A BILL

To amend sections 742.44 and 5505.51 and to enact sections 145.386, 742.261, 3307.355, and 3309.346 of the Revised Code regarding re-employment of a retirant as a police officer, firefighter, or emergency medical worker during a state of emergency, to allow a deferred retirement option plan participant to work past the participant's employment end date during a state of emergency, and to declare an emergency.

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

Section 1. That sections 742.44 and 5505.51 be amended and sections 145.386, 742.261, 3307.355, and 3309.346 of the Revised Code be enacted to read as follows:

Sec. 145.386. (A) As used in this section:

(1) "Emergency declaration" means an order or regulation that is made or issued by any of the following to declare an emergency:

(a) The governor;
(b) The president of the United States;

(c) The board of health of a city health district pursuant to section 3709.20 of the Revised Code;

(d) The board of health of a general health district pursuant to section 3709.21 of the Revised Code;

(e) A health commissioner pursuant to section 3707.34 of the Revised Code;

(f) The department of health pursuant to section 3701.13 of the Revised Code;

(g) The director of the United States centers for disease control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law.

(2) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code.

(3) "PERS retirant" and "other system retirant" have the same meanings as in section 145.38 of the Revised Code.

(B) A PERS retirant or other system retirant who has been receiving a retirement allowance for less than one year before the date an emergency declaration is made or issued and had previously been employed as a police officer, firefighter, or emergency medical worker shall not be required to forfeit the retirant's retirement allowance as described in division (B)(4) of section 145.38 of the Revised Code if the PERS retirant or other system retirant becomes re-employed as a police officer, firefighter, or emergency medical worker.

(C) A PERS retirant or other system retirant may be
reemployed as a police officer, firefighter, or emergency medical worker if the retirant holds one of the following certifications that has been expired for less than one year before the date an emergency declaration is made or issued:

(1) For a police officer, a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) For a firefighter, a certificate of completion of a fire service training program under section 4765.55 of the Revised Code;

(3) For an emergency medical worker, a certificate issued under Chapter 4765. of the Revised Code.

Sec. 742.261. (A) As used in this section:

(1) "Emergency declaration" means an order or regulation that is made or issued by any of the following to declare an emergency:

(a) The governor;

(b) The president of the United States;

(c) The board of health of a city health district pursuant to section 3709.20 of the Revised Code;

(d) The board of health of a general health district pursuant to section 3709.21 of the Revised Code;

(e) A health commissioner pursuant to section 3707.34 of the Revised Code;

(f) The department of health pursuant to section 3701.13 of the Revised Code;

(g) The director of the United States centers for disease
control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law.

(2) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code.

(3) "OPFPF retirant" and "other system retirant" have the same meanings as in section 742.26 of the Revised Code.

(B) An OPFPF retirant or other system retirant who has been receiving a retirement allowance for less than one year before the date an emergency declaration is made or issued and had previously been employed as a police officer, firefighter, or emergency medical worker shall not be required to forfeit the retirant's retirement allowance as described in division (D) of section 742.26 of the Revised Code if the OPFPF retirant or other system retirant becomes re-employed as a police officer, firefighter, or emergency medical worker.

(C) An OPFPF retirant or other system retirant may be reemployed as a police officer, firefighter, or emergency medical worker if the retirant holds one of the following certifications that has been expired for less than one year before the date an emergency declaration is made or issued:

(1) For a police officer, a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) For a firefighter, a certificate of completion of a fire service training program under section 4765.55 of the Revised Code;

(3) For an emergency medical worker, a certificate issued
Sec. 742.44. (A) As used in this section, "emergency declaration" means an order or regulation that is made or issued by any of the following to declare an emergency:

(1) The governor;

(2) The president of the United States;

(3) The board of health of a city health district pursuant to section 3709.20 of the Revised Code;

(4) The board of health of a general health district pursuant to section 3709.21 of the Revised Code;

(5) A health commissioner pursuant to section 3707.34 of the Revised Code;

(6) The department of health pursuant to section 3701.13 of the Revised Code;

(7) The director of the United States centers for disease control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law.

(B) Except as provided in section 742.14 of the Revised Code, at any time prior to filing an application for retirement under division (C)(1) of section 742.37 of the Revised Code, a member who has attained the requisite age and is eligible to retire under that division may elect to participate in the deferred retirement option plan established under section 742.43 of the Revised Code.

To make an election, an eligible member shall complete and submit to the Ohio police and fire pension fund a form prescribed by the fund. At this time the member may, but is not
required to, elect under section 742.3711 of the Revised Code to have the member's monthly pension calculated as a retirement allowance payable throughout the member's life or a retirement allowance under option 2 in division (A) of section 742.3711 of the Revised Code. Unless rescinded during a period specified in rules adopted under section 742.43 of the Revised Code, the election is irrevocable from the date it is received by the fund until the employee ceases to participate in the plan as provided in section 742.444 of the Revised Code.

(C) A member is not required to specify the number of years or portion of a year the member will participate in the plan but must agree to terminate active service in a police or fire department and begin receiving the member's pension not later than the date that is eight years after the effective date of the election to participate in the plan or be subject to the forfeiture provisions of division (C) of section 742.444 of the Revised Code.

(D) The effective date of an election made under this section is the first day of the employer's first payroll period immediately following the board's receipt of the notice of election.

(E) A member who has elected to participate in the plan and agreed to terminate active service in a police or fire department and begin receiving the member's pension on a date that is during the period of an emergency declaration shall not be subject to the forfeiture provisions specified in division (C) of section 742.444 of the Revised Code if the member fails to terminate service on that date.

Sec. 3307.355. (A) As used in this section:
(1) "Emergency declaration" means an order or regulation that is made or issued by any of the following to declare an emergency:

(a) The governor;

(b) The president of the United States;

(c) The board of health of a city health district pursuant to section 3709.20 of the Revised Code;

(d) The board of health of a general health district pursuant to section 3709.21 of the Revised Code;

(e) A health commissioner pursuant to section 3707.34 of the Revised Code;

(f) The department of health pursuant to section 3701.13 of the Revised Code;

(g) The director of the United States centers for disease control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law.

(2) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code.

(3) "Other system retirant" has the same meaning as in section 3307.35 of the Revised Code.

(B) A superannuate or other system retirant who has been receiving a retirement allowance for less than one year before the date an emergency declaration is made or issued and had previously been employed as a police officer, firefighter, or emergency medical worker shall not be required to forfeit the
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retirant's retirement allowance as described in division (F) of section 3307.35 of the Revised Code if the superannuate or other system retirant becomes re-employed as a police officer, firefighter, or emergency medical worker.

(C) A superannuate or other system retirant may be reemployed as a police officer, firefighter, or emergency medical worker if the retirant holds one of the following certifications that has been expired for less than one year before the date an emergency declaration is made or issued:

(1) For a police officer, a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) For a firefighter, a certificate of completion of a fire service training program under section 4765.55 of the Revised Code;

(3) For an emergency medical worker, a certificate issued under Chapter 4765. of the Revised Code.

Sec. 3309.346. (A) As used in this section:

(1) "Emergency declaration" means an order or regulation that is made or issued by any of the following to declare an emergency:

(a) The governor;

(b) The president of the United States;

(c) The board of health of a city health district pursuant to section 3709.20 of the Revised Code;

(d) The board of health of a general health district pursuant to section 3709.21 of the Revised Code;
(e) A health commissioner pursuant to section 3707.34 of the Revised Code;

(f) The department of health pursuant to section 3701.13 of the Revised Code;

(g) The director of the United States centers for disease control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law.

(2) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code.

(3) "SERS retirant" and "other system retirant" have the same meanings as in section 3309.341 of the Revised Code.

(B) A SERS retirant or other system retirant who has been receiving a retirement allowance for less than one year before the date an emergency declaration is made or issued and had previously been employed as a police officer, firefighter, or emergency medical worker shall not be required to forfeit the retirant's retirement allowance as described in division (C) of section 3309.341 of the Revised Code if the SERS retirant or other system retirant becomes re-employed as a police officer, firefighter, or emergency medical worker.

(C) A SERS retirant or other system retirant may be reemployed as a police officer, firefighter, or emergency medical worker if the retirant holds one of the following certifications that has been expired for less than one year before the date an emergency declaration is made or issued:

(1) For a police officer, a certificate attesting to the satisfactory completion of the peace officer training school as
required by section 109.77 of the Revised Code;

(2) For a firefighter, a certificate of completion of a fire service training program under section 4765.55 of the Revised Code;

(3) For an emergency medical worker, a certificate issued under Chapter 4765. of the Revised Code.

Sec. 5505.51. (A) As used in this section, "emergency declaration" means an order or regulation that is made or issued by any of the following to declare an emergency:

(1) The governor;

(2) The president of the United States;

(3) The board of health of a city health district pursuant to section 3709.20 of the Revised Code;

(4) The board of health of a general health district pursuant to section 3709.21 of the Revised Code;

(5) A health commissioner pursuant to section 3707.34 of the Revised Code;

(6) The department of health pursuant to section 3701.13 of the Revised Code;

(7) The director of the United States centers for disease control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law.

(B) A state highway patrol retirement system member who meets the following requirements may, at any time prior to applying for retirement under section 5505.16 of the Revised Code, elect to participate in the deferred retirement option plan established under section 5505.50 of the Revised Code:
(A) (1) The member is younger than fifty-eight years of age.

(B) (2) The member is eligible to apply for retirement under section 5505.16 of the Revised Code, except that eligibility to apply for a reduced pension under division (B) of that section does not make a member eligible to elect to participate in the deferred retirement option plan.

The member shall make the election by filing with the retirement system an election form provided by the system. The election is effective on the first day of the employer's first payroll period immediately following the board's receipt of the notice of election.

At the time of making the election to participate in the deferred retirement option plan, the member also shall make an election under section 5505.162 of the Revised Code. Except as provided in that section, the election under section 5505.162 of the Revised Code is irrevocable from the date it is received by the retirement system.

A member electing to participate in the deferred retirement option plan must agree to terminate active service in the state highway patrol and begin receiving the member's pension not later than the earlier of the member's sixtieth birthday or the date that is eight years after the effective date of the election to participate in the plan. If the member refuses or neglects to terminate active service in accordance with the agreement, the state highway patrol retirement board shall deem the member's service terminated.

While participating in the deferred retirement option plan, a member shall not be considered to have elected
retirement under section 5505.16 of the Revised Code.

A member who has elected to participate in the plan and agreed to terminate active service in the state highway patrol and begin receiving the member's pension on a date that is during the period of an emergency declaration shall not be subject to the requirement that the state highway patrol retirement board deem the member's service terminated on that date.

Section 2. That existing sections 742.44 and 5505.51 of the Revised Code are hereby repealed.

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to address urgent needs of the state arising from a COVID-19 outbreak. Therefore, this act shall go into immediate effect.