

**Representatives Gary Click & Bernard Willis**

Sponsor Testimony: House Bill 94

House Pensions Committee

May 9, 2023

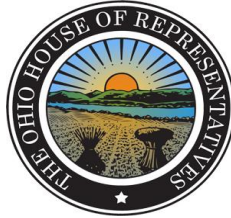
Chair Young, Vice-Chair King, Ranking Member Lightbody, and members of the House Insurance Committee; good morning and thank you for the opportunity to present sponsor testimony on HB 94

In just 6 days we will celebrate National Police 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 Willis 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 130<sup>th</sup> 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 130<sup>th</sup> General Assembly, Amended Sub-Senate Bill 42 stripped that portability for the most experienced members of law enforcement with one simple phrase.



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“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.”<sup>1</sup>

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 Willis and I are asking for your support by simply stripping that nine-year-old line of code that handcuffs the most experienced men and women in law enforcement by inhibiting their ability to advance their careers in a manner commensurate with their experience and qualifications.

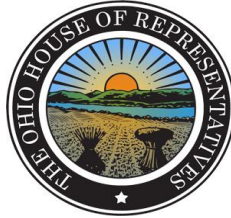
Finally, it is also deserving of your consideration for me to point out that this unreasonable requirement severely limits the capacity of smaller departments to recruit for leadership positions from a qualified pool of experienced law enforcement officers whose only hindrance is the loss of retirement 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 135<sup>th</sup> 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 Willis to say a few words.

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



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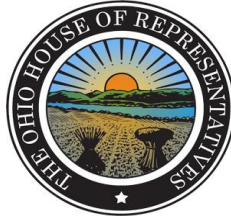
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Chair Young, Vice-Chair King, Ranking Member Lightbody, and members of the House Pensions committee, thank you for the opportunity to provide testimony on HB 94. Before I continue, it is important to understand that although OP&F and OPERS-LE are similar pension systems, 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, occasionally by other political subdivisions. In contrast, OPERS-LE payees encompass a much wider selection of narrower fields in the general law-enforcement space:

- 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



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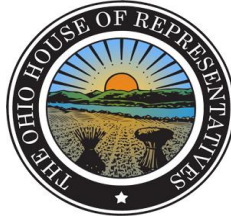
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As you can see, while they are separate pension systems, OP&F and OPERS-LE cover a wide range of peacekeeping and law enforcement positions that would often seek to employ candidates who have a background in policing. This is to make no mention of the Ohio State Highway Patrol Pension, which is affected by the majority service credit rule just like Police & Fire.

Because of the majority service credit barrier between the pension systems, experienced officers or police chiefs paying into OP&F are incentivized to maintain their current roles even when presented with more promising opportunities in OPERS-LE. An experienced officer who wished to go above and beyond in serving his community by running for Sheriff would be heavily discouraged from doing so because of the credit transfer complications, since Sheriffs pay into OPERS-LE. While these are only a few examples, the practical challenges many important OPERS-LE agencies encounter as a result are numerous. To complicate matters further, individuals currently paying into OPERS-LE do not encounter the same barrier when transferring into OP&F or 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.

Chief Deputy Jim Gilbert of the Franklin County Sheriff's Office worked for 16 years as a Columbus police officer before accepting a position as Chief Deputy at the Franklin County Sheriff's Office, where he must now work an additional 16 years+ in OPERS-LE to qualify for retirement. Presently, despite surpassing the age at which he would have retired had he stayed in OP&F, Deputy Gilbert will not be eligible for retirement for 6 more years. Should an accident or illness occur at any point in those remaining 6 years that would prevent him from working, his 16 years of hard-earned service credit as a Columbus police officer would be lost forever to Deputy Gilbert and his family. My colleague Representative Click and I see this as an



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unacceptable risk for the State of Ohio to impose upon its most valuable public servants. In the following weeks you will hear testimony in favor of HB 94 from many officers in situations just like Chief Deputy Gilbert's, who will ask for your help to access the pensions and career opportunities they've earned throughout their careers. I ask that you join us in recognizing their importance and granting them their wish by giving your support to HB 94.

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