

**As Reported by the House Health and Aging Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 520**

**Representatives Schuring, Ramos**

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**A BILL**

To amend sections 145.01, 145.2911, 145.2912, 1  
145.362, 145.384, 145.40, 145.43, 145.45, 2  
742.105, 742.37, 742.3711, 742.47, 742.50, 3  
742.63, 3305.052, 3305.06, 3307.01, 3307.15, 4  
3307.35, 3307.42, 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;  
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 person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

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

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of the contributions they would have paid had they been members of this system for the eighteen months of employment preceding the date membership was established. When that payment has been made by all such

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 provided in section 145.36 of the Revised Code.	199 200
(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.	201 202
(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.	203 204 205 206 207
(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	208 209
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.	210 211 212
(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.	213 214 215 216 217 218
(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.	219 220 221
(R) (1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings	222 223 224 225 226 227

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  
serving as a municipal public safety director at any time during 514  
the period from September 29, 2005, to March 24, 2009, if the 515

duties of that service were to preserve the peace, protect life 516  
and property, and enforce the laws of this state. 517

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

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

"PERS public safety officer" also includes a person 542  
employed as a bureau of criminal identification and 543  
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 Code. 573  
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 member, the member's earnable salary; 577  
578

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

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

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

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

(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; 595  
596  
597  
598

(b) The cumulative contributions toward the unfunded actuarial accrued liability of the retirement system that would 599  
600

have been made if the electing employees had been members of the 601  
retirement system in the PERS defined benefit plan. 602

(B) The public employees retirement board shall contract 603  
with an independent actuary to complete an actuarial study to 604  
determine the percentage of an electing employee's compensation 605  
to be contributed by a public institution of higher education 606  
under division (D) of section 3305.06 of the Revised Code. The 607  
initial study must be completed and submitted by the board to 608  
the department of higher education not later than December 31, 609  
2016. A subsequent study must be completed and submitted not 610  
later than the last day of December of every fifth year 611  
thereafter. 612

(C) For the initial study required under this section, the 613  
actuary shall determine the percentage described in division (B) 614  
of this section as follows: 615

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

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

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

(b) The historical liability. 624

(3) The percentage to be contributed under division (D) of 625  
section 3305.06 of the Revised Code shall be one-fourth of the 626  
sum of the percentages calculated under divisions (C) (1) and (2) 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~~  
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 shall be the actuarial equivalent of the amount that would have been paid had the lump sum not been selected. 1445  
 1446  
 1447

The lump sum amount designated by the surviving spouse or other sole dependent beneficiary under division (A) (2) (a) of this section shall be not less than six times and not more than thirty-six times the monthly amount that would be payable to the surviving spouse or other sole dependent beneficiary under division (A) (1) of this section and shall not result in a monthly payment that is less than fifty per cent of that monthly amount. 1448  
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(B) If a deceased member had, except as provided in division (B) (7) of this section, at least one and one-half years of contributing service credit, with, except as provided in division (B) (7) of this section, at least one-quarter year of contributing service credit within the two and one-half years prior to the date of death, or was receiving at the time of death a disability benefit as provided in section 145.36, 145.361, or 145.37 of the Revised Code, qualified survivors who elect to receive monthly benefits shall receive the greater of the benefits provided in division (B) (1) (a) or (b) and (4) of this section as allocated in accordance with division (B) (5) of this section. 1456  
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(1) (a) Number		Or	1468
of Qualified		Monthly	1469
survivors	Annual Benefit as a Per	Benefit	1470
affecting	Cent of Decedent's Final	shall not be	1471
the benefit	Average Salary	less than	1472
1	25%	\$250	1473
2	40	400	1474

3	50	500	1475
4	55	500	1476
5 or more	60	500	1477
(b) Years of	Annual Benefit as a Per Cent		1478
Service	of Member's Final Average		1479
	Salary		1480
20	29%		1481
21	33		1482
22	37		1483
23	41		1484
24	45		1485
25	48		1486
26	51		1487
27	54		1488
28	57		1489
29 or more	60		1490
(2) Benefits shall begin as qualified survivors meet			1491
eligibility requirements as follows:			1492
(a) A qualified spouse is the surviving spouse of the			1493
deceased member, who is age sixty-two, or regardless of age			1494
meets one of the following qualifications:			1495
(i) Except as provided in division (B)(7) of this section,			1496
the deceased member had ten or more years of Ohio service			1497
credit.			1498
(ii) The spouse is caring for a qualified child.			1499
(iii) The spouse is adjudged physically or mentally			1500
incompetent.			1501
A spouse of a member who died prior to August 27, 1970,			1502

whose eligibility was determined at the member's death, and who 1503  
is physically or mentally incompetent on or after August 20, 1504  
1976, shall be paid the monthly benefit which that person would 1505  
otherwise receive when qualified by age. 1506

(b) A qualified child is any child of the deceased member 1507  
who has never been married and to whom one of the following 1508  
applies: 1509

(i) ~~Is under age eighteen, or under age twenty-two if the 1510  
child is attending an institution of learning or training 1511  
pursuant to a program designed to complete in each school year 1512  
the equivalent of at least two-thirds of the full-time 1513  
curriculum requirements of such institution and as further 1514  
determined by board policy; 1515~~

(ii) Regardless of age, is adjudged physically or mentally 1516  
incompetent at the time of the member's death. 1517

(c) A qualified parent is a dependent parent aged sixty- 1518  
five or older or regardless of age if physically or mentally 1519  
incompetent, a dependent parent whose eligibility was determined 1520  
by the member's death prior to August 20, 1976, and who is 1521  
physically or mentally incompetent on or after August 20, 1976, 1522  
shall be paid the monthly benefit for which that person would 1523  
otherwise qualify. 1524

(3) "Physically or mentally incompetent" as used in this 1525  
section may be determined by a court of jurisdiction, or by a 1526  
physician appointed by the retirement board. Incapability of 1527  
making a living because of a physically or mentally disabling 1528  
condition shall meet the qualifications of this division. 1529

(4) Benefits to a qualified survivor shall terminate upon 1530  
ceasing to meet eligibility requirements as provided in this 1531

division, a first marriage, abandonment, adoption, or during 1532  
active military service. Benefits to a deceased member's 1533  
surviving spouse that were terminated under a former version of 1534  
this section that required termination due to remarriage and 1535  
were not resumed prior to September 16, 1998, shall resume on 1536  
the first day of the month immediately following receipt by the 1537  
board of an application on a form provided by the board. 1538

Benefits to a qualified child who is at least eighteen 1539  
years of age but under twenty-two years of age that under a 1540  
former version of this section never commenced or were 1541  
terminated due to a lack of attendance at an institution of 1542  
learning or training and not commenced or resumed before the 1543  
effective date of this amendment shall commence or resume on the 1544  
first day of the month immediately following receipt by the 1545  
board of an application on a form provided by the board if the 1546  
application is received on or before the date that is one year 1547  
after the effective date of this amendment. These benefits 1548  
terminate on the child attaining twenty-two years of age. 1549

Upon the death of any subsequent spouse who was a member 1550  
of the public employees retirement system, state teachers 1551  
retirement system, or school employees retirement system, the 1552  
surviving spouse of such member may elect to continue receiving 1553  
benefits under this division, or to receive survivor's benefits, 1554  
based upon the subsequent spouse's membership in one or more of 1555  
the systems, for which such surviving spouse is eligible under 1556  
this section or section 3307.66 or 3309.45 of the Revised Code. 1557  
If the surviving spouse elects to continue receiving benefits 1558  
under this division, such election shall not preclude the 1559  
payment of benefits under this division to any other qualified 1560  
survivor. 1561

Benefits shall begin or resume on the first day of the 1562  
month following the attainment of eligibility and shall 1563  
terminate on the first day of the month following loss of 1564  
eligibility. 1565

(5) (a) If a benefit is payable under division (B) (1) (a) of 1566  
this section, benefits to a qualified spouse shall be paid in 1567  
the amount determined for the first qualifying survivor in 1568  
division (B) (1) (a) of this section. All other qualifying 1569  
survivors shall share equally in the benefit or remaining 1570  
portion thereof. 1571

(b) All qualifying survivors shall share equally in a 1572  
benefit payable under division (B) (1) (b) of this section, except 1573  
that if there is a surviving spouse, the surviving spouse shall 1574  
receive not less than the amount determined for the first 1575  
qualifying survivor in division (B) (1) (a) of this section. 1576

(6) The beneficiary of a member who is also a member of 1577  
the state teachers retirement system or of the school employees 1578  
retirement system, must forfeit the member's accumulated 1579  
contributions in those systems and in the public employees 1580  
retirement system, if the beneficiary takes a survivor benefit. 1581  
Such benefit shall be exclusively governed by section 145.37 of 1582  
the Revised Code. 1583

(7) The following restrictions do not apply if the 1584  
deceased member was contributing toward benefits under section 1585  
145.332 of the Revised Code at the time of death: 1586

(a) That the deceased member have had at least one and 1587  
one-half years of contributing service credit, with at least 1588  
one-quarter year of contributing service within the two and one- 1589  
half years prior to the date of death; 1590

(b) If the deceased member was killed in the line of duty, 1591  
that the deceased member have had ten or more years of Ohio 1592  
service credit as described in division (B) (2) (a) (i) of this 1593  
section. 1594

For the purposes of division (B) (7) (b) of this section, 1595  
"killed in the line of duty," means either that death occurred 1596  
in the line of duty or that death occurred as a result of injury 1597  
sustained in the line of duty. 1598

(C) (1) Regardless of whether the member is survived by a 1599  
spouse or designated beneficiary, if the public employees 1600  
retirement system receives notice that a deceased member 1601  
described in division (A) or (B) of this section has one or more 1602  
qualified children, all persons who are qualified survivors 1603  
under division (B) of this section shall receive monthly 1604  
benefits as provided in division (B) of this section. 1605

If, after determining the monthly benefits to be paid 1606  
under division (B) of this section, the system receives notice 1607  
that there is a qualified survivor who was not considered when 1608  
the determination was made, the system shall, notwithstanding 1609  
section 145.561 of the Revised Code, recalculate the monthly 1610  
benefits with that qualified survivor included, even if the 1611  
benefits to qualified survivors already receiving benefits are 1612  
reduced as a result. The benefits shall be calculated as if the 1613  
qualified survivor who is the subject of the notice became 1614  
eligible on the date the notice was received and shall be paid 1615  
to qualified survivors effective on the first day of the first 1616  
month following the system's receipt of the notice. 1617

If the retirement system did not receive notice that a 1618  
deceased member has one or more qualified children prior to 1619  
making payment under section 145.43 of the Revised Code to a 1620

beneficiary as determined by the retirement system, the payment 1621  
is a full discharge and release of the system from any future 1622  
claims under this section or section 145.43 of the Revised Code. 1623

(2) If benefits under division (C)(1) of this section to 1624  
all persons, or to all persons other than a surviving spouse or 1625  
other sole beneficiary, terminate, there are no children under 1626  
the age of twenty-two years, and the surviving spouse or 1627  
beneficiary qualifies for benefits under division (A) of this 1628  
section, the surviving spouse or beneficiary may elect to 1629  
receive benefits under division (A) of this section. The 1630  
benefits shall be effective on the first day of the month 1631  
immediately following the termination. 1632

(D) The final average salary used in the calculation of a 1633  
benefit payable pursuant to division (A) or (B) of this section 1634  
to a survivor or beneficiary of a disability benefit recipient 1635  
shall be adjusted for each year between the disability benefit's 1636  
effective date and the recipient's date of death by the lesser 1637  
of three per cent or the actual average percentage increase in 1638  
the consumer price index prepared by the United States bureau of 1639  
labor statistics (U.S. city average for urban wage earners and 1640  
clerical workers: "all items 1982-84=100"). 1641

(E) If the survivor benefits due and paid under this 1642  
section are in a total amount less than the member's accumulated 1643  
account that was transferred from the public employees' savings 1644  
fund to the survivors' benefit fund, then the difference between 1645  
the total amount of the benefits paid shall be paid to the 1646  
beneficiary under section 145.43 of the Revised Code. 1647

Sec. 742.091. Any action brought against the Ohio police 1648  
and fire pension fund or the Ohio police and fire pension fund 1649  
board of trustees or its officers, employees, or board members 1650

in their official capacities shall be brought in the appropriate 1651  
court in Franklin county, Ohio. 1652

**Sec. 742.105.** The Ohio police and fire pension fund board 1653  
of trustees shall appoint a committee to oversee the selection 1654  
of an internal auditor. The committee shall select one or more 1655  
persons for employment as an internal auditor. The board shall 1656  
employ the person or persons selected by the committee. 1657

The committee shall consist of the following board 1658  
members: one retirant member, one employee member, and one other 1659  
member. The committee shall annually prepare and submit to the 1660  
Ohio retirement study council a report of its actions during the 1661  
preceding year. 1662

**Sec. 742.17.** An application or election made under this 1663  
chapter shall be submitted to the Ohio police and fire pension 1664  
fund in the form and manner specified by the fund. The fund 1665  
shall determine whether an application or election is complete 1666  
and properly submitted. Its determination is final. 1667

If the fund determines that an application or election is 1668  
incomplete or not properly submitted, it may give the person who 1669  
submitted the application or election the opportunity to correct 1670  
any deficiency or may reject the application or election and 1671  
require that it be resubmitted. The fund shall give written 1672  
notice of the rejection to the person who submitted the 1673  
application or election. 1674

**Sec. 742.37.** The board of trustees of the Ohio police and 1675  
fire pension fund shall adopt rules for the management of the 1676  
fund and for the disbursement of benefits and pensions as set 1677  
forth in this section and section 742.39 of the Revised Code. 1678  
Any payment of a benefit or pension under this section is 1679

subject to the provisions of section 742.461 of the Revised Code. Notwithstanding any other provision of this section, no pension or benefit paid or determined under division (B) or (C) of this section or section 742.39 of the Revised Code 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.

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

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

section. 1711

(C) Unless the board acts under section 742.161 of the 1712  
Revised Code, members of the fund who have not elected to 1713  
receive benefits and pensions from a police relief and pension 1714  
fund or a firemen's relief and pension fund in accordance with 1715  
the rules of the fund in force on April 1, 1947, shall receive 1716  
pensions and benefits in accordance with the following 1717  
provisions: 1718

(1) A member of the fund who has twenty-five years of 1719  
service credit and has attained the requisite age may elect to 1720  
retire. The requisite age is forty-eight for a member whose 1721  
membership began before July 2, 2013, and fifty-two for a member 1722  
whose membership began on or after that date. 1723

Upon notifying the board in writing of the election, the 1724  
member shall receive an annual pension, payable in twelve 1725  
monthly installments, in an amount equal to a percentage of the 1726  
member's average annual salary. If, as of July 2, 2013, the 1727  
member had fifteen or more years of service credit, the average 1728  
annual salary shall be determined using three years of 1729  
contributions. If, as of that date, the member had less than 1730  
fifteen years of service credit, the average annual salary shall 1731  
be determined using five years of contributions. 1732

The percentage shall be the sum of two and one-half per 1733  
cent for each of the first twenty years of service credit, plus 1734  
two per cent for each of the twenty-first to twenty-fifth years 1735  
of service credit, plus one and one-half per cent for each year 1736  
in excess of twenty-five years of service credit. The annual 1737  
pension shall not exceed seventy-two per cent of the member's 1738  
average annual salary. 1739

A member who has twenty-five years of service credit, has 1740  
resigned or been discharged, and has left the sum deducted from 1741  
the member's salary on deposit in the pension fund shall upon 1742  
attaining the requisite age be entitled to receive a normal 1743  
service pension benefit computed and paid under division (C) (1) 1744  
of this section. 1745

While participating in the deferred retirement option plan 1746  
established under section 742.43 of the Revised Code, a member 1747  
shall not be considered to have elected retirement under 1748  
division (C) (1) of this section. On notifying the board under 1749  
division (B) (1) of section 742.444 of the Revised Code of the 1750  
member's election to terminate active service, a member 1751  
described in division (B) of that section shall receive an 1752  
annual pension under division (C) (1) of this section calculated 1753  
in accordance with section 742.442 of the Revised Code and rules 1754  
that shall be adopted by the board of trustees of the Ohio 1755  
police and fire pension fund. 1756

(2) A member of the fund who has fifteen or more years of 1757  
service credit and who voluntarily resigns or is discharged from 1758  
the department for any reason other than dishonesty, cowardice, 1759  
intemperate habits, or conviction of a felony, shall receive an 1760  
annual pension, payable in twelve monthly installments, in an 1761  
amount equal to one and one-half per cent of the member's 1762  
average annual salary multiplied by the number of full years of 1763  
the member's service credit. If, as of July 2, 2013, the member 1764  
had fifteen or more years of service credit, the average annual 1765  
salary shall be determined using three years of contributions. 1766  
If, as of that date, the member had less than fifteen years of 1767  
service credit, the average annual salary shall be determined 1768  
using five years of contributions. 1769

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 1830  
January 31, 2002; 1831

(c) For the period beginning July 1, 2002, and the period 1832  
beginning the first day of July of each year thereafter and 1833  
continuing for the following twelve months, an amount equal to 1834  
the monthly amount paid during the prior twelve-month period 1835  
plus sixteen dollars and fifty cents. 1836

(2) A surviving spouse of a deceased member of the fund 1837  
shall receive a monthly pension of four hundred ten dollars if 1838  
the surviving spouse is eligible for a benefit under division 1839  
(B) or (D) of section 742.63 of the Revised Code. If the 1840  
surviving spouse ceases to be eligible for a benefit under 1841  
division (B) or (D) of section 742.63 of the Revised Code, the 1842  
pension shall be increased, effective the first day of the first 1843  
month following the day on which the surviving spouse ceases to 1844  
be eligible for the benefit, to the amount it would be under 1845  
division (D)(1) of this section had the spouse never been 1846  
eligible for a benefit under division (B) or (D) of section 1847  
742.63 of the Revised Code. 1848

(3) A pension paid under this division shall continue 1849  
during the natural life of the surviving spouse. Benefits to a 1850  
deceased member's surviving spouse that were terminated under a 1851  
former version of this section that required termination due to 1852  
remarriage and were not resumed prior to September 16, 1998, 1853  
shall resume on the first day of the month immediately following 1854  
receipt by the board of an application on a form provided by the 1855  
board. 1856

(4) A surviving spouse of a deceased member of or 1857  
contributor to a fund established under former Chapter 521. or 1858  
741. of the Revised Code whose benefit or pension was terminated 1859

or not paid due to remarriage shall receive a monthly pension 1860  
under division (D) (1) of this section. 1861

The pension shall commence on the first day of the month 1862  
immediately following receipt by the board of a completed 1863  
application on a form provided by the board and evidence 1864  
acceptable to the board that at the time of death the deceased 1865  
spouse was a member of or contributor to a police or firemen's 1866  
relief and pension fund established under former Chapter 521. or 1867  
741. of the Revised Code and that the surviving spouse's 1868  
benefits were terminated or not granted due to remarriage. 1869

(E) (1) ~~Each~~ (a) Except as provided in division (E) (2) of 1870  
this section, before January 1, 2017, each surviving child of a 1871  
deceased member of the fund shall receive a monthly pension 1872  
until the child attains the age of eighteen years, or marries, 1873  
whichever event occurs first. A pension under this division, 1874  
however, shall continue to be payable to a child under age 1875  
twenty-two who is a student in and attending an institution of 1876  
learning or training pursuant to a program designed to complete 1877  
in each school year the equivalent of at least two-thirds of the 1878  
full-time curriculum requirements of the institution, as 1879  
determined by the board. 1880

(b) Except as provided in division (E) (2) of this section, 1881  
effective January 1, 2017, each surviving child of a deceased 1882  
member of the fund shall receive a monthly pension until the 1883  
child attains twenty-two years of age or marries, whichever 1884  
event occurs first. 1885

Benefits to a surviving child who is at least eighteen 1886  
years of age but under twenty-two years of age that under a 1887  
former version of this section never commenced or were 1888  
terminated due to a lack of attendance at an institution of 1889

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 1919  
the surviving parents, or until dependency ceases, or until 1920  
remarriage, whichever event occurs first. 1921

(2) Each eligible surviving parent shall be paid a monthly 1922  
pension as follows: 1923

(a) For the period ending June 30, 2002, one hundred six 1924  
dollars for each parent or two hundred twelve dollars for a sole 1925  
dependent parent; 1926

(b) For the period beginning July 1, 2002, and ending June 1927  
30, 2003, one hundred nine dollars for each parent or two 1928  
hundred eighteen dollars for a sole dependent parent; 1929

(c) For the period beginning July 1, 2003, and the first 1930  
day of each July thereafter and continuing for the following 1931  
twelve months, an amount equal to the monthly amount paid during 1932  
the prior twelve-month period plus three dollars for each parent 1933  
or six dollars for a sole dependent parent. 1934

(G) (1) Subject to the provisions of section 742.461 of the 1935  
Revised Code, a member of the fund who voluntarily resigns or is 1936  
removed from active service in a police or fire department is 1937  
entitled to receive an amount equal to the sums deducted from 1938  
the member's salary and credited to the member's account in the 1939  
fund, ~~except that a~~ if all of the following apply: 1940

(a) The member is not receiving a disability benefit or 1941  
service pension ~~is not entitled to receive any return of~~ 1942  
~~contributions to~~ from the fund; 1943

(b) Two months have elapsed since the member's active 1944  
service in a police or fire department was terminated; 1945

(c) The member has not returned to active service in a 1946

police or fire department during that two-month period. 1947

The payment of such accumulated contributions shall cancel 1948  
the member's total service credit in the Ohio police and fire 1949  
pension fund. 1950

(2) A member described in division (G)(1) of this section 1951  
who is married at the time of application for payment and would 1952  
be eligible for age and service retirement under this section or 1953  
section 742.39 of the Revised Code but for a forfeiture ordered 1954  
under division (A) or (B) of section 2929.192 of the Revised 1955  
Code shall submit with the application a written statement by 1956  
the member's spouse attesting that the spouse consents to the 1957  
payment of the member's accumulated contributions. Consent shall 1958  
be valid only if it is signed and witnessed by a notary public. 1959  
The board may waive the requirement of consent if the spouse is 1960  
incapacitated or cannot be located, or for any other reason 1961  
specified by the board. Consent or waiver is effective only with 1962  
regard to the spouse who is the subject of the consent or 1963  
waiver. 1964

(H) On and after January 1, 1970, all pensions shall be 1965  
increased in accordance with the following provisions: 1966

(1) A member of the fund who retired prior to January 1, 1967, 1967  
has attained age sixty-five on January 1, 1970, and was 1968  
receiving a pension on December 31, 1969, pursuant to division 1969  
(B) or (C)(1) of this section or former division (C)(2), (3), 1970  
(4), or (5) of this section, shall have the pension increased by 1971  
ten per cent. 1972

(2) The monthly pension payable to eligible surviving 1973  
spouses under division (D) of this section shall be increased by 1974  
forty dollars for each surviving spouse receiving a pension on 1975

December 31, 1969.	1976
(3) The monthly pension payable to each eligible child	1977
under division (E) of this section shall be increased by ten	1978
dollars for each child receiving a pension on December 31, 1969.	1979
(4) The monthly pension payable to each eligible dependent	1980
parent under division (F) of this section shall be increased by	1981
thirty dollars for each parent receiving a pension on December	1982
31, 1969.	1983
(5) A member of the fund, including a survivor of a	1984
member, who is receiving a pension in accordance with the rules	1985
governing the granting of pensions and benefits in force on	1986
April 1, 1947, that provide an increase in the original pension	1987
from time to time pursuant to changes in the salaries of active	1988
members, shall not be eligible for the benefits provided in this	1989
division.	1990
(I) On and after January 1, 1977, a member of the fund who	1991
was receiving a pension or benefit on December 31, 1973, under	1992
division (A), (B), (C) (1), or former division (C) (2) or (7) of	1993
this section shall have the pension or benefit increased as	1994
follows:	1995
(1) If the member's annual pension or benefit is less than	1996
two thousand seven hundred dollars, it shall be increased to	1997
three thousand dollars.	1998
(2) If the member's annual pension or benefit is two	1999
thousand seven hundred dollars or more, it shall be increased by	2000
three hundred dollars.	2001
The following shall not be eligible to receive increased	2002
pensions or benefits as provided in this division:	2003

(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 2033  
or part-time service. 2034

(K) (1) Except as otherwise provided in this division, 2035  
every person who on July 24, 1986, is receiving an age and 2036  
service or disability pension, allowance, or benefit pursuant to 2037  
this chapter in an amount less than thirteen thousand dollars a 2038  
year that is based upon an award made effective prior to 2039  
February 28, 1984, shall receive an increase of six hundred 2040  
dollars a year or the amount necessary to increase the pension 2041  
or benefit to four thousand two hundred dollars after all 2042  
adjustments required by this section, whichever is greater. 2043

(2) Division (K) (1) of this section does not apply to the 2044  
following: 2045

(a) A member of the fund who is receiving a pension or 2046  
benefit in accordance with rules in force on April 1, 1947, that 2047  
govern the granting of pensions and benefits and that provide an 2048  
increase in the original pension or benefit from time to time 2049  
pursuant to changes in the salaries of active members; 2050

(b) A member of the fund who is receiving a pension or 2051  
benefit based on funded volunteer or funded part-time service. 2052

(L) On and after July 24, 1986: 2053

(1) The pension of each person receiving a pension under 2054  
division (D) of this section on July 24, 1986, shall be 2055  
increased to three hundred ten dollars per month. 2056

(2) The pension of each person receiving a pension under 2057  
division (E) of this section on July 24, 1986, shall be 2058  
increased to ninety-three dollars per month. 2059

**Sec. 742.3711.** (A) On application for retirement as 2060

provided in section 742.37 or 742.39 of the Revised Code, a 2061  
member of the fund may elect to receive a retirement allowance 2062  
payable throughout the member's life, or may elect, on the 2063  
application for retirement, to receive the actuarial equivalent 2064  
of the member's retirement allowance in a lesser amount payable 2065  
for life and continuing after death to a surviving designated 2066  
beneficiary under one of the following optional plans, provided 2067  
the amount payable to the beneficiary shall not exceed the 2068  
amount payable to the retiring member of the fund, and is 2069  
certified by the actuary engaged by the board of trustees of the 2070  
Ohio police and fire pension fund to be the actuarial equivalent 2071  
of the member's retirement allowance and is approved by the 2072  
board. 2073

(1) Option 1. The member's lesser retirement allowance 2074  
shall be paid for life to the sole beneficiary designated at the 2075  
time of the member's retirement. 2076

(2) Option 2. One-half or some other portion of the 2077  
member's lesser retirement allowance shall be paid for life to 2078  
the sole beneficiary designated at the time of the member's 2079  
retirement. 2080

(3) Option 3. Upon the member's death before the 2081  
expiration of a certain period from the retirement date and 2082  
elected by the member and approved by the retirement board, the 2083  
member's lesser retirement allowance shall be continued for the 2084  
remainder of that period to the beneficiary the member has 2085  
designated in writing filed with the retirement board. 2086

Should the member's designated beneficiary die prior to 2087  
the expiration of the guarantee period, then for the purpose of 2088  
completing payment for the remainder of the guarantee period, 2089  
the present value of such payments shall be paid to the estate 2090

of the beneficiary last receiving. 2091

(4) Option 4. The member's lesser retirement allowance or 2092  
a portion of the lesser retirement allowance shall be paid for 2093  
life to two, three, or four surviving beneficiaries designated 2094  
at the time of the member's retirement, in such portions as 2095  
specified at retirement. If the member elects this plan as 2096  
required by a court order issued under section 3105.171 or 2097  
3105.65 of the Revised Code or the laws of another state 2098  
regarding the division of marital property and compliance with 2099  
the court order requires the allocation of a portion less than 2100  
ten per cent to any beneficiary, the member shall allocate a 2101  
portion less than ten per cent to that beneficiary in accordance 2102  
with that order. In all other circumstances, no portion 2103  
allocated under this plan of payment shall be less than ten per 2104  
cent. The total of the portions allocated shall not exceed one 2105  
hundred per cent of the member's lesser allowance. 2106

(B) (1) The death of a spouse designated as beneficiary or 2107  
the death of any other designated beneficiary following a 2108  
member's retirement or election under section 742.44 of the 2109  
Revised Code to participate in the deferred retirement option 2110  
plan shall cancel the portion of the optional plan of payment 2111  
providing continuing lifetime benefits to the deceased 2112  
designated beneficiary. The member of the fund shall receive the 2113  
actuarial equivalent of the member's single lifetime benefit, as 2114  
determined by the board, based on the number of remaining 2115  
beneficiaries, with no change in the amount payable to any 2116  
remaining beneficiary. The change shall be effective the month 2117  
following receipt by the board of notice of the death. 2118

(2) On divorce, annulment, or marriage dissolution, a 2119  
member receiving a retirement allowance under a plan that 2120

provides for continuation of all or part of the allowance after 2121  
death for the lifetime of the member's surviving spouse may, 2122  
with the written consent of the spouse or pursuant to an order 2123  
of the court with jurisdiction over the termination of the 2124  
marriage, elect to cancel the portion of the plan providing 2125  
continuing lifetime benefits to that spouse. The member shall 2126  
receive the actuarial equivalent of the member's single lifetime 2127  
benefit as determined by the board based on the number of 2128  
remaining beneficiaries, with no change in amount payable to any 2129  
remaining beneficiary. The election shall be made on a form 2130  
provided by the board and shall be effective the month following 2131  
its receipt by the board. 2132

(C) (1) Following marriage or remarriage, both of the 2133  
following apply: 2134

(a) A member of the fund receiving a retirement allowance 2135  
under section 742.37 or 742.39 of the Revised Code may elect not 2136  
later than one year after the date of marriage or remarriage a 2137  
new optional plan of payment based on the actuarial equivalent 2138  
of the member's single lifetime benefit as determined by the 2139  
board. 2140

(b) If a member is receiving a retirement allowance 2141  
pursuant to a plan of payment providing for payment to a former 2142  
spouse pursuant to a court order described in division (D) (1) (c) 2143  
of this section and the board has received a copy of the order 2144  
described in that division, the member may elect a new plan of 2145  
payment under "option 4" based on the actuarial equivalent of 2146  
the retirant's single lifetime retirement allowance as 2147  
determined by the board if the new plan of payment elected does 2148  
not reduce the payment to the former spouse. 2149

(2) A plan elected under this division and the member's 2150

lesser retirement allowance shall become effective on the date 2151  
of receipt by the board of an application on a form approved by 2152  
the board. 2153

(D) (1) Unless one of the following occurs, an application 2154  
for retirement by a married person shall be considered an 2155  
election of a benefit under option 2 as provided for in division 2156  
(A) (2) of this section under which one-half of the lesser 2157  
retirement allowance payable during the life of the retirant 2158  
will be paid after death to the retirant's spouse for life as 2159  
sole beneficiary: 2160

(a) The retirant selects an optional plan under division 2161  
(A) of this section providing for payment after death to the 2162  
retirant's spouse for life as sole beneficiary of more than one- 2163  
half of the lesser retirement allowance payable during the life 2164  
of the retirant; 2165

(b) The retirant submits to the board a written statement 2166  
signed by the spouse attesting that the spouse consents to the 2167  
retirant's election to receive a single lifetime retirement 2168  
allowance or a payment under an optional benefit plan under 2169  
which after the death of the retirant the surviving spouse will 2170  
receive less than one-half of the lesser retirement allowance 2171  
payable during the life of the retirant; 2172

(c) A plan of payment providing for payment in a specified 2173  
amount continuing after the retirant's death to a former spouse 2174  
is required by a court order issued prior to the effective date 2175  
of the retirant's retirement under section 3105.171 or 3105.65 2176  
of the Revised Code or the laws of another state regarding 2177  
division of marital property. 2178

(d) If a retirant is subject to division (D) (1) (c) of this 2179

section and the board has received a copy of the order described 2180  
in that division, the board shall accept the retirant's election 2181  
of a plan of payment under this section only if the retirant 2182  
complies with both of the following: 2183

(i) The retirant elects a plan of payment that is in 2184  
accordance with the order described in division (D) (1) (c) of 2185  
this section. 2186

(ii) If the retirant is married, the retirant elects 2187  
"option 4" and designates the retirant's current spouse as a 2188  
beneficiary under that plan unless that spouse consents in 2189  
writing to not being designated a beneficiary under any plan of 2190  
payment or the board waives the requirement that the current 2191  
spouse consent. 2192

(2) An application for retirement shall include an 2193  
explanation of all of the following: 2194

(a) That, if the member is married, unless the spouse 2195  
consents to another plan of payment or there is a court order 2196  
dividing marital property issued under section 3105.171 or 2197  
3105.65 of the Revised Code or the laws of another state 2198  
regarding the division of marital property that provides for 2199  
payment in a specified amount, the member's retirement allowance 2200  
will be paid under "option 2" and consist of the actuarial 2201  
equivalent of the member's retirement allowance in a lesser 2202  
amount payable for life and one-half of the lesser allowance 2203  
continuing after death to the surviving spouse for the life of 2204  
the spouse; 2205

(b) A description of the alternative plans of payment 2206  
available with the consent of the spouse; 2207

(c) That the spouse may consent to another plan of payment 2208

and the procedure for giving consent; 2209

(d) That consent is irrevocable once notice of consent is 2210  
filed with the board. 2211

Consent shall be valid only if it is signed, in writing, 2212  
and witnessed by an employee of the board or a notary public. 2213

(3) If the retirant does not select an optional plan as 2214  
described in division (D) (1) (a) of this section and the board 2215  
does not receive the written statement provided for in division 2216  
(D) (1) (b) of this section, it shall determine and pay the 2217  
retirement allowance in accordance with division (A) (2) of this 2218  
section, except that the board may provide by rule for waiver by 2219  
the board of the statement and payment of the allowance other 2220  
than in accordance with division (A) (2) of this section if the 2221  
retirant is unable to obtain the statement due to absence or 2222  
incapacity of the spouse or other cause specified by the board. 2223

(E) A member of the fund who has elected an optional plan 2224  
under this section or section 742.3715 of the Revised Code may, 2225  
with the consent of the designated beneficiary, cancel the 2226  
optional plan and receive the retirement allowance payable 2227  
throughout life the member would have received had the member 2228  
not elected the optional plan, if the member makes a request to 2229  
cancel the optional plan not later than one year after the later 2230  
of September 9, 1988, or the date on which the member first 2231  
receives a payment under this section or section 742.3715 of the 2232  
Revised Code. Cancellation of the optional plan shall be 2233  
effective the month after acceptance of the request by the 2234  
trustees of the fund. No payment or adjustment shall be made in 2235  
the retirement allowance payable throughout the member's life to 2236  
compensate for the lesser allowance the member received under 2237  
the optional plan. 2238

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. 2269

The date of the first increase payable under this section 2270  
shall be the anniversary date for future increases. 2271

If payment of a portion of a benefit is made to an 2272  
alternate payee under section 742.462 of the Revised Code, 2273  
increases under this division granted while the order is in 2274  
effect shall be apportioned between the alternate payee and the 2275  
benefit recipient in the same proportion that the amount being 2276  
paid to the alternate payee bears to the amount paid to the 2277  
benefit recipient. 2278

If payment of a portion of a retirement allowance is made 2279  
to one or more beneficiaries under "option 4" under division (A) 2280  
(4) of section 742.3711 of the Revised Code, each increase under 2281  
this division granted while the plan of payment is in effect 2282  
shall be divided among the designated beneficiaries in 2283  
accordance with the portion each beneficiary has been allocated. 2284

**Sec. 742.47.** Except as provided in sections 742.461, 2285  
742.462, 742.463, 742.464, 3105.171, 3105.65, and 3115.501 and 2286  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, 2287  
sums of money due or to become due to any individual from the 2288  
Ohio police and fire pension fund are not liable to attachment, 2289  
garnishment, the operation of bankruptcy or insolvency laws, 2290  
levy, or seizure under any legal or equitable process or any 2291  
other process of law whatsoever, whether those sums remain with 2292  
the treasurer of the fund or any officer or agent of the board 2293  
of trustees of the fund or are in the course of transmission to 2294  
the individual entitled to them, but shall inure wholly to the 2295  
benefit of that individual. 2296

**Sec. 742.50.** As used in this section, "member's 2297

contribution" means the total amount deducted from the salary of 2298  
a member of the Ohio police and fire pension fund and credited 2299  
to the member's account in the fund. 2300

If a member of the fund dies before receiving pension and 2301  
benefit payments from the fund in an amount equal to the 2302  
member's contribution and leaves no surviving spouse, surviving 2303  
children, or dependent parent eligible for monthly pension 2304  
payments under section 742.37 of the Revised Code, the board of 2305  
trustees of the Ohio police and fire pension fund shall pay to 2306  
the estate of such deceased member an amount equal to the 2307  
member's contribution, less the total amount received by such 2308  
member as benefit or pension payments from such fund. 2309

If a member who dies before receiving pension and benefit 2310  
payments from the fund in an amount equal to the member's 2311  
contribution leaves one or more survivors eligible for monthly 2312  
pension payments under section 742.37 of the Revised Code but 2313  
the total amount paid all survivors under that section is less 2314  
than the member's contribution, the fund shall pay to the 2315  
survivors or their estates, in equal shares, an amount equal to 2316  
the member's contribution, less the total amount received by the 2317  
member and all survivors as benefit or pension payments from the 2318  
fund. 2319

If the accumulated contributions of a deceased member are 2320  
not claimed by a survivor, or by the estate of the deceased 2321  
member or survivor, within seven years, they shall be 2322  
transferred to the guarantee fund and thereafter paid to such 2323  
survivor or to the estate of the member or survivor upon 2324  
application to the board. 2325

**Sec. 742.63.** The board of trustees of the Ohio police and 2326  
fire pension fund shall adopt rules for the management of the 2327

Ohio public safety officers death benefit fund and for	2328
disbursements of benefits as set forth in this section.	2329
(A) As used in this section:	2330
(1) "Member" means all of the following:	2331
(a) A member of the Ohio police and fire pension fund,	2332
including a member of the fund who has elected to participate in	2333
the deferred retirement option plan established under section	2334
742.43 of the Revised Code or a member of or contributor to a	2335
police or firemen's relief and pension fund established under	2336
former Chapter 521. or 741. of the Revised Code;	2337
(b) A member of the state highway patrol retirement	2338
system, including a member who is participating in the deferred	2339
retirement option plan established under section 5505.50 of the	2340
Revised Code;	2341
(c) A member of the public employees retirement system who	2342
at the time of the member's death was one of the following:	2343
(i) A county sheriff or deputy sheriff;	2344
(ii) A full-time regular police officer in a municipal	2345
corporation or township;	2346
(iii) A full-time regular firefighter employed by the	2347
state, an instrumentality of the state, a municipal corporation,	2348
a township, a joint fire district, or another political	2349
subdivision;	2350
(iv) A full-time park district ranger or patrol trooper;	2351
(v) A full-time law enforcement officer of the department	2352
of natural resources;	2353
(vi) A full-time department of public safety enforcement	2354

agent;	2355
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	2356 2357 2358
(viii) A full-time law enforcement officer of a conservancy district;	2359 2360
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	2361 2362 2363
(x) A state university law enforcement officer;	2364
(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation;	2365 2366 2367
(xii) A drug agent, as defined in section 145.01 of the Revised Code;	2368 2369
(xiii) A gaming agent, as defined in section 3772.01 of the Revised Code;	2370 2371
(xiv) An employee of the department of taxation who has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.	2372 2373 2374 2375
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	2376 2377 2378 2379
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the	2380 2381

state or an instrumentality of the state or of a municipal 2382  
corporation, township, joint fire district, or other political 2383  
subdivision, the state highway patrol, a county sheriff's 2384  
office, the security force of an institution under the control 2385  
of the department of rehabilitation and correction, the security 2386  
force of a jail or workhouse under the control of a county, 2387  
group of counties, or municipal corporation, the security force 2388  
of a metropolitan, county, or township park district, the 2389  
security force of lands under the control of the department of 2390  
natural resources, department of public safety enforcement 2391  
agents, the security force of parks, waterway lands, or 2392  
reservoir lands under the control of a municipal corporation, 2393  
the security force of a conservancy district, the police 2394  
department of a township or municipal corporation, and the 2395  
police force of a state university. 2396

(3) "Firefighter or police officer" includes a state 2397  
highway patrol trooper, a county sheriff or deputy sheriff, a 2398  
correction officer at an institution under the control of a 2399  
county, a group of counties, a municipal corporation, or the 2400  
department of rehabilitation and correction, a police officer 2401  
employed by a township or municipal corporation, a firefighter 2402  
employed by the state, an instrumentality of the state, a 2403  
municipal corporation, a township, a joint fire district, or 2404  
another political subdivision, a full-time park district ranger 2405  
or patrol trooper, a full-time law enforcement officer of the 2406  
department of natural resources, a full-time department of 2407  
public safety enforcement agent, a full-time law enforcement 2408  
officer of parks, waterway lands, or reservoir lands under the 2409  
control of a municipal corporation, a full-time law enforcement 2410  
officer of a conservancy district, and a state university law 2411  
enforcement officer. 2412

- (4) "Correction officer" includes, in addition to any correction officer, any correction corporal, sergeant, lieutenant, or captain, and the equivalents of all such persons.
- (5) "A park district ranger or patrol trooper" means a peace officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of a board of park commissioners of a metropolitan, county, or township park district.
- (6) "Metropolitan, county, or township park district" means a park district created under the authority of Chapter 511. or 1545. of the Revised Code.
- (7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.
- (8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.
- (9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.
- (10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension

provided under section 145.332, Chapter 145., 521., or 741., 2442  
division (C)(1) of section 742.37, or division (A)(1) of section 2443  
5505.17 of the Revised Code or provided by a retirement system 2444  
operated by a municipal corporation. 2445

(11) "Death benefit amount" means an amount equal to the 2446  
full monthly salary received by a deceased member prior to 2447  
death, minus an amount equal to the benefit received under 2448  
section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code 2449  
or the benefit received from a retirement system operated by a 2450  
municipal corporation, plus any increases in salary that would 2451  
have been granted the deceased member. 2452

(12) "Killed in the line of duty" means either of the 2453  
following: 2454

(a) Death in the line of duty; 2455

(b) Death from injury sustained in the line of duty, 2456  
including heart attack or other fatal injury or illness caused 2457  
while in the line of duty. 2458

(B) A spouse of a deceased member shall receive a death 2459  
benefit each month equal to the full death benefit amount, 2460  
provided that the deceased member was a firefighter or police 2461  
officer killed in the line of duty and there are no surviving 2462  
children eligible for a benefit under this section. The spouse 2463  
shall receive this benefit during the spouse's natural life 2464  
until the deceased member's retirement eligibility date, on 2465  
which date the benefit provided under this division shall 2466  
terminate. 2467

(C)(1) If a member killed in the line of duty as a 2468  
firefighter or police officer is survived only by a child or 2469  
children, the child or children shall receive a benefit each 2470

month equal to the full death benefit amount. If there is more 2471  
than one surviving child, the benefit shall be divided equally 2472  
among these children. 2473

(2) If the death benefit paid under this division is 2474  
divided among two or more surviving children and any of the 2475  
children become ineligible to continue receiving a portion of 2476  
the benefit as provided in division (H) of this section, the 2477  
full death benefit amount shall be paid to the remaining 2478  
eligible child or divided among the eligible children so that 2479  
the benefit paid to the remaining eligible child or children 2480  
equals the full death benefit amount. 2481

(3) Notwithstanding divisions (C) (1) and (2) of this 2482  
section, all death benefits paid under this division shall 2483  
terminate on the deceased member's retirement eligibility date. 2484

(D) If a member killed in the line of duty as a 2485  
firefighter or police officer is survived by both a spouse and a 2486  
child or children, the monthly benefit provided shall be as 2487  
follows: 2488

(1) (a) If there is a surviving spouse and one surviving 2489  
child, the spouse shall receive an amount each month equal to 2490  
one-half of the full death benefit amount and the child shall 2491  
receive an amount equal to one-half of the full death benefit 2492  
amount. 2493

(b) If the surviving spouse dies or the child becomes 2494  
ineligible as provided in division (H) of this section, the 2495  
surviving spouse or child remaining eligible shall receive the 2496  
full death benefit amount. 2497

(2) (a) If there is a surviving spouse and more than one 2498  
child, the spouse shall receive an amount each month equal to 2499

one-third of the full death benefit amount and the children 2500  
shall receive an amount, equally divided among them, equal to 2501  
two-thirds of the full death benefit amount. 2502

(b) If a spouse and more than one child each are receiving 2503  
a death benefit under division (D) (2) (a) of this section and the 2504  
spouse dies, the children shall receive an amount each month, 2505  
equally divided among them, equal to the full death benefit 2506  
amount. 2507

(c) If a spouse and more than one child each are receiving 2508  
a benefit under division (D) (2) (a) of this section and any of 2509  
the children becomes ineligible to receive a benefit as provided 2510  
in division (H) of this section, the spouse and remaining 2511  
eligible child or children shall receive a death benefit as 2512  
follows: 2513

(i) If there are two or more remaining eligible children, 2514  
the spouse shall receive an amount each month equal to one-third 2515  
of the full death benefit amount and the children shall receive 2516  
an amount each month, equally divided among them, equal to two- 2517  
thirds of the full death benefit amount; 2518

(ii) If there is one remaining eligible child, the spouse 2519  
shall receive an amount each month equal to one-half of the full 2520  
death benefit amount, and the child shall receive an amount each 2521  
month equal to one-half of the full death benefit amount. 2522

(d) If a spouse and more than one child each are receiving 2523  
a benefit under division (D) (2) (a) of this section and all of 2524  
the children become ineligible to receive a benefit as provided 2525  
in division (H) of this section, the spouse shall receive the 2526  
full death benefit amount. 2527

(3) Notwithstanding divisions (D) (1) and (2) of this 2528

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 2558  
amount equal to the monthly salary received by the deceased 2559  
member prior to the member's death, plus any salary increases 2560  
the deceased member would have received prior to the member's 2561  
retirement eligibility date. The benefit shall terminate on the 2562  
surviving spouse's death. A death benefit payable under this 2563  
division shall be reduced by an amount equal to any allowance or 2564  
benefit payable to the surviving spouse under section 742.3714 2565  
of the Revised Code. 2566

(3) A benefit granted to a surviving spouse under division 2567  
(F)(1)(b) of this section shall commence on the first day of the 2568  
month immediately following receipt by the board of a completed 2569  
application on a form provided by the board and any evidence the 2570  
board may require to establish that the deceased spouse was 2571  
killed in the line of duty. 2572

(G)(1) If there is not a surviving spouse eligible to 2573  
receive a death benefit under division (F) of this section or 2574  
the surviving spouse receiving a death benefit under that 2575  
division dies, a surviving child or children whose benefits 2576  
under division (C) or (D) of this section are or have been 2577  
terminated pursuant to division (C)(3) or (D)(3) of this section 2578  
or who would qualify for a benefit under division (C) or (D) of 2579  
this section except that the deceased member reached the 2580  
member's retirement eligibility date prior to the member's death 2581  
shall receive a monthly death benefit under this division. The 2582  
monthly death benefit shall be one-half of an amount equal to 2583  
the monthly salary received by the deceased member prior to the 2584  
member's death, plus any salary increases the member would have 2585  
received prior to the member's retirement eligibility date. If 2586  
there is more than one surviving child, the benefit shall be 2587  
divided equally among the surviving children. 2588

(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 2619  
by the trustees of the fund. 2620

(2) Except as provided in division (H)(3) of this section, 2621  
effective January 1, 2017, a death benefit paid to a surviving 2622  
child under division (C), (D), or (G) of this section shall 2623  
terminate on the earlier of the death of the child, the child 2624  
attaining twenty-two years of age, or marriage. 2625

Benefits to a surviving child who is at least eighteen 2626  
years of age but under twenty-two years of age that under a 2627  
former version of this section never commenced or were 2628  
terminated due to a lack of attendance at an institution of 2629  
learning or training and not commenced or resumed before January 2630  
1, 2017, shall commence or resume on the first day of the month 2631  
immediately following receipt by the board of an application on 2632  
a form provided by the board if the application is received on 2633  
or before December 31, 2017. These benefits terminate on the 2634  
child attaining twenty-two years of age. 2635

(3) If, regardless of age, a surviving child who at the 2636  
time of the member's death because of physical or mental 2637  
disability is totally dependent upon the deceased member for 2638  
support at the time of death, the death benefit shall terminate 2639  
on the child's death or when the child has recovered from the 2640  
disability. 2641

(I) Acceptance of any death benefit under this section 2642  
does not prohibit a spouse or child from receiving other 2643  
benefits provided under the Ohio police and fire pension fund, 2644  
the state highway patrol retirement system, the public employees 2645  
retirement system, or a retirement system operated by a 2646  
municipal corporation. 2647

(J) No person shall receive a benefit under this section 2648  
if any of the following occur: 2649

(1) The person fails to exercise the right to a monthly 2650  
survivor benefit under division (A) or (B) of section 145.45, 2651  
division (D), (E), or (F) of section 742.37, or division (A)(3), 2652  
(4), or (6) of section 5505.17 of the Revised Code; to a monthly 2653  
survivor benefit from a retirement system operated by a 2654  
municipal corporation; or to a retirement allowance under 2655  
section 742.3714 of the Revised Code. 2656

(2) The member's accumulated contributions under this 2657  
chapter or Chapter 145. or 5505. of the Revised Code are 2658  
refunded unless the member had been a member of the public 2659  
employees retirement system and had fewer than eighteen months 2660  
of total service credit at the time of death. 2661

(3) In the case of a full-time park district ranger or 2662  
patrol trooper, a full-time law enforcement officer of the 2663  
department of natural resources, a full-time law enforcement 2664  
officer of parks, waterway lands, or reservoir lands under the 2665  
control of a municipal corporation, a full-time law enforcement 2666  
officer of a conservancy district, a correction officer at an 2667  
institution under the control of a county, group of counties, or 2668  
municipal corporation, or a member of a retirement system 2669  
operated by a municipal corporation who at the time of the 2670  
member's death was a full-time law enforcement officer of parks, 2671  
waterway lands, or reservoir lands under the control of the 2672  
municipal corporation, the member died prior to April 9, 1981, 2673  
in the case of a benefit under division (B), (C), or (D) of this 2674  
section, or prior to January 1, 1980, in the case of a benefit 2675  
under division (E) of this section. 2676

(4) In the case of a full-time department of public safety 2677

enforcement agent who prior to June 30, 1999, was a liquor 2678  
control investigator of the department of public safety, the 2679  
member died prior to December 23, 1986; 2680

(5) In the case of a full-time department of public safety 2681  
enforcement agent other than an enforcement agent who, prior to 2682  
June 30, 1999, was a liquor control investigator, the member 2683  
died prior to June 30, 1999. 2684

(K) A surviving spouse whose benefit was terminated prior 2685  
to June 30, 1999, due to remarriage shall receive a benefit 2686  
under division (B), (D), or (F) of this section beginning on the 2687  
first day of the month following receipt by the board of an 2688  
application on a form provided by the board. The benefit amount 2689  
shall be determined as of that date. 2690

(1) If the benefit will begin prior to the deceased 2691  
member's retirement eligibility date, it shall be paid under 2692  
division (B) or (D) of this section and shall terminate as 2693  
provided in those divisions. A benefit paid to a surviving 2694  
spouse under division (D) of this section shall be determined in 2695  
accordance with that division, even if benefits paid to 2696  
surviving children are reduced as a result. 2697

(2) If the benefit will begin on or after the deceased 2698  
member's retirement eligibility date, it shall be paid under 2699  
division (F) of this section and shall terminate as provided in 2700  
that division. A benefit paid to a surviving spouse under 2701  
division (F) of this section shall be determined in accordance 2702  
with that division, even if benefits paid to surviving children 2703  
are terminated as a result. 2704

**Sec. 3305.052.** (A) The state retirement system that covers 2705  
the position held by an employee of a public institution of 2706

higher education who makes an election under division (B) (2) or 2707  
(3) of section 3305.05 or division (B) of section 3305.051 of 2708  
the Revised Code to participate in the public institution's 2709  
alternative retirement plan shall, not later than thirty days 2710  
after the date on which the certified copy of the employee's 2711  
election is filed with the state retirement system under that 2712  
section, do one of the following: 2713

(1) If the employee was participating in a defined benefit 2714  
plan as provided in sections 145.201 to 145.79, sections 3307.50 2715  
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 2716  
pay to the provider of the investment option selected by the 2717  
employee any employee and employer contributions made to the 2718  
retirement system by or on behalf of that employee for the 2719  
period beginning on the employee's starting day of employment 2720  
and ending on the day before the day on which contributions 2721  
commence under an alternative retirement plan, less the amount 2722  
due the retirement system pursuant to division (D) of section 2723  
3305.06 ~~or 3305.062~~ of the Revised Code for that period. 2724

(2) If the employee was participating in a defined 2725  
contribution plan as provided in section 145.81, 3307.81, or 2726  
3309.81 of the Revised Code, pay to the provider of the 2727  
investment option selected by the employee the amount on deposit 2728  
in the employee's individual account for the period beginning on 2729  
the employee's starting day of employment and ending on the day 2730  
before the day on which contributions commence under an 2731  
alternative retirement plan. 2732

(B) The state retirement system that covers the position 2733  
held by an employee of a public institution of higher education 2734  
who makes an election under division (B) (1) of section 3305.05 2735  
or division (C) of section 3305.051 of the Revised Code to 2736

participate in the public institution's alternative retirement 2737  
plan shall, not later than thirty days after the date on which a 2738  
certified copy of the employee's election is filed with the 2739  
state retirement system under that section, do one of the 2740  
following: 2741

(1) If the employee was participating in a defined benefit 2742  
plan as provided in sections 145.201 to 145.79, sections 3307.50 2743  
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 2744  
pay to the provider of the investment option selected by the 2745  
employee any employee and employer contributions made to the 2746  
retirement system by or on behalf of that employee for any 2747  
period commencing after the date on which the election becomes 2748  
irrevocable under division (C) (1) of section 3305.05 of the 2749  
Revised Code or the applicable date described in division (C) (2) 2750  
(a) or (b) of section 3305.051 of the Revised Code and ending on 2751  
the day before the day on which contributions commence under an 2752  
alternative retirement plan, less the amount due the retirement 2753  
system pursuant to division (D) of section 3305.06 ~~or 3305.062~~ 2754  
of the Revised Code for that period. 2755

(2) If the employee was participating in a defined 2756  
contribution plan as provided in section 145.81, 3307.81, or 2757  
3309.81 of the Revised Code, pay to the provider of the 2758  
investment option selected by the employee the amount on deposit 2759  
in the employee's individual account for the period commencing 2760  
after the date on which the election becomes irrevocable under 2761  
division (C) (1) of section 3305.05 of the Revised Code and 2762  
ending on the day before the day on which contributions commence 2763  
under an alternative retirement plan. 2764

**Sec. 3305.06.** (A) Each electing employee shall contribute 2765  
an amount, which shall be a certain percentage of the employee's 2766

compensation, to the provider of the investment option the 2767  
employee has selected. This percentage shall be the percentage 2768  
the electing employee would have otherwise been required to 2769  
contribute to the state retirement system that applies to the 2770  
employee's position, except that the percentage shall not be 2771  
less than three per cent. Employee contributions under this 2772  
division may be treated as employer contributions in accordance 2773  
with Internal Revenue Code 414(h). 2774

(B) Each public institution of higher education employing 2775  
an electing employee shall contribute a percentage of the 2776  
employee's compensation to the provider of the investment option 2777  
the employee has selected. This percentage shall be equal to the 2778  
percentage that the public institution of higher education would 2779  
otherwise contribute on behalf of that employee to the state 2780  
retirement system that would otherwise cover that employee's 2781  
position, less the percentage contributed by the public 2782  
institution of higher education under division (D) of this 2783  
section. 2784

(C) (1) In no event shall the amount contributed by the 2785  
electing employee pursuant to division (A) of this section and 2786  
on the electing employee's behalf pursuant to division (B) of 2787  
this section be less than the amount necessary to qualify the 2788  
plan as a state retirement system pursuant to Internal Revenue 2789  
Code 3121(b) (7) and the regulations adopted thereunder. 2790

(2) The full amount of the electing employee's 2791  
contribution under division (A) of this section and the full 2792  
amount of the employer's contribution made on behalf of that 2793  
employee under division (B) of this section shall be paid to the 2794  
appropriate provider for application to the electing employee's 2795  
investment option. 2796

(D) Each public institution of higher education employing 2797  
an electing employee shall contribute on behalf of that employee 2798  
to the state retirement system that otherwise applies to the 2799  
electing employee's position a percentage of the electing 2800  
employee's compensation to mitigate any negative financial 2801  
impact of the alternative retirement program on the state 2802  
retirement system. The percentage shall be ~~six per cent, except~~ 2803  
~~that the percentage may be adjusted by the Ohio retirement study~~ 2804  
~~council to reflect the determinations made~~ determined by the 2805  
actuarial studies ~~study~~ conducted under section ~~171.07-145.222,~~ 2806  
~~3307.514, or 3309.212~~ of the Revised Code, as applicable. ~~Any~~ 2807  
~~adjustment shall become effective on the first day of the second-~~ 2808  
~~month following submission of the actuarial study to the Ohio~~ 2809  
~~board of regents under section 171.07 of the Revised Code.~~ 2810

~~Contributions on behalf of an electing employee shall~~ 2811  
~~continue in accordance with this division until the occurrence~~ 2812  
~~of the following:~~ 2813

~~(1) If the electing employee would be subject to Chapter~~ 2814  
~~145. of the Revised Code had the employee not made an election~~ 2815  
~~pursuant to section 3305.05 or 3305.051 of the Revised Code,~~ 2816  
~~until the unfunded actuarial accrued liability for all benefits,~~ 2817  
~~except health care benefits provided under section 145.58 or~~ 2818  
~~145.584 of the Revised Code and benefit increases provided after~~ 2819  
~~March 31, 1997, is fully amortized, as determined by the annual~~ 2820  
~~actuarial valuation prepared under section 145.22 of the Revised~~ 2821  
~~Code;~~ 2822

~~(2) If the electing employee would be subject to Chapter~~ 2823  
~~3307. of the Revised Code had the employee not made an election~~ 2824  
~~pursuant to section 3305.05 or 3305.051 of the Revised Code,~~ 2825  
~~until the unfunded actuarial accrued liability for all benefits,~~ 2826

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

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

**Sec. 3307.01.** As used in this chapter: 2840

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

(B) (1) "Teacher" means all of the following: 2848

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

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

in a community school or a science, technology, engineering, and 2856  
mathematics school pursuant to Chapter 3314. or 3326. of the 2857  
Revised Code; 2858

(c) Any person having a license issued pursuant to 2859  
sections 3319.22 to 3319.31 of the Revised Code and employed in 2860  
a public school in this state in an educational position, as 2861  
determined by the state board of education, under programs 2862  
provided for by federal acts or regulations and financed in 2863  
whole or in part from federal funds, but for which no licensure 2864  
requirements for the position can be made under the provisions 2865  
of such federal acts or regulations; 2866

(d) Any other teacher or faculty member employed in any 2867  
school, college, university, institution, or other agency wholly 2868  
controlled and managed, and supported in whole or in part, by 2869  
the state or any political subdivision thereof, including 2870  
Central state university, Cleveland state university, and the 2871  
university of Toledo; 2872

(e) The educational employees of the department of 2873  
education, as determined by the state superintendent of public 2874  
instruction. 2875

In all cases of doubt, the state teachers retirement board 2876  
shall determine whether any person is a teacher, and its 2877  
decision shall be final. 2878

(2) "Teacher" does not include any of the following: 2879

(a) Any eligible employee of a public institution of 2880  
higher education, as defined in section 3305.01 of the Revised 2881  
Code, who elects to participate in an alternative retirement 2882  
plan established under Chapter 3305. of the Revised Code; 2883

(b) Any person employed by a community school operator, as 2884

defined in section 3314.02 of the Revised Code, if on or before 2885  
February 1, 2016, the school's operator was withholding and 2886  
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 2887  
and 3111(a) for persons employed in the school as teachers, 2888  
unless the person had contributing service in a community school 2889  
in the state within one year prior to the later of February 1, 2890  
2016, or the date on which the operator for the first time 2891  
withholds and pays employee and employer taxes pursuant to 26 2892  
U.S.C. 3101(a) and 3111(a) for that person; 2893

(c) Any person who would otherwise be a teacher under 2894  
division (B) (2) (b) of this section who terminates employment 2895  
with a community school operator and has no contributing service 2896  
in a community school in the state for a period of at least one 2897  
year from the date of termination of employment. 2898

(C) "Member" means any person included in the membership 2899  
of the state teachers retirement system, which shall consist of 2900  
all teachers and contributors as defined in divisions (B) and 2901  
(D) of this section and all disability benefit recipients, as 2902  
defined in section 3307.50 of the Revised Code. However, for 2903  
purposes of this chapter, the following persons shall not be 2904  
considered members: 2905

(1) A student, intern, or resident who is not a member 2906  
while employed part-time by a school, college, or university at 2907  
which the student, intern, or resident is regularly attending 2908  
classes; 2909

(2) A person denied membership pursuant to section 3307.24 2910  
of the Revised Code; 2911

(3) An other system retirant, as defined in section 2912  
3307.35 of the Revised Code, or a superannuate; 2913

(4) An individual employed in a program established	2914
pursuant to the "Job Training Partnership Act," 96 Stat. 1322	2915
(1982), 29 U.S.C.A. 1501;	2916
(5) The surviving spouse of a member or retirant if the	2917
surviving spouse's only connection to the retirement system is	2918
an account in an STRS defined contribution plan.	2919
(D) "Contributor" means any person who has an account in	2920
the teachers' savings fund or defined contribution fund, except	2921
that "contributor" does not mean a member or retirant's	2922
surviving spouse with an account in an STRS defined contribution	2923
plan.	2924
(E) "Beneficiary" means any person eligible to receive, or	2925
in receipt of, a retirement allowance or other benefit provided	2926
by this chapter.	2927
(F) "Year" means the year beginning the first day of July	2928
and ending with the thirtieth day of June next following, except	2929
that for the purpose of determining final average salary under	2930
the plan described in sections 3307.50 to 3307.79 of the Revised	2931
Code, "year" may mean the contract year.	2932
(G) "Local district pension system" means any school	2933
teachers pension fund created in any school district of the	2934
state in accordance with the laws of the state prior to	2935
September 1, 1920.	2936
(H) "Employer contribution" means the amount paid by an	2937
employer, as determined by the employer rate, including the	2938
normal and deficiency rates, contributions, and funds wherever	2939
used in this chapter.	2940
(I) "Five years of service credit" means employment	2941
covered under this chapter and employment covered under a former	2942

retirement plan operated, recognized, or endorsed by a college, 2943  
institute, university, or political subdivision of this state 2944  
prior to coverage under this chapter. 2945

(J) "Actuary" means an actuarial professional contracted 2946  
with or employed by the state teachers retirement board, who 2947  
shall be either of the following: 2948

(1) A member of the American academy of actuaries; 2949

(2) A firm, partnership, or corporation of which at least 2950  
one person is a member of the American academy of actuaries. 2951

(K) "Fiduciary" means a person who does any of the 2952  
following: 2953

(1) Exercises any discretionary authority or control with 2954  
respect to the management of the system, or with respect to the 2955  
management or disposition of its assets; 2956

(2) Renders investment advice for a fee, direct or 2957  
indirect, with respect to money or property of the system; 2958

(3) Has any discretionary authority or responsibility in 2959  
the administration of the system. 2960

(L) (1) (a) Except as provided in this division, 2961  
"compensation" means all salary, wages, and other earnings paid 2962  
to a teacher by reason of the teacher's employment, including 2963  
compensation paid pursuant to a supplemental contract. The 2964  
salary, wages, and other earnings shall be determined prior to 2965  
determination of the amount required to be contributed to the 2966  
teachers' savings fund or defined contribution fund under 2967  
section 3307.26 of the Revised Code and without regard to 2968  
whether any of the salary, wages, or other earnings are treated 2969  
as deferred income for federal income tax purposes. 2970

(b) Except as provided in division (L)(1)(c) of this 2971  
section, "compensation" includes amounts paid by an employer as 2972  
a retroactive payment of earnings, damages, or back pay pursuant 2973  
to a court order, court-adopted settlement agreement, or other 2974  
settlement agreement if the retirement system receives both of 2975  
the following: 2976

(i) Teacher and employer contributions under sections 2977  
3307.26 and 3307.28 of the Revised Code, plus interest 2978  
compounded annually at a rate determined by the state teachers 2979  
retirement board, for each year or portion of a year for which 2980  
amounts are paid under the order or agreement; 2981

(ii) Teacher and employer contributions under sections 2982  
3307.26 and 3307.28 of the Revised Code, plus interest 2983  
compounded annually at a rate determined by the board, for each 2984  
year or portion of a year not subject to division (L)(1)(b)(i) 2985  
of this section for which the board determines the teacher was 2986  
improperly paid, regardless of the teacher's ability to recover 2987  
on such amounts improperly paid. 2988

(c) If any portion of an amount paid by an employer as a 2989  
retroactive payment of earnings, damages, or back pay is for an 2990  
amount, benefit, or payment described in division (L)(2) of this 2991  
section, that portion of the amount is not compensation under 2992  
this section. 2993

(2) Compensation does not include any of the following: 2994

(a) Payments for accrued but unused sick leave or personal 2995  
leave, including payments made under a plan established pursuant 2996  
to section 124.39 of the Revised Code or any other plan 2997  
established by the employer; 2998

(b) Payments made for accrued but unused vacation leave, 2999

including payments made pursuant to section 124.13 of the	3000
Revised Code or a plan established by the employer;	3001
(c) Payments made for vacation pay covering concurrent	3002
periods for which other salary, compensation, or benefits under	3003
this chapter or Chapter 145. or 3309. of the Revised Code are	3004
paid;	3005
(d) Amounts paid by the employer to provide life	3006
insurance, sickness, accident, endowment, health, medical,	3007
hospital, dental, or surgical coverage, or other insurance for	3008
the teacher or the teacher's family, or amounts paid by the	3009
employer to the teacher in lieu of providing the insurance;	3010
(e) Incidental benefits, including lodging, food, laundry,	3011
parking, or services furnished by the employer, use of the	3012
employer's property or equipment, and reimbursement for job-	3013
related expenses authorized by the employer, including moving	3014
and travel expenses and expenses related to professional	3015
development;	3016
(f) Payments made by the employer in exchange for a	3017
member's waiver of a right to receive any payment, amount, or	3018
benefit described in division (L) (2) of this section;	3019
(g) Payments by the employer for services not actually	3020
rendered;	3021
(h) Any amount paid by the employer as a retroactive	3022
increase in salary, wages, or other earnings, unless the	3023
increase is one of the following:	3024
(i) A retroactive increase paid to a member employed by a	3025
school district board of education in a position that requires a	3026
license designated for teaching and not designated for being an	3027
administrator issued under section 3319.22 of the Revised Code	3028

that is paid in accordance with uniform criteria applicable to 3029  
all members employed by the board in positions requiring the 3030  
licenses; 3031

(ii) A retroactive increase paid to a member employed by a 3032  
school district board of education in a position that requires a 3033  
license designated for being an administrator issued under 3034  
section 3319.22 of the Revised Code that is paid in accordance 3035  
with uniform criteria applicable to all members employed by the 3036  
board in positions requiring the licenses; 3037

(iii) A retroactive increase paid to a member employed by 3038  
a school district board of education as a superintendent that is 3039  
also paid as described in division (L) (2) (h) (i) of this section; 3040

(iv) A retroactive increase paid to a member employed by 3041  
an employer other than a school district board of education in 3042  
accordance with uniform criteria applicable to all members 3043  
employed by the employer. 3044

(i) Payments made to or on behalf of a teacher that are in 3045  
excess of the annual compensation that may be taken into account 3046  
by the retirement system under division (a) (17) of section 401 3047  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 3048  
U.S.C.A. 401(a) (17), as amended. For a teacher who first 3049  
establishes membership before July 1, 1996, the annual 3050  
compensation that may be taken into account by the retirement 3051  
system shall be determined under division (d) (3) of section 3052  
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 3053  
L. No. 103-66, 107 Stat. 472. 3054

(j) Payments made under division (B), (C), or (E) of 3055  
section 5923.05 of the Revised Code, Section 4 of Substitute 3056  
Senate Bill No. 3 of the 119th general assembly, Section 3 of 3057

Amended Substitute Senate Bill No. 164 of the 124th general 3058  
assembly, or Amended Substitute House Bill No. 405 of the 124th 3059  
general assembly; 3060

(k) Anything of value received by the teacher that is 3061  
based on or attributable to retirement or an agreement to 3062  
retire; 3063

~~(l) Any amount paid by the employer as a retroactive 3064  
payment of earnings, damages, or back pay pursuant to a court 3065  
order, court adopted settlement agreement, or other settlement 3066  
agreement, unless the retirement system receives both of the 3067  
following: 3068~~

~~(i) Teacher and employer contributions under sections 3069  
3307.26 and 3307.28 of the Revised Code, plus interest 3070  
compounded annually at a rate determined by the board, for each 3071  
year or portion of a year for which amounts are paid under the 3072  
order or agreement; 3073~~

~~(ii) Teacher and employer contributions under sections 3074  
3307.26 and 3307.28 of the Revised Code, plus interest 3075  
compounded annually at a rate determined by the board, for each 3076  
year or portion of a year not subject to division (L) (2) (1) (i) 3077  
of this section for which the board determines the teacher was 3078  
improperly paid, regardless of the teacher's ability to recover 3079  
on such amounts improperly paid. 3080~~

(3) The retirement board shall determine both of the 3081  
following: 3082

(a) Whether particular forms of earnings are included in 3083  
any of the categories enumerated in this division; 3084

(b) Whether any form of earnings not enumerated in this 3085  
division is to be included in compensation. 3086

Decisions of the board made under this division shall be 3087  
final. 3088

(M) "Superannuate" means both of the following: 3089

(1) A former teacher receiving from the system a 3090  
retirement allowance under section 3307.58 or 3307.59 of the 3091  
Revised Code; 3092

(2) A former teacher receiving a benefit from the system 3093  
under a plan established under section 3307.81 of the Revised 3094  
Code, except that "superannuate" does not include a former 3095  
teacher who is receiving a benefit based on disability under a 3096  
plan established under section 3307.81 of the Revised Code. 3097

For purposes of sections 3307.35 and 3307.353 of the 3098  
Revised Code, "superannuate" also means a former teacher 3099  
receiving from the system a combined service retirement benefit 3100  
paid in accordance with section 3307.57 of the Revised Code, 3101  
regardless of which retirement system is paying the benefit. 3102

(N) "STRS defined benefit plan" means the plan described 3103  
in sections 3307.50 to 3307.79 of the Revised Code. 3104

(O) "STRS defined contribution plan" means the plans 3105  
established under section 3307.81 of the Revised Code and 3106  
includes the STRS combined plan under that section. 3107

(P) "Faculty" means the teaching staff of a university, 3108  
college, or school, including any academic administrators. 3109

Sec. 3307.131. Any action brought against the state 3110  
teachers retirement system or the state teachers retirement 3111  
board or its officers, employees, or board members in their 3112  
official capacities shall be brought in the appropriate court in 3113  
Franklin county, Ohio. 3114

**Sec. 3307.15.** (A) The members of the state teachers 3115  
retirement board shall be the trustees of the funds created by 3116  
section 3307.14 of the Revised Code. The board shall have full 3117  
power to invest the funds. The board and other fiduciaries shall 3118  
discharge their duties with respect to the funds solely in the 3119  
interest of the participants and beneficiaries; for the 3120  
exclusive purpose of providing benefits to participants and 3121  
their beneficiaries and defraying reasonable expenses of 3122  
administering the system; with care, skill, prudence, and 3123  
diligence under the circumstances then prevailing that a prudent 3124  
person acting in a like capacity and familiar with these matters 3125  
would use in the conduct of an enterprise of a like character 3126  
and with like aims; and by diversifying the investments of the 3127  
system so as to minimize the risk of large losses, unless under 3128  
the circumstances it is clearly prudent not to do so. 3129

To facilitate investment of the funds, the board may 3130  
establish a partnership, trust, limited liability company, 3131  
corporation, including a corporation exempt from taxation under 3132  
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 3133  
amended, or any other legal entity authorized to transact 3134  
business in this state. 3135

(B) In exercising its fiduciary responsibility with 3136  
respect to the investment of the funds, it shall be the intent 3137  
of the board to give consideration to investments that enhance 3138  
the general welfare of the state and its citizens where the 3139  
investments offer quality, return, and safety comparable to 3140  
other investments currently available to the board. In 3141  
fulfilling this intent, equal consideration shall also be given 3142  
to investments otherwise qualifying under this section that 3143  
involve minority owned and controlled firms and firms owned and 3144  
controlled by women, either alone or in joint venture with other 3145

firms. 3146

The board shall adopt, in regular meeting, policies, 3147  
objectives, or criteria for the operation of the investment 3148  
program that include asset allocation targets and ranges, risk 3149  
factors, asset class benchmarks, time horizons, total return 3150  
objectives, and performance evaluation guidelines. In adopting 3151  
policies and criteria for the selection of agents with whom the 3152  
board may contract for the administration of the funds, the 3153  
board shall comply with sections 3307.152 and 3307.154 of the 3154  
Revised Code and shall also give equal consideration to minority 3155  
owned and controlled firms, firms owned and controlled by women, 3156  
and ventures involving minority owned and controlled firms and 3157  
firms owned and controlled by women that otherwise meet the 3158  
policies and criteria established by the board. Amendments and 3159  
additions to the policies and criteria shall be adopted in 3160  
regular meeting. The board shall publish its policies, 3161  
objectives, and criteria under this provision no less often than 3162  
annually and shall make copies available to interested parties. 3163

When reporting on the performance of investments, the 3164  
board shall comply with the performance presentation standards 3165  
established by the ~~association for investment management and~~ 3166  
~~research~~ CFA institute. 3167

(C) All bonds, notes, certificates, stocks, or other 3168  
evidences of investments purchased by the board shall be 3169  
delivered to the treasurer of state, who is hereby designated as 3170  
custodian thereof, or to the treasurer of state's authorized 3171  
agent, and the treasurer of state or the agent shall collect the 3172  
principal, interest, dividends, and distributions that become 3173  
due and payable and place them when so collected into the 3174  
custodial funds. Evidences of title of the investments may be 3175

deposited by the treasurer of state for safekeeping with an 3176  
authorized agent, selected by the treasurer of state, who is a 3177  
qualified trustee under section 135.18 of the Revised Code. The 3178  
treasurer of state shall pay for the investments purchased by 3179  
the board on receipt of written or electronic instructions from 3180  
the board or the board's designated agent authorizing the 3181  
purchase and pending receipt of the evidence of title of the 3182  
investment by the treasurer of state or the treasurer of state's 3183  
authorized agent. The board may sell investments held by the 3184  
board, and the treasurer of state or the treasurer of state's 3185  
authorized agent shall accept payment from the purchaser and 3186  
deliver evidence of title of the investment to the purchaser on 3187  
receipt of written or electronic instructions from the board or 3188  
the board's designated agent authorizing the sale, and pending 3189  
receipt of the moneys for the investments. The amount received 3190  
shall be placed into the custodial funds. The board and the 3191  
treasurer of state may enter into agreements to establish 3192  
procedures for the purchase and sale of investments under this 3193  
division and the custody of the investments. 3194

(D) No purchase or sale of any investment shall be made 3195  
under this section except as authorized by the board. 3196

(E) Any statement of financial position distributed by the 3197  
board shall include the fair value, as of the statement date, of 3198  
all investments held by the board under this section. 3199

**Sec. 3307.35.** (A) As used in this section and section 3200  
3307.352 of the Revised Code, "other system retirant" means 3201  
either of the following: 3202

(1) A member or former member of the public employees 3203  
retirement system, Ohio police and fire pension fund, school 3204  
employees retirement system, state highway patrol retirement 3205

system, or Cincinnati retirement system who is receiving from a 3206  
system of which the retirant is a member or former member age 3207  
and service or commuted age and service retirement, a benefit, 3208  
allowance, or distribution under a plan established under 3209  
section 145.81 or 3309.81 of the Revised Code, or a disability 3210  
benefit; 3211

(2) A person who is participating or has participated in 3212  
an alternative retirement plan established under Chapter 3305. 3213  
of the Revised Code and is receiving a benefit, allowance, or 3214  
distribution under the plan. 3215

(B) Subject to this section and section 3307.353 of the 3216  
Revised Code, a superannuate or other system retirant may be 3217  
employed as a teacher. 3218

(C) A superannuate or other system retirant employed in 3219  
accordance with this section shall contribute to the state 3220  
teachers retirement system in accordance with section 3307.26 of 3221  
the Revised Code and the employer shall contribute in accordance 3222  
with sections 3307.28 and 3307.31 of the Revised Code. Such 3223  
contributions shall be received as specified in section 3307.14 3224  
of the Revised Code. A superannuate or other system retirant 3225  
employed as a teacher is not a member of the state teachers 3226  
retirement system, does not have any of the rights, privileges, 3227  
or obligations of membership, except as provided in this 3228  
section, and is not eligible to receive health, medical, 3229  
hospital, or surgical benefits under section 3307.39 of the 3230  
Revised Code for employment subject to this section. 3231

(D) The employer that employs a superannuate or other 3232  
system retirant shall notify the state teachers retirement board 3233  
of the employment not later than the end of the month in which 3234  
the employment commences. Any overpayment of benefits to a 3235

superannuate by the retirement system resulting from an 3236  
employer's failure to give timely notice may be charged to the 3237  
employer and may be certified and deducted as provided in 3238  
section 3307.31 of the Revised Code. 3239

(E) On receipt of notice from an employer that a person 3240  
who is an other system retirant has been employed, the state 3241  
teachers retirement system shall notify the state retirement 3242  
system of which the other system retirant was a member of such 3243  
employment. 3244

(F) A superannuate or other system retirant who has 3245  
received an allowance or benefit for less than two months when 3246  
employment subject to this section or section 3305.05 of the 3247  
Revised Code commences shall forfeit the allowance or benefit 3248  
for any month the superannuate or retirant is employed prior to 3249  
the expiration of such period. The allowance or benefit 3250  
forfeited each month shall be equal to the monthly amount the 3251  
superannuate or other system retirant is eligible to receive 3252  
under a single lifetime benefit plan of payment described in 3253  
division (A) of section 3307.60 of the Revised Code. 3254  
Contributions shall be made to the retirement system from the 3255  
first day of such employment, but service and contributions for 3256  
that period shall not be used in the calculation of any benefit 3257  
payable to the superannuate or other system retirant, and those 3258  
contributions shall be refunded on the superannuate's or 3259  
retirant's death or termination of the employment. Contributions 3260  
made on compensation earned after the expiration of such period 3261  
shall be used in calculation of the benefit or payment due under 3262  
section 3307.352 of the Revised Code. 3263

For purposes of this division, "employment" does not 3264  
include uncompensated volunteer work if the position is 3265

different from the superannuate's or other system retirant's 3266  
position with the employer by which the superannuate or retirant 3267  
was employed at the time of retirement. 3268

(G) On receipt of notice from the Ohio police and fire 3269  
pension fund, public employees retirement system, ~~or~~ school 3270  
employees retirement system, or Cincinnati retirement system of 3271  
the re-employment of a superannuate, the state teachers 3272  
retirement system shall not pay, or if paid shall recover, the 3273  
amount to be forfeited by the superannuate in accordance with 3274  
section 145.38, 742.26, or 3309.341 of the Revised Code or any 3275  
requirement of the Cincinnati retirement system. 3276

(H) If the disability benefit of an other system retirant 3277  
employed under this section is terminated, the retirant shall 3278  
become a member of the state teachers retirement system, 3279  
effective on the first day of the month next following the 3280  
termination, with all the rights, privileges, and obligations of 3281  
membership. If the retirant, after the termination of the 3282  
retirant's disability benefit, earns two years of service credit 3283  
under this retirement system or under the public employees 3284  
retirement system, Ohio police and fire pension fund, school 3285  
employees retirement system, or state highway patrol retirement 3286  
system, the retirant's prior contributions as an other system 3287  
retirant under this section shall be included in the retirant's 3288  
total service credit, as defined in section 3307.50 of the 3289  
Revised Code, as a state teachers retirement system member, and 3290  
the retirant shall forfeit all rights and benefits of this 3291  
section. Not more than one year of credit may be given for any 3292  
period of twelve months. 3293

(I) This section does not affect the receipt of benefits 3294  
by or eligibility for benefits of any person who on August 20, 3295

1976, was receiving a disability benefit or service retirement 3296  
pension or allowance from a state or municipal retirement system 3297  
in Ohio and was a member of any other state or municipal 3298  
retirement system of this state. 3299

(J) The state teachers retirement board may make the 3300  
necessary rules to carry into effect this section and to prevent 3301  
the abuse of the rights and privileges thereunder. 3302

Sec. 3307.354. The state teachers retirement board may 3303  
establish a plan under which any contributions described in 3304  
section 3307.352 of the Revised Code are invested at the 3305  
direction of a superannuate or other system retirant in 3306  
accordance with investment options established by the board. 3307

If the board establishes a plan, the state teachers 3308  
retirement system shall transfer a superannuate's or other 3309  
system retirant's contributions to the plan. 3310

**Sec. 3307.42.** (A) Except as provided in section 3307.373 3311  
of the Revised Code, the granting to any person of an allowance, 3312  
annuity, pension, or other benefit under the STRS defined 3313  
benefit plan, or the granting of a benefit under an STRS defined 3314  
contribution plan, pursuant to an action of the state teachers' 3315  
retirement board vests a right in such person, so long as the 3316  
person remains the beneficiary of any of the funds established 3317  
by section 3307.14 of the Revised Code, to receive the 3318  
allowance, annuity, pension, or benefit at the rate fixed at the 3319  
time of granting the allowance, annuity, pension, or benefit. 3320  
Such right shall also be vested with equal effect in the 3321  
beneficiary of a grant heretofore made from any of the funds 3322  
named in section 3307.14 of the Revised Code. 3323

(B) (1) The state teachers retirement system may suspend 3324

the benefit of a person receiving a benefit under section 3325  
3307.58 or 3307.59 of the Revised Code, a disability benefit 3326  
under section 3307.63 or 3307.631 of the Revised Code, a 3327  
survivor benefit under section 3307.66 of the Revised Code, any 3328  
payment under section 3307.352 of the Revised Code, a benefit 3329  
under section 3307.60 of the Revised Code as a beneficiary, or a 3330  
benefit under an STRS defined contribution plan under either of 3331  
the following circumstances: 3332

(a) The retirement system has good cause to believe that 3333  
the person receiving benefits is incapacitated and no other 3334  
person or entity has legal authority to act or receive benefits 3335  
on the person's behalf. 3336

(b) The retirement system learns that the person receiving 3337  
benefits is missing, and no person provides evidence 3338  
satisfactory to the system that the person is alive and is 3339  
entitled to receive benefits. 3340

(2) Benefits shall resume on presentation of evidence 3341  
satisfactory to the board ~~that the~~ of any of the following: 3342

(a) The person is no longer incapacitated ~~or;~~ 3343

(b) Another person or entity has legal authority to act or 3344  
receive benefits on the person's behalf; 3345

(c) The person is alive and entitled to receive benefits. 3346

~~Any~~ 3347

Any missed payments shall be paid in a single lump sum 3348  
payment. 3349

(3) A benefit suspended under division (B) (1) (b) of this 3350  
section shall be terminated on presentation to the board of a 3351  
decree of presumed death. Notwithstanding section 2121.04 of the 3352

Revised Code, the termination shall be retroactive to the date 3353  
the benefit was suspended. 3354

**Sec. 3307.48.** (A) As used in this section, "disability 3355  
benefit recipient" means a recipient of a disability benefit 3356  
under any of the following: 3357

(1) Section 3307.63 of the Revised Code; 3358

(2) Section 3307.631 of the Revised Code; 3359

(3) The STRS combined plan. 3360

(B) A disability benefit recipient, notwithstanding 3361  
section 3319.13 of the Revised Code, shall retain membership in 3362  
the state teachers retirement system and shall be considered on 3363  
leave of absence during the first five years following the 3364  
effective date of a disability benefit. 3365

(C) The state teachers retirement board shall require any 3366  
disability benefit recipient to submit to an annual medical 3367  
examination by a physician selected by the board, except that 3368  
the board may forgo the medical examination if the board's 3369  
physician determines that the recipient's disability is ongoing 3370  
or may require additional examinations if the board's physician 3371  
determines that additional information should be obtained. If a 3372  
disability benefit recipient ~~refuses~~ fails to submit to a 3373  
medical examination, the recipient's disability benefit shall be 3374  
suspended until the ~~recipient withdraws the refusal~~ examination 3375  
has occurred. If the ~~refusal~~ failure continues for one year or 3376  
the disability benefit is terminated for any reason during the 3377  
one-year period, all the recipient's rights under and to the 3378  
disability benefit shall be terminated as of the effective date 3379  
of the original suspension. 3380

After the examination, the examiner shall report and 3381

certify to the board whether the disability benefit recipient is 3382  
no longer physically and mentally incapable of resuming the 3383  
service from which the recipient was found disabled. If the 3384  
board concurs in a report by the examining physician that the 3385  
disability benefit recipient is no longer incapable, the board 3386  
shall order termination of payment of a disability benefit ~~not~~ 3387  
~~later than the following thirty first day of August or as~~ 3388  
follows: 3389

(1) Immediately upon employment as a teacher ~~prior~~ 3390  
~~thereto;~~ 3391

(2) If the leave of absence has not expired and the 3392  
recipient is not employed as a teacher, the later of the last 3393  
day of the third month following the board's termination or the 3394  
following thirty-first day of August; 3395

(3) If the leave of absence has expired and the recipient 3396  
is not employed as a teacher, the last day of the third month 3397  
following the board's termination. 3398

The board shall provide notice to the recipient of the 3399  
board's order. At the request of the recipient, a hearing on the 3400  
order shall be conducted in accordance with procedures 3401  
established by the board. If the leave of absence has not 3402  
expired, the board shall so certify to the disability benefit 3403  
recipient's last employer before being found disabled that the 3404  
recipient is no longer physically and mentally incapable of 3405  
resuming service that is the same or similar to that from which 3406  
the recipient was found disabled. If the recipient was under 3407  
contract at the time the recipient was found disabled, the 3408  
employer by the first day of the next succeeding year shall 3409  
restore the recipient to the recipient's previous position and 3410  
salary or to a position and salary similar thereto, unless the 3411

recipient was dismissed or resigned in lieu of dismissal for 3412  
dishonesty, misfeasance, malfeasance, or conviction of a felony. 3413

(D) An individual receiving a disability benefit from the 3414  
system shall be ineligible to perform any teaching service, as 3415  
defined by the board. A disability benefit shall immediately 3416  
terminate if the disability benefit recipient performs any 3417  
teaching service in this state or elsewhere. The board shall 3418  
notify the recipient that the benefit is terminated. The 3419  
recipient may submit, not later than thirty days after the date 3420  
the notice is sent, to the board information specifying that the 3421  
disability recipient did not perform teaching services while 3422  
receiving disability benefits along with any supporting evidence 3423  
available to the recipient. The board shall review the 3424  
information and any accompanying evidence to determine whether 3425  
the individual performed teaching services. The board may 3426  
designate an individual to review the information and submit a 3427  
recommendation to the board. The board shall determine whether 3428  
the benefit was correctly terminated. If not, the benefit shall 3429  
be reinstated and any missed payments paid to the recipient. The 3430  
board's decision is final. 3431

(E) If any employer should employ or reemploy a disability 3432  
benefit recipient prior to the termination of a disability 3433  
benefit, the employer shall file notice of employment with the 3434  
board designating the date of the employment. If the disability 3435  
benefit recipient received a disability benefit and performed 3436  
teaching services for all or any part of the same month, the 3437  
recipient shall repay to the annuity and pension reserve fund 3438  
the amount of the disability benefit received by the recipient 3439  
from the beginning of employment. 3440

(F) Each disability benefit recipient shall file with the 3441

board an annual statement of earnings, current medical 3442  
information on the recipient's condition, and any other 3443  
information required in rules adopted by the board. The board 3444  
may waive the requirement that a disability benefit recipient 3445  
file an annual statement of earnings or current medical 3446  
information if the board's physician certifies that the 3447  
recipient's disability is ongoing. 3448

The board shall annually examine the information submitted 3449  
by the recipient. If a disability benefit recipient ~~refuses~~ 3450  
fails to file the statement or information, the disability 3451  
benefit shall be suspended until the statement and information 3452  
are filed. If the ~~refusal-failure~~ continues for one year or the 3453  
disability benefit is terminated for any reason during the one- 3454  
year period, the recipient's right to the disability benefit 3455  
shall be terminated as of the effective date of the original 3456  
suspension. 3457

(G) A disability benefit ~~also~~ may be terminated by the 3458  
board at the request of the disability benefit recipient. 3459

(H) If disability retirement under section 3307.63 of the 3460  
Revised Code is terminated for any reason, the annuity and 3461  
pension reserves at that time in the annuity and pension reserve 3462  
fund shall be transferred to the teachers' savings fund and the 3463  
employers' trust fund, respectively. If the total disability 3464  
benefit paid was less than the amount of the accumulated 3465  
contributions of the member transferred to the annuity and 3466  
pension reserve fund at the time of the member's disability 3467  
retirement, then the difference shall be transferred from the 3468  
annuity and pension reserve fund to another fund as required. In 3469  
determining the amount of a member's account following the 3470  
termination of disability retirement for any reason, the total 3471

amount paid shall be charged against the member's refundable 3472  
account. 3473

(I) If a disability allowance paid under section 3307.631 3474  
of the Revised Code is terminated for any reason, the reserve on 3475  
the allowance at that time in the annuity and pension reserve 3476  
fund shall be transferred from that fund to the employers' trust 3477  
fund. 3478

If a (J) A former disability benefit recipient shall 3479  
receive credit for the period as a disability benefit recipient 3480  
if either of the following occurs: 3481

(1) The former disability recipient again becomes a 3482  
contributor, other than as an other system retirant under 3483  
section 3307.35 of the Revised Code, to this retirement system, ~~to~~ 3484  
in the STRS defined benefit plan or to the school employees 3485  
retirement system, or the public employees retirement system in 3486  
the PERS defined benefit plan, and completes at least two 3487  
additional years of service credit, ~~the former disability~~ 3488  
~~benefit recipient shall receive credit for the period as a~~ 3489  
~~disability benefit recipient;~~ 3490

(2) The former disability benefit recipient again becomes 3491  
a contributor, other than as an other system retirant under 3492  
section 3307.35 of the Revised Code, to this retirement system 3493  
in the STRS defined contribution plan and completes at least two 3494  
additional years of service credit. 3495

Credit may be received for more than one period of leave 3496  
as a disability benefit recipient, except that for credit 3497  
received on or after July 1, 2013, the total number of years 3498  
received shall not exceed the lesser of the years of 3499  
contributing service following the termination of disability 3500

benefits or five years of total service credit. 3501

**Sec. 3307.501.** (A) As used in this section, "percentage 3502  
increase" means the percentage that an increase in compensation 3503  
is of the compensation paid prior to the increase. 3504

(B) ~~Notwithstanding division (L) of section 3307.01 of the~~ 3505  
~~Revised Code, for~~ For the purpose of determining final average 3506  
salary under this section, "compensation" has the same meaning 3507  
as in ~~that division~~ section 3307.01 of the Revised Code, except 3508  
that it does not include any amount resulting from a percentage 3509  
increase paid to a member during the member's two highest years 3510  
of compensation ~~that~~, and any partial year of compensation as 3511  
determined under divisions (C) (1) and (2) of this section to 3512  
which the percentage increase also applies, if the percentage 3513  
increase exceeds the greater of the following: 3514

(1) The highest percentage increase in compensation paid 3515  
to the member during any of the three years immediately 3516  
preceding the earlier of the member's two highest years of 3517  
compensation ~~and any subsequent partial year of compensation~~ 3518  
~~used in calculating the member's final average salary;~~ 3519

(2) A percentage increase paid to the member as part of an 3520  
increase generally applicable to members employed by the 3521  
employer. An increase shall be considered generally applicable 3522  
if it is paid to members employed by a school district board of 3523  
education in positions requiring a license issued under section 3524  
3319.22 of the Revised Code in accordance with uniform criteria 3525  
applicable to all such members or if paid to members employed by 3526  
an employer other than a school district board of education in 3527  
accordance with uniform criteria applicable to all such members. 3528

(C) The state teachers retirement board shall determine 3529

the final average salary of a member as follows: 3530

(1) For benefits beginning before August 1, 2015, by 3531  
dividing the sum of the member's annual compensation for the 3532  
three highest years of compensation for which the member made 3533  
contributions plus any amount determined under division (E) of 3534  
this section by three, except that if the member has a partial 3535  
year of contributing service in the year the member's employment 3536  
terminates and the compensation for the partial year is at a 3537  
rate higher than the rate of compensation for any one of the 3538  
member's highest three years of compensation, the board shall 3539  
substitute the compensation for the partial year for the 3540  
compensation for the same portion of the lowest of the member's 3541  
three highest years of compensation; 3542

(2) For benefits beginning on or after August 1, 2015, by 3543  
dividing the sum of the member's annual compensation for the 3544  
five highest years of compensation for which the member made 3545  
contributions plus any amount determined under division (E) of 3546  
this section by five, except that if the member has a partial 3547  
year of contributing service in the year the member's employment 3548  
terminates and the compensation for the partial year is at a 3549  
rate higher than the rate of compensation for any one of the 3550  
member's highest five years of compensation, the board shall 3551  
substitute the compensation for the partial year for the 3552  
compensation for the same portion of the lowest of the member's 3553  
five highest years of compensation. 3554

If a member has less than the requisite years of 3555  
contributing membership, the member's final average salary shall 3556  
be the member's total compensation for the period of 3557  
contributing membership plus any amount determined under 3558  
division (E) of this section divided by the total years, 3559

including any portion of a year, of contributing service. 3560

For the purpose of calculating benefits payable to a 3561  
member qualifying for service credit under division (I) of 3562  
section 3307.01 of the Revised Code, the board shall calculate 3563  
the member's final average salary by dividing the member's total 3564  
compensation as a teacher covered under this chapter plus any 3565  
amount determined under division (E) of this section by the 3566  
total number of years, including any portion of a year, of 3567  
contributing membership during that period. If contributions 3568  
were made for less than twelve months, the member's final 3569  
average salary is the total amount of compensation paid to the 3570  
member during all periods of contributions under this chapter. 3571

(D) Contributions made by a member ~~and an employer~~ on 3572  
amounts that, pursuant to division (B) of this section, are not 3573  
compensation or are not included, pursuant to division (E) of 3574  
this section, for the purpose of determining final average 3575  
salary shall be treated as additional deposits to the member's 3576  
account under section 3307.26 of the Revised Code and used to 3577  
provide additional annuity income. 3578

(E) The state teachers retirement board shall adopt rules 3579  
establishing criteria and procedures for administering this 3580  
division. 3581

The board shall notify each applicant for retirement of 3582  
any amount excluded from the applicant's compensation in 3583  
accordance with division (B) of this section and of the 3584  
procedures established by the board for requesting a hearing on 3585  
this exclusion. 3586

Any applicant for retirement who has had any amount 3587  
excluded from the applicant's compensation in accordance with 3588

division (B) of this section may request a hearing on this 3589  
exclusion. Upon receiving such a request, the board shall 3590  
determine in accordance with its criteria and procedures 3591  
whether, for good cause as determined by the board, all or any 3592  
portion of any amount excluded from the applicant's compensation 3593  
in accordance with division (B) of this section, up to a maximum 3594  
of seventy-five hundred dollars, is to be included in the 3595  
determination of final average salary under division (C) of this 3596  
section. Any determination of the board under this division 3597  
shall be final. 3598

Sec. 3307.514. (A) As used in this section: 3599

(1) "Compensation" has the same meaning as in section 3600  
3307.01 of the Revised Code except that in the case of an 3601  
electing employee, "compensation" means the amount that would be 3602  
the electing employee's compensation if the electing employee 3603  
was a member of the state teachers retirement system. 3604

(2) "Compensation ratio" means the ratio for the most 3605  
recent full fiscal year for which the information is available 3606  
of the total compensation of all electing employees to the sum 3607  
of the total compensation of all the retirement system's members 3608  
in the STRS defined benefit plan and the total compensation of 3609  
all electing employees. 3610

(3) "Electing employee" means a participant in an 3611  
alternative retirement plan provided pursuant to Chapter 3305. 3612  
of the Revised Code who would otherwise be a member of the 3613  
retirement system. 3614

(4) "Historical liability" means the portion of the 3615  
retirement system's total unfunded actuarial accrued pension 3616  
liability attributed to the difference between the following: 3617

(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; 3618  
3619  
3620  
3621

(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. 3622  
3623  
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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, 2016. A subsequent study must be completed and submitted not later than the last day of December of every fifth year thereafter. 3626  
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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: 3636  
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(1) The actuary shall calculate a percentage necessary to amortize the historical liability over an indefinite period. 3639  
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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: 3641  
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3643  
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(a) The unfunded actuarial accrued pension liability of the STRS defined benefit plan; 3645  
3646

(b) The historical liability. 3647

(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. 3648  
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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. 3652  
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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: 3657  
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3659

(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: 3660  
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3662  
3663

(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; 3664  
3665  
3666  
3667

(b) The historical liability determined under division (C) of this section. 3668  
3669

(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 3670  
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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 3705  
a final decree of adoption adjudging the member's spouse as the 3706  
adoptive parent is made subsequent to the member's death. 3707

(2) "Parent" is a parent or legally adoptive parent of a 3708  
deceased member. 3709

(3) "Dependent" means a beneficiary who receives one-half 3710  
of the beneficiary's support from a member during the twelve 3711  
months prior to the member's death. 3712

(4) "Surviving spouse" means an individual who establishes 3713  
a valid marriage to a member at the time of the member's death 3714  
by marriage certificate or pursuant to division (E) of this 3715  
section. 3716

(5) "Survivor" means a spouse, child, or dependent parent. 3717

(B) Except as provided in division (B) of section 3307.563 3718  
or division (G) (1) of section 3307.66 of the Revised Code, 3719  
should a member who is participating in the STRS defined benefit 3720  
plan die before service retirement, the member's accumulated 3721  
contributions, plus an amount calculated in accordance with 3722  
section 3307.563 of the Revised Code, and any amounts owed and 3723  
unpaid to a disability benefit recipient shall be paid to such 3724  
beneficiaries as the member has nominated by written designation 3725  
signed by the member and received by the state teachers 3726  
retirement board prior to death. A member may designate two or 3727  
more persons as beneficiaries to be paid the amount determined 3728  
under this division. On and after July 1, 2013, and subject to 3729  
rules adopted by the board, a member who designates two or more 3730  
persons as beneficiaries shall specify the percentage of the 3731  
amount that each beneficiary is to be paid. If the member has 3732  
not specified the percentages, the amount shall be divided 3733

equally among the designated beneficiaries. If a designated 3734  
beneficiary is deceased, the amount allocated to the deceased 3735  
beneficiary shall be allocated to the remaining beneficiaries 3736  
based on each remaining beneficiary's initial percentage. The 3737  
nomination of beneficiary shall be on a form provided by the 3738  
retirement board. The last nomination of any beneficiary revokes 3739  
all previous nominations. The member's marriage, divorce, 3740  
marriage dissolution, legal separation, or withdrawal of 3741  
account, or the birth of the member's child, or the member's 3742  
adoption of a child, shall constitute an automatic revocation of 3743  
the member's previous designation. If a deceased member was also 3744  
a member of the public employees retirement system or the school 3745  
employees retirement system, the beneficiary last established 3746  
among the systems shall be the sole beneficiary in all the 3747  
systems. 3748

Any beneficiary ineligible for monthly survivor benefits 3749  
as provided by section 3307.66 of the Revised Code may waive in 3750  
writing all claim to any benefits and such waiver shall thereby 3751  
put in effect the succession of beneficiaries under division (C) 3752  
of this section, provided the beneficiary thereunder is 3753  
immediately eligible and agrees in writing to accept survivor 3754  
benefits as provided by section 3307.66 of the Revised Code. If 3755  
the accumulated contributions of a deceased member are not 3756  
claimed by a beneficiary, or by the estate of the deceased 3757  
member, within ten years, they shall be transferred to the 3758  
guarantee fund and thereafter paid to such beneficiary or to the 3759  
member's estate upon application to the board. The board shall 3760  
formulate and adopt rules governing all designations of 3761  
beneficiaries. 3762

(C) Except as provided in division (G) (1) of section 3763  
3307.66 of the Revised Code, if a member dies before service 3764

retirement and is not survived by a designated beneficiary, any 3765  
beneficiaries shall qualify, in the following order of 3766  
precedence, with all attendant rights and privileges: 3767

(1) Surviving spouse; 3768

(2) Children, share and share alike; 3769

(3) A dependent parent, if that parent elects to take 3770  
survivor benefits under division (C) (2) of section 3307.66 of 3771  
the Revised Code; 3772

(4) Parents, share and share alike; 3773

(5) Estate. 3774

If any survivor dies before payment is made under this 3775  
section or is not located prior to the ninety-first day after 3776  
the board receives notification of the member's death, the 3777  
survivor next in order of precedence shall qualify as a 3778  
beneficiary, provided that benefits under division (C) (2) of 3779  
section 3307.66 of the Revised Code are elected. In the event 3780  
that the beneficiary originally determined is subsequently 3781  
located, the beneficiary may qualify for benefits under division 3782  
(C) (2) of section 3307.66 of the Revised Code upon meeting the 3783  
conditions of eligibility set forth in division (B) of that 3784  
section, but in no case earlier than the first day of the month 3785  
following application by such beneficiary. Any payment made to a 3786  
beneficiary as determined by the board shall be a full discharge 3787  
and release to the board from any future claims. 3788

(D) (1) Any amount due any person, as an annuitant, 3789  
receiving a monthly benefit, and unpaid to the annuitant at 3790  
death, shall be paid to the beneficiary named by written 3791  
designation signed by the annuitant and received by the state 3792  
teachers retirement board prior to death. If no such designation 3793

has been filed, or if the beneficiary designated is deceased or 3794  
is not located prior to the ninety-first day after the board 3795  
receives notification of the annuitant's death, such amount 3796  
shall be paid, in the following order of precedence to the 3797  
annuitant's: 3798

(a) Surviving spouse; 3799

(b) Children, share and share alike; 3800

(c) Parents, share and share alike; 3801

(d) Estate. 3802

(2) If there is no beneficiary under division (D) (1) of 3803  
this section, an amount not exceeding the cost of the 3804  
annuitant's burial expenses may be paid to the person 3805  
responsible for the burial expenses. 3806

For purposes of this division an "annuitant" is the last 3807  
person who received a monthly benefit pursuant to the plan of 3808  
payment selected by the former member. Such payment shall be a 3809  
full discharge and release to the board from any future claim 3810  
for such payment. 3811

(E) If the validity of marriage cannot be established to 3812  
the satisfaction of the board for the purpose of disbursing any 3813  
amount due under this section or section 3307.66 of the Revised 3814  
Code, the board may accept a decision rendered by a court having 3815  
jurisdiction in the state in which the member was domiciled at 3816  
the time of death that the relationship constituted a valid 3817  
marriage at the time of death, or the "spouse" would have the 3818  
same status as a widow or widower for purposes of sharing the 3819  
distribution of the member's intestate personal property. 3820

(F) As used in this division, "recipient" means an 3821

individual who is receiving or may be eligible to receive an 3822  
allowance or benefit under this chapter based on the 3823  
individual's service to an employer. 3824

If the death of a member, a recipient, or any individual 3825  
who would be eligible to receive an allowance or benefit under 3826  
this chapter by virtue of the death of a member or recipient is 3827  
caused by one of the following beneficiaries, no amount due 3828  
under this chapter to the beneficiary shall be paid to the 3829  
beneficiary in the absence of a court order to the contrary 3830  
filed with the board: 3831

(1) A beneficiary who is convicted of, pleads guilty to, 3832  
or is found not guilty by reason of insanity of a violation of 3833  
or complicity in the violation of either of the following: 3834

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 3835  
Code; 3836

(b) An existing or former law of any other state, the 3837  
United States, or a foreign nation that is substantially 3838  
equivalent to section 2903.01, 2903.02, or 2903.03 of the 3839  
Revised Code; 3840

(2) A beneficiary who is indicted for a violation of or 3841  
complicity in the violation of the sections or laws described in 3842  
division (F)(1)(a) or (b) of this section and is adjudicated 3843  
incompetent to stand trial; 3844

(3) A beneficiary who is a juvenile found to be a 3845  
delinquent child by reason of committing an act that, if 3846  
committed by an adult, would be a violation of or complicity in 3847  
the violation of the sections or laws described in division (F) 3848  
(1)(a) or (b) of this section. 3849

**Sec. 3307.58.** (A) As used in this section, "qualifying 3850

service credit" means ~~credit~~ all of the following: 3851

(1) Credit earned under section 3307.53 or for which 3852  
contributions were made under section 145.47 or 3309.47 of the 3853  
Revised Code; 3854

~~credit~~ (2) Credit restored under section 145.31, 3307.71, 3855  
or 3309.26 of the Revised Code; 3856

~~credit~~ (3) Credit purchased under section 145.302, 3857  
3307.752, or 3309.022, or division (D) of section 5505.16 of the 3858  
Revised Code, or obtained under section 742.521 of the Revised 3859  
Code; ~~and credit~~ 3860

(4) Credit obtained under section 3307.761, 3307.763, or 3861  
3307.765 of the Revised Code other than military service credit 3862  
as defined in section 3307.761 of the Revised Code, except that 3863  
"qualifying service credit" includes credit obtained under 3864  
section 3307.761, 3307.763, or 3307.765 of the Revised Code that 3865  
was initially purchased under division (D) of section 5505.16 of 3866  
the Revised Code or obtained under section 742.521 of the 3867  
Revised Code. 3868

(B) Any member participating in the STRS defined benefit 3869  
plan who has attained the applicable combination of age and 3870  
service credit shall be granted service retirement after filing 3871  
with the state teachers retirement board a completed application 3872  
on a form approved by the board. 3873

(1) Except as provided in division (B) (3) of this section, 3874  
a member is eligible to retire under this division if any of the 3875  
following is the case: 3876

(a) The member has five or more years of qualifying 3877  
service credit and has attained age sixty-five; 3878

(b) The member is applying for service retirement	3879
following termination of a disability benefit received under	3880
section 3307.63 or 3307.631 of the Revised Code and has five or	3881
more years of total service credit;	3882
(c) The member meets one of the following requirements:	3883
(i) Before August 1, 2015, has thirty or more years of	3884
service credit at any age;	3885
(ii) On or after August 1, 2015, but before August 1,	3886
2017, has thirty-one or more years of service credit at any age;	3887
(iii) On or after August 1, 2017, but before August 1,	3888
2019, has thirty-two or more years of service credit at any age;	3889
(iv) On or after August 1, 2019, but before August 1,	3890
2021, has thirty-three or more years of service credit at any	3891
age;	3892
(v) On or after August 1, 2021, but before August 1, 2023,	3893
has thirty-four or more years of service credit at any age;	3894
(vi) On or after August 1, 2023, but before August 1,	3895
2026, has thirty-five or more years of service credit at any	3896
age;	3897
(vii) On or after August 1, 2026, has thirty-five or more	3898
years of service credit and has attained age sixty.	3899
(2) Except as provided in division (B) (3) of this section,	3900
a member is eligible to retire under this division if any of the	3901
following is the case:	3902
(a) The member has five or more years of qualifying	3903
service credit and has attained age sixty;	3904
(b) The member is applying for service retirement	3905

following termination of a disability benefit received under 3906  
section 3307.63 or 3307.631 of the Revised Code and has five or 3907  
more years of total service credit; 3908

(c) The member meets one of the following requirements: 3909

(i) Before August 1, 2015, has twenty-five or more years 3910  
of service credit and has attained age fifty-five; 3911

(ii) On or after August 1, 2015, but before August 1, 3912  
2017, has twenty-six or more years of service credit and has 3913  
attained age fifty-five or has thirty or more years of service 3914  
credit at any age; 3915

(iii) On or after August 1, 2017, but before August 1, 3916  
2019, has twenty-seven or more years of service credit and has 3917  
attained age fifty-five or has thirty or more years of service 3918  
credit at any age; 3919

(iv) On or after after August 1, 2019, but before August 3920  
1, 2021, has twenty-eight or more years of service credit and 3921  
has attained age fifty-five or has thirty or more years of 3922  
service credit at any age; 3923

(v) On or after August 1, 2021, but before August 1, 2023, 3924  
has twenty-nine or more years of service credit and has attained 3925  
age fifty-five or has thirty or more years of service credit at 3926  
any age; 3927

(vi) On or after August 1, 2023, has thirty or more years 3928  
of service credit at any age. 3929

(3) The board may adjust the retirement eligibility 3930  
requirements of this section if the board's actuary, in its 3931  
annual actuarial valuation required by section 3307.51 of the 3932  
Revised Code or in other evaluations conducted under that 3933

section, determines that an adjustment does not materially 3934  
impair the fiscal integrity of the retirement system or is 3935  
necessary to preserve the fiscal integrity of the system. 3936

(C) Service retirement shall be effective not earlier than 3937  
the first day of the month next following the later of: 3938

(1) The last day for which compensation was paid; or 3939

(2) The attainment of minimum age and service credit 3940  
eligibility for benefits provided under this section. 3941

(D) (1) Except as provided in division (E) of this section, 3942  
the annual single lifetime benefit of a member whose retirement 3943  
effective date is before August 1, 2013, shall be the greater of 3944  
the amounts determined by the member's Ohio service credit 3945  
multiplied by one of the following: 3946

(a) Eighty-six dollars; 3947

(b) The sum of the following amounts: 3948

(i) For each of the first thirty years of Ohio service 3949  
credit, two and two-tenths per cent of the member's final 3950  
average salary or, subject to the limitation described in 3951  
division (D) (1) (c) of this section, two and five-tenths per cent 3952  
of the member's final average salary if the member has thirty- 3953  
five or more years of service credit under section 3307.48, 3954  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3955  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3956  
division (A) (2) or (B) of former section 3307.513 of the Revised 3957  
Code, former section 3307.514 of the Revised Code, section 3958  
3307.72 of the Revised Code earned after July 1, 1978, or any 3959  
combination of service credit under those sections; 3960

(ii) For each year or fraction of a year of Ohio service 3961

credit in excess of thirty years, two and two-tenths per cent of 3962  
the member's final average salary or, subject to the limitation 3963  
described in division (D) (1) (c) of this section, if the member 3964  
has more than thirty years service credit under section 3307.48, 3965  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3966  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3967  
division (A) (2) or (B) of former section 3307.513 of the Revised 3968  
Code, former section 3307.514 of the Revised Code, section 3969  
3307.72 of the Revised Code earned after July 1, 1978, or any 3970  
combination of service credit under those sections, the per cent 3971  
of final average salary shown in the following schedule for each 3972  
corresponding year or fraction of a year of service credit under 3973  
those sections that is in excess of thirty years: 3974

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%	3975
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3976
32.01 - 33.00	2.7	37.01 - 38.00	3.2	3977
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3978
34.01 - 35.00	2.9			3979

For purposes of this schedule, years of service credit shall be 3984  
rounded to the nearest one-hundredth of a year. 3985

(c) For purposes of division (D) (1) of this section, a 3986  
percentage of final average salary in excess of two and two- 3987  
tenths per cent shall be applied to service credit under section 3988

3307.57 of the Revised Code only if the service credit was 3989  
established under section 145.30, 145.301, 145.302, 145.47, 3990  
145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised 3991  
Code or restored under section 145.31 or 3309.26 of the Revised 3992  
Code. 3993

(2) (a) Except as provided in division (E) of this section, 3994  
the annual single lifetime benefit of a member whose retirement 3995  
effective date is on or after August 1, 2013, but before August 3996  
1, 2015, shall be the amount determined by the member's Ohio 3997  
service credit multiplied by the sum of the following amounts: 3998

(i) For each of the first thirty years of Ohio service 3999  
credit, two and two-tenths per cent of the member's final 4000  
average salary or, subject to the limitation described in 4001  
division (D) (2) (b) of this section, two and five-tenths per cent 4002  
of the member's final average salary if the member has thirty- 4003  
five or more years of service credit under section 3307.48, 4004  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 4005  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 4006  
division (A) (2) or (B) of former section 3307.513 of the Revised 4007  
Code, former section 3307.514 of the Revised Code, section 4008  
3307.72 of the Revised Code earned after July 1, 1978, or any 4009  
combination of service credit under those sections; 4010

(ii) For each year or fraction of a year of Ohio service 4011  
credit in excess of thirty years, two and two-tenths per cent of 4012  
the member's final average salary or, subject to the limitation 4013  
described in division (D) (2) (b) of this section, if the member 4014  
has more than thirty years service credit under section 3307.48, 4015  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 4016  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 4017  
division (A) (2) or (B) of former section 3307.513 of the Revised 4018

Code, former section 3307.514 of the Revised Code, section 4019  
 3307.72 of the Revised Code earned after July 1, 1978, or any 4020  
 combination of service credit under those sections, the per cent 4021  
 of final average salary shown in the following schedule for each 4022  
 corresponding year or fraction of a year of service credit under 4023  
 those sections that is in excess of thirty years: 4024

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%	4025
31.01 - 32.00	2.6	36.01 - 37.00	3.1	4026
32.01 - 33.00	2.7	37.01 - 38.00	3.2	4027
33.01 - 34.00	2.8	38.01 - 39.00	3.3	4028
34.01 - 35.00	2.9			4029

For purposes of this schedule, years of service credit shall be 4034  
 rounded to the nearest one-hundredth of a year. 4035

(b) For purposes of division (D) (2) (a) (ii) of this 4036  
 section, a percentage of final average salary in excess of two 4037  
 and two-tenths per cent shall be applied to service credit under 4038  
 section 3307.57 of the Revised Code only if the service credit 4039  
 was established under section 145.30, 145.301, 145.302, 145.47, 4040  
 145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised 4041  
 Code or restored under section 145.31 or 3309.26 of the Revised 4042  
 Code. 4043

(3) Except as provided in division (E) of this section, 4044  
 the annual single lifetime benefit of a member whose retirement 4045

effective date is on or after August 1, 2015, shall be the 4046  
amount determined by the member's service credit multiplied by 4047  
two and two-tenths per cent of the member's final average 4048  
salary. 4049

(E) (1) The annual single lifetime benefit of a member 4050  
described in division (B) (2) of this section whose service 4051  
retirement is effective before August 1, 2015, shall be adjusted 4052  
by the greater per cent shown in the following schedule opposite 4053  
the member's attained age or Ohio service credit. 4054

Attained	or	Years of Ohio Service	Per Cent of Base	
Age		Credit	Amount	
58		25	75%	4058
59		26	80	4059
60		27	85	4060
61			88	4061
		28	90	4062
62			91	4063
63			94	4064
		29	95	4065
64			97	4066
65		30 or more	100	4067

(2) The annual single lifetime benefit of a member 4068  
described in division (B) (2) of this section whose service 4069  
retirement is effective on or after August 1, 2015, shall be 4070

reduced by a percentage determined by the board's actuary for 4071  
each year the member retires before attaining the applicable age 4072  
and service credit specified in division (B)(1) of this section. 4073  
The board's actuary may use an actuarially based average 4074  
percentage reduction for this purpose. 4075

(F) Notwithstanding any other provision of this section, 4076  
on application, a member who, as of July 1, 2015, has five or 4077  
more years of Ohio service credit and has attained age sixty, 4078  
has twenty-five or more years of Ohio service credit and has 4079  
attained age fifty-five, or has thirty or more years of Ohio 4080  
service credit shall be granted service retirement according to 4081  
former section 3307.58 of the Revised Code as in effect 4082  
immediately prior to January 7, 2013. The member's benefit shall 4083  
be the greater of the amount the member would have been eligible 4084  
for had the member retired effective July 1, 2015, or the amount 4085  
determined under division (D)(3) of this section. 4086

(G) The annual single lifetime benefit determined under 4087  
division (D) or (E) of this section shall not exceed the lesser 4088  
of one hundred per cent of the final average salary or the limit 4089  
established by section 415 of the "Internal Revenue Code of 4090  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 4091

(H) The annual single lifetime benefit of a member whose 4092  
retirement effective date is before August 1, 2013, shall be the 4093  
greater of the amounts determined under division (D)(1) or (E) 4094  
(1) of this section as appropriate or under this division. The 4095  
benefit shall not exceed the lesser of the sum of the following 4096  
amounts or the limit established by section 415 of the "Internal 4097  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 4098  
amended: 4099

(1) An annuity with a reserve equal to the member's 4100

accumulated contributions; 4101

(2) A pension equal to the amount in division (H) (1) of 4102  
this section; 4103

(3) An additional pension of forty dollars annually 4104  
multiplied by the number of years of prior and military service 4105  
credit, except years of credit purchased under section 3307.751 4106  
or 3307.752 of the Revised Code. 4107

(I) If a member's disability benefit was terminated under 4108  
section 3307.48 of the Revised Code and the member's retirement 4109  
under this section is effective on the first day of the month 4110  
following the last day for which the disability benefit was 4111  
paid, the member's annual single lifetime benefit determined 4112  
under division (D) or (E) of this section shall be increased by 4113  
a percentage equal to the total of any percentage increases the 4114  
member received under section 3307.67 of the Revised Code, plus 4115  
any additional amount the member received under this chapter 4116  
while receiving the disability benefit. The increase shall be 4117  
based on the plan of payment selected by the member under 4118  
section 3307.60 of the Revised Code. However, the benefit used 4119  
to calculate any future increases under section 3307.67 of the 4120  
Revised Code shall be based on the plan of payment selected by 4121  
the member, plus any additional amount added to the benefit 4122  
determined under this division that established a new base 4123  
benefit to the member. 4124

(J) Benefits determined under this section shall be paid 4125  
as provided in section 3307.60 of the Revised Code. 4126

**Sec. 3307.63.** A member participating in the STRS defined 4127  
benefit plan who has elected disability coverage under this 4128  
section, has not attained age sixty, and is determined by the 4129

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

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

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

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

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

A disability retirant under this section whose disability

retirement has been terminated, when eligible, may apply for 4159  
service retirement provided by section 3307.58 of the Revised 4160  
Code. 4161

**Sec. 3307.66.** (A) As used in this section: 4162

(1) "Physically or mentally incompetent" means incapable 4163  
of earning a living because of a physically or mentally 4164  
disabling condition. Physical or mental incompetency may be 4165  
determined by a court or by a doctor of medicine or osteopathic 4166  
medicine appointed by the state teachers retirement board. 4167

(2) "Qualifying service credit" has the same meaning as in 4168  
section 3307.58 of the Revised Code. 4169

(B) For the purposes of this section: 4170

(1) A qualified spouse is the surviving spouse of a 4171  
deceased member of the state teachers retirement system 4172  
participating in the STRS defined benefit plan who is one of the 4173  
following: 4174

(a) Sixty-two years of age or older or any age if the 4175  
deceased member had ten or more years of Ohio service credit; 4176

(b) Caring for a qualified child; 4177

(c) Adjudged physically or mentally incompetent at the 4178  
time of the member's death and has remained continuously 4179  
incompetent; 4180

(d) Any age if the deceased member was eligible for a 4181  
service retirement allowance as provided in section 3307.58 of 4182  
the Revised Code and the surviving spouse elects to receive a 4183  
benefit under division (C)(1) of this section. 4184

(2) A qualified child is a person who is the child of a 4185

deceased member participating in the STRS defined benefit plan 4186  
to whom both of the following apply: 4187

(a) Never married; 4188

(b) Meets ~~one~~either of the following age-related 4189  
requirements: 4190

(i) Is under age ~~eighteen~~; 4191

~~(ii) Is under age twenty-two if attending an institution~~ 4192  
~~of learning or training pursuant to a program designed to~~ 4193  
~~complete in each school year the equivalent of at least two~~ 4194  
~~thirds of the full time curriculum requirements of such~~ 4195  
~~institution and as further determined by board policy;~~ 4196

~~(iii)~~(ii) Is any age if adjudged physically or mentally 4197  
incompetent, if the person became incompetent prior to 4198  
attainment of age ~~eighteen or prior to age twenty-two if~~ 4199  
~~attending an institution of learning or training described in~~ 4200  
~~division (B) (2) (b) (ii) of this section,~~ and has remained 4201  
continuously incompetent. 4202

(3) A qualified parent is a dependent parent of a deceased 4203  
member participating in the STRS defined benefit plan who is age 4204  
sixty-five or older. 4205

(4) A person is a "qualified survivor" if the person 4206  
qualifies as a surviving spouse, child, or dependent parent. 4207

(C) Except as provided in division (G) (1) of this section, 4208  
in lieu of accepting the payment of the accumulated account of a 4209  
member participating in the STRS defined benefit plan who dies 4210  
before service retirement, a beneficiary, as determined in 4211  
section 3307.562 of the Revised Code, may elect to forfeit the 4212  
accumulated account and to substitute benefits under this 4213

division. 4214

(1) If a deceased member was eligible for a service 4215  
retirement allowance as provided in section 3307.58 or 3307.59 4216  
of the Revised Code, a surviving spouse or an individual 4217  
designated as the member's sole beneficiary pursuant to division 4218  
(B) of section 3307.562 of the Revised Code who was a qualified 4219  
child or dependent parent of the member or received one-half or 4220  
more of support from the member during the twelve-month period 4221  
preceding the member's death may elect to receive a monthly 4222  
benefit computed as the joint-survivor allowance designated as 4223  
option 1 in section 3307.60 of the Revised Code, which the 4224  
member would have received had the member retired on the last 4225  
day of the month of death and had the member at that time 4226  
selected such joint-survivor plan. 4227

(2) (a) A surviving spouse or other qualified survivor may 4228  
elect to receive monthly benefits under division (C) (2) of this 4229  
section if any of the following apply: 4230

(i) The deceased member had service credit on account on 4231  
June 30, 2013, and had completed at least one and one-half years 4232  
of qualifying service credit, with at least one-quarter year of 4233  
qualifying service credit within the two and one-half years 4234  
prior to the date of death, or, if the member did not have 4235  
service credit on account on June 30, 2013, had completed at 4236  
least five years of qualifying service credit and died not later 4237  
than one year after the date contributing service terminated. 4238

(ii) The member was receiving at the time of death a 4239  
disability benefit as provided in section 3307.63 or 3307.631 of 4240  
the Revised Code. 4241

(iii) The member was receiving, within twelve months prior 4242

to the date of death, a disability benefit as provided in 4243  
 section 3307.63 or 3307.631 of the Revised Code and was 4244  
 contributing under this chapter or Chapter 145. or 3309. of the 4245  
 Revised Code at the time of death. 4246

(b) The surviving spouse or other qualified survivor shall 4247  
 elect one of the following methods of calculating benefits 4248  
 elected under division (C) (2) of this section, which shall, 4249  
 except as provided in division (G) (1) of this section, remain in 4250  
 effect without regard to any change in the number of qualified 4251  
 survivors: 4252

		<del>Or</del>	4253
(i) Number	Annual benefit as a	Monthly benefit	4254
of qualified	per cent of member's	<del>shall not be</del>	4255
survivors	final average salary	<del>less than</del>	4256
1	25%	<del>\$ 96</del>	4257
2	40	<del>186</del>	4258
3	50	<del>236</del>	4259
4	55	<del>236</del>	4260
5 or more	60	<del>236</del>	4261

	Annual benefit as a	4262
(ii) Years of service	per cent of member's	4263
	final average salary	4264
20	29%	4265
21	33	4266
22	37	4267
23	41	4268
24	45	4269
25	48	4270
26	51	4271
27	54	4272

28	57	4273
29 or more	60	4274

(3) (a) If at the time of death the deceased member was 4275  
receiving a disability benefit under section 3307.63 or 3307.631 4276  
of the Revised Code, the benefit elected under division (C) (1) 4277  
or (2) of this section shall be increased by a percentage equal 4278  
to the total of any percentage increases the member received 4279  
under section 3307.67 of the Revised Code, plus any additional 4280  
amount the member received under this chapter while receiving 4281  
the disability benefit. The increase shall be based on the 4282  
benefit determined under division (C) (1) or (2) of this section. 4283  
~~However, the~~ The benefit used to calculate any future increases 4284  
under section 3307.67 of the Revised Code shall be the benefit 4285  
determined under division (C) (1) or (2) of this section, plus 4286  
any additional amounts added to the benefit determined under 4287  
this division that established a new base benefit to the 4288  
deceased member. 4289

(b) If eligibility for a benefit under division (C) (1) or 4290  
(2) of this section is not established until more than one year 4291  
after the member's death, the annual benefit shall be increased 4292  
by a percentage equal to the total of the percentage increases 4293  
that would have been made under section 3307.67 of the Revised 4294  
Code, plus any additional amount that would have been paid under 4295  
this chapter had the benefit begun in the year in which the 4296  
member died. However, the benefit used to calculate any future 4297  
increases under section 3307.67 of the Revised Code shall be the 4298  
benefit determined under division (C) (1) or (2) of this section, 4299  
plus any additional amounts added to the benefit determined 4300  
under this division that established a new base benefit to the 4301  
deceased member. 4302

(D) If a benefit is calculated pursuant to division (C) (2) 4303  
(b) (i) of this section, benefits to a surviving spouse shall be 4304  
paid in the amount determined for the first qualifying survivor 4305  
in division (C) (2) (b) (i) of this section, ~~but shall not be less~~ 4306  
~~than one hundred six dollars per month if the deceased member~~ 4307  
~~had ten or more years of qualifying service credit.~~ All other 4308  
qualifying survivors shall share equally in the benefit or 4309  
remaining portion thereof. 4310

If a benefit is calculated pursuant to division (C) (2) (b) 4311  
(ii) of this section and is payable to more than one qualified 4312  
survivor, the benefit shall be apportioned equally among the 4313  
qualified survivors, except that if there is a surviving spouse, 4314  
the portion of the benefit allocated to the surviving spouse 4315  
shall be as follows: 4316

Number of			
survivors		Spouse's share of total benefit	
2		62.5%	4319
3		50.0%	4320
4		45.45%	4321
5 or more		41.67%	4322

(E) A qualified survivor shall file with the board an 4323  
application for benefits payable under this section. Payments 4324  
shall begin on whichever of the following applies: 4325

(1) If application is received not later than one year 4326  
after the date of the member's death, benefits shall begin on 4327  
the first day of the month following the date of death. 4328

(2) If application is received later than one year from 4329  
the date of death, benefits shall begin on the first day of the 4330  
month immediately following receipt of application by the board. 4331

Benefits to a qualified survivor shall terminate upon a 4332  
first marriage, abandonment, or adoption. The termination of 4333  
benefits is effective on the first day of the month following 4334  
the day the person ceases to be a qualified survivor. Benefits 4335  
to a deceased member's surviving spouse that were terminated 4336  
under a former version of this section that required termination 4337  
due to remarriage and were not resumed prior to ~~the effective~~ 4338  
~~date of this amendment~~ September 16, 1998, shall resume on the 4339  
first day of the month immediately following receipt by the 4340  
board of an application on a form provided by the board. 4341

Benefits to a qualified child who is at least eighteen 4342  
years of age but under twenty-two years of age that under a 4343  
former version of this section never commenced or were 4344  
terminated due to a lack of attendance at an institution of 4345  
learning or training and not commenced or resumed before the 4346  
effective date of this amendment shall commence or resume on the 4347  
first day of the month immediately following receipt by the 4348  
board of an application on a form provided by the board, if the 4349  
application is received on or before the fifteenth day of a 4350  
month. These benefits terminate on the child attaining twenty- 4351  
two years of age. 4352

Upon the death of any subsequent spouse who was a member 4353  
of the public employees retirement system, state teachers 4354  
retirement system, or school employees retirement system, the 4355  
surviving spouse of such member may elect to continue receiving 4356  
benefits under this division, or to receive survivor's benefits, 4357  
based upon the subsequent spouse's membership in one or more of 4358  
the systems, for which such surviving spouse is eligible under 4359  
this section or section 145.45 or 3309.45 of the Revised Code. 4360  
If the surviving spouse elects to continue receiving benefits 4361  
under this division, such election shall not preclude the 4362

payment of benefits under this division to any other qualified survivor. 4363  
4364

(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. 4365  
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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. 4372  
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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. 4379  
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If the system did not receive notice that a deceased 4392

member has one or more qualified children prior to making 4393  
payment under section 3307.562 of the Revised Code to a 4394  
beneficiary as determined by the system, the payment is a full 4395  
discharge and release of the system from any future claims under 4396  
this section or section 3307.562 of the Revised Code. 4397

(2) If benefits under division (C) (2) of this section to 4398  
all persons, or to all persons other than a surviving spouse or 4399  
sole beneficiary, terminate, there are no children under the age 4400  
of twenty-two years, and the surviving spouse or beneficiary 4401  
qualifies for benefits under division (C) (1) of this section, 4402  
the surviving spouse or beneficiary may elect to receive 4403  
benefits under division (C) (1) of this section. The benefit 4404  
shall be calculated based on the age of the spouse or 4405  
beneficiary at the time of the member's death and is effective 4406  
on the first day of the month following receipt by the board of 4407  
an application for benefits under division (C) (1) of this 4408  
section. 4409

(H) If the benefits due and paid under division (C) of 4410  
this section are in a total amount less than the member's 4411  
accumulated account that was transferred from the teachers' 4412  
savings fund, school employees retirement fund, and public 4413  
employees retirement fund, to the survivors' benefit fund, then 4414  
the difference between the total amount of the benefits paid 4415  
shall be paid to the beneficiary under section 3307.562 of the 4416  
Revised Code. 4417

**Sec. 3307.67.** (A) Except as provided in divisions (D) and 4418  
(E) of this section, the state teachers retirement board shall 4419  
annually increase each allowance or benefit payable under the 4420  
STRS defined benefit plan. Through July 31, 2013, the increase 4421  
shall be three per cent. On and after August 1, 2013, the 4422

increase shall be two per cent. No allowance or benefit shall 4423  
exceed the limit as annually determined pursuant to section 415 4424  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 4425  
U.S.C.A. 415, as amended, and regulations adopted pursuant 4426  
thereto but before August 1, 2013. The limit may be adjusted in 4427  
accordance with rules adopted by the board. 4428

(B) The first increase is payable to all persons becoming 4429  
eligible ~~for~~ as follows: 4430

(1) For an allowance or benefit after June 30, 1971 4431  
beginning on or after July 1, 1971, but before August 1, 2013, 4432  
upon such persons receiving an allowance or benefit for twelve 4433  
months. 4434

(2) For an allowance or benefit beginning on or after 4435  
August 1, 2013, that was immediately preceded by a disability 4436  
benefit effective before that date but terminated on or after 4437  
it, upon the date that would have been the disability benefit's 4438  
next anniversary date; 4439

(3) For an allowance or benefit beginning on or after 4440  
August 1, 2013, except for an allowance or benefit ~~that was~~ 4441  
~~immediately preceded by a disability benefit granted prior to~~ 4442  
~~that date that has been terminated~~ described in division (B) (2) 4443  
of this section, the first increase is payable upon such persons 4444  
receiving an allowance or benefit for sixty months. 4445

The increased amount is payable for the ensuing twelve- 4446  
month period or until the next increase is granted under this 4447  
section, whichever is later. Subsequent increases shall be 4448  
determined from the date of the first increase paid to the 4449  
former member in the case of an allowance being paid a 4450  
beneficiary under an option, or from the date of the first 4451

increase to the survivor first receiving an allowance or benefit 4452  
in the case of an allowance or benefit being paid to the 4453  
subsequent survivors of the former member. 4454

The date of the first increase under this section becomes 4455  
the anniversary date for any future increases. 4456

The allowance or benefit used in the first calculation of 4457  
an increase under this section shall remain as the base for all 4458  
future increases, unless a new base is established. 4459

(C) If payment of a portion of a benefit is made to an 4460  
alternate payee under section 3307.371 of the Revised Code, 4461  
increases under this section granted while the order is in 4462  
effect shall be apportioned between the alternate payee and the 4463  
benefit recipient in the same proportion that the amount being 4464  
paid to the alternate payee bears to the amount paid to the 4465  
benefit recipient. 4466

If payment of a portion of a benefit is made to one or 4467  
more beneficiaries under "option 4" under division (A)(4) of 4468  
section 3307.60 of the Revised Code, each increase under this 4469  
section granted while the plan of payment is in effect shall be 4470  
divided among the designated beneficiaries in accordance with 4471  
the portion each beneficiary has been allocated. 4472

The apportioned increases under this section shall begin 4473  
with increases granted on or after October 27, 2006. 4474

(D) The board shall not make the increases it would 4475  
otherwise make during the period July 1, 2013, through June 30, 4476  
2014, to persons granted an allowance or benefit prior to July 4477  
1, 2013. The board shall not increase any allowance or benefit 4478  
granted on July 1, 2013, until July 1, 2015. 4479

(E) The board may adjust the increase payable under this 4480

section if the board's actuary, in its annual actuarial 4481  
valuation required by section 3307.51 of the Revised Code or in 4482  
other evaluations conducted under that section, determines that 4483  
an adjustment does not materially impair the fiscal integrity of 4484  
the retirement system or is necessary to preserve the fiscal 4485  
integrity of the system. 4486

(F) The board shall make all rules necessary to carry out 4487  
this section. 4488

**Sec. 3307.71.** (A) (1) Except as provided in this section, 4489  
section 3305.05, or section 3305.051 of the Revised Code, a 4490  
member or former member of the state teachers retirement system 4491  
participating in the STRS defined benefit plan who has at least 4492  
one and one-half years of contributing service credit in this 4493  
system, the public employees retirement system, the school 4494  
employees retirement system, the Ohio police and fire pension 4495  
fund, or the state highway patrol retirement system after the 4496  
withdrawal and cancellation of service credit in this system may 4497  
restore all or part of such service credit by repayment of the 4498  
amount withdrawn. To this amount shall be added interest at a 4499  
rate per annum, compounded annually, to be determined by the 4500  
state teachers retirement board. Interest shall be payable from 4501  
the first of the month of withdrawal through the month of 4502  
repayment. 4503

(2) If the accumulated contributions were withdrawn under 4504  
section 3307.561 of the Revised Code, service credit may be 4505  
restored only if the member or former member accrued one and 4506  
one-half years of service credit after the withdrawal and 4507  
cancellation of service credit in this system. 4508

(B) A member may choose to purchase only part of such 4509  
credit in any one payment. The cost for restoring partial 4510

service shall be calculated as the proportion that it bears to 4511  
the total cost at the time of purchase and is subject to the 4512  
rules established by the board. If a former member is eligible 4513  
to buy the service credit as a member of the Ohio police and 4514  
fire pension fund, the state highway patrol retirement system, 4515  
or the city of Cincinnati Retirement System, the former member 4516  
is ineligible to restore that service credit under this section. 4517

(C) The total payment to restore canceled service credit 4518  
shall be credited as follows: 4519

~~(1) The amount that equals contributions made pursuant to 4520  
section 3307.26 of the Revised Code, plus any interest on the 4521  
contributions paid by the member pursuant to this section, to 4522  
the member's account in the teachers' savings fund; 4523~~

~~(2) The amount that equals the amount paid under section 4524  
3307.563 of the Revised Code, to the employers trust fund; 4525~~

~~(3) The remainder of the payment to restore canceled 4526  
service credit, to the guarantee fund 4527~~

To the member's account in the teachers' savings fund, the 4528  
portion of the payment that consists of contributions made under 4529  
section 3307.26 of the Revised Code, any interest on the 4530  
contributions received by the member under division (A) of 4531  
section 3307.563 of the Revised Code, and any interest paid 4532  
under division (A) (1) of this section; 4533

(2) To the employers trust fund, the portion of the 4534  
payment that consists of any amounts received by the member 4535  
under division (A) (3) (b) of section 3307.563 of the Revised Code 4536  
and any interest paid under division (A) (1) of this section. 4537

**Sec. 3307.763.** (A) If the conditions described in division 4538  
(B) of section 3307.762 of the Revised Code are met, a member of 4539

the state teachers retirement system who is not receiving a 4540  
pension or benefit from the state teachers retirement system is 4541  
eligible to obtain credit for service as a member of the 4542  
Cincinnati retirement system under this section. 4543

(B) A member of the state teachers retirement system 4544  
participating in the STRS defined benefit plan who has 4545  
contributions on deposit with, but is no longer contributing to, 4546  
the Cincinnati retirement system shall, in computing years of 4547  
service credit, be given credit for service credit earned under 4548  
the Cincinnati retirement system or purchased or obtained as 4549  
military service credit if, ~~for~~ all of the following conditions 4550  
are met: 4551

(1) The member's service credit in the state teachers 4552  
retirement system is greater than the amount of credit that 4553  
would be obtained under this division. 4554

(2) The member is eligible, or with the credit will be 4555  
eligible, for a retirement or disability benefit. 4556

(3) The member agrees to retire or accept a disability 4557  
benefit not later than ninety days after receiving notice from 4558  
the state teachers retirement system that the credit has been 4559  
obtained. 4560

(4) For each year of service, the Cincinnati retirement 4561  
system transfers to the state teachers retirement system the sum 4562  
of the following: 4563

~~(1)~~ (a) The amount contributed by the member, or, in the 4564  
case of military service credit, paid by the member, that is 4565  
attributable to the year of service; 4566

~~(2)~~ (b) An amount equal to the lesser of the employer's 4567  
contributions to the Cincinnati retirement system or the amount 4568

that would have been contributed by the employer for the service 4569  
had the member been a member of the state teachers retirement 4570  
system at the time the credit was earned; 4571

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 4572  
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section from the last day of the 4573  
year for which service credit was earned or in which payment was 4574  
made for military service credit to the date the transfer is 4575  
made. 4576

(C) A member of the state teachers retirement system with 4577  
at least one and one-half years of contributing service credit 4578  
with the state teachers retirement system who has received a 4579  
refund of the member's contributions to the Cincinnati 4580  
retirement system ~~shall, in computing years of service, be given~~ 4581  
may obtain credit for service credit earned under the Cincinnati 4582  
retirement system or purchased or obtained as military service 4583  
credit if, ~~for~~ all of the following conditions are met: 4584

(1) The member's service credit in the state teachers 4585  
retirement system is greater than the amount of credit that 4586  
would be obtained under this division. 4587

(2) The member is eligible, or with the credit will be 4588  
eligible, for a retirement or disability benefit. 4589

(3) The member agrees to retire or accept a disability 4590  
benefit not later than ninety days after receiving notice from 4591  
the state teachers retirement system that the credit has been 4592  
obtained. 4593

(4) For each year of service, the state teachers 4594  
retirement system receives the sum of the following: 4595

~~(1)~~ (a) An amount, paid by the member, equal to the sum of 4596  
the following: 4597

~~(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 4627  
of the notice, the Cincinnati retirement system shall transfer 4628  
the amount described in division (C) ~~(2)~~ (4) (b) of this section. 4629

(F) Interest charged under this section shall be 4630  
calculated separately for each year of service credit. Unless 4631  
otherwise specified in this section, it shall be calculated at 4632  
the lesser of the actuarial assumption rate for that year of the 4633  
state teachers retirement system or the Cincinnati retirement 4634  
system. The interest shall be compounded annually. 4635

(G) At the request of the state teachers retirement 4636  
system, the Cincinnati retirement system shall certify to the 4637  
state teachers retirement system a copy of the records of the 4638  
service and contributions of a state teachers retirement system 4639  
member who seeks service credit under this section. 4640

(H) A member may choose to purchase only part of the 4641  
credit the member is eligible to purchase under division (C) of 4642  
this section ~~in any one payment~~, subject to rules of the state 4643  
teachers retirement board. 4644

(I) A member is ineligible to obtain credit under this 4645  
section for service that is used in the calculation of any 4646  
retirement benefit currently being paid or payable in the 4647  
future. 4648

(J) The state teachers retirement board shall credit to 4649  
the member's account in the teachers' savings fund the amounts 4650  
described in divisions (B) ~~(1)~~ (4) (a) and (C) ~~(1)~~ (4) (a) (i) of this 4651  
section, except that interest paid by the member under division 4652  
(C) ~~(1)~~ (4) (a) (i) of this section shall be credited to the 4653  
employers' trust fund. The board shall credit to the employers' 4654  
trust fund the amounts described in divisions (B) ~~(2)~~ (4) (b), (B) 4655

~~(3) (4) (c), (C) (1) (b) (4) (a) (ii), and (C) (2) (4) (b)~~ of this 4656  
section. 4657

(K) The state teachers retirement system shall withdraw 4658  
credit obtained under this section and refund all amounts paid 4659  
or transferred to obtain the credit if either of the following 4660  
occurs: 4661

(1) The member fails to retire or accept a disability 4662  
benefit not later than ninety days after receiving notice from 4663  
the state teachers retirement system that credit has been 4664  
obtained under this section. 4665

(2) The member's application for a disability benefit is 4666  
denied. 4667

**Sec. 3307.764.** (A) If the conditions described in division 4668  
(B) of section 3307.762 of the Revised Code are met and a person 4669  
who is a member or former member of the state teachers 4670  
retirement system through participation in the STRS defined 4671  
benefit plan, but is not a current contributor and who is not 4672  
receiving a pension or benefit from the state teachers 4673  
retirement system elects to receive credit under the Cincinnati 4674  
retirement system for service for which the person contributed 4675  
to the state teachers retirement system or purchased or obtained 4676  
as military service credit, the state teachers retirement system 4677  
shall transfer the amounts specified in division (B) or (C) of 4678  
this section to the Cincinnati retirement system. 4679

(B) If the person has contributions on deposit with the 4680  
state teachers retirement system, ~~the retirement system shall,~~ 4681  
~~for~~ the person may obtain credit if all of the following 4682  
conditions are met: 4683

(1) The member's service credit in the Cincinnati 4684

retirement system is greater than the amount of credit that 4685  
would be obtained under this division. 4686

(2) The member is eligible, or with the credit will be 4687  
eligible, for a retirement or disability benefit. 4688

(3) The member agrees to retire or accept a disability 4689  
benefit not later than ninety days after receiving notice from 4690  
the state teachers retirement system that the credit has been 4691  
obtained. 4692

(4) For each year of service credit, ~~transfer the~~ 4693  
retirement system transfers to the Cincinnati retirement system 4694  
the sum of the following: 4695

~~(1)~~ (a) An amount equal to the person's contributions to 4696  
the state teachers retirement system and payments made by the 4697  
member for military service credit; 4698

~~(2)~~ (b) An amount equal to the lesser of the employer's 4699  
contributions to the state teachers retirement system or the 4700  
amount that would have been contributed by the employer for the 4701  
service had the person been a member of the Cincinnati 4702  
retirement system at the time the credit was earned; 4703

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 4704  
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section for the period from the 4705  
last day of the year for which the service credit was earned or 4706  
in which payment was made for military service credit to the 4707  
date the transfer was made. 4708

(C) (1) If the person has received a refund of accumulated 4709  
contributions to the state teachers retirement system, the ~~state~~ 4710  
~~teachers retirement system shall, for person may obtain credit~~ 4711  
if all of the following conditions are met: 4712

(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. 4713  
4714  
4715

(b) The member is eligible, or with the credit will be eligible, for a retirement or disability benefit. 4716  
4717

(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. 4718  
4719  
4720  
4721

(d) For each year of service credit, ~~transfer the~~ retirement system transfers to the Cincinnati retirement system the sum of the following: 4722  
4723  
4724

~~(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; 4725  
4726  
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4729

~~(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. 4730  
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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. 4737  
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4741

(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 4771  
3345.28 of the Revised Code or for any other reason approved by 4772  
the state teachers retirement board, may purchase service 4773  
credit, not to exceed two years for each such period of absence 4774  
or leave, either by having deductions made in accordance with 4775  
division (C) of this section or by making the payment required 4776  
by division (D) of this section. 4777

(C) If the absence or leave begins and ends in the same 4778  
year, the member may purchase credit for the absence or leave by 4779  
having the employer deduct and transmit to the system from 4780  
payrolls in that year employee contributions on the amount 4781  
certified by the employer as the compensation the member would 4782  
have received had the member remained employed in the position 4783  
held when the absence or leave commenced. The deductions may be 4784  
made even though the minimum compensation provided by law for 4785  
the member is reduced thereby, unless the amount to be deducted 4786  
exceeds the compensation to be paid the member from the time 4787  
deductions begin until the end of the year, in which case credit 4788  
may not be purchased under this division. The employer shall pay 4789  
the system the employer contributions on the compensation amount 4790  
certified under this division. Employee and employer 4791  
contributions shall be made at the rates in effect at the time 4792  
the absence or leave occurred. If the employee or employer rates 4793  
in effect change during the absence or leave, the contributions 4794  
for each month of the absence or leave shall be made at the rate 4795  
in effect for that month. 4796

(D) If the absence or leave does not begin and end in the 4797  
same year or the member does not purchase the credit under 4798  
division (C) of this section, a member may purchase credit for 4799  
the absence or leave by paying ~~the employer, and the employer~~ 4800  
~~transmitting~~ to the system, the sum of the following for each 4801

year of credit purchased: 4802

(1) An amount determined by multiplying the employee rate 4803  
of contribution in effect at the time the absence or leave 4804  
commenced by the member's annual compensation for the member's 4805  
last full year of service prior to the commencement of the 4806  
absence or leave, or, if the member has not had a full year of 4807  
service, the compensation the member would have received for the 4808  
year the absence or leave commenced had the member continued in 4809  
service for a full year; 4810

(2) Interest compounded annually, at a rate determined by 4811  
the board, on the amount determined under division (D)(1) of 4812  
this section from the day following the last day of the year in 4813  
which the absence or leave terminated to the date of payment; 4814

(3) Interest compounded annually, at a rate determined by 4815  
the board, on an amount equal to the employer's contribution 4816  
required by this division from the day following the last day of 4817  
the year in which the absence or leave terminated to the date of 4818  
payment. 4819

The employer shall pay to the system for each year of 4820  
credit purchased under this division an amount determined by 4821  
multiplying the employer contribution rate in effect at the time 4822  
the absence or leave commenced by the member's annual 4823  
compensation for the member's last full year of service prior to 4824  
the commencement of the absence or leave, or, if the member has 4825  
not had a full year of service, the compensation the member 4826  
would have received for the year the absence or leave commenced 4827  
had the member continued in service for a full year. 4828

(E) A member who chooses to purchase service credit under 4829  
division (D) of this section may choose to purchase only part of 4830

the credit for which the member is eligible in any one payment. 4831

(F) The state teachers retirement board may adopt rules to 4832  
implement this section. 4833

**Sec. 3307.78.** (A) As used in this section, "school board 4834  
member" means a member of a city, local, exempted village, or 4835  
joint vocational school district board of education and 4836  
"governing board member" means a member of an educational 4837  
service center governing board. 4838

(B) A member of the state teachers retirement system 4839  
participating in the STRS defined benefit plan ~~who does both of~~ 4840  
~~the following~~ may purchase credit under section 3307.70 of the 4841  
Revised Code for service as a school board or governing board 4842  
member, other than service subject to the tax on wages imposed 4843  
by the "Federal Insurance Contributions Act," 68A Stat. 415 4844  
(1954), 26 U.S.C.A. 3101, as amended, ~~if the member is eligible~~ 4845  
~~to retire under this chapter or will become eligible to retire~~ 4846  
~~as a result of purchasing the credit:~~ 4847

~~(1) Agrees to retire within ninety days after receiving~~ 4848  
~~notice of the additional liability under division (C) of this~~ 4849  
~~section;~~ 4850

~~(2) Provides.~~ The member must provide evidence 4851  
satisfactory to the state teachers retirement board of service 4852  
as a school board or governing board member during the years for 4853  
which the member wishes to purchase credit. 4854

Credit may be purchased for service as a school board or 4855  
governing board member between September 1, 1920, and the first 4856  
day of January of the year in which the credit is purchased. A 4857  
member is eligible to purchase one-quarter of a year's credit 4858  
for each year of service as a school board or governing board 4859

member. 4860

~~(C) On receipt of a request from a member eligible to 4861  
purchase credit described in this section, the system shall 4862  
obtain from its actuary certification of the additional 4863  
liability to the system for each quarter year of credit the 4864  
member is eligible to purchase and shall notify the member of 4865  
such additional liability. Within ninety days after receiving 4866  
notice of the additional liability, the member may purchase in 4867  
quarter year increments any portion of the credit the member is 4868  
eligible to purchase. Payment shall be made in full at the time 4869  
of purchase. 4870~~

~~(D) If the member does not retire within ninety days after 4871  
purchasing credit described in this section, the system shall 4872  
withdraw the credit and refund the amount paid by the member. 4873~~

**Sec. 3309.01.** As used in this chapter: 4874

(A) "Employer" or "public employer" means boards of 4875  
education, school districts, joint vocational districts, 4876  
governing authorities of community schools established under 4877  
Chapter 3314. of the Revised Code, a science, technology, 4878  
engineering, and mathematics school established under Chapter 4879  
3326. of the Revised Code, educational institutions, technical 4880  
colleges, state, municipal, and community colleges, community 4881  
college branches, universities, university branches, other 4882  
educational institutions, or other agencies within the state by 4883  
which an employee is employed and paid, including any 4884  
organization using federal funds, provided the federal funds are 4885  
disbursed by an employer as determined by the above. In all 4886  
cases of doubt, the school employees retirement board shall 4887  
determine whether any employer is an employer as defined in this 4888  
chapter, and its decision shall be final. 4889

(B) "Employee" means all of the following:	4890
(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;	4891 4892 4893 4894
(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;	4895 4896 4897 4898 4899 4900
(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.	4901 4902 4903 4904 4905 4906
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.	4907 4908 4909
(C) "Prior service" means all service rendered prior to September 1, 1937:	4910 4911
(1) As an employee as defined in division (B) of this section;	4912 4913
(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system;	4914 4915 4916
(3) As an employee of an institution in another state,	4917

service credit for which was procured by a member under the 4918  
provisions of section 3309.31 of the Revised Code. 4919

Prior service, for service as an employee in a capacity 4920  
covered by the public employees retirement system or the state 4921  
teachers retirement system, shall be granted a member under 4922  
qualifications identical to the laws and rules applicable to 4923  
service credit in those systems. 4924

Prior service shall not be granted any member for service 4925  
rendered in a capacity covered by the public employees 4926  
retirement system, the state teachers retirement system, and 4927  
this system in the event the service credit has, in the 4928  
respective systems, been received, waived by exemption, or 4929  
forfeited by withdrawal of contributions, except as provided in 4930  
this chapter. 4931

If a member who has been granted prior service should, 4932  
subsequent to September 16, 1957, and before retirement, 4933  
establish three years of contributing service in the public 4934  
employees retirement system, or one year in the state teachers 4935  
retirement system, then the prior service granted shall become, 4936  
at retirement, the liability of the other system, if the prior 4937  
service or employment was in a capacity that is covered by that 4938  
system. 4939

The provisions of this division shall not cancel any prior 4940  
service granted a member by the school employees retirement 4941  
board prior to August 1, 1959. 4942

(D) "Total service," "total service credit," or "Ohio 4943  
service credit" means all contributing service of a member of 4944  
the school employees retirement system, and all prior service, 4945  
computed as provided in this chapter, and all service 4946

established pursuant to sections 3309.31, 3309.311, and 3309.33 4947  
of the Revised Code. In addition, "total service" includes any 4948  
period, not in excess of three years, during which a member was 4949  
out of service and receiving benefits from the state insurance 4950  
fund, provided the injury or incapacitation was the direct 4951  
result of school employment. 4952

(E) "Member" means any employee, except an SERS retirant 4953  
or other system retirant as defined in section 3309.341 of the 4954  
Revised Code, who has established membership in the school 4955  
employees retirement system. "Member" includes a disability 4956  
benefit recipient. 4957

(F) "Contributor" means any person who has an account in 4958  
the employees' savings fund. When used in the sections listed in 4959  
division (B) of section 3309.82 of the Revised Code, 4960  
"contributor" includes any person participating in a plan 4961  
established under section 3309.81 of the Revised Code. 4962

(G) "Retirant" means any former member who retired and is 4963  
receiving a service retirement allowance or commuted service 4964  
retirement allowance as provided in this chapter. 4965

(H) "Beneficiary" or "beneficiaries" means the estate or a 4966  
person or persons who, as the result of the death of a 4967  
contributor or retirant, qualifies for or is receiving some 4968  
right or benefit under this chapter. 4969

(I) "Interest," as specified in division (E) of section 4970  
3309.60 of the Revised Code, means interest at the rates for the 4971  
respective funds and accounts as the school employees retirement 4972  
board may determine from time to time, ~~except as follows:~~ 4973

~~(1) The rate of interest credited on employee 4974  
contributions at retirement shall be four per cent per annum, 4975~~

~~compounded annually, to and including June 30, 1955; three per- 4976  
cent per annum, compounded annually, from July 1, 1955, to and 4977  
including June 30, 1963; three and one-quarter per cent per 4978  
annum, compounded annually, from July 1, 1963, through June 30, 4979  
1966; and thereafter, four per cent per annum compounded 4980  
annually until a change in the amount is recommended by the 4981  
system's actuary and approved by the retirement board. 4982  
Subsequent to June 30, 1959, the retirement board shall 4983  
discontinue the annual crediting of current interest on a 4984  
contributor's accumulated contributions. Noncrediting of current 4985  
interest shall not affect the rate of interest at retirement 4986  
guaranteed under this division. 4987~~

~~(2) In determining the reserve value for purposes of 4988  
computing the amount of the contributor's annuity, the rate of 4989  
interest used in the annuity values shall be four per cent per 4990  
annum through September 30, 1956; three per cent per annum 4991  
compounded annually from October 1, 1956, through June 30, 1963; 4992  
three and one-quarter per cent per annum compounded annually 4993  
from July 1, 1963, through June 30, 1966; and, thereafter, four 4994  
per cent per annum compounded annually until a change in the 4995  
amount is recommended by the system's actuary and approved by 4996  
the retirement board. In the purchase of out of state service 4997  
credit as provided in section 3309.31 of the Revised Code, and 4998  
in the purchase of an additional annuity, as provided in section 4999  
3309.47 of the Revised Code, interest shall be computed and 5000  
credited to reserves therefor at the rate the school employees 5001  
retirement board shall fix as regular interest thereon. 5002~~

(J) "Accumulated contributions" means the sum of all 5003  
amounts credited to a contributor's account in the employees' 5004  
savings fund together with any regular interest credited thereon 5005  
at the rates approved by the retirement board prior to 5006

retirement. 5007

(K) "Final average salary" means the sum of the annual 5008  
compensation for the three highest years of compensation for 5009  
which contributions were made by the member, divided by three. 5010  
If the member has a partial year of contributing service in the 5011  
year in which the member terminates employment and the partial 5012  
year is at a rate of compensation that is higher than the rate 5013  
of compensation for any one of the highest three years of annual 5014  
earnings, the board shall substitute the compensation earned for 5015  
the partial year for the compensation earned for a similar 5016  
fractional portion in the lowest of the three high years of 5017  
annual compensation before dividing by three. If a member has 5018  
less than three years of contributing membership, the final 5019  
average salary shall be the total compensation divided by the 5020  
total number of years, including any fraction of a year, of 5021  
contributing service. 5022

(L) "Annuity" means payments for life derived from 5023  
contributions made by a contributor and paid from the annuity 5024  
and pension reserve fund as provided in this chapter. All 5025  
annuities shall be paid in twelve equal monthly installments. 5026

(M) (1) "Pension" means annual payments for life derived 5027  
from appropriations made by an employer and paid from the 5028  
employers' trust fund or the annuity and pension reserve fund. 5029  
All pensions shall be paid in twelve equal monthly installments. 5030

(2) "Disability retirement" means retirement as provided 5031  
in section 3309.40 of the Revised Code. 5032

(N) "Retirement allowance" means the pension plus the 5033  
annuity. 5034

(O) (1) "Benefit" means a payment, other than a retirement 5035

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.	5065
(U) "Fiduciary" means a person who does any of the	5066
following:	5067
(1) Exercises any discretionary authority or control with	5068
respect to the management of the system, or with respect to the	5069
management or disposition of its assets;	5070
(2) Renders investment advice for a fee, direct or	5071
indirect, with respect to money or property of the system;	5072
(3) Has any discretionary authority or responsibility in	5073
the administration of the system.	5074
(V) (1) Except as otherwise provided in this division,	5075
"compensation" means all salary, wages, and other earnings paid	5076
to a contributor by reason of employment. The salary, wages, and	5077
other earnings shall be determined prior to determination of the	5078
amount required to be contributed to the employees' savings fund	5079
under section 3309.47 of the Revised Code and without regard to	5080
whether any of the salary, wages, or other earnings are treated	5081
as deferred income for federal income tax purposes.	5082
(2) Compensation does not include any of the following:	5083
(a) Payments for accrued but unused sick leave or personal	5084
leave, including payments made under a plan established pursuant	5085
to section 124.39 of the Revised Code or any other plan	5086
established by the employer;	5087
(b) Payments made for accrued but unused vacation leave,	5088
including payments made pursuant to section 124.13 of the	5089
Revised Code or a plan established by the employer;	5090
(c) Payments made for vacation pay covering concurrent	5091
periods for which other salary or compensation is also paid or	5092

during which benefits are paid under this chapter;	5093
(d) Amounts paid by the employer to provide life	5094
insurance, sickness, accident, endowment, health, medical,	5095
hospital, dental, or surgical coverage, or other insurance for	5096
the contributor or the contributor's family, or amounts paid by	5097
the employer to the contributor in lieu of providing the	5098
insurance;	5099
(e) Incidental benefits, including lodging, food, laundry,	5100
parking, or services furnished by the employer, use of the	5101
employer's property or equipment, and reimbursement for job-	5102
related expenses authorized by the employer, including moving	5103
and travel expenses and expenses related to professional	5104
development;	5105
(f) Payments made to or on behalf of a contributor that	5106
are in excess of the annual compensation that may be taken into	5107
account by the retirement system under division (a) (17) of	5108
section 401 of the "Internal Revenue Code of 1986," 100 Stat.	5109
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who	5110
first establishes membership before July 1, 1996, the annual	5111
compensation that may be taken into account by the retirement	5112
system shall be determined under division (d) (3) of section	5113
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub.	5114
L. No. 103-66, 107 Stat. 472;	5115
(g) Payments made under division (B), (C), or (E) of	5116
section 5923.05 of the Revised Code, Section 4 of Substitute	5117
Senate Bill No. 3 of the 119th general assembly, Section 3 of	5118
Amended Substitute Senate Bill No. 164 of the 124th general	5119
assembly, or Amended Substitute House Bill No. 405 of the 124th	5120
general assembly;	5121

(h) Anything of value received by the contributor that is 5122  
based on or attributable to retirement or an agreement to 5123  
retire, except that payments made on or before January 1, 1989, 5124  
that are based on or attributable to an agreement to retire 5125  
shall be included in compensation if both of the following 5126  
apply: 5127

(i) The payments are made in accordance with contract 5128  
provisions that were in effect prior to January 1, 1986. 5129

(ii) The employer pays the retirement system an amount 5130  
specified by the retirement board equal to the additional 5131  
liability from the payments. 5132

(3) The retirement board shall determine by rule whether 5133  
any form of earnings not enumerated in this division is to be 5134  
included in compensation, and its decision shall be final. 5135

(W) "Disability benefit recipient" means a member who is 5136  
receiving a disability benefit. 5137

(X) "Actuary" means an individual who satisfies all of the 5138  
following requirements: 5139

(1) Is a member of the American academy of actuaries; 5140

(2) Is an associate or fellow of the society of actuaries; 5141

(3) Has a minimum of five years' experience in providing 5142  
actuarial services to public retirement plans. 5143

**Sec. 3309.013.** (A) As used in this section, "operator" has 5144  
the same meaning as in section 3314.02 of the Revised Code. 5145

(B) "Employee," as defined in division (B) of section 5146  
3309.01 of the Revised Code, does not include either of the 5147  
following: 5148

(1) Any person initially employed on or after July 1, 5149  
2016, by a community school operator and for whom the operator 5150  
withholds and pays employee and employer taxes pursuant to 26 5151  
U.S.C. 3101(a) and 3111(a) beginning with the first paycheck 5152  
after commencing initial employment; 5153

(2) Except as provided in division (C) of this section, 5154  
any person who is a former employee of a community school 5155  
operator who is reemployed on or after July 1, 2016, by that 5156  
operator and for whom the operator withholds and pays employee 5157  
and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) 5158  
beginning with the first paycheck after commencing reemployment 5159  
with that operator. 5160

(C) Division (B) (2) of this section does not apply to 5161  
~~either of the following:~~ 5162

~~(1) Any any person who was employed by the same operator 5163  
at any time within the period of July 1, 2015, to June 30, 2016, 5164  
and whose date of reemployment is before July 1, 2017;~~ 5165

~~(2) Any person to whom both of the following apply:~~ 5166

~~(a) The person was employed by the same operator at any 5167  
time in the twelve-month period preceding the date the operator 5168  
for the first time withholds and pays employee and employer 5169  
taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on behalf of its 5170  
employees and had previously only contributed to the school 5171  
employees retirement system;~~ 5172

~~(b) The person's date of reemployment is not more than 5173  
twelve months after the date the operator for the first time 5174  
withholds and pays employee and employer taxes pursuant to 26 5175  
U.S.C. 3101(a) and 3111(a).~~ 5176

(D) This section applies only to a community school 5177

operator that was withholding and paying employee and employer 5178  
taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) on or before 5179  
February 1, 2016, for persons employed in the school. 5180

Sec. 3309.212. (A) As used in this section: 5181

(1) "Compensation" has the same meaning as in section 5182  
3309.01 of the Revised Code except that in the case of an 5183  
electing employee, "compensation" means the amount that would be 5184  
the electing employee's compensation if the electing employee 5185  
was a member of the retirement system. 5186

(2) "Compensation ratio" means the ratio for the most 5187  
recent full fiscal year for which the information is available 5188  
of the total compensation of all electing employees to the sum 5189  
of the total compensation of all the retirement system's members 5190  
in the system's defined benefit plan and the total compensation 5191  
of all electing employees. 5192

(3) "Electing employee" means a participant in an 5193  
alternative retirement plan provided pursuant to Chapter 3305. 5194  
of the Revised Code who would otherwise be a member of the 5195  
retirement system. 5196

(4) "Historical liability" means the portion of the 5197  
retirement system's total unfunded actuarial accrued pension 5198  
liability attributed to the difference between the following: 5199

(a) The cumulative contributions received under division 5200  
(D) of section 3305.06 of the Revised Code on behalf of electing 5201  
employees since the establishment of the alternative retirement 5202  
plan; 5203

(b) The cumulative contributions toward the unfunded 5204  
actuarial accrued liability of the retirement system that would 5205  
have been made if the electing employees had been members of the 5206

retirement system in the system's defined benefit plan. 5207

(B) The school employees retirement board shall contract 5208  
with an independent actuary to complete an actuarial study to 5209  
determine the percentage of an electing employee's compensation 5210  
to be contributed by a public institution of higher education 5211  
under division (D) of section 3305.06 of the Revised Code. The 5212  
initial study must be completed and submitted by the board to 5213  
the department of higher education not later than December 31, 5214  
2016. A subsequent study must be completed and submitted not 5215  
later than the last day of December of every fifth year 5216  
thereafter. 5217

(C) For the initial study required under this section, the 5218  
actuary shall determine the percentage described in division (B) 5219  
of this section as follows: 5220

(1) The actuary shall calculate a percentage necessary to 5221  
amortize the historical liability over an indefinite period. 5222

(2) The actuary shall calculate a percentage necessary to 5223  
amortize over a thirty-year period the amount resulting from 5224  
multiplying the compensation ratio by the difference between the 5225  
following: 5226

(a) The unfunded actuarial accrued pension liability of 5227  
the defined benefit plan; 5228

(b) The historical liability. 5229

(3) The percentage to be contributed under division (D) of 5230  
section 3305.06 of the Revised Code shall be one-fourth of the 5231  
sum of the percentages calculated under divisions (C) (1) and (2) 5232  
of this section, not to exceed four and one-half per cent. 5233

(4) To make the calculations and determinations required 5234

under divisions (C) (1) and (2) of this section, the actuary 5235  
shall use the most recent annual actuarial valuation under 5236  
section 3309.21 of the Revised Code that is available at the 5237  
time the study is conducted. 5238

(D) For any study conducted after the initial study 5239  
required under this section, the actuary shall determine the 5240  
percentage described in division (B) of this section as follows: 5241

(1) The actuary shall calculate a percentage necessary to 5242  
amortize over a thirty-year period the amount resulting from 5243  
multiplying the compensation ratio by the difference between the 5244  
following: 5245

(a) The unfunded actuarial accrued pension liability of 5246  
the retirement system's defined benefit plan under the annual 5247  
actuarial valuation under section 3309.21 of the Revised Code 5248  
that is most recent at the time the study is conducted; 5249

(b) The historical liability determined under division (C) 5250  
of this section. 5251

(2) The percentage to be contributed under division (D) of 5252  
section 3305.06 of the Revised Code shall be one-fourth of the 5253  
sum of the percentages calculated under divisions (C) (1) and (D) 5254  
(1) of this section but not less than one-fourth of the 5255  
percentage determined under division (C) (1) of this section, 5256  
except that the percentage shall not exceed four and one-half 5257  
per cent. 5258

**Sec. 3309.30.** For service subsequent to June 30, 1955, the 5259  
retirement board shall credit a year of service credit to any 5260  
member employed on a full-time basis for nine or more months of 5261  
service within a year. For contributing and prior service before 5262  
July 1, 1955 only eight or more months of service on a full-time 5263

basis within a year will be necessary for a year of service 5264  
credit. Effective July 1, 1977, full-time service is defined as 5265  
one hundred twenty or more days of school service during the 5266  
school year. If less than one hundred twenty days, such service 5267  
shall be prorated on the basis of one hundred eighty days. The 5268  
board shall adopt rules as necessary to carry out the intent of 5269  
this section. The board shall credit not more than one year for 5270  
all service rendered in any year. 5271

~~Where a member is also a member of the state teachers-~~ 5272  
~~retirement system, the public employees retirement system, or~~ 5273  
~~both, then at retirement, other than retirement on a combined-~~ 5274  
~~bases as provided in section 3309.35 of the Revised Code or as~~ 5275  
~~provided in section 3309.343 of the Revised Code, adjustment-~~ 5276  
~~shall be made so that service credit for any period shall be~~ 5277  
~~credited on the basis of the ratio that contributions to the~~ 5278  
~~school employees retirement system bears to the total-~~ 5279  
~~contributions in all the retirement systems during that period.~~ 5280

**Sec. 3309.392.** (A) A recipient of a disability benefit 5281  
granted under this chapter on or after ~~the effective date of~~ 5282  
~~this section~~ January 7, 2013, but before the effective date of 5283  
this amendment, who is enrolled in health care coverage under 5284  
section 3309.69 of the Revised Code shall apply for social 5285  
security disability insurance benefit payments under 42 U.S.C. 5286  
423 if the recipient meets the requirements of divisions (a)(1) 5287  
(A), (B), and (C) of that section. ~~The application shall be made~~ 5288  
~~not later than ninety days after the recipient is granted a~~ 5289  
~~disability benefit under this chapter unless~~ 5290

(B) A recipient of a disability benefit granted under this 5291  
chapter on or after the effective date of this amendment who is 5292  
enrolled in health care coverage under section 3309.69 of the 5293

Revised Code shall apply for both of the following: 5294

(1) Social security disability insurance benefit payments 5295  
under 42 U.S.C. 423 if the recipient meets the requirements of 5296  
divisions (a) (1) (A), (B), and (C) of that section; 5297

(2) Hospital insurance benefits under 42 U.S.C. 426(b), if 5298  
both of the following are the case: 5299

(a) The recipient had medicare qualified government 5300  
employment, as defined in 42 U.S.C. 410(p). 5301

(b) The recipient would have met the requirements of 5302  
divisions (a) (1) (A), (B), and (C) of 42 U.S.C. 423 if the 5303  
medicare qualified government employment was treated as 5304  
employment under 42 U.S.C. 410(a). 5305

(C) Unless the school employees retirement board-system 5306  
determines from the member's medical records that the member is 5307  
physically or mentally unable to make the application good cause 5308  
exists to exempt the recipient from the requirements of this 5309  
section, a recipient who is subject to division (A) or (B) of 5310  
this section shall file the applications required by those 5311  
divisions as follows: 5312

(1) For a recipient who on the effective date of this 5313  
amendment is enrolled in health care coverage under section 5314  
3309.69 of the Revised Code, not later than one hundred eighty 5315  
days after the effective date of this amendment; 5316

(2) For a recipient who enrolls in health care coverage 5317  
under section 3309.69 of the Revised Code on or after the 5318  
effective date of this amendment, not later than ninety days 5319  
after enrolling. The- 5320

(D) The recipient shall file a copy of the each completed 5321

application and a copy of the social security administration's 5322  
acknowledgement of receipt of the application with the ~~school-~~ 5323  
~~employees~~ retirement system. The system shall accept the copy 5324  
and acknowledgement as evidence of the ~~member's~~ recipient's 5325  
application. 5326

The recipient shall file with the system a copy of the 5327  
social security administration's final action on the recipient's 5328  
application for social security disability insurance benefit 5329  
payments or hospital insurance benefits, as applicable. 5330

If a (E) (1) Unless an exemption is granted under division 5331  
(C) of this section: 5332

(a) A recipient subject to division (A) or (B) of this 5333  
section who fails without just cause to apply for social 5334  
security disability insurance benefit payments or to file a copy 5335  
of the application and acknowledgement of receipt with the 5336  
system, comply with division (D) of this section shall have the 5337  
recipient's disability benefit under this chapter shall be 5338  
suspended until application is made the recipient applies for 5339  
the payments and a copy of the application and acknowledgement 5340  
is filed with the system complies with division (D) of this 5341  
section. 5342

~~The member shall file with the system a copy of the social-~~ 5343  
~~security administration's final action on the member's~~ 5344  
~~application for social security disability insurance benefit~~ 5345  
~~payments.~~ (b) A recipient subject to division (B) of this section 5346  
who fails without just cause to apply for hospital insurance 5347  
benefits or to comply with division (D) of this section shall 5348  
have the recipient's disability benefit suspended until the 5349  
recipient applies for the benefits and complies with division 5350  
(D) of this section. 5351

(2) A recipient subject to division (B) of this section 5352  
whose application for hospital insurance benefits is approved by 5353  
the social security administration shall enroll in coverage for 5354  
those benefits. A recipient who fails to enroll in coverage for 5355  
hospital insurance benefits is not eligible for health care 5356  
coverage under section 3309.69 of the Revised Code until the 5357  
recipient enrolls in the coverage for hospital insurance 5358  
benefits. 5359

(F) The school employees retirement board may adopt rules 5360  
as it considers necessary to implement this section. 5361

**Sec. 3309.42.** (A) (1) Subject to section 3309.67 of the 5362  
Revised Code and except as provided in division (B) of this 5363  
section, a member who elects to become exempt from contribution 5364  
to the school employees retirement system pursuant to section 5365  
3309.23 of the Revised Code, or ceases to be an employee for any 5366  
cause other than death, retirement, receipt of a disability 5367  
benefit, or current employment in a position in which the member 5368  
has elected to participate in an alternative retirement plan 5369  
pursuant to section 3305.05 or 3305.051 of the Revised Code, 5370  
shall be paid the accumulated contributions standing to the 5371  
credit of the member's individual account in the employees' 5372  
savings fund upon application and subject to such rules as are 5373  
established by the school employees retirement board and 5374  
provided three months have elapsed since employment, other than 5375  
employment exempt from contribution under division (C) of 5376  
section 3309.23 of the Revised Code, ceased. 5377

(2) A member described in division (A) (1) of this section 5378  
who is married at the time of application for payment and ~~would~~ 5379  
~~be~~ is eligible for age and service retirement under section 5380  
3309.34, 3309.36, or ~~3309.40~~ 3309.381 of the Revised Code or 5381

would be eligible for age and service retirement under any of 5382  
those sections but for a forfeiture ordered under division (A) 5383  
or (B) of section 2929.192 of the Revised Code shall submit with 5384  
the application a written statement by the member's spouse 5385  
attesting that the spouse consents to the payment of the 5386  
member's accumulated contributions. Consent shall be valid only 5387  
if it is signed and witnessed by an employee of the school 5388  
employees retirement system or a notary public. The board may 5389  
waive the requirement of consent if the spouse is incapacitated 5390  
or cannot be located, or for any other reason specified by the 5391  
board. Consent or waiver is effective only with regard to the 5392  
spouse who is the subject of the consent or waiver. 5393

(B) This division applies to any member who is employed in 5394  
a position in which the member has elected under section 3305.05 5395  
or 3305.051 of the Revised Code to participate in an alternative 5396  
retirement plan and due to the election ceases to be an employee 5397  
for purposes of that position. 5398

Subject to section 3309.67 of the Revised Code, the school 5399  
employees retirement system shall do the following: 5400

(1) On receipt of an election under section 3305.05 or 5401  
3305.051 of the Revised Code, pay, in accordance with section 5402  
3305.052 of the Revised Code, the amount described in that 5403  
section to the appropriate provider; 5404

(2) If a member has accumulated contributions, in addition 5405  
to those subject to division (B)(1) of this section, standing to 5406  
the credit of the member's individual account and is not 5407  
otherwise in a position in which the member is considered an 5408  
employee for the purposes of that position, pay, to the provider 5409  
the member selected pursuant to section 3305.05 or 3305.051 of 5410  
the Revised Code, the accumulated contributions standing to the 5411

credit of the member's individual account in the employees' 5412  
saving fund. The payment shall be made on the member's 5413  
application. 5414

(C) Payment of a member's accumulated contributions under 5415  
this section cancels the member's total service credit in the 5416  
school employees retirement system. A member whose accumulated 5417  
contributions are paid to a provider pursuant to division (B) of 5418  
this section is forever barred from claiming or purchasing 5419  
service credit under the school employees retirement system for 5420  
the period of employment attributable to those contributions. 5421

**Sec. 3309.474.** (A) As used in this section, "state 5422  
retirement system" means the public employees retirement system, 5423  
Ohio police and fire pension fund, state teachers retirement 5424  
system, school employees retirement system, or state highway 5425  
patrol retirement system. 5426

(B) A state retirement system member who while a member of 5427  
the school employees retirement system was out of service due to 5428  
a leave of absence approved by the member's employer may 5429  
purchase from the school employees retirement system service 5430  
credit for any period during the leave for which contributions 5431  
were not made under section 3309.47 of the Revised Code. 5432

For purposes of this section, a period of leave commences 5433  
on the first day for which employee and employer contributions 5434  
were not made to the system and ends on the earlier of the 5435  
termination of the leave or the member's return to contributing 5436  
service. 5437

(C) (1) For each year of service purchased, the member 5438  
shall pay to the school employees retirement system for credit 5439  
to the member's accumulated account with that system an amount 5440

equal to the sum of the following: 5441

(a) An amount determined by multiplying the compensation 5442  
the member would have received during the leave by the employee 5443  
contribution rate in effect at that time; 5444

(b) An amount determined by multiplying the compensation 5445  
the member would have received during the leave by the employer 5446  
contribution rate in effect at that time; 5447

(c) Compound interest at a rate determined by the school 5448  
employees retirement board from the first day of the year 5449  
following the date the leave commenced to the date of payment. 5450

(2) If the employee or employer contribution rate changed 5451  
during the leave, contributions for each month of the leave 5452  
shall be made at the rate in effect for that month. 5453

(D) Service credit purchased under this section for any 5454  
period of leave shall not exceed two years. Credit may be 5455  
purchased for more than one period of leave, but the total 5456  
number of years purchased shall not exceed the lesser of five 5457  
years or the member's total accumulated number of years of 5458  
service as a contributor to the school employees retirement 5459  
system. The member may choose to purchase only part of such 5460  
credit in any one payment, subject to board rules. 5461

(E) Service credit purchased under this section shall be 5462  
considered the equivalent of Ohio service credit. 5463

(F) The board may adopt rules under section 3309.04 of the 5464  
Revised Code to implement this section. 5465

**Sec. 3309.75.** (A) If the conditions described in division 5466  
(B) of section 3309.74 of the Revised Code are met, a member of 5467  
the school employees retirement system who is not receiving a 5468

pension or benefit from the school employees retirement system 5469  
is eligible to obtain credit for service as a member of the 5470  
Cincinnati retirement system under this section. 5471

(B) A member of the school employees retirement system who 5472  
has contributions on deposit with, but is no longer contributing 5473  
to, the Cincinnati retirement system shall, in computing years 5474  
of service credit, be given credit for service credit earned 5475  
under the Cincinnati retirement system or purchased or obtained 5476  
as military service credit if, for all of the following 5477  
conditions are met: 5478

(1) The member's service credit in the school employees 5479  
retirement system is greater than the amount of credit that 5480  
would be transferred under this division. 5481

(2) The member is eligible, or with the credit will be 5482  
eligible, for a retirement or disability benefit. 5483

(3) The member agrees to retire or accept a disability 5484  
benefit not later than ninety days after receiving notice from 5485  
the school employees retirement system that the credit has been 5486  
obtained. 5487

(4) For each year of service, the Cincinnati retirement 5488  
system transfers to the school employees retirement system the 5489  
sum of the following: 5490

~~(1)~~ (a) The amount contributed by the member, or, in the 5491  
case of military service credit, paid by the member, that is 5492  
attributable to the year of service; 5493

~~(2)~~ (b) An amount equal to the lesser of the employer's 5494  
contributions to the Cincinnati retirement system or the amount 5495  
that would have been contributed by the employer for the service 5496  
had the member been a member of the school employees retirement 5497

system at the time the credit was earned; 5498

~~(3)~~ (c) Interest on the amounts specified in divisions (B) 5499  
~~(1)~~ (4) (a) and ~~(2)~~ (b) of this section from the last day of the 5500  
year for which the service credit was earned or in which payment 5501  
was made for military service credit to the date the transfer is 5502  
made. 5503

(C) A member of the school employees retirement system 5504  
with at least eighteen months of contributing service credit 5505  
with the school employees retirement system who has received a 5506  
refund of the member's contributions to the Cincinnati 5507  
retirement system ~~shall, in computing years of service, be given~~ 5508  
may obtain credit for service credit earned under the Cincinnati 5509  
retirement system or purchased or obtained as military service 5510  
credit if, ~~for~~ all of the following conditions are met: 5511

(1) The member's service credit in the school employees 5512  
retirement system is greater than the amount of credit that 5513  
would be transferred under this division. 5514

(2) The member is eligible, or with the credit will be 5515  
eligible, for a retirement or disability benefit. 5516

(3) The member agrees to retire or accept a disability 5517  
benefit not later than ninety days after receiving notice from 5518  
the school employees retirement system that the credit has been 5519  
obtained. 5520

(4) For each year of service, the school employees 5521  
retirement system receives the sum of the following: 5522

~~(1)~~ (a) An amount, paid by the member, equal to the sum of 5523  
the following: 5524

~~(a)~~ (i) The amount refunded by the Cincinnati retirement 5525

system to the member for that year for contributions and 5526  
payments for military service credit, with interest at a rate 5527  
established by the school employees retirement board on that 5528  
amount from the date of the refund to the date of payment; 5529

~~(b)~~ (ii) The amount of interest, if any, the member 5530  
received when the refund was made that is attributable to the 5531  
year of service. 5532

~~(2)~~ (b) An amount, transferred by the Cincinnati 5533  
retirement system to the school employees retirement system, 5534  
equal to the sum of the following: 5535

~~(a)~~ (i) Interest on the amount refunded to the member that 5536  
is attributable to the year of service from the last day of the 5537  
year for which the service credit was earned or in which payment 5538  
was made for military service credit to the date the refund was 5539  
made; 5540

~~(b)~~ (ii) An amount equal to the lesser of the employer's 5541  
contributions to the Cincinnati retirement system or the amount 5542  
that would have been contributed by the employer for the service 5543  
had the member been a member of the school employees retirement 5544  
system at the time the credit was earned, with interest on that 5545  
amount from the last day of the year for which the service 5546  
credit was earned to the date of the transfer. 5547

(D) The amount transferred under division (C) ~~(2)~~ ~~(a)~~ (4) (b) 5548  
(i) of this section shall not include any amount of interest the 5549  
Cincinnati retirement system paid to the person when it made the 5550  
refund. 5551

(E) On receipt of payment from the member under division 5552  
(C) ~~(1)~~ (4) (a) of this section, the school employees retirement 5553  
system shall notify the Cincinnati retirement system. On receipt 5554

of the notice, the Cincinnati retirement system shall transfer 5555  
the amount described in division (C) ~~(2)~~ (4) (b) of this section. 5556

(F) Interest charged under this section shall be 5557  
calculated separately for each year of service credit. Unless 5558  
otherwise specified in this section, it shall be calculated at 5559  
the lesser of the actuarial assumption rate for that year of the 5560  
school employees retirement system or the Cincinnati retirement 5561  
system. The interest shall be compounded annually. 5562

(G) At the request of the school employees retirement 5563  
system, the Cincinnati retirement system shall certify to the 5564  
school employees retirement system a copy of the records of the 5565  
service and contributions of a school employees retirement 5566  
system member who seeks service credit under this section. 5567

(H) A member may choose to purchase only part of the 5568  
credit the member is eligible to purchase under division (C) of 5569  
this section ~~in any one payment~~, subject to rules of the school 5570  
employees retirement board. 5571

(I) A member is ineligible to obtain credit under this 5572  
section for service that is used in the calculation of any 5573  
retirement benefit currently being paid or payable in the 5574  
future. 5575

(J) Service credit purchased or otherwise obtained under 5576  
this section shall be considered the equivalent of Ohio service 5577  
credit. 5578

(K) The school employees retirement system shall withdraw 5579  
credit obtained under this section and refund all amounts paid 5580  
or transferred to obtain the credit if either of the following 5581  
occurs: 5582

(1) The member fails to retire or accept a disability 5583

benefit not later than ninety days after receiving notice from 5584  
the school employees retirement system that credit has been 5585  
obtained under this section. 5586

(2) The member's application for a disability benefit is 5587  
denied. 5588

**Sec. 3309.76.** (A) If the conditions described in division 5589  
(B) of section 3309.74 of the Revised Code are met and a person 5590  
who is a member or former member of the school employees 5591  
retirement system but not a current contributor and who is not 5592  
receiving a pension or benefit from the school employees 5593  
retirement system elects to receive credit under the Cincinnati 5594  
retirement system for service for which the person contributed 5595  
to the school employees retirement system or purchased or 5596  
obtained as military service credit, the school employees 5597  
retirement system shall transfer the amounts specified in 5598  
~~division (B)~~ divisions (A) (4) (a) or (C) (A) (4) (b) of this 5599  
section to the Cincinnati retirement system. A person may obtain 5600  
credit if all of the following conditions are met: 5601

(1) The member's service credit in the Cincinnati 5602  
retirement system is greater than the amount of credit that 5603  
would be transferred under this division. 5604

(2) The member is eligible, or with the credit will be 5605  
eligible, for a retirement or disability benefit. 5606

(3) The member agrees to retire or accept a disability 5607  
benefit not later than ninety days after receiving notice from 5608  
the school employees retirement system that the credit has been 5609  
obtained. 5610

~~(B)~~ (4) (a) If the person has contributions on deposit with 5611  
the school employees retirement system, the retirement system 5612

~~shall~~, for each year of service credit, ~~transfer~~ transfers to 5613  
the Cincinnati retirement system the sum of the following: 5614

~~(1)~~ (i) An amount equal to the person's contributions to 5615  
the school employees retirement system and payments made by the 5616  
member for military service credit; 5617

~~(2)~~ (ii) An amount equal to the lesser of the employer's 5618  
contributions to the school employees retirement system or the 5619  
amount that would have been contributed by the employer for the 5620  
service had the person been a member of the Cincinnati 5621  
retirement system at the time the credit was earned; 5622

~~(3)~~ (iii) Interest on the amounts specified in divisions 5623  
~~(B)~~ ~~(1)~~ (A) (4) (a) (i) and ~~(2)~~ (ii) of this section for the period 5624  
from the last day of the year for which the service credit was 5625  
earned or in which payment was made for military service credit 5626  
to the date the transfer was made. 5627

~~(C)~~ (b) If the person has received a refund of accumulated 5628  
contributions to the school employees retirement system, the 5629  
retirement system ~~shall~~, for each year of service credit, 5630  
~~transfer~~ transfers to the Cincinnati retirement system the sum 5631  
of the following: 5632

~~(1)~~ (i) Interest on the amount refunded to the former 5633  
member that is attributable to the year of service from the last 5634  
day of the year for which the service credit was earned or in 5635  
which payment was made for military service credit to the date 5636  
the refund was made; 5637

~~(2)~~ (ii) An amount equal to the lesser of the employer's 5638  
contributions to the school employees retirement system or the 5639  
amount that would have been contributed by the employer for the 5640  
service had the person been a member of the Cincinnati 5641

retirement system at the time the credit was earned, with 5642  
interest on that amount from the last day of the year for which 5643  
the service credit was earned to the date of the transfer. 5644

~~(D)~~ (B) On receipt of notice from the Cincinnati 5645  
retirement system that the Cincinnati retirement system has 5646  
received payment from a person described in division ~~(C)~~ (A) (4) 5647  
(b) of this section, the school employees retirement system 5648  
shall transfer the amount described in that division. 5649

~~(E)~~ (C) Interest charged under this section shall be 5650  
calculated separately for each year of service credit. Unless 5651  
otherwise specified in this section, it shall be calculated at 5652  
the lesser of the actuarial assumption rate for that year of the 5653  
school employees retirement system or the Cincinnati retirement 5654  
system. The interest shall be compounded annually. 5655

~~(F)~~ (D) The transfer of any amount under this section 5656  
shall cancel an equivalent amount of service credit. 5657

~~(G)~~ (E) At the request of the Cincinnati retirement 5658  
system, the school employees retirement system shall certify to 5659  
the Cincinnati retirement system a copy of the records of the 5660  
service and contributions of a member or former member of the 5661  
school employees retirement system who elects to receive service 5662  
credit under the Cincinnati retirement system. 5663

**Sec. 5505.01.** As used in this chapter: 5664

(A) "Employee" means any qualified employee in the uniform 5665  
division of the state highway patrol, any qualified employee in 5666  
the radio division hired prior to November 2, 1989, and any 5667  
state highway patrol cadet attending training school pursuant to 5668  
section 5503.05 of the Revised Code whose attendance at the 5669  
school begins on or after June 30, 1991. "Employee" includes the 5670

superintendent of the state highway patrol. In all cases of 5671  
doubt, the state highway patrol retirement board shall determine 5672  
whether any person is an employee as defined in this division, 5673  
and the decision of the board is final. 5674

(B) "Prior service" means all service rendered as an 5675  
employee of the state highway patrol prior to September 5, 1941, 5676  
to the extent credited by the board, provided that in no case 5677  
shall prior service include service rendered prior to November 5678  
15, 1933. 5679

(C) "Total service" means all service rendered by an 5680  
employee to the extent credited by the board. Total service 5681  
includes all of the following: 5682

(1) Contributing service rendered by the employee since 5683  
last becoming a member of the state highway patrol retirement 5684  
system; 5685

(2) All prior service credit; 5686

(3) Restored service credit as provided in this chapter; 5687

(4) Military service credit purchased under division (D) 5688  
of section 5505.16 or section 5505.25 of the Revised Code; 5689

(5) Credit granted under division (C) of section 5505.17 5690  
or section 5505.201, 5505.40, or 5505.402 of the Revised Code; 5691

(6) Credit for any period, not to exceed three years, 5692  
during which the member was out of service and receiving 5693  
benefits under Chapters 4121. and 4123. of the Revised Code. 5694

(D) ~~"Beneficiary" means any person, except a retirant, who~~ 5695  
~~is in receipt of a pension or other benefit payable from funds~~ 5696  
~~of the retirement system.~~ 5697

<del>(E)</del> "Regular interest" means interest compounded at rates designated from time to time by the retirement board.	5698 5699
<del>(F)</del> <u>(E)</u> "Plan" means the provisions of this chapter.	5700
<del>(G)</del> <u>(F)</u> "Retirement system" or "system" means the state highway patrol retirement system created and established in the plan.	5701 5702 5703
<del>(H)</del> <u>(G)</u> "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.	5704 5705 5706
<del>(I)</del> <u>(H)</u> "Retirement board" or "board" means the state highway patrol retirement board provided for in the plan.	5707 5708
<del>(J)</del> <u>(I)</u> 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.	5709 5710 5711 5712
<del>(K)</del> <u>(J)</u> "Retirant" means any member who <del>retires with a pension payable from the retirement system</del> <u>has retired under section 5505.16 or 5505.18 of the Revised Code.</u>	5713 5714 5715
<del>(L)</del> <u>(K)</u> "Accumulated contributions" means the sum of the following credited to a member's individual account in the employees' savings fund:	5716 5717 5718
(1) All amounts deducted from the salary of the member;	5719
(2) All amounts paid by the member to purchase state highway patrol retirement system service credit pursuant to this chapter or other state law.	5720 5721 5722
<del>(M)</del> <u>(L)</u> (1) Except as provided in division <del>(M)</del> <u>(L)</u> (2) of this section, "final average salary" means the average of the highest	5723 5724

salary paid a member during any five consecutive or 5725  
nonconsecutive years. 5726

If a member has less than five years of contributing 5727  
service, the member's final average salary shall be the average 5728  
of the annual rates of salary paid to the member during the 5729  
member's total years of contributing service. 5730

(2) If a member is credited with service under division 5731  
(C) (6) of this section or division (D) of section 5505.16 of the 5732  
Revised Code, the member's final average salary shall be the 5733  
average of the highest salary that was paid to the member or 5734  
would have been paid to the member, had the member been 5735  
rendering contributing service, during any five consecutive or 5736  
nonconsecutive years. If that member has less than five years of 5737  
total service, the member's final average salary shall be the 5738  
average of the annual rates of salary that were paid to the 5739  
member or would have been paid to the member during the member's 5740  
years of total service. 5741

~~(N)~~ (M) "Pension" means an annual amount payable by the 5742  
retirement system throughout the life of a person or as 5743  
otherwise provided in the plan. 5744

~~(O)~~ (N) "Pension reserve" means the present value of any 5745  
pension, or benefit in lieu of any pension, computed upon the 5746  
basis of mortality and other tables of experience and interest 5747  
the board shall from time to time adopt. 5748

~~(P)~~ (O) "Deferred pension" means a pension for which an 5749  
eligible member of the system has made application and which is 5750  
payable as provided in division (A) or (B) of section 5505.16 of 5751  
the Revised Code. 5752

~~(Q)~~ (P) "Retirement" means ~~termination as an employee of~~ 5753

~~the state highway patrol, with application having been made to~~ 5754  
~~the system for a pension or a deferred pension retirement as~~ 5755  
provided in sections 5505.16 and 5505.18 of the Revised Code. 5756

~~(R)~~(Q) "Fiduciary" means any of the following: 5757

(1) A person who exercises any discretionary authority or 5758  
control with respect to the management of the system, or with 5759  
respect to the management or disposition of its assets; 5760

(2) A person who renders investment advice for a fee, 5761  
direct or indirect, with respect to money or property of the 5762  
system; 5763

(3) A person who has any discretionary authority or 5764  
responsibility in the administration of the system. 5765

~~(S)~~(R) (1) Except as otherwise provided in this division, 5766  
"salary" means all compensation, wages, and other earnings paid 5767  
to a member by reason of employment but without regard to 5768  
whether any of the compensation, wages, or other earnings are 5769  
treated as deferred income for federal income tax purposes. 5770  
Salary includes all of the following: 5771

(a) Payments for shift differential, hazard duty, 5772  
professional achievement, and longevity; 5773

(b) Payments for occupational injury leave, personal 5774  
leave, sick leave, bereavement leave, administrative leave, and 5775  
vacation leave used by the member; 5776

(c) Payments made under a disability leave program 5777  
sponsored by the state for which the state is required by 5778  
section 5505.151 of the Revised Code to make periodic employer 5779  
and employee contributions to the retirement system. 5780

(2) "Salary" does not include any of the following: 5781

(a) Payments resulting from the conversion of accrued but unused sick leave, personal leave, compensatory time, and vacation leave;	5782 5783 5784
(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;	5785 5786 5787 5788 5789
(c) Payments for overtime work;	5790
(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;	5791 5792 5793 5794 5795
(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;	5796 5797 5798 5799 5800
(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.	5801 5802 5803 5804 5805 5806
(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.	5807 5808 5809
<del>(T)</del> <u>(S)</u> "Actuary" means an individual who satisfies all of	5810

the following requirements:	5811
(1) Is a member of the American academy of actuaries;	5812
(2) Is an associate or fellow of the society of actuaries;	5813
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	5814 5815
<b>Sec. 5505.04.</b> (A) (1) The general administration and management of the state highway patrol retirement system and the making effective of this chapter are hereby vested in the state highway patrol retirement board. The board may sue and be sued, plead and be impleaded, contract and be contracted with, and do all things necessary to carry out this chapter.	5816 5817 5818 5819 5820 5821
The board shall consist of the following members:	5822
(a) The superintendent of the state highway patrol;	5823
(b) Two retirant members who reside in this state;	5824
(c) Five employee-members;	5825
(d) One member, known as the treasurer of state's investment designee, who shall be appointed by the treasurer of state for a term of four years and who shall have the following qualifications:	5826 5827 5828 5829
(i) The member is a resident of this state.	5830
(ii) Within the three years immediately preceding the appointment, the member has not been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature,	5831 5832 5833 5834 5835 5836 5837

including the management, analysis, supervision, or investment  
of assets. 5838  
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(iii) The member has direct experience in the management,  
analysis, supervision, or investment of assets. 5840  
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(iv) The member is not currently employed by the state or  
a political subdivision of the state. 5842  
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(e) Two investment expert members, who shall be appointed  
to four-year terms. One investment expert member shall be  
appointed by the governor, and one investment expert member  
shall be jointly appointed by the speaker of the house of  
representatives and the president of the senate. Each investment  
expert member shall have the following qualifications: 5844  
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(i) Each investment expert member shall be a resident of  
this state. 5850  
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(ii) Within the three years immediately preceding the  
appointment, each investment expert member shall not have been  
employed by the public employees retirement system, police and  
fire pension fund, state teachers retirement system, school  
employees retirement system, or state highway patrol retirement  
system or by any person, partnership, or corporation that has  
provided to one of those retirement systems services of a  
financial or investment nature, including the management,  
analysis, supervision, or investment of assets. 5852  
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(iii) Each investment expert member shall have direct  
experience in the management, analysis, supervision, or  
investment of assets. 5861  
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(2) The board shall annually elect a chairperson and vice-  
chairperson from among its members. The vice-chairperson shall  
act as chairperson in the absence of the chairperson. A majority 5864  
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of the members of the board shall constitute a quorum ~~and any~~ 5867  
~~action taken shall be approved by a majority of the members of~~ 5868  
~~the board.~~ The board shall meet not less than once each year, 5869  
upon sufficient notice to the members. All meetings of the board 5870  
shall be open to the public except executive sessions as set 5871  
forth in division (G) of section 121.22 of the Revised Code, and 5872  
any portions of any sessions discussing medical records or the 5873  
degree of disability of a member excluded from public inspection 5874  
by this section. 5875

(3) Any member appointed under this section shall hold 5876  
office until the end of the member's term or, if later, the date 5877  
the member's successor takes office. 5878

(B) The attorney general shall prescribe procedures for 5879  
the adoption of rules authorized under this chapter, consistent 5880  
with the provision of section 111.15 of the Revised Code under 5881  
which all rules shall be filed in order to be effective. Such 5882  
procedures shall establish methods by which notice of proposed 5883  
rules are given to interested parties and rules adopted by the 5884  
board published and otherwise made available. When it files a 5885  
rule with the joint committee on agency rule review pursuant to 5886  
section 111.15 of the Revised Code, the board shall submit to 5887  
the Ohio retirement study council a copy of the full text of the 5888  
rule, and if applicable, a copy of the rule summary and fiscal 5889  
analysis required by division (B) of section 127.18 of the 5890  
Revised Code. 5891

(C) (1) As used in this division, "personal history record" 5892  
means information maintained by the board on an individual who 5893  
is a member, former member, retirant, or beneficiary that 5894  
includes the address, electronic mail address, telephone number, 5895  
social security number, record of contributions, correspondence 5896

with the system, and other information the board determines to be confidential. 5897  
5898

(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. 5899  
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(D) All medical reports and recommendations are privileged except as follows: 5906  
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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. 5908  
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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. 5914  
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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: 5917  
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(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 5920  
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Revised Code, the board shall furnish to the prosecutor the 5926  
information requested from the individual's personal history 5927  
record. 5928

(2) Pursuant to a court order issued under Chapters 3119., 5929  
3121., and 3123. of the Revised Code, the board shall furnish to 5930  
a court or child support enforcement agency the information 5931  
required under those chapters. 5932

(3) At the written request of any nonprofit organization 5933  
or association providing services to retirement system members, 5934  
retirants, or beneficiaries, the board shall provide to the 5935  
organization or association a list of the names and addresses of 5936  
members, former members, retirants, or beneficiaries if the 5937  
organization or association agrees to use such information 5938  
solely in accordance with its stated purpose of providing 5939  
services to such individuals and not for the benefit of other 5940  
persons, organizations, or associations. The costs of compiling, 5941  
copying, and mailing the list shall be paid by such entity. 5942

(4) Within fourteen days after receiving from the director 5943  
of job and family services a list of the names and social 5944  
security numbers of recipients of public assistance pursuant to 5945  
section 5101.181 of the Revised Code, the board shall inform the 5946  
auditor of state of the name, current or most recent employer 5947  
address, and social security number of each member whose name 5948  
and social security number are the same as those of a person 5949  
whose name or social security number was submitted by the 5950  
director. The board and its employees, except for purposes of 5951  
furnishing the auditor of state with information required by 5952  
this section, shall preserve the confidentiality of recipients 5953  
of public assistance in compliance with section 5101.181 of the 5954  
Revised Code. 5955

(5) The system shall comply with orders issued under 5956  
section 3105.87 of the Revised Code. 5957

On the written request of an alternate payee, as defined 5958  
in section 3105.80 of the Revised Code, the system shall furnish 5959  
to the alternate payee information on the amount and status of 5960  
any amounts payable to the alternate payee under an order issued 5961  
under section 3105.171 or 3105.65 of the Revised Code. 5962

(6) At the request of any person, the board shall make 5963  
available to the person copies of all documents, including 5964  
resumes, in the board's possession regarding filling a vacancy 5965  
of an employee member or retirant member of the board. The 5966  
person who made the request shall pay the cost of compiling, 5967  
copying, and mailing the documents. The information described in 5968  
this division is a public record. 5969

(7) The system shall provide the notice required by 5970  
section 5505.263 of the Revised Code to the prosecutor assigned 5971  
to the case. 5972

(8) The system may provide information requested by the 5973  
United States social security administration, United States 5974  
centers for medicare and medicaid, public employees retirement 5975  
system, Ohio public employees deferred compensation program, 5976  
Ohio police and fire pension fund, school employees retirement 5977  
system, state teachers retirement system, or Cincinnati 5978  
retirement system. 5979

(F) A statement that contains information obtained from 5980  
the system's records that is certified and signed by an officer 5981  
of the retirement system and to which the system's official seal 5982  
is affixed, or copies of the system's records to which the 5983  
signature and seal are attached, shall be received as true 5984

copies of the system's records in any court or before any 5985  
officer of this state. 5986

(G) The board may maintain records in printed or 5987  
electronic format. 5988

**Sec. 5505.16.** (A) A member of the state highway patrol 5989  
retirement system who has twenty-five years of service credit 5990  
according to the rules adopted by the state highway patrol 5991  
retirement board may make application for a pension retirement 5992  
which, if the member is under age forty-eight, shall be deferred 5993  
until age forty-eight. 5994

(B) A member who has twenty years of service credit 5995  
according to the rules adopted by the retirement board, may make 5996  
application for a pension retirement that, if the member is 5997  
under age fifty-two, shall be deferred until age fifty-two, 5998  
except that any such member who has attained twenty years of 5999  
service may, on or after attaining age forty-eight but before 6000  
attaining age fifty-two, elect to receive a reduced pension of 6001  
the greater of nine hundred dollars or an amount computed as 6002  
follows: 6003

Attained Age	Reduced Pension	
48	75% of normal service pension	6005
49	80% of normal service pension	6006
50	86% of normal service pension	6007
51	93% of normal service pension	6008

In the case of a member who elects to receive a reduced 6009  
pension after attaining age forty-eight, the reduced pension is 6010  
payable from the later of the date of the member's most recent 6011  
birthday or the date the member becomes eligible to receive the 6012  
reduced pension. 6013

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 6043  
the American red cross in a combat zone; and such other service 6044  
as is designated by congress as included therein; 6045

(ii) Personnel of the Ohio national guard, the Ohio 6046  
military reserve, the Ohio naval militia, and the reserve 6047  
components of the armed forces enumerated in division (D)(1) of 6048  
this section who are called to active duty pursuant to an 6049  
executive order issued by the president of the United States or 6050  
an act of congress. 6051

(2) A member's total service credit may include periods 6052  
not to exceed a total of seven years, while the member's 6053  
employment with the state highway patrol is or was interrupted 6054  
due to service in the uniformed services of the United States. 6055  
Such military service shall be credited to the member towards 6056  
total service as provided by this chapter and to the extent 6057  
approved by the board, provided that: 6058

(a) The member is or was honorably discharged from service 6059  
in the uniformed services; 6060

(b) The member is or was re-employed by the state highway 6061  
patrol within ninety days immediately following termination of 6062  
service in the uniformed services; 6063

(c) The member, subject to board rules, pays into the 6064  
retirement system to the member's credit in the employees' 6065  
savings fund an amount equal to the total contributions the 6066  
member would have paid had state highway patrol employment not 6067  
been so interrupted. Such payment may be made at any time prior 6068  
to receipt of a pension. 6069

(3) If the member meets the requirements of division (D) 6070  
(2) of this section, on receipt of contributions from the 6071

member, the state highway patrol shall be billed for the 6072  
employer contribution that would have been paid pursuant to 6073  
section 5505.15 of the Revised Code if the member had not 6074  
rendered service in the uniformed services, subject to board 6075  
rules. 6076

(4) If under division (D) (2) (c) of this section a member 6077  
pays all or any portion of the contributions later than the 6078  
lesser of five years or a period that is three times the 6079  
member's period of service in the uniformed services beginning 6080  
from the member's date of re-employment, an amount equal to 6081  
compound interest at a rate established by the board from the 6082  
member's date of re-employment to the date of payment shall be 6083  
added to the remaining amount to be paid by the member to 6084  
purchase service credit under this section. 6085

(5) Credit purchased by a member under division (D) (2) of 6086  
this section shall be used to determine the member's eligibility 6087  
for retirement under this section and section 5505.17 of the 6088  
Revised Code. 6089

**Sec. 5505.17.** (A) (1) Upon retirement as provided in 6090  
section 5505.16 of the Revised Code, a member of the state 6091  
highway patrol retirement system shall receive a life pension, 6092  
without guaranty or refund, equal to the greater of one thousand 6093  
fifty dollars or the sum of two and one-half per cent of the 6094  
member's final average salary multiplied by the first twenty 6095  
years of total service credit, plus two and one-quarter per cent 6096  
of the member's final average salary multiplied by the number of 6097  
years, and fraction of a year, of total service credit in excess 6098  
of twenty years but not in excess of twenty-five years, plus two 6099  
per cent of the member's final average salary multiplied by the 6100  
number of years, and fraction of a year, in excess of twenty- 6101

five years; provided that in no case shall the pension exceed 6102  
the lesser of seventy-nine and one-quarter per cent of the 6103  
member's final average salary or the limit established by 6104  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 6105  
2085, 26 U.S.C.A. 415, as amended. 6106

(2) A member with fifteen or more years of total service 6107  
credit, who voluntarily resigns or who is discharged from the 6108  
state highway patrol for any reason except retirement under this 6109  
chapter, death, dishonesty, cowardice, intemperate habits, or 6110  
conviction of a felony, shall receive a pension equal to one and 6111  
one-half per cent of the member's final average salary 6112  
multiplied by the number of years, and fraction of a year, of 6113  
total service credit, except that the pension shall not exceed 6114  
the limit established by section 415 of the "Internal Revenue 6115  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The 6116  
pension shall commence at the end of the calendar month in which 6117  
the application is filed with the retirement board on or after 6118  
the attainment of age fifty-five years by the applicant. A 6119  
member who withdraws any part or all of the accumulated 6120  
contributions from the employees' savings fund shall thereupon 6121  
forfeit all rights to a pension provided for in this division. 6122

(3) (a) A surviving spouse of a deceased member shall 6123  
receive a monthly pension, determined as follows, during the 6124  
spouse's life: 6125

(i) If at the time of death the member was not eligible to 6126  
be granted a pension payable under division (A) (1) of this 6127  
section or to elect to receive a reduced pension payable under 6128  
section 5505.16 of the Revised Code, nine hundred dollars; 6129

(ii) If at the time of death the member was eligible to be 6130  
granted a pension payable under division (A) (1) of this section 6131

or to elect to receive a reduced pension payable under section 6132  
5505.16 of the Revised Code, the greater of nine hundred dollars 6133  
or fifty per cent of the computed monthly pension the member 6134  
would have received had the member been granted a pension under 6135  
division (A) (1) of this section or elected to receive a reduced 6136  
pension under section 5505.16 of the Revised Code. 6137

(b) The surviving spouse of a retirant shall receive a 6138  
monthly pension, determined as follows, during the spouse's 6139  
life: 6140

(i) If the retirant had applied for a pension payable 6141  
under section 5505.16 of the Revised Code, but at the time of 6142  
death had not attained the age of eligibility for the pension, 6143  
nine hundred dollars; 6144

(ii) If the retirant had applied for a pension payable 6145  
under section 5505.16 of the Revised Code and had attained the 6146  
age of eligibility for the pension, but at the time of death had 6147  
not elected to begin receiving the pension, the greater of nine 6148  
hundred dollars or fifty per cent of the computed monthly 6149  
pension the retirant was eligible to receive under section 6150  
5505.16 of the Revised Code; 6151

(iii) If the retirant was receiving a pension under 6152  
division (A) (1) of this section or section 5505.16 or 5505.18 of 6153  
the Revised Code, or, regardless of whether or not the retirant 6154  
had actually received any payment, if the retirant was eligible 6155  
to receive a pension under division (A) (1) of this section or 6156  
section 5505.16 or 5505.18 of the Revised Code and had elected 6157  
to begin receiving it, the greater of nine hundred dollars or 6158  
fifty per cent of the computed monthly pension awarded the 6159  
retirant. 6160

(c) If a monthly pension to a surviving spouse was 6161  
terminated due to a remarriage, the surviving spouse is eligible 6162  
to receive a monthly pension under division (A) (3) of this 6163  
section effective the first day of the first month following 6164  
June 5, 1996. The pension shall be computed under division (A) 6165  
(3) of this section as of June 5, 1996. The pension payable to a 6166  
person who is the surviving spouse of more than one state 6167  
highway patrol retirement system member or retirant shall be 6168  
computed on the basis of the service of the member or retirant 6169  
to whom the surviving spouse was most recently married. 6170

(4) A pension of one hundred fifty dollars per month shall 6171  
be paid by the system to or for the benefit of each child of a 6172  
deceased member or retirant until the child attains the age of 6173  
eighteen years or marries, whichever event occurs first, or 6174  
until the child attains twenty-three years of age if the child 6175  
is a student in and attending an institution of learning or 6176  
training pursuant to a program designed to complete in each 6177  
school year the equivalent of at least two-thirds of the full- 6178  
time curriculum requirements of the institution, as determined 6179  
by the retirement board. If any surviving child, regardless of 6180  
age at the time of the member's or retirant's death, because of 6181  
physical or mental disability, was totally dependent upon the 6182  
deceased member or retirant for support at the time of death, a 6183  
pension of one hundred fifty dollars per month shall be paid by 6184  
the system to or for the benefit of the child during the child's 6185  
natural life or until the child recovers from the disability. 6186

(5) (a) If a retirant died prior to June 6, 1988, and the 6187  
surviving spouse was not married to the retirant while the 6188  
retirant was in the active service of the patrol, the surviving 6189  
spouse shall receive a pension of the greater of four hundred 6190  
twenty-five dollars per month or fifty per cent of the computed 6191

monthly pension the retirant was receiving. 6192

(b) If the pension payable to a person receiving a pension 6193  
under division (A) (5) (a) of this section on June 30, 2000, is 6194  
less than nine hundred dollars per month, the pension shall be 6195  
increased to nine hundred dollars per month. 6196

(6) If a deceased member or retirant leaves no spouse or 6197  
surviving children, but leaves two parents depending solely upon 6198  
the deceased member or retirant for support, each parent shall 6199  
be paid a monthly pension of one hundred fifty-four dollars. If 6200  
in such case there is only one parent dependent solely upon the 6201  
deceased member or retirant for support, such parent shall be 6202  
paid a monthly pension of one hundred fifty-four dollars. Such 6203  
pension shall be paid during the life of the surviving parents, 6204  
or until dependency ceases, or until remarriage, whichever event 6205  
occurs first. 6206

(7) Any amount remaining as accumulated contributions at 6207  
the time of death of a retirant who leaves no surviving spouse 6208  
or dependent children or parents shall be paid to the 6209  
beneficiary or beneficiaries the retirant has nominated by 6210  
written designation duly executed and filed with the board. A 6211  
retirant may designate an individual or a trust as a 6212  
beneficiary. If there is no designated beneficiary surviving the 6213  
retirant, the retirant's accumulated contributions shall be paid 6214  
according to the state law of descent and distribution; provided 6215  
that, if the retirant's accumulated contributions are not 6216  
claimed by an eligible person or by the estate of the retirant 6217  
within seven years, they shall be transferred to the income fund 6218  
of the system and after that shall be paid from that fund to 6219  
such person or estate upon application to the board. 6220

(8) The increase provided for by division (A) (5) of this 6221

section shall be included in the calculation of the additional 6222  
benefit paid under section 5505.174 of the Revised Code. 6223

(B) The board shall adopt, and may amend or rescind, the 6224  
necessary rules for the administration of this section and all 6225  
decisions of the board shall be final. Any payment of a pension 6226  
or benefit under this section is subject to the provisions of 6227  
section 5505.26 of the Revised Code. 6228

(C) A member's total service credit may include periods 6229  
during which the member's employment with the state highway 6230  
patrol is interrupted by a leave of absence, when requested by 6231  
the governor, to accept employment with another agency of the 6232  
state, provided that: 6233

(1) The member is reemployed by the state highway patrol 6234  
within thirty days following termination of such other 6235  
employment; 6236

(2) The member pays into the retirement system, to the 6237  
credit of the employees' savings fund, an amount equal to the 6238  
total contributions the member would have paid had the state 6239  
highway patrol employment not been so interrupted. Such 6240  
repayment shall begin within ninety days after the member's 6241  
return to duty with the state highway patrol and be completed 6242  
within a period equal to that of the leave of absence. 6243

(D) Service credits granted under division (C) of this 6244  
section shall not include any duplications of credits for which 6245  
a pension is payable by the public employees retirement system. 6246

**Sec. 5505.18.** As used in this section, "member" does not 6247  
include state highway patrol cadets attending training schools 6248  
pursuant to section 5503.05 of the Revised Code. 6249

(A) Upon the application of a member of the state highway 6250

patrol retirement system, a person acting on behalf of a member, 6251  
or the superintendent of the state highway patrol on behalf of a 6252  
member, a member who becomes totally and permanently 6253  
incapacitated for duty in the employ of the state highway patrol 6254  
may be retired on disability by the board. To be eligible for 6255  
retirement on account of disability incurred not in the line of 6256  
duty, a member must have five or more years of service credit 6257  
according to rules adopted by the board. 6258

The medical or psychological examination of a member who 6259  
has applied for disability retirement shall be conducted by a 6260  
competent health-care professional or professionals appointed by 6261  
the board. The health-care professional or professionals shall 6262  
file a written report with the board containing the following 6263  
information: 6264

(1) Whether the member is totally incapacitated for duty 6265  
in the employ of the patrol; 6266

(2) Whether the incapacity is expected to be permanent; 6267

(3) The cause of the member's incapacity. 6268

The board shall determine whether the member qualifies for 6269  
disability retirement and its decision shall be final. The board 6270  
shall consider the written medical or psychological report, 6271  
opinions, statements, and other competent evidence in making its 6272  
determination. If the incapacity is a result of heart disease or 6273  
any cardiovascular disease of a chronic nature, which disease or 6274  
any evidence of which was not revealed by the physical 6275  
examination passed by the member on entry into the patrol, the 6276  
member is presumed to have incurred the disease in the line of 6277  
duty as a member of the patrol, unless the contrary is shown by 6278  
competent evidence. 6279

(B) (1) Except as provided under division (A) of section 6280  
5505.58 of the Revised Code, a member whose retirement on 6281  
account of disability incurred in the line of duty shall receive 6282  
the applicable pension provided for in section 5505.17 of the 6283  
Revised Code, except that if the member has less than twenty- 6284  
five years of contributing service, the member's service credit 6285  
shall be deemed to be twenty-five years for the purpose of this 6286  
provision. In no case shall the member's disability pension be 6287  
less than sixty-one and one-quarter per cent or exceed the 6288  
lesser of seventy-nine and one-quarter per cent of the member's 6289  
final average salary or the limit established by section 415 of 6290  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6291  
415, as amended. 6292

(2) Except as provided under division (B) of section 6293  
5505.58 of the Revised Code, a member whose retirement on 6294  
account of disability incurred not in the line of duty shall 6295  
receive the applicable pension provided for in section 5505.17 6296  
of the Revised Code, except that if the member has less than 6297  
twenty years of contributing service, the member's service 6298  
credit shall be deemed to be twenty years for the purpose of 6299  
this provision. In no case shall the member's disability pension 6300  
exceed the lesser of seventy-nine and one-quarter per cent of 6301  
the member's final average salary or the limit established by 6302  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 6303  
2085, 26 U.S.C.A. 415, as amended. 6304

(C) The state highway patrol retirement board shall adopt 6305  
rules requiring a disability retirant, as a condition of 6306  
continuing to receive a disability pension, to agree in writing 6307  
to obtain any medical or psychological treatment recommended by 6308  
the board's health-care professional and submit medical or 6309  
psychological reports regarding the treatment. If the board 6310

determines that a disability retirant is not obtaining the 6311  
medical or psychological treatment or the board does not receive 6312  
a required medical or psychological report, the disability 6313  
pension shall be suspended until the treatment is obtained, the 6314  
report is received by the board, or the board's health-care 6315  
professional certifies that the treatment is no longer helpful 6316  
or advisable. Should the retirant's failure to obtain treatment 6317  
or submit a medical or psychological report continue for one 6318  
year, the recipient's right to the disability pension shall be 6319  
terminated as of the effective date of the original suspension. 6320

(D) A disability retirant who has not attained the age of 6321  
sixty years shall be subject to an annual medical or 6322  
psychological re-examination by health-care professionals 6323  
appointed by the board, except that the board may waive the re- 6324  
examination if the board's health-care professionals certify 6325  
that the retirant's disability is ongoing. If any retirant 6326  
refuses to submit to a medical or psychological re-examination, 6327  
the retirant's disability pension shall be suspended until the 6328  
retirant withdraws the refusal. If the refusal continues for one 6329  
year, all the retirant's rights under and to the disability 6330  
pension shall be terminated as of the effective date of the 6331  
original suspension. 6332

(E) Each disability retirant who has not attained the age 6333  
of sixty years shall file with the board an annual statement of 6334  
earnings, current medical or psychological information on the 6335  
recipient's condition, and any other information required in 6336  
rules adopted by the board. The board may waive the requirement 6337  
that a disability retirant file an annual statement of earnings 6338  
or current medical or psychological information if the board's 6339  
health-care professional certifies that the retirant's 6340  
disability is ongoing. 6341

The board shall annually examine the information submitted 6342  
by the retirant. If a retirant refuses to file the statement or 6343  
information, the disability pension shall be suspended until the 6344  
statement and information are filed. If the refusal continues 6345  
for one year, the right to the pension shall be terminated as of 6346  
the effective date of the original suspension. 6347

(F) (1) Except as provided in division (F) (2) of this 6348  
section, a disability retirant who has been physically or 6349  
psychologically examined and found no longer incapable of 6350  
performing the retirant's duties, or who becomes employed as a 6351  
law enforcement officer, shall have the right to be restored to 6352  
the rank the retirant held at the time the retirant was 6353  
pensioned and the right to have all previous rights ~~shall be~~ 6354  
restored, including the retirant's civil service status, and the 6355  
disability pension shall terminate. Upon return to employment in 6356  
the patrol, the retirant shall again become a contributing 6357  
member of the retirement system, the total service at the time 6358  
of the retirant's retirement shall be restored to the retirant's 6359  
credit, and the retirant shall be given service credit for the 6360  
period the retirant was in receipt of a disability pension. ~~The~~ 6361  
~~provisions of division (F) (1) of this section shall be~~ 6362  
~~retroactive to September 5, 1941.~~ 6363

(2) The state highway patrol is not required to take 6364  
action under division (F) (1) of this section if the retirant was 6365  
dismissed or resigned in lieu of dismissal for dishonesty, 6366  
misfeasance, malfeasance, or conviction of a felony. 6367

(G) The board shall adopt a rule to define "law 6368  
enforcement officer" for purposes of division (F) (1) of this 6369  
section, and may adopt other rules to carry out this section, 6370  
including rules that specify the types of health-care 6371

professionals the board may appoint for the purpose of this 6372  
section. 6373

**Sec. 5505.19.** Subject to section 5505.26 of the Revised 6374  
Code, a member of the state highway patrol retirement system who 6375  
ceases to be an employee of the state highway patrol for any 6376  
cause except death, disability, or retirement, upon application 6377  
filed in writing with the state highway patrol retirement board, 6378  
shall be paid the accumulated contributions, less interest, 6379  
standing to the credit of the member's individual account in the 6380  
employees' savings fund. Except as otherwise provided in this 6381  
chapter, five years after a member ceases to be an employee of 6382  
the patrol any balance of accumulated contributions standing to 6383  
the member's credit in the employees' savings fund shall be 6384  
transferred to the income fund and after that shall be paid from 6385  
that fund to the member, ~~or in the case of a deceased member or~~ 6386  
~~retirant who dies leaving no surviving spouse or dependent~~ 6387  
~~children or parents, shall be paid from that fund to the estate~~ 6388  
~~of the deceased member or retirant,~~ upon application to the 6389  
board. 6390

A member described in this section who is married at the 6391  
time of application for payment and would be eligible for ~~age-~~ 6392  
~~and service retirement~~ a pension payable under division (A) (1) 6393  
or (2) of section 5505.16 or 5505.17 of the Revised Code but for 6394  
a forfeiture ordered under division (A) or (B) of section 6395  
2929.192 of the Revised Code shall submit with the application a 6396  
written statement by the member's spouse attesting that the 6397  
spouse consents to the payment of the member's accumulated 6398  
contributions. Consent shall be valid only if it is signed and 6399  
witnessed by a notary public. The board may waive the 6400  
requirement of consent if the spouse is incapacitated or cannot 6401  
be located, or for any other reason specified by the board. 6402

Consent or waiver is effective only with regard to the spouse 6403  
who is the subject of the consent or waiver. 6404

**Sec. 5505.21.** Should a member of the state highway patrol 6405  
retirement system die and no pension becomes payable from funds 6406  
of the system on account of ~~his~~ the member's employment with the 6407  
patrol, ~~his~~ the member's accumulated contributions, less 6408  
interest, standing to ~~his~~ the member's credit in the employees' 6409  
savings fund at the time of ~~his~~ death shall be paid to ~~such~~ 6410  
~~person~~ the beneficiary or persons as he ~~beneficiaries~~ the member 6411  
has nominated by written designation duly executed and filed 6412  
with the state highway patrol retirement board. A member may 6413  
designate an individual or a trust as a beneficiary. If there is 6414  
no ~~such~~ designated ~~person or persons~~ beneficiary surviving ~~such~~ 6415  
the member, ~~his~~ the member's accumulated contributions shall be 6416  
paid according to the state law of descent and distribution; 6417  
provided that, if ~~his~~ the member's accumulated contributions are 6418  
not claimed by an eligible person or by the estate of the 6419  
deceased member within seven years, they shall be transferred to 6420  
the income fund of the system and after that shall be paid from 6421  
that fund to such person or estate upon application to the 6422  
board. 6423

**Sec. 5505.29.** The state highway patrol retirement board 6424  
shall refund the cost of service credit restored under section 6425  
5505.20 or purchased under division (D) of section 5505.16, 6426  
division (C) of section 5505.17, or section 5505.201, 5505.25, 6427  
5505.40, or 5505.402 of the Revised Code to the extent the 6428  
credit does not, or, in the case of a person who retired or died 6429  
prior to June 30, 2000, did not, increase the pension provided 6430  
to the retirant or surviving spouse under section 5505.16, 6431  
5505.162, 5505.17, or 5505.18 of the Revised Code. The board 6432  
shall provide the refund to the retirant or surviving spouse or, 6433

if there is no surviving spouse, the beneficiary designated by 6434  
the retirant on a form provided by the state highway patrol 6435  
retirement system. A retirant may designate an individual or a 6436  
trust as a beneficiary. If there is no surviving spouse or 6437  
designated beneficiary, the refund shall be provided to the 6438  
retirant's estate. The refund cancels an equivalent amount of 6439  
service credit. 6440

**Sec. 5505.30.** On the death of a ~~person who at the time of~~ 6441  
~~death is receiving a pension from the state highway patrol~~ 6442  
~~retirement system under division (A) (1) or (2) of section~~ 6443  
~~5505.17 or section 5505.18 of the Revised Code~~retirant, a lump- 6444  
sum payment of five thousand dollars shall be paid to the 6445  
retirant's surviving spouse. ~~If or, if~~ if there is no surviving 6446  
spouse, the payment shall be made to the beneficiary designated 6447  
by the retirant on a form provided by the state highway patrol 6448  
retirement system. A retirant may designate an individual or a 6449  
trust as a beneficiary. If there is no surviving spouse or 6450  
designated beneficiary, the payment shall be made to the 6451  
retirant's estate. 6452

Application for the payment shall be made on a form 6453  
provided by the state highway patrol retirement board. 6454

A benefit paid under this section shall be treated as life 6455  
insurance for purposes of this chapter and shall be funded 6456  
solely from contributions made under division (B) of section 6457  
5505.15 of the Revised Code and any earnings attributable to 6458  
those contributions. 6459

**Sec. 5505.35.** Any person receiving from the state highway 6460  
patrol retirement system an allowance, pension, or benefit may 6461  
authorize the system to make deductions therefrom for the 6462  
payment of dues and other membership fees to any retirement 6463

association or other organization composed primarily of retired 6464  
state highway patrol employees or retired state highway patrol 6465  
employees and their spouses if the association or organization 6466  
adopts a resolution approving payment by that method and not 6467  
fewer than one hundred persons receiving allowances, pensions, 6468  
or benefits from the system initially authorize the deduction 6469  
for payment to the same association or organization. The 6470  
authorization must be in writing and signed by the person giving 6471  
it. The system shall make the deductions authorized and pay to 6472  
the association or organization the amounts deducted, until the 6473  
authorization is revoked in writing by the person. The system 6474  
may charge the association or organization an amount not 6475  
exceeding the actual costs incurred by the system in making the 6476  
deductions. The system shall adopt rules establishing the method 6477  
of collecting the amount charged, if any. 6478

**Sec. 5505.51.** A state highway patrol retirement system 6479  
member who meets the following requirements may, at any time 6480  
prior to applying for a pension retirement under section 5505.16 6481  
of the Revised Code, elect to participate in the deferred 6482  
retirement option plan established under section 5505.50 of the 6483  
Revised Code: 6484

~~(1)~~ (A) The member is younger than fifty-eight years of 6485  
age. 6486

~~(2)~~ (B) The member is eligible to apply for a pension 6487  
retirement under section 5505.16 of the Revised Code, except 6488  
that eligibility to apply for unless the pension is a reduced 6489  
pension as described in under division (B) of that section does 6490  
not make a member eligible to elect to participate in the 6491  
deferred retirement option plan. 6492

The member shall make the election by filing with the 6493

retirement system an election form provided by the system. The 6494  
election is effective on the first day of the ~~member files the~~ 6495  
~~election form~~ employer's first payroll period immediately 6496  
following the board's receipt of the notice of election. 6497

At the time of making the election to participate in the 6498  
deferred retirement option plan, the member also shall make an 6499  
election under section 5505.162 of the Revised Code. Except as 6500  
provided in that section, the election under section 5505.162 of 6501  
the Revised Code is irrevocable from the date it is received by 6502  
the retirement system. 6503

A member electing to participate in the deferred 6504  
retirement option plan must agree to terminate active service in 6505  
the state highway patrol and begin receiving the member's 6506  
pension not later than the earlier of the member's sixtieth 6507  
birthday or the date that is eight years after the effective 6508  
date of the election to participate in the plan. If the member 6509  
refuses or neglects to terminate active service in accordance 6510  
with the agreement, the state highway patrol retirement board 6511  
shall deem the member's service terminated. 6512

~~A member electing to participate in the deferred~~ 6513  
~~retirement option plan is a retirant for the purposes of rules~~ 6514  
~~adopted by the state highway patrol retirement board.~~ 6515

While participating in the deferred retirement option 6516  
plan, a member shall not be considered to have elected 6517  
retirement under section 5505.16 of the Revised Code. 6518

**Sec. 5505.52.** (A) A member who makes an election under 6519  
section 5505.51 of the Revised Code shall continue in the active 6520  
service of the state highway patrol but shall not earn service 6521  
credit under this chapter for employment after the election's 6522

effective date. While the member is in the active service of the 6523  
state highway patrol, the member shall contribute, and the state 6524  
shall contribute and report, to the state highway patrol 6525  
retirement system in accordance with section 5505.15 of the 6526  
Revised Code. 6527

On and after the effective date of the member's election 6528  
to participate in the deferred retirement option plan, the 6529  
member is ineligible to purchase service credit under this 6530  
chapter. 6531

Neither the member nor the member's spouse and dependents 6532  
are eligible for any benefit under section 5505.28 of the 6533  
Revised Code while the member is participating in the deferred 6534  
retirement option plan. 6535

(B) A member participating in the deferred retirement 6536  
option plan is eligible to vote in elections for the ~~retirant-~~ 6537  
employee members of the state highway patrol retirement system 6538  
board, but not eligible to vote in elections for the ~~employee-~~ 6539  
retirant members of the board. 6540

**Sec. 5505.59.** If a member dies while participating in the 6541  
deferred retirement option plan, all of the following apply: 6542

(A) The amounts accrued to the member's benefit shall be 6543  
paid to the member's surviving spouse or, if there is no 6544  
surviving spouse, the beneficiary designated by the member on a 6545  
form provided by the state highway patrol retirement system. A 6546  
member may designate an individual or a trust as a beneficiary. 6547  
If there is no surviving spouse or designated beneficiary, the 6548  
amounts accrued to the member's benefit shall be paid to the 6549  
member's estate. 6550

Any payment made under this division to a member's estate 6551

shall be made in the form of a single lump sum payment. A 6552  
surviving spouse or designated beneficiary may select as the 6553  
method of distribution of the amount accrued to the member under 6554  
the plan one of the distribution options provided under section 6555  
401(a) of the "Internal Revenue Code of 1986," 26 U.S.C. 401(a), 6556  
as amended, applicable to governmental plans. 6557

(B) The surviving spouse and, if eligible, each surviving 6558  
child, shall receive a pension as described in division (A) (3) 6559  
(b) (iii) or (4) of section 5505.17 of the Revised Code, 6560  
utilizing the pension amount calculated under section 5505.53 of 6561  
the Revised Code. 6562

(C) If the member has no surviving spouse or surviving 6563  
children, but has a parent or parents dependent on the member 6564  
for support, the parent or parents shall receive a pension 6565  
determined under division (A) (6) of section 5505.17 of the 6566  
Revised Code. 6567

(D) The lump sum payment described in section 5505.30 of 6568  
the Revised Code shall be paid to the member's surviving spouse 6569  
or, if there is no surviving spouse, the beneficiary designated 6570  
by the member on a form provided by the state highway patrol 6571  
retirement system. A member may designate an individual or a 6572  
trust as a beneficiary. If there is no surviving spouse or 6573  
designated beneficiary, the payment shall be made to the 6574  
member's estate. 6575

**Section 2.** That existing sections 145.01, 145.2911, 6576  
145.2912, 145.362, 145.384, 145.40, 145.43, 145.45, 742.105, 6577  
742.37, 742.3711, 742.47, 742.50, 742.63, 3305.052, 3305.06, 6578  
3307.01, 3307.15, 3307.35, 3307.42, 3307.48, 3307.501, 3307.53, 6579  
3307.562, 3307.58, 3307.63, 3307.66, 3307.67, 3307.71, 3307.763, 6580  
3307.764, 3307.77, 3307.78, 3309.01, 3309.013, 3309.30, 6581

3309.392, 3309.42, 3309.474, 3309.75, 3309.76, 5505.01, 5505.04, 6582  
5505.16, 5505.17, 5505.18, 5505.19, 5505.21, 5505.29, 5505.30, 6583  
5505.51, 5505.52, and 5505.59 and sections 171.07, 3305.061, 6584  
3305.062, 3309.342, 3309.371, 3309.372, 3309.373, and 3309.54 of 6585  
the Revised Code are hereby repealed. 6586

**Section 3.** (A) As used in this section: 6587

(1) "Member of a police department" and "member of a fire 6588  
department" have the same meanings as in section 742.01 of the 6589  
Revised Code. 6590

(2) "PERS law enforcement officer" and "PERS public safety 6591  
officer" have the same meanings as in section 145.01 of the 6592  
Revised Code. 6593

(B) (1) Except as provided in division (B) (2) of this 6594  
section, a member of the Public Employees Retirement System who 6595  
meets all the requirements of division (B) or (C) of section 6596  
145.295 of the Revised Code other than the requirement of 6597  
division (B) (1) or (C) (1) of that section may obtain service 6598  
credit under that section for one of the following: 6599

(a) If the member, on the effective date of this section, 6600  
is a PERS law enforcement officer or PERS public safety officer, 6601  
service for which the member contributed to the Ohio Police and 6602  
Fire Pension Fund as a member of a police department; 6603

(b) If the member was a member of the System and made an 6604  
election under section 145.013 of the Revised Code to remain in 6605  
the System as a firefighter, service for which the member 6606  
contributed to the Fund as a member of a fire department. 6607

(2) A member of the System is ineligible to obtain service 6608  
credit under division (B) of this section if the member is 6609  
eligible to obtain service credit under division (C) of this 6610

section. 6611

(C) (1) A member of the Fund who meets all the requirements 6612  
of division (C) or (D) of section 742.21 of the Revised Code or 6613  
division (B) or (C) of section 742.214 of the Revised Code other 6614  
than the requirement that the member be in the active service of 6615  
a police or fire department may obtain service credit under 6616  
those sections if both of the following apply: 6617

(a) The member, on the effective date of this section, is 6618  
a PERS law enforcement officer. 6619

(b) The member is eligible, or with the credit will be 6620  
eligible, to retire under Chapter 742. of the Revised Code. 6621

(2) For purposes of determining the amount described in 6622  
divisions (C) (1) (d), (D) (1) (b), and (I) of section 742.21 of the 6623  
Revised Code, the Fund shall use the appropriate employer 6624  
contribution under section 742.33 or 742.34 of the Revised Code, 6625  
notwithstanding the requirement under those divisions to use the 6626  
amount the employer would have contributed for the service had 6627  
the member been employed by the member's current employer as a 6628  
member of a police or fire department. 6629

(D) To obtain service credit under this section, a member 6630  
must apply to the System or the Fund not later than ninety days 6631  
after the effective date of this section. 6632

**Section 4.** The General Assembly, applying the principle 6633  
stated in division (B) of section 1.52 of the Revised Code that 6634  
amendments are to be harmonized if reasonably capable of 6635  
simultaneous operation, finds that the following sections, 6636  
presented in this act as composites of the sections as amended 6637  
by the acts indicated, are the resulting versions of the 6638  
sections in effect prior to the effective date of the sections 6639

as presented in this act: 6640

Section 145.01 of the Revised Code, as amended by both 6641  
Sub. H.B. 158 and Sub. S.B. 293 of the 131st General Assembly; 6642

Section 3305.06 of the Revised Code, as amended by both 6643  
Sub. S.B. 342 and Sub. S.B. 343 of the 129th General Assembly. 6644