended until the treatment is obtained, the 6316
report is received by the board, or the board's health-care 6317
professional certifies that the treatment is no longer helpful 6318
or advisable. Should the retirant's failure to obtain treatment 6319
or submit a medical or psychological report continue for one 6320
year, the recipient's right to the disability pension shall be 6321
terminated as of the effective date of the original suspension. 6322

(D) A disability retirant who has not attained the age of 6323
sixty years shall be subject to an annual medical or 6324
psychological re-examination by health-care professionals 6325
appointed by the board, except that the board may waive the re- 6326
examination if the board's health-care professionals certify 6327
that the retirant's disability is ongoing. If any retirant 6328
refuses to submit to a medical or psychological re-examination, 6329
the retirant's disability pension shall be suspended until the 6330
retirant withdraws the refusal. If the refusal continues for one 6331
year, all the retirant's rights under and to the disability 6332
pension shall be terminated as of the effective date of the 6333
original suspension. 6334

(E) Each disability retirant who has not attained the age 6335
of sixty years shall file with the board an annual statement of 6336
earnings, current medical or psychological information on the 6337
recipient's condition, and any other information required in 6338
rules adopted by the board. The board may waive the requirement 6339
that a disability retirant file an annual statement of earnings 6340
or current medical or psychological information if the board's 6341
health-care professional certifies that the retirant's 6342
disability is ongoing. 6343

The board shall annually examine the information submitted 6344
by the retirant. If a retirant refuses to file the statement or 6345
information, the disability pension shall be suspended until the 6346
statement and information are filed. If the refusal continues 6347
for one year, the right to the pension shall be terminated as of 6348
the effective date of the original suspension. 6349

(F) (1) Except as provided in division (F) (2) of this 6350
section, a disability retirant who has been physically or 6351
psychologically examined and found no longer incapable of 6352
performing the retirant's duties, or who becomes employed as a 6353
law enforcement officer, shall have the right to be restored to 6354
the rank the retirant held at the time the retirant was 6355
pensioned and the right to have all previous rights ~~shall be~~ 6356
restored, including the retirant's civil service status, and the 6357
disability pension shall terminate. Upon return to employment in 6358
the patrol, the retirant shall again become a contributing 6359
member of the retirement system, the total service at the time 6360
of the retirant's retirement shall be restored to the retirant's 6361
credit, and the retirant shall be given service credit for the 6362
period the retirant was in receipt of a disability pension. ~~The~~ 6363
~~provisions of division (F) (1) of this section shall be~~ 6364
~~retroactive to September 5, 1941.~~ 6365

(2) The state highway patrol is not required to take 6366
action under division (F) (1) of this section if the retirant was 6367
dismissed or resigned in lieu of dismissal for dishonesty, 6368
misfeasance, malfeasance, or conviction of a felony. 6369

(G) The board shall adopt a rule to define "law 6370
enforcement officer" for purposes of division (F) (1) of this 6371
section, and may adopt other rules to carry out this section, 6372
including rules that specify the types of health-care 6373

professionals the board may appoint for the purpose of this 6374
section. 6375

Sec. 5505.19. Subject to section 5505.26 of the Revised 6376
Code, a member of the state highway patrol retirement system who 6377
ceases to be an employee of the state highway patrol for any 6378
cause except death, disability, or retirement, upon application 6379
filed in writing with the state highway patrol retirement board, 6380
shall be paid the accumulated contributions, less interest, 6381
standing to the credit of the member's individual account in the 6382
employees' savings fund. Except as otherwise provided in this 6383
chapter, five years after a member ceases to be an employee of 6384
the patrol any balance of accumulated contributions standing to 6385
the member's credit in the employees' savings fund shall be 6386
transferred to the income fund and after that shall be paid from 6387
that fund to the member, ~~or in the case of a deceased member or~~ 6388
~~retirant who dies leaving no surviving spouse or dependent~~ 6389
~~children or parents, shall be paid from that fund to the estate~~ 6390
~~of the deceased member or retirant,~~ upon application to the 6391
board. 6392

A member described in this section who is married at the 6393
time of application for payment and would be eligible for ~~age-~~ 6394
~~and service retirement~~ a pension payable under division (A) (1) 6395
or (2) of section 5505.16 or 5505.17 of the Revised Code but for 6396
a forfeiture ordered under division (A) or (B) of section 6397
2929.192 of the Revised Code shall submit with the application a 6398
written statement by the member's spouse attesting that the 6399
spouse consents to the payment of the member's accumulated 6400
contributions. Consent shall be valid only if it is signed and 6401
witnessed by a notary public. The board may waive the 6402
requirement of consent if the spouse is incapacitated or cannot 6403
be located, or for any other reason specified by the board. 6404

Consent or waiver is effective only with regard to the spouse 6405
who is the subject of the consent or waiver. 6406

Sec. 5505.21. Should a member of the state highway patrol 6407
retirement system die and no pension becomes payable from funds 6408
of the system on account of ~~his~~ the member's employment with the 6409
patrol, ~~his~~ the member's accumulated contributions, less 6410
interest, standing to ~~his~~ the member's credit in the employees' 6411
savings fund at the time of ~~his~~ death shall be paid to ~~such~~ 6412
~~person~~ the beneficiary or persons as he ~~beneficiaries~~ the member 6413
has nominated by written designation duly executed and filed 6414
with the state highway patrol retirement board. A member may 6415
designate an individual or a trust as a beneficiary. If there is 6416
no ~~such~~ designated person or persons ~~beneficiary~~ surviving such 6417
the member, ~~his~~ the member's accumulated contributions shall be 6418
paid according to the state law of descent and distribution; 6419
provided that, if ~~his~~ the member's accumulated contributions are 6420
not claimed by an eligible person or by the estate of the 6421
deceased member within seven years, they shall be transferred to 6422
the income fund of the system and after that shall be paid from 6423
that fund to such person or estate upon application to the 6424
board. 6425

Sec. 5505.29. The state highway patrol retirement board 6426
shall refund the cost of service credit restored under section 6427
5505.20 or purchased under division (D) of section 5505.16, 6428
division (C) of section 5505.17, or section 5505.201, 5505.25, 6429
5505.40, or 5505.402 of the Revised Code to the extent the 6430
credit does not, or, in the case of a person who retired or died 6431
prior to June 30, 2000, did not, increase the pension provided 6432
to the retirant or surviving spouse under section 5505.16, 6433
5505.162, 5505.17, or 5505.18 of the Revised Code. The board 6434
shall provide the refund to the retirant or surviving spouse or, 6435

if there is no surviving spouse, the beneficiary designated by 6436
the retirant on a form provided by the state highway patrol 6437
retirement system. A retirant may designate an individual or a 6438
trust as a beneficiary. If there is no surviving spouse or 6439
designated beneficiary, the refund shall be provided to the 6440
retirant's estate. The refund cancels an equivalent amount of 6441
service credit. 6442

Sec. 5505.30. On the death of a ~~person who at the time of~~ 6443
~~death is receiving a pension from the state highway patrol~~ 6444
~~retirement system under division (A) (1) or (2) of section~~ 6445
~~5505.17 or section 5505.18 of the Revised Code~~retirant, a lump- 6446
sum payment of five thousand dollars shall be paid to the 6447
retirant's surviving spouse. ~~If or, if~~ there is no surviving 6448
spouse, the payment shall be made to the beneficiary designated 6449
by the retirant on a form provided by the state highway patrol 6450
retirement system. A retirant may designate an individual or a 6451
trust as a beneficiary. If there is no surviving spouse or 6452
designated beneficiary, the payment shall be made to the 6453
retirant's estate. 6454

Application for the payment shall be made on a form 6455
provided by the state highway patrol retirement board. 6456

A benefit paid under this section shall be treated as life 6457
insurance for purposes of this chapter and shall be funded 6458
solely from contributions made under division (B) of section 6459
5505.15 of the Revised Code and any earnings attributable to 6460
those contributions. 6461

Sec. 5505.35. Any person receiving from the state highway 6462
patrol retirement system an allowance, pension, or benefit may 6463
authorize the system to make deductions therefrom for the 6464
payment of dues and other membership fees to any retirement 6465

association or other organization composed primarily of retired 6466
state highway patrol employees or retired state highway patrol 6467
employees and their spouses if the association or organization 6468
adopts a resolution approving payment by that method and not 6469
fewer than one hundred persons receiving allowances, pensions, 6470
or benefits from the system initially authorize the deduction 6471
for payment to the same association or organization. The 6472
authorization must be in writing and signed by the person giving 6473
it. The system shall make the deductions authorized and pay to 6474
the association or organization the amounts deducted, until the 6475
authorization is revoked in writing by the person. The system 6476
may charge the association or organization an amount not 6477
exceeding the actual costs incurred by the system in making the 6478
deductions. The system shall adopt rules establishing the method 6479
of collecting the amount charged, if any. 6480

Sec. 5505.51. A state highway patrol retirement system 6481
member who meets the following requirements may, at any time 6482
prior to applying for a pension retirement under section 5505.16 6483
of the Revised Code, elect to participate in the deferred 6484
retirement option plan established under section 5505.50 of the 6485
Revised Code: 6486

~~(1)~~ (A) The member is younger than fifty-eight years of 6487
age. 6488

~~(2)~~ (B) The member is eligible to apply for a pension 6489
retirement under section 5505.16 of the Revised Code, except 6490
that eligibility to apply for unless the pension is a reduced 6491
pension as described in under division (B) of that section does 6492
not make a member eligible to elect to participate in the 6493
deferred retirement option plan. 6494

The member shall make the election by filing with the 6495

retirement system an election form provided by the system. The 6496
election is effective on the first day of the ~~member files the~~ 6497
~~election form~~ employer's first payroll period immediately 6498
following the board's receipt of the notice of election. 6499

At the time of making the election to participate in the 6500
deferred retirement option plan, the member also shall make an 6501
election under section 5505.162 of the Revised Code. Except as 6502
provided in that section, the election under section 5505.162 of 6503
the Revised Code is irrevocable from the date it is received by 6504
the retirement system. 6505

A member electing to participate in the deferred 6506
retirement option plan must agree to terminate active service in 6507
the state highway patrol and begin receiving the member's 6508
pension not later than the earlier of the member's sixtieth 6509
birthday or the date that is eight years after the effective 6510
date of the election to participate in the plan. If the member 6511
refuses or neglects to terminate active service in accordance 6512
with the agreement, the state highway patrol retirement board 6513
shall deem the member's service terminated. 6514

~~A member electing to participate in the deferred~~ 6515
~~retirement option plan is a retirant for the purposes of rules~~ 6516
~~adopted by the state highway patrol retirement board.~~ 6517

While participating in the deferred retirement option 6518
plan, a member shall not be considered to have elected 6519
retirement under section 5505.16 of the Revised Code. 6520

Sec. 5505.52. (A) A member who makes an election under 6521
section 5505.51 of the Revised Code shall continue in the active 6522
service of the state highway patrol but shall not earn service 6523
credit under this chapter for employment after the election's 6524

effective date. While the member is in the active service of the 6525
state highway patrol, the member shall contribute, and the state 6526
shall contribute and report, to the state highway patrol 6527
retirement system in accordance with section 5505.15 of the 6528
Revised Code. 6529

On and after the effective date of the member's election 6530
to participate in the deferred retirement option plan, the 6531
member is ineligible to purchase service credit under this 6532
chapter. 6533

Neither the member nor the member's spouse and dependents 6534
are eligible for any benefit under section 5505.28 of the 6535
Revised Code while the member is participating in the deferred 6536
retirement option plan. 6537

(B) A member participating in the deferred retirement 6538
option plan is eligible to vote in elections for the ~~retirant-~~ 6539
employee members of the state highway patrol retirement system 6540
board, but not eligible to vote in elections for the ~~employee-~~ 6541
retirant members of the board. 6542

Sec. 5505.59. If a member dies while participating in the 6543
deferred retirement option plan, all of the following apply: 6544

(A) The amounts accrued to the member's benefit shall be 6545
paid to the member's surviving spouse or, if there is no 6546
surviving spouse, the beneficiary designated by the member on a 6547
form provided by the state highway patrol retirement system. A 6548
member may designate an individual or a trust as a beneficiary. 6549
If there is no surviving spouse or designated beneficiary, the 6550
amounts accrued to the member's benefit shall be paid to the 6551
member's estate. 6552

Any payment made under this division to a member's estate 6553

shall be made in the form of a single lump sum payment. A 6554
surviving spouse or designated beneficiary may select as the 6555
method of distribution of the amount accrued to the member under 6556
the plan one of the distribution options provided under section 6557
401(a) of the "Internal Revenue Code of 1986," 26 U.S.C. 401(a), 6558
as amended, applicable to governmental plans. 6559

(B) The surviving spouse and, if eligible, each surviving 6560
child, shall receive a pension as described in division (A) (3) 6561
(b) (iii) or (4) of section 5505.17 of the Revised Code, 6562
utilizing the pension amount calculated under section 5505.53 of 6563
the Revised Code. 6564

(C) If the member has no surviving spouse or surviving 6565
children, but has a parent or parents dependent on the member 6566
for support, the parent or parents shall receive a pension 6567
determined under division (A) (6) of section 5505.17 of the 6568
Revised Code. 6569

(D) The lump sum payment described in section 5505.30 of 6570
the Revised Code shall be paid to the member's surviving spouse 6571
or, if there is no surviving spouse, the beneficiary designated 6572
by the member on a form provided by the state highway patrol 6573
retirement system. A member may designate an individual or a 6574
trust as a beneficiary. If there is no surviving spouse or 6575
designated beneficiary, the payment shall be made to the 6576
member's estate. 6577

Section 2. That existing sections 145.01, 145.2911, 6578
145.2912, 145.362, 145.384, 145.40, 145.43, 145.45, 742.105, 6579
742.37, 742.3711, 742.47, 742.50, 742.63, 3305.052, 3305.06, 6580
3307.01, 3307.15, 3307.35, 3307.42, 3307.48, 3307.501, 3307.53, 6581
3307.562, 3307.58, 3307.63, 3307.66, 3307.67, 3307.71, 3307.763, 6582
3307.764, 3307.77, 3307.78, 3309.01, 3309.013, 3309.30, 6583

3309.392, 3309.42, 3309.474, 3309.75, 3309.76, 5505.01, 5505.04, 6584
5505.16, 5505.17, 5505.18, 5505.19, 5505.21, 5505.29, 5505.30, 6585
5505.51, 5505.52, and 5505.59 and sections 171.07, 3305.061, 6586
3305.062, 3309.342, 3309.371, 3309.372, 3309.373, and 3309.54 of 6587
the Revised Code are hereby repealed. 6588

Section 3. (A) As used in this section: 6589

(1) "Member of a police department" and "member of a fire 6590
department" have the same meanings as in section 742.01 of the 6591
Revised Code. 6592

(2) "PERS law enforcement officer" and "PERS public safety 6593
officer" have the same meanings as in section 145.01 of the 6594
Revised Code. 6595

(B) (1) Except as provided in division (B) (2) of this 6596
section, a member of the Public Employees Retirement System who 6597
meets all the requirements of division (B) or (C) of section 6598
145.295 of the Revised Code other than the requirement of 6599
division (B) (1) or (C) (1) of that section may obtain service 6600
credit under that section for one of the following: 6601

(a) If the member, on the effective date of this section, 6602
is a PERS law enforcement officer or PERS public safety officer, 6603
service for which the member contributed to the Ohio Police and 6604
Fire Pension Fund as a member of a police department; 6605

(b) If the member was a member of the System and made an 6606
election under section 145.013 of the Revised Code to remain in 6607
the System as a firefighter, service for which the member 6608
contributed to the Fund as a member of a fire department. 6609

(2) A member of the System is ineligible to obtain service 6610
credit under division (B) of this section if the member is 6611
eligible to obtain service credit under division (C) of this 6612

section. 6613

(C) (1) A member of the Fund who meets all the requirements 6614
of division (C) or (D) of section 742.21 of the Revised Code or 6615
division (B) or (C) of section 742.214 of the Revised Code other 6616
than the requirement that the member be in the active service of 6617
a police or fire department may obtain service credit under 6618
those sections if both of the following apply: 6619

(a) The member, on the effective date of this section, is 6620
a PERS law enforcement officer. 6621

(b) The member is eligible, or with the credit will be 6622
eligible, to retire under Chapter 742. of the Revised Code. 6623

(2) The amount to be transferred or paid to the Fund to 6624
obtain service credit under this section is the amount specified 6625
in division (C) (1), (D) (1), or (I) of section 742.21 of the 6626
Revised Code, except that the Fund shall use the appropriate 6627
employer contribution under section 742.33 or 742.34 of the 6628
Revised Code, instead of meeting the requirement of divisions 6629
(C) (1) (d), (D) (1) (b), and (I) of section 742.21 of the Revised 6630
Code to use the amount the employer would have contributed for 6631
the service had the member been employed by the member's current 6632
employer as a member of a police or fire department. 6633

(D) To obtain service credit under this section, a member 6634
must apply to the System or the Fund not later than ninety days 6635
after the effective date of this section. 6636

Section 4. The General Assembly, applying the principle 6637
stated in division (B) of section 1.52 of the Revised Code that 6638
amendments are to be harmonized if reasonably capable of 6639
simultaneous operation, finds that the following sections, 6640
presented in this act as composites of the sections as amended 6641

by the acts indicated, are the resulting versions of the 6642
sections in effect prior to the effective date of the sections 6643
as presented in this act: 6644

Section 145.01 of the Revised Code, as amended by both 6645
Sub. H.B. 158 and Sub. S.B. 293 of the 131st General Assembly; 6646

Section 3305.06 of the Revised Code, as amended by both 6647
Sub. S.B. 342 and Sub. S.B. 343 of the 129th General Assembly. 6648