

As Passed by the House

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 305

Representative Schuring

Cosponsors: Representatives Barnes, Kuhns, Lepore-Hagan, Ramos, Sykes, Amstutz, Anielski, Antonio, Arndt, Ashford, Baker, Boggs, Boyd, Brown, Buchy, Burkley, Celebrezze, Cera, Craig, Dever, DeVitis, Dovilla, Driehaus, Fedor, Ginter, Green, Grossman, Hagan, Hall, Hambley, Hayes, Howse, Johnson, G., Johnson, T., Leland, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Reece, Retherford, Roegner, Rogers, Ruhl, Ryan, Schaffer, Sheehy, Slaby, Slesnick, Smith, K., Strahorn, Sweeney, Thompson, Young

A BILL

To amend sections 143.09, 145.011, and 3309.011 of
the Revised Code to include certain nonteaching
employees of The University of Akron as members
in the Public Employees Retirement System and to
retroactively extend eligibility for benefits
from the Volunteer Peace Officers' Dependents
Fund regarding a volunteer peace officer who is
totally and permanently disabled or killed in
the line of duty on or after December 22, 2015.

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

Section 1. That sections 143.09, 145.011, and 3309.011 of
the Revised Code be amended to read as follows:

Sec. 143.09. (A) A volunteer peace officer who, on or
after December 22, 2015, is totally and permanently disabled as
a result of discharging the duties of a volunteer peace officer

shall receive a benefit from the volunteer peace officers' dependents fund of three hundred dollars per month, except that no payment shall be made to a volunteer peace officer who is receiving the officer's full salary during the time of the officer's disability.

(B) Regardless of whether the volunteer peace officer received a benefit under division (A) of this section, death benefits shall be paid from the fund to the surviving spouse or dependent children of a volunteer peace officer who, on or after December 22, 2015, is killed in the line of duty. Death benefits shall be paid as follows:

(1) To the surviving spouse of a volunteer peace officer killed in the line of duty, an award of one thousand dollars, and in addition, a benefit of three hundred dollars per month;

(2) To the parent, guardian, or other persons on whom a child of a volunteer peace officer killed in the line of duty is dependent for chief financial support, a benefit of one hundred twenty-five dollars per month for each dependent child under age eighteen, or under age twenty-two if attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution.

(C) An individual eligible for benefits payable under this section shall file a claim for benefits with the appropriate volunteer peace officers' dependents fund board on a form provided by the board. All of the following information shall be submitted with the claim:

(1) In the case of a totally and permanently disabled volunteer peace officer, the following:

(a) The name of the police or sheriff's department for which the officer was a volunteer peace officer;	44 45
(b) The date of the injury;	46
(c) Satisfactory medical evidence that the officer is totally and permanently disabled.	47 48
(2) In the case of a surviving spouse or a parent, guardian, or other person in charge of a dependent child, the following:	49 50 51
(a) The full name of the deceased volunteer peace officer;	52
(b) The name of the police or sheriff's department for which the deceased officer was a volunteer peace officer;	53 54
(c) The name and address of the surviving spouse, as applicable;	55 56
(d) The names, ages, and addresses of any dependent children;	57 58
(e) Any other evidence required by the board.	59
(D) All claimants shall certify that neither the claimant nor the person on whose behalf the claim is filed qualifies for other benefits from any of the following based on the officer's service as a volunteer peace officer: the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, Cincinnati retirement system, or Ohio public safety officers death benefit fund.	60 61 62 63 64 65 66
(E) Initial claims shall be filed with the volunteer peace officers' dependents fund board of the fund member in which the officer was a volunteer peace officer. Thereafter, on request of the claimant or the board, claims may be transferred to a board	67 68 69 70

near the claimant's current residence, if the boards concerned 71
agree to the transfer. 72

Sec. 145.011. In addition to the membership of the public 73
employees retirement system as prescribed in division (A) of 74
section 145.01 of the Revised Code and notwithstanding Chapter 75
3309. of the Revised Code, there shall be included in such 76
membership all of the following: 77

(A) The nonteaching employees of the Cleveland state 78
university and the northeast Ohio medical university; 79

(B) Any person who elects to transfer from the school 80
employees retirement system to the public employees retirement 81
system under section 3309.312 of the Revised Code; 82

(C) Any person who is employed full-time on or after 83
September 16, 1998, pursuant to section 3345.04 of the Revised 84
Code by the university of Akron as a state university law 85
enforcement officer; 86

(D) Any person who is employed by the university of Akron 87
in a position not covered by the state teachers retirement 88
system and to whom either of the following applies: 89

(1) The person is initially employed by the university on 90
or after the effective date of this amendment; 91

(2) The person is employed by the university on the 92
effective date of this amendment, the employment terminates 93
after that date, and the person is reemployed by the university 94
not less than twelve months after the date of termination. 95

Such employees are included in the definition of member as 96
used in Chapter 145. of the Revised Code. The universities and 97
colleges shall be subject to the obligations imposed by Chapter 98

145. of the Revised Code.	99
Sec. 3309.011. "Employee" as defined in division (B) of	100
section 3309.01 of the Revised Code, does not include any of the	101
following:	102
(A) Any person having a license issued pursuant to	103
sections 3319.22 to 3319.31 of the Revised Code and employed in	104
a public school in this state in an educational position, as	105
determined by the state board of education, under programs	106
provided for by federal acts or regulations and financed in	107
whole or in part from federal funds, but for which no licensure	108
requirements for the position can be made under the provisions	109
of such federal acts or regulations;	110
(B) Any person who participates in an alternative	111
retirement plan established under Chapter 3305. of the Revised	112
Code;	113
(C) Any person who elects to transfer from the school	114
employees retirement system to the public employees retirement	115
system under section 3309.312 of the Revised Code;	116
(D) Any person whose full-time employment by the	117
university of Akron as a state university law enforcement	118
officer pursuant to section 3345.04 of the Revised Code	119
commences on or after September 16, 1998;	120
(E) Any person described in division (B) of section	121
3309.013 of the Revised Code;	122
<u>(F) Any person described in division (D) of section</u>	123
<u>145.011 of the Revised Code.</u>	124
Section 2. That existing sections 143.09, 145.011, and	125
3309.011 of the Revised Code are hereby repealed.	126

Section 3. The amendment by this act of section 143.09 of	127
the Revised Code is not intended to change the effective date of	128
that section as enacted by Sub. S.B. 11 of the 131st General	129
Assembly.	130