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Sub. H. B. No. 520

Representatives Schuring, Ramos

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

A BILL

To amend sections 145.01, 145.2911, 145.2912, 1
145.362, 145.384, 145.40, 145.43, 145.45, 2
742.105, 742.37, 742.3711, 742.47, 742.50, 3
742.63, 3305.052, 3305.06, 3307.01, 3307.15, 4
3307.35, 3307.42, 3307.48, 3307.501, 3307.53, 5
3307.562, 3307.58, 3307.63, 3307.66, 3307.67, 6
3307.71, 3307.763, 3307.764, 3307.77, 3307.78, 7
3309.01, 3309.013, 3309.30, 3309.392, 3309.42, 8
3309.474, 3309.75, 3309.76, 5505.01, 5505.04, 9
5505.16, 5505.17, 5505.18, 5505.19, 5505.21, 10
5505.29, 5505.30, 5505.51, 5505.52, and 5505.59; 11
to enact sections 145.222, 145.334, 742.091, 12
742.17, 3307.131, 3307.354, 3307.514, 3309.212, 13
and 5505.35; and to repeal sections 171.07, 14
3305.061, 3305.062, 3309.342, 3309.371, 15
3309.372, 3309.373, and 3309.54 of the Revised 16
Code to revise the law governing the state's 17
public retirement systems. 18

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

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

Sec. 145.01. As used in this chapter: 30

(A) "Public employee" means: 31

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

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

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

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

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

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

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

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

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

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

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

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

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

any person participating in a PERS defined contribution plan. 108

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a position covered by the retirement system. The salary, wages, 225
and other earnings shall be determined prior to determination of 226
the amount required to be contributed to the employees' savings 227
fund under section 145.47 of the Revised Code and without regard 228
to whether any of the salary, wages, or other earnings are 229
treated as deferred income for federal income tax purposes. 230
"Earnable salary" includes the following: 231

(a) Payments made by the employer in lieu of salary, 232
wages, or other earnings for sick leave, personal leave, or 233
vacation used by the contributor; 234

(b) Payments made by the employer for the conversion of 235
sick leave, personal leave, and vacation leave accrued, but not 236
used if the payment is made during the year in which the leave 237
is accrued, except that payments made pursuant to section 238
124.383 or 124.386 of the Revised Code are not earnable salary; 239

(c) Allowances paid by the employer for maintenance, 240
consisting of housing, laundry, and meals, as certified to the 241
retirement board by the employer or the head of the department 242
that employs the contributor; 243

(d) Fees and commissions paid under section 507.09 of the 244
Revised Code; 245

(e) Payments that are made under a disability leave 246
program sponsored by the employer and for which the employer is 247
required by section 145.296 of the Revised Code to make periodic 248
employer and employee contributions; 249

(f) Amounts included pursuant to former division (K) (3) 250
and former division (Y) of this section and section 145.2916 of 251
the Revised Code. 252

(2) "Earnable salary" does not include any of the 253

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"PERS law enforcement officer" also includes a person 513

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The cumulative contributions toward the unfunded 599
actuarial accrued liability of the retirement system that would 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
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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 1680
Code. Notwithstanding any other provision of this section, no 1681
pension or benefit paid or determined under division (B) or (C) 1682
of this section or section 742.39 of the Revised Code shall 1683
exceed the limit established by section 415 of the "Internal 1684
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1685
amended. 1686

(A) Persons who were receiving benefit or pension payments 1687
from a police relief and pension fund established under former 1688
section 741.32 of the Revised Code, or from a firemen's relief 1689
and pension fund established under former section 521.02 or 1690
741.02 of the Revised Code, at the time the assets of the fund 1691
were transferred to the Ohio police and fire pension fund, known 1692
at that time as the police and firemen's disability and pension 1693
fund, shall receive benefit and pension payments from the Ohio 1694
police and fire pension fund in the same amount and subject to 1695
the same conditions as such payments were being made from the 1696
former fund on the date of the transfer. 1697

(B) A member of the fund who, pursuant to law, elected to 1698
receive benefits and pensions from a police relief and pension 1699
fund established under former section 741.32 of the Revised 1700
Code, or from a firemen's relief and pension fund established 1701
under former section 741.02 of the Revised Code, in accordance 1702
with the rules of the fund governing the granting of benefits or 1703
pensions therefrom in force on April 1, 1947, shall receive 1704
benefits and pensions from the Ohio police and fire pension fund 1705
in accordance with such rules; provided, that any member of the 1706
fund who is not receiving a benefit or pension from the fund on 1707
August 12, 1975, may, upon application for a benefit or pension 1708
to be received on or after August 12, 1975, elect to receive a 1709
benefit or pension in accordance with division (C) of this 1710

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, 2356
waterway lands, or reservoir lands under the control of a 2357
municipal corporation; 2358

(viii) A full-time law enforcement officer of a 2359
conservancy district; 2360

(ix) A correction officer at an institution under the 2361
control of a county, a group of counties, a municipal 2362
corporation, or the department of rehabilitation and correction; 2363

(x) A state university law enforcement officer; 2364

(xi) An investigator, as defined in section 109.541 of the 2365
Revised Code, or an investigator commissioned as a special agent 2366
of the bureau of criminal identification and investigation; 2367

(xii) A drug agent, as defined in section 145.01 of the 2368
Revised Code; 2369

(xiii) A gaming agent, as defined in section 3772.01 of 2370
the Revised Code; 2371

(xiv) An employee of the department of taxation who has 2372
been delegated investigation powers pursuant to section 5743.45 2373
of the Revised Code for the enforcement of Chapters 5728., 2374
5735., 5739., 5741., 5743., and 5747. of the Revised Code. 2375

(d) A member of a retirement system operated by a 2376
municipal corporation who at the time of death was a full-time 2377
law enforcement officer of parks, waterway lands, or reservoir 2378
lands under the control of the municipal corporation. 2379

(2) Notwithstanding section 742.01 of the Revised Code, 2380
"fire or police department" includes a fire department of the 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 2413
correction officer, any correction corporal, sergeant, 2414
lieutenant, or captain, and the equivalents of all such persons. 2415
- (5) "A park district ranger or patrol trooper" means a 2416
peace officer commissioned to make arrests, execute warrants, 2417
and preserve the peace upon lands under the control of a board 2418
of park commissioners of a metropolitan, county, or township 2419
park district. 2420
- (6) "Metropolitan, county, or township park district" 2421
means a park district created under the authority of Chapter 2422
511. or 1545. of the Revised Code. 2423
- (7) "Conservancy district" means a conservancy district 2424
created under the authority of Chapter 6101. of the Revised 2425
Code. 2426
- (8) "Law enforcement officer" means an officer 2427
commissioned to make arrests, execute warrants, and preserve the 2428
peace upon lands under the control of the governmental entity 2429
granting the commission. 2430
- (9) "Department of natural resources law enforcement 2431
officer" includes a forest officer designated pursuant to 2432
section 1503.29 of the Revised Code, a preserve officer 2433
designated pursuant to section 1517.10 of the Revised Code, a 2434
wildlife officer designated pursuant to section 1531.13 of the 2435
Revised Code, a park officer designated pursuant to section 2436
1541.10 of the Revised Code, and a state watercraft officer 2437
designated pursuant to section 1547.521 of the Revised Code. 2438
- (10) "Retirement eligibility date" means the last day of 2439
the month in which a deceased member would have first become 2440
eligible, had the member lived, for the retirement pension 2441

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 2529
spouse shall terminate on the member's retirement eligibility 2530
date. Death benefits paid to a surviving child or children shall 2531
terminate on the deceased member's retirement eligibility date 2532
unless earlier terminated pursuant to division (H) of this 2533
section. 2534

(E) If a member, on or after January 1, 1980, is killed in 2535
the line of duty as a firefighter or police officer and is 2536
survived by only a parent or parents dependent upon the member 2537
for support, the parent or parents shall receive an amount each 2538
month equal to the full death benefit amount. If there is more 2539
than one surviving parent dependent upon the deceased member for 2540
support, the death benefit amount shall be divided equally among 2541
the surviving parents. On the death of one of the surviving 2542
parents, the full death benefit amount shall be paid to the 2543
other parent. 2544

(F) (1) The following shall receive a monthly death benefit 2545
under this division: 2546

(a) A surviving spouse whose benefits are terminated in 2547
accordance with division (B) or (D) (3) of this section on the 2548
deceased member's retirement eligibility date, or who would 2549
qualify for a benefit under division (B) or (D) of this section 2550
except that the deceased member reached the member's retirement 2551
eligibility date prior to the member's death; 2552

(b) A qualified surviving spouse of a deceased member of 2553
or contributor to a police or firemen's relief and pension fund 2554
established under former Chapter 521. or 741. of the Revised 2555
Code who was a firefighter or police officer killed in the line 2556
of duty. 2557

(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 Revised Code or a plan established by the employer;

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

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

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

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

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

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

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

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that is paid in accordance with uniform criteria applicable to 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, ~~—~~ 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 3618
(D) of section 3305.06 of the Revised Code on behalf of electing 3619
employees since the establishment of the alternative retirement 3620
plan; 3621

(b) The cumulative contributions toward the unfunded 3622
actuarial accrued liability of the retirement system that would 3623
have been made if the electing employees had been members of the 3624
retirement system in the STRS defined benefit plan. 3625

(B) The state teachers retirement board shall contract 3626
with an independent actuary to complete an actuarial study to 3627
determine the percentage of an electing employee's compensation 3628
to be contributed by a public institution of higher education 3629
under division (D) of section 3305.06 of the Revised Code. The 3630
initial study must be completed and submitted by the board to 3631
the department of higher education not later than December 31, 3632
2016. A subsequent study must be completed and submitted not 3633
later than the last day of December of every fifth year 3634
thereafter. 3635

(C) For the initial study required under this section, the 3636
actuary shall determine the percentage described in division (B) 3637
of this section as follows: 3638

(1) The actuary shall calculate a percentage necessary to 3639
amortize the historical liability over an indefinite period. 3640

(2) The actuary shall calculate a percentage necessary to 3641
amortize over a thirty-year period the amount resulting from 3642
multiplying the compensation ratio by the difference between the 3643
following: 3644

(a) The unfunded actuarial accrued pension liability of 3645
the STRS defined benefit plan; 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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(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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(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
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(b) The historical liability determined under division (C) of this section. 3668
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(2) The percentage to be contributed under division (D) of section 3305.06 of the Revised Code shall be one-fourth of the sum of the percentages calculated under divisions (C) (1) and (D) (1) of this section but not less than one-fourth of the percentage determined under division (C) (1) of this section, except that the percentage shall not exceed four and one-half 3670
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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 Credit	Per Cent of Base 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

		Or	4253
(i) Number	Annual benefit as a	Monthly benefit	4254
of qualified	per cent of member's	shall not be	4255
survivors	final average salary	less than	4256
1	25%	\$ 96	4257
2	40	186	4258
3	50	236	4259
4	55	236	4260
5 or more	60	236	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%	4317
3		50.0%	4318
4		45.45%	4319
5 or more		41.67%	4320

(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 section. 4656
4657

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

(1) The member fails to retire or accept a disability benefit not later than ninety days after receiving notice from the state teachers retirement system that credit has been obtained under this section. 4662
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(2) The member's application for a disability benefit is denied. 4666
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Sec. 3307.764. (A) If the conditions described in division (B) of section 3307.762 of the Revised Code are met and a person who is a member or former member of the state teachers retirement system through participation in the STRS defined benefit plan, but is not a current contributor and who is not receiving a pension or benefit from the state teachers retirement system elects to receive credit under the Cincinnati retirement system for service for which the person contributed to the state teachers retirement system or purchased or obtained as military service credit, the state teachers retirement system shall transfer the amounts specified in division (B) or (C) of this section to the Cincinnati retirement system. 4668
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(B) If the person has contributions on deposit with the state teachers retirement system, ~~the retirement system shall,~~ for the person may obtain credit if all of the following conditions are met: 4680
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(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
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(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
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(d) For each year of service credit, ~~transfer the~~ retirement system transfers to the Cincinnati retirement system the sum of the following: 4722
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~~(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
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~~(b)~~ (ii) An amount equal to the lesser of the employer's contributions to the state teachers retirement system or the amount that would have been contributed by the employer for the service had the person been a member of the Cincinnati retirement system at the time the credit was earned, with interest on that amount from the last day of the year for which the service credit was earned to the date of the transfer. 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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(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 following:	5066
	5067
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	5068
	5069
	5070
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	5071
	5072
(3) Has any discretionary authority or responsibility in the administration of the system.	5073
	5074
(V) (1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	5075
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	5082
(2) Compensation does not include any of the following:	5083
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	5084
	5085
	5086
	5087
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	5088
	5089
	5090
(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or	5091
	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 based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in compensation if both of the following apply:

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

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

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

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

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

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

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

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

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

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

(1) Any person initially employed on or after July 1, 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

~~(E)~~ "Regular interest" means interest compounded at rates 5698
designated from time to time by the retirement board. 5699

~~(F)~~ (E) "Plan" means the provisions of this chapter. 5700

~~(G)~~ (F) "Retirement system" or "system" means the state 5701
highway patrol retirement system created and established in the 5702
plan. 5703

~~(H)~~ (G) "Contributing service" means all service rendered 5704
by a member since September 4, 1941, for which deductions were 5705
made from the member's salary under the plan. 5706

~~(I)~~ (H) "Retirement board" or "board" means the state 5707
highway patrol retirement board provided for in the plan. 5708

~~(J)~~ (I) Except as provided in section 5505.18 of the 5709
Revised Code, "member" means any employee included in the 5710
membership of the retirement system, whether or not rendering 5711
contributing service. 5712

~~(K)~~ (J) "Retirant" means any member who ~~retires with a~~ 5713
~~pension payable from the retirement system~~ has retired under 5714
section 5505.16 or 5505.18 of the Revised Code. 5715

~~(L)~~ (K) "Accumulated contributions" means the sum of the 5716
following credited to a member's individual account in the 5717
employees' savings fund: 5718

(1) All amounts deducted from the salary of the member; 5719

(2) All amounts paid by the member to purchase state 5720
highway patrol retirement system service credit pursuant to this 5721
chapter or other state law. 5722

~~(M)~~ (L) (1) Except as provided in division ~~(M)~~ (L) (2) of this 5723
section, "final average salary" means the average of the highest 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
(T) <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 5814
actuarial services to public retirement plans. 5815

Sec. 5505.04. (A) (1) The general administration and 5816
management of the state highway patrol retirement system and the 5817
making effective of this chapter are hereby vested in the state 5818
highway patrol retirement board. The board may sue and be sued, 5819
plead and be impleaded, contract and be contracted with, and do 5820
all things necessary to carry out this chapter. 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 5826
investment designee, who shall be appointed by the treasurer of 5827
state for a term of four years and who shall have the following 5828
qualifications: 5829

- (i) The member is a resident of this state. 5830
- (ii) Within the three years immediately preceding the 5831
appointment, the member has not been employed by the public 5832
employees retirement system, police and fire pension fund, state 5833
teachers retirement system, school employees retirement system, 5834
or state highway patrol retirement system or by any person, 5835
partnership, or corporation that has provided to one of those 5836
retirement systems services of a financial or investment nature, 5837

including the management, analysis, supervision, or investment 5838
of assets. 5839

(iii) The member has direct experience in the management, 5840
analysis, supervision, or investment of assets. 5841

(iv) The member is not currently employed by the state or 5842
a political subdivision of the state. 5843

(e) Two investment expert members, who shall be appointed 5844
to four-year terms. One investment expert member shall be 5845
appointed by the governor, and one investment expert member 5846
shall be jointly appointed by the speaker of the house of 5847
representatives and the president of the senate. Each investment 5848
expert member shall have the following qualifications: 5849

(i) Each investment expert member shall be a resident of 5850
this state. 5851

(ii) Within the three years immediately preceding the 5852
appointment, each investment expert member shall not have been 5853
employed by the public employees retirement system, police and 5854
fire pension fund, state teachers retirement system, school 5855
employees retirement system, or state highway patrol retirement 5856
system or by any person, partnership, or corporation that has 5857
provided to one of those retirement systems services of a 5858
financial or investment nature, including the management, 5859
analysis, supervision, or investment of assets. 5860

(iii) Each investment expert member shall have direct 5861
experience in the management, analysis, supervision, or 5862
investment of assets. 5863

(2) The board shall annually elect a chairperson and vice- 5864
chairperson from among its members. The vice-chairperson shall 5865
act as chairperson in the absence of the chairperson. A majority 5866

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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5919

(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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5922
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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~~ 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