



Representatives Gary Click & Haraz Ghanbari

Sponsor Testimony: House Bill 611

House Insurance Committee

May 25, 2022

Chair Brinkman, vice-chair Lampton, ranking member Miranda, and members of the House Insurance Committee; good morning and thank you for the opportunity to present sponsor testimony on HB 611.

Just two weeks ago we celebrated National Law Enforcement Appreciation Week. I know and believe that each member of this committee appreciates the good work of the members of Law Enforcement throughout Ohio. Representative Ghanbari and I present to you a piece of legislation today that will allow you to express that appreciation in a tangible way.

As you are aware, there are two complimentary public retirement systems for law enforcement in Ohio. We have Ohio Police and Fire (OP&F) as well as the law enforcement division of the Ohio Public Employees Retirement System (OPERS-LE).

Until the 130th GA, members of law enforcement had great portability in how and where they served. For instance, a law enforcement officer could serve in a municipal police department and then decide to take his experience and expertise and transfer to a supervisory role in a smaller department such as the Cleveland Parks and Recreation Department, which has its own law enforcement division. This officer's retirement would follow him to the Parks and Rec. Department, as it should. Additionally, an individual could be the chief of police and then run for Sheriff. If their county chose them to serve, their retirement would travel with them to their new leadership role.

However, in 2014, in the 130th General Assembly, Amended Sub-Senate Bill 42 stripped that portability for the most experienced members of law enforcement with one simple phrase.

“The member's service credit in the public employees retirement system is greater than the amount of credit that would be transferred under this division.”¹

You can only imagine the dismay that this brought to experienced members of law enforcement who only discovered this change of law in an amended substitute bill that was over 7000 lines long, only AFTER they followed opportunities to advance their careers in another department. You won't have to imagine. They will be here to testify.

Representative Ghanbari and I are asking for your support by simply stripping that eight-year-old line of code that handcuffs the most experienced men and women in law

¹ <https://law.justia.com/codes/ohio/2020/title-1/chapter-145/section-145-295/>



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enforcement by inhibiting their ability to advance their careers in a manner commensurate with their experience and qualifications.

Finally, it is also deserving of your consideration for me to point out that this unreasonable expectation severely limits the capacity of smaller departments to recruit for leadership positions from a qualified pool of experienced law enforcement officers whose only hindrance is the loss of retirement credit.

This last minute amendment to a substitute bill may have lessened the paperwork for a few folks but it has proven to be anything but useful to our men and women in law enforcement. This is our opportunity as the 134th General Assembly to right a wrong and serve and protect those who protect and serve us.

Thank you for your kind attention. I now invite my friend and joint sponsor, Representative Ghanbari to say a few words.



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The provision is problematic as it makes hiring extremely difficult for positions in OPERS-LE, positions which share similar bodies of experience in the law enforcement realm. It is important to note that although OP&F and OPERS-LE are similar, and serve the same types of jobs, they are not the same. OP&F payees are full-time police officers employed by Ohio municipalities and full-time firefighters employed by Ohio townships, municipalities, joint fire districts, and, in some circumstances, other political subdivisions. Meanwhile, OPERS-LE payees encompass a much wider selection of narrower fields:

- Sheriffs and deputy sheriffs
- Township constables or police officers
- Criminal bailiffs or court constables who were deputized by a county sheriff
- State university law enforcement officers
- County narcotics agents
- Undercover drug agents
- Enforcement agents with the Ohio Department of Public Safety
- Park district police officers
- Conservancy district officers
- Municipal corporation police officers not covered by the Ohio Police and Fire Pension Fund
- Police employed by the Ohio Veterans Home
- Special police employed by a state mental health institution
- Special police employed by a state institution for the developmentally disabled
- Regional transit authority police officers
- State highway patrol police officers
- Bureau of Criminal Identification and Investigation investigators
- Casino Control Commission gaming agents
- Department of Taxation investigators
- Special police officers for port authorities
- Special police officers for municipal airports
- Park officers, forest officers, wildlife officers, state watercraft officers, natural resources, law enforcement officers and preserve officers, with the Ohio Department of Natural Resources
- Ohio House of Representatives sergeant at arms and assistant Ohio House of Representatives sergeant at arms

As you can see, despite their differences, OP&F and OPERS-LE cover a wide range of peacekeeping and law enforcement positions that would often seek to employ candidates who have a background in policing. Because a job candidate currently paying into OP&F would encounter insurmountable barriers to transfer credit from OP&F into OPERS-LE, an experienced police officer or police chief paying into OP&F is incentivized to stay put in their current role even when presented with a better opportunity in OPERS-LE. Similarly, experienced police officers who wish to run for Sheriff are often dis-incentivized to do so because of the credit transfer complications, as Sheriffs pay into OPERS-LE. Although these are just a few examples, the practical issues with recruitment into OPERS-LE are numerous. To complicate matters, candidates



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currently in OPERS-LE do not face the same obstacle when transferring into OP&F and back again, creating a one-way recruitment door for job candidates to go from OPERS-LE into OP&F, but not from OP&F into OPERS-LE.

To speak of a few specific examples, Chief Deputy Jim Gilbert of the Franklin County Sheriff's Office worked for 16 years as a Columbus police officer. He accepted a position as chief deputy at the Franklin County Sheriff's Office, where he must now work an additional 16 years+ in OPERS to qualify for retirement. Another individual in such a predicament, a former Mansfield firefighter, left his fire department and went to work for the Department of Rehab and Correction as a nurse/paramedic. This individual later stated that he would never have made such a move had he been aware of the service credit transfer complications between the two systems, and how it would affect his retirement eligibility. As frustrating as these individual cases are, this change has had grave consequences at an institutional level as well: Cleveland Metro Parks has been struggling to recruit a new police chief because their primary candidate is an experienced executive at a municipal and is unwilling to make the switch.

Thank you for your time this morning. Representative Click and I will now be happy to answer any questions from the committee.