

Statement of my position on H.B. No. 78

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Dear Chairman Mathews and Pensions Committee Members:

Let me start off by saying “thank you” to the committee for bringing forth HB No. 78. This bill addresses an injustice which has been thrust upon over 17,100 retired and rehired teachers and administrators in the State of Ohio for many years now.

Namely, that a retired/rehired teacher has previously been ineligible to serve on the STRS Board, in any capacity, despite paying into the system for over 30 years and someone who continues to pay into the system now that they have returned to serve as a teacher or administrator. We have been totally disenfranchised and do not have the ability to run for any position on the STRS board.

HB 78 as first introduced by Representative Seitz allowed the retired/rehired person to run for either one of the 5 Active member board seats or the 2 retired member seats.

I believe this committee has heard testimony from STRS as well as OEA, who wish to again restrict the rights of retired/rehired educators by demanding, they only be eligible to run for one of the two retiree board seats and not one of the five active board seats. I find it very ironic that the very groups, who for years, refused us any right to serve on the STRS board, are still now trying to restrict us in how we may serve on the STRS board.

There are several reasons why HB 78 should remain as Representative Seitz originally wrote it and it should not be amended to accommodate STRS management and OEA wishes.

- 1) By definition, a retired/rehired person is more Active than they are retired! They have a contract with a local school district. They are performing the function of an active teacher or administrator each and every day. They are forced to contribute 14% of their salary to STRS and their school districts are required to match that 14%.
- 2) The Ohio Revised Code Section 3307.05 details STRS Board Membership and Section (D) simply states, (D) Five members, known as contributing member, who shall be members of the state teachers retirement system.

By their own definition, a retired/rehired educator, is a contributing member and is required to pay into the state teachers retirement system so they are certainly a member.

Retired/rehired educators are far more Active than retired. By not allowing them to run for an active seat you not only deny them their rights, but you also deny your own taxpayers and school districts, the

right to have a voice in STRS. I believe someone far wiser than myself once said, "Taxation without representation is tyranny."

- 3) In my opinion the retired/rehired educator should be eligible for either the active or retired seat on the STRS Board as Representative Seitz originally proposed. The retired/rehired educator clearly is more active than retired by definition, requirements, and action.
- 4) I'm not quite sure why OEA and STRS favor an amendment which would again restrict the rights of 17,100 of their constituents. I believe they testified that they felt the retiree/rehired educator running for the active seat might tip the 5 – 2 balance on the STRS board.
- 5) However, this cannot happen. The Ohio Revised Code Section 3307.05 covers what happens if someone elected to an active seat has a change in circumstances or retires permanently. Section 3307.05 (D) "If as a result of change circumstances an elected member of the board would no longer qualify for board membership under section 3307.05 of the Revised Code on the basis of which the member was elected, the member's position on the board shall be considered vacant and a successor member shall be elected under this division for the remainder of the expired term."

Therefore, if a member ever ceases to be actively under contract and no longer paying 14% into STRS then they must give up their active seat on the board. Their fear of having too many retirees on the board is unfounded because by law if a retired/rehired person ceases to be active they must give up their seat.

HB 78 as originally written would correct this long standing injustice against retired/rehired educators and allow them the right to specifically run for an active STRS board seat while still actively working and paying into the system.

Thank you for allowing me on behalf of myself and 17,100 other retired/rehired educators to testify before you today.

Respectfully Submitted,

James A. Stoll