

**As Reported by the Senate Insurance and Financial Institutions  
Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

**Sub. H. B. No. 572**

**Representatives Scherer, Howse**

**Cosponsors: Representatives Schuring, Smith, K., Antonio, Bocchieri, Brenner,  
Dever, Patterson, Ramos, Anielski, Arndt, Ashford, Barnes, Boyd, Brown,  
Celebrezze, Clyde, Craig, Edwards, Galonski, Gavarone, Ginter, Green, Holmes,  
Ingram, Kelly, Leland, Lepore-Hagan, Miller, O'Brien, Patton, Pelanda, Perales,  
Rezabek, Rogers, Sheehy, Sykes, West**

**Senators Hottinger, Beagle, Bacon, Hackett**

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**A BILL**

To amend sections 145.01, 145.016, 145.33, 145.332, 1  
145.362, 145.384, 145.45, 145.571, 145.62, 2  
742.03, 742.05, 3307.05, 3307.14, 3307.20, 3  
3307.231, 3307.25, 3307.251, 3307.26, 3307.28, 4  
3307.351, 3307.352, 3307.39, 3307.44, 3307.48, 5  
3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 6  
3307.62, 3307.66, 3307.71, 3307.74, 3307.761, 7  
3309.01, 3309.011, 3309.22, and 3309.671, to 8  
enact section 145.018, and to repeal sections 9  
3307.23, 3307.241, 3307.96, 3307.97, and 3307.98 10  
of the Revised Code to revise the laws governing 11  
the Public Employees Retirement System, the Ohio 12  
Police and Fire Pension Fund, the State Teachers 13  
Retirement System, and the School Employees 14  
Retirement System. 15

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

**Section 1.** That sections 145.01, 145.016, 145.33, 145.332, 16  
145.362, 145.384, 145.45, 145.571, 145.62, 742.03, 742.05, 17  
3307.05, 3307.14, 3307.20, 3307.231, 3307.25, 3307.251, 3307.26, 18  
3307.28, 3307.351, 3307.352, 3307.39, 3307.44, 3307.48, 19  
3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 3307.62, 3307.66, 20  
3307.71, 3307.74, 3307.761, 3309.01, 3309.011, 3309.22, and 21  
3309.671 be amended and section 145.018 of the Revised Code be 22  
enacted to read as follows: 23

**Sec. 145.01.** As used in this chapter: 24

(A) "Public employee" means: 25

(1) Any person holding an office, not elective, under the 26  
state or any county, township, municipal corporation, park 27  
district, conservancy district, sanitary district, health 28  
district, metropolitan housing authority, state retirement 29  
board, Ohio history connection, public library, county law 30  
library, union cemetery, joint hospital, institutional 31  
commissary, state university, or board, bureau, commission, 32  
council, committee, authority, or administrative body as the 33  
same are, or have been, created by action of the general 34  
assembly or by the legislative authority of any of the units of 35  
local government named in division (A) (1) of this section, or 36  
employed and paid in whole or in part by the state or any of the 37  
authorities named in division (A) (1) of this section in any 38  
capacity not covered by section 742.01, 3307.01, 3309.01, or 39  
5505.01 of the Revised Code. 40

(2) A person who is a member of the public employees 41  
retirement system and who continues to perform the same or 42  
similar duties under the direction of a contractor who has 43  
contracted to take over what before the date of the contract was 44  
a publicly operated function. The governmental unit with which 45

the contract has been made shall be deemed the employer for the 46  
purposes of administering this chapter. 47

(3) Any person who is an employee of a public employer, 48  
notwithstanding that the person's compensation for that 49  
employment is derived from funds of a person or entity other 50  
than the employer. Credit for such service shall be included as 51  
total service credit, provided that the employee makes the 52  
payments required by this chapter, and the employer makes the 53  
payments required by sections 145.48 and 145.51 of the Revised 54  
Code. 55

(4) A person who elects in accordance with section 145.015 56  
of the Revised Code to remain a contributing member of the 57  
public employees retirement system. 58

(5) A person who is an employee of the legal rights 59  
service on September 30, 2012, and continues to be employed by 60  
the nonprofit entity established under Section 319.20 of Am. 61  
Sub. H.B. 153 of the 129th general assembly. The nonprofit 62  
entity is the employer for the purpose of this chapter. 63

In all cases of doubt, the public employees retirement 64  
board shall determine under section 145.036, 145.037, or 145.038 65  
of the Revised Code whether any person is a public employee, and 66  
its decision is final. 67

(B) "Member" means any public employee, other than a 68  
public employee excluded or exempted from membership in the 69  
retirement system by section 145.03, 145.031, 145.032, 145.033, 70  
145.034, 145.035, or 145.38 of the Revised Code. "Member" 71  
includes a PERS retirant who becomes a member under division (C) 72  
of section 145.38 of the Revised Code. "Member" also includes a 73  
disability benefit recipient. 74

(C) "Head of the department" means the elective or 75  
appointive head of the several executive, judicial, and 76  
administrative departments, institutions, boards, and 77  
commissions of the state and local government as the same are 78  
created and defined by the laws of this state or, in case of a 79  
charter government, by that charter. 80

(D) "Employer" or "public employer" means the state or any 81  
county, township, municipal corporation, park district, 82  
conservancy district, sanitary district, health district, 83  
metropolitan housing authority, state retirement board, Ohio 84  
history connection, public library, county law library, union 85  
cemetery, joint hospital, institutional commissary, state 86  
medical university, state university, or board, bureau, 87  
commission, council, committee, authority, or administrative 88  
body as the same are, or have been, created by action of the 89  
general assembly or by the legislative authority of any of the 90  
units of local government named in this division not covered by 91  
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 92  
Code. In addition, "employer" means the employer of any public 93  
employee. 94

(E) "Prior military service" also means all service 95  
credited for active duty with the armed forces of the United 96  
States as provided in section 145.30 of the Revised Code. 97

(F) "Contributor" means any person who has an account in 98  
the employees' savings fund created by section 145.23 of the 99  
Revised Code. When used in the sections listed in division (B) 100  
of section 145.82 of the Revised Code, "contributor" includes 101  
any person participating in a PERS defined contribution plan. 102

(G) "Beneficiary" or "beneficiaries" means the estate or a 103  
person or persons who, as the result of the death of a member, 104

contributor, or retirant, qualify for or are receiving some 105  
right or benefit under this chapter. 106

(H) (1) "Total service credit," except as provided in 107  
~~section sections 145.016 and 145.37~~ of the Revised Code, means 108  
all service credited to a member of the retirement system since 109  
last becoming a member, including restored service credit as 110  
provided by section 145.31 of the Revised Code; credit purchased 111  
under sections 145.293 and 145.299 of the Revised Code; all the 112  
member's military service credit computed as provided in this 113  
chapter; all service credit established pursuant to section 114  
145.297 of the Revised Code; and any other service credited 115  
under this chapter. ~~For the exclusive purpose of satisfying the~~ 116  
~~service credit requirement and of determining eligibility for~~ 117  
~~benefits under sections 145.32, 145.33, 145.331, 145.332,~~ 118  
~~145.35, 145.36, and 145.361 of the Revised Code, "five or more~~ 119  
~~years of total service credit" means sixty or more calendar~~ 120  
~~months of contributing service in this system.~~ 121

(2) "One and one-half years of contributing service 122  
credit," as used in division (B) of section 145.45 of the 123  
Revised Code, also means eighteen or more calendar months of 124  
employment by a municipal corporation that formerly operated its 125  
own retirement plan for its employees or a part of its 126  
employees, provided that all employees of that municipal 127  
retirement plan who have eighteen or more months of such 128  
employment, upon establishing membership in the public employees 129  
retirement system, shall make a payment of the contributions 130  
they would have paid had they been members of this system for 131  
the eighteen months of employment preceding the date membership 132  
was established. When that payment has been made by all such 133  
employee members, a corresponding payment shall be paid into the 134  
employers' accumulation fund by that municipal corporation as 135

the employer of the employees.	136
(3) Not more than one year of credit may be given for any period of twelve months.	137 138
(4) "Ohio service credit" means credit for service that was rendered to the state or any of its political subdivisions or any employer.	139 140 141
(I) "Regular interest" means interest at any rates for the respective funds and accounts as the public employees retirement board may determine from time to time.	142 143 144
(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under section 145.471 or 145.472 of the Revised Code.	145 146 147 148 149
(K) (1) "Final average salary" means the greater of the following:	150 151
(a) The sum of the member's earnable salaries for the appropriate number of calendar years of contributing service, determined under section 145.017 of the Revised Code, in which the member's earnable salary was highest, divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service;	152 153 154 155 156 157 158 159 160
(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided	161 162 163 164

by the appropriate number of years or, if the time between the 165  
first and final months of service is less than the appropriate 166  
number of consecutive months, the total of the member's earnable 167  
salary for all months of contributing service divided by the 168  
number of years between the first and final months of 169  
contributing service, including any fraction of a year, except 170  
that the member's final average salary shall not exceed the 171  
member's highest earnable salary for any twelve consecutive 172  
months. 173

(2) If contributions were made in only one calendar year, 174  
"final average salary" means the member's total earnable salary. 175

(L) "Annuity" means payments for life derived from 176  
contributions made by a contributor and paid from the annuity 177  
and pension reserve fund as provided in this chapter. All 178  
annuities shall be paid in twelve equal monthly installments. 179

(M) "Annuity reserve" means the present value, computed 180  
upon the basis of the mortality and other tables adopted by the 181  
board, of all payments to be made on account of any annuity, or 182  
benefit in lieu of any annuity, granted to a retirant as 183  
provided in this chapter. 184

(N) (1) "Disability retirement" means retirement as 185  
provided in section 145.36 of the Revised Code. 186

(2) "Disability allowance" means an allowance paid on 187  
account of disability under section 145.361 of the Revised Code. 188

(3) "Disability benefit" means a benefit paid as 189  
disability retirement under section 145.36 of the Revised Code, 190  
as a disability allowance under section 145.361 of the Revised 191  
Code, or as a disability benefit under section 145.37 of the 192  
Revised Code. 193

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	194 195
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.	196 197 198
(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.	199 200 201 202 203 204
(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.	205 206 207
(R) (1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 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. "Earnable salary" includes the following:	208 209 210 211 212 213 214 215 216 217
(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;	218 219 220
(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not	221 222



used if the payment is made during the year in which the leave	223
is accrued, except that payments made pursuant to section	224
124.383 or 124.386 of the Revised Code are not earnable salary;	225
(c) Allowances paid by the employer for maintenance,	226
consisting of housing, laundry, and meals, as certified to the	227
retirement board by the employer or the head of the department	228
that employs the contributor;	229
(d) Fees and commissions paid under section 507.09 of the	230
Revised Code;	231
(e) Payments that are made under a disability leave	232
program sponsored by the employer and for which the employer is	233
required by section 145.296 of the Revised Code to make periodic	234
employer and employee contributions;	235
(f) Amounts included pursuant to former division (K) (3)	236
and former division (Y) of this section and section 145.2916 of	237
the Revised Code.	238
(2) "Earnable salary" does not include any of the	239
following:	240
(a) Fees and commissions, other than those paid under	241
section 507.09 of the Revised Code, paid as sole compensation	242
for personal services and fees and commissions for special	243
services over and above services for which the contributor	244
receives a salary;	245
(b) Amounts paid by the employer to provide life	246
insurance, sickness, accident, endowment, health, medical,	247
hospital, dental, or surgical coverage, or other insurance for	248
the contributor or the contributor's family, or amounts paid by	249
the employer to the contributor in lieu of providing the	250
insurance;	251

(c) Incidental benefits, including lodging, food, laundry,	252
parking, or services furnished by the employer, or use of the	253
employer's property or equipment, or amounts paid by the	254
employer to the contributor in lieu of providing the incidental	255
benefits;	256
(d) Reimbursement for job-related expenses authorized by	257
the employer, including moving and travel expenses and expenses	258
related to professional development;	259
(e) Payments for accrued but unused sick leave, personal	260
leave, or vacation that are made at any time other than in the	261
year in which the sick leave, personal leave, or vacation was	262
accrued;	263
(f) Payments made to or on behalf of a contributor that	264
are in excess of the annual compensation that may be taken into	265
account by the retirement system under division (a)(17) of	266
section 401 of the "Internal Revenue Code of 1986," 100 Stat.	267
2085, 26 U.S.C.A. 401(a)(17), as amended;	268
(g) Payments made under division (B), (C), or (E) of	269
section 5923.05 of the Revised Code, Section 4 of Substitute	270
Senate Bill No. 3 of the 119th general assembly, Section 3 of	271
Amended Substitute Senate Bill No. 164 of the 124th general	272
assembly, or Amended Substitute House Bill No. 405 of the 124th	273
general assembly;	274
(h) Anything of value received by the contributor that is	275
based on or attributable to retirement or an agreement to	276
retire, except that payments made on or before January 1, 1989,	277
that are based on or attributable to an agreement to retire	278
shall be included in earnable salary if both of the following	279
apply:	280

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	281 282
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	283 284 285
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	286 287
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	288 289 290
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	291 292 293 294 295
(T) "Contributing service" means both of the following:	296
(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.	297 298 299 300 301
(2) Service credit received by election of the member under section 145.814 of the Revised Code.	302 303
(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.	304 305 306
(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32,	307 308

145.33, 145.331, 145.332, and 145.46 and former section 145.34 309  
of the Revised Code. 310

(W) "Employer contribution" means the amount paid by an 311  
employer as determined under section 145.48 of the Revised Code. 312

(X) "Public service terminates" means the last day for 313  
which a public employee is compensated for services performed 314  
for an employer or the date of the employee's death, whichever 315  
occurs first. 316

(Y) "Five years of service credit," for the exclusive 317  
purpose of satisfying the service credit requirements and of 318  
determining eligibility under section 145.33 or 145.332 of the 319  
Revised Code, means employment covered under this chapter or 320  
under a former retirement plan operated, recognized, or endorsed 321  
by the employer prior to coverage under this chapter or under a 322  
combination of the coverage. 323

(Z) "Deputy sheriff" means any person who is commissioned 324  
and employed as a full-time peace officer by the sheriff of any 325  
county, and has been so employed since on or before December 31, 326  
1965; any person who is or has been commissioned and employed as 327  
a peace officer by the sheriff of any county since January 1, 328  
1966, and who has received a certificate attesting to the 329  
person's satisfactory completion of the peace officer training 330  
school as required by section 109.77 of the Revised Code; or any 331  
person deputized by the sheriff of any county and employed 332  
pursuant to section 2301.12 of the Revised Code as a criminal 333  
bailiff or court constable who has received a certificate 334  
attesting to the person's satisfactory completion of the peace 335  
officer training school as required by section 109.77 of the 336  
Revised Code. 337

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

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

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

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

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

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

(EE) "Forest-fire investigator" means a full-time employee of the department of natural resources who is appointed a

forest-fire investigator under section 1503.09 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 367  
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(FF) "Natural resources officer" means a full-time employee of the department of natural resources who is appointed as a natural resources officer under section 1501.24 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 370  
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(GG) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 375  
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(HH) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 379  
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(II) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 383  
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(JJ) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund. 387  
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(KK) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 392  
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(LL) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.	396 397 398 399
(MM) "Special police officer for an institution for persons with intellectual disabilities" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.	400 401 402 403 404
(NN) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.	405 406 407 408 409
(OO) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B) (1) of section 101.311 of the Revised Code who has arrest authority under division (E) (1) of that section.	410 411 412 413
(PP) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C) (1) of section 101.311 of the Revised Code.	414 415 416
(QQ) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code.	417 418 419 420 421
(RR) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section	422 423 424

5503.09 of the Revised Code or a person serving full time as a 425  
special police officer pursuant to that section on a permanent 426  
basis on October 21, 1997, who is in compliance with section 427  
109.77 of the Revised Code. 428

(SS) "Municipal public safety director" means a person who 429  
serves full time as the public safety director of a municipal 430  
corporation with the duty of directing the activities of the 431  
municipal corporation's police department and fire department. 432

(TT) "Bureau of criminal identification and investigation 433  
investigator" means a person who is in compliance with section 434  
109.77 of the Revised Code and is employed full time as an 435  
investigator, as defined in section 109.541 of the Revised Code, 436  
of the bureau of criminal identification and investigation 437  
commissioned by the superintendent of the bureau as a special 438  
agent for the purpose of assisting law enforcement officers or 439  
providing emergency assistance to peace officers pursuant to 440  
authority granted under that section. 441

(UU) "Gaming agent" means a person who is in compliance 442  
with section 109.77 of the Revised Code and is employed full 443  
time as a gaming agent with the Ohio casino control commission 444  
pursuant to section 3772.03 of the Revised Code. 445

(VV) "Department of taxation investigator" means a person 446  
employed full time with the department of taxation to whom both 447  
of the following apply: 448

(1) The person has been delegated investigation powers 449  
pursuant to section 5743.45 of the Revised Code for the 450  
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 451  
5747. of the Revised Code. 452

(2) The person is in compliance with section 109.77 of the 453



Revised Code. 454

(WW) "Special police officer for a port authority" means a 455  
person who is in compliance with section 109.77 of the Revised 456  
Code and is employed full time as a special police officer with 457  
a port authority under section 4582.04 or 4582.28 of the Revised 458  
Code. 459

(XX) "Special police officer for a municipal airport" 460  
means a person to whom both of the following apply: 461

(1) The person is employed full time as a special police 462  
officer with a municipal corporation at a municipal airport or 463  
other municipal air navigation facility that meets both of the 464  
following requirements: 465

(a) The airport or navigation facility has scheduled 466  
operations, as defined in 14 C.F.R. 110.2, as amended. 467

(b) The airport or navigation facility is required to be 468  
under a security program and is governed by aviation security 469  
rules of the transportation security administration of the 470  
United States department of transportation as provided in 49 471  
C.F.R. parts 1542 and 1544, as amended. 472

(2) The person is in compliance with section 109.77 of the 473  
Revised Code. 474

(YY) Notwithstanding section 2901.01 of the Revised Code, 475  
"PERS law enforcement officer" means a sheriff or any of the 476  
following whose primary duties are to preserve the peace, 477  
protect life and property, and enforce the laws of this state: a 478  
deputy sheriff, township constable or police officer in a 479  
township police department or district, drug agent, department 480  
of public safety enforcement agent, natural resources law 481  
enforcement staff officer, wildlife officer, forest-fire 482

investigator, natural resources officer, park district police 483  
officer, conservancy district officer, veterans' home police 484  
officer, special police officer for a mental health institution, 485  
special police officer for an institution for persons with 486  
developmental disabilities, state university law enforcement 487  
officer, municipal police officer, house sergeant at arms, 488  
assistant house sergeant at arms, regional transit authority 489  
police officer, or state highway patrol police officer. 490

"PERS law enforcement officer" also includes a person 491  
employed as a bureau of criminal identification and 492  
investigation investigator, gaming agent, department of taxation 493  
investigator, special police officer for a port authority, or 494  
special police officer for a municipal airport who commences 495  
employment in any of those positions on or after ~~the effective~~ 496  
~~date of this amendment~~ April 6, 2017, or makes the election 497  
described in section 145.334 of the Revised Code. 498

"PERS law enforcement officer" also includes a person 499  
serving as a municipal public safety director at any time during 500  
the period from September 29, 2005, to March 24, 2009, if the 501  
duties of that service were to preserve the peace, protect life 502  
and property, and enforce the laws of this state. 503

(ZZ) "Hamilton county municipal court bailiff" means a 504  
person appointed by the clerk of courts of the Hamilton county 505  
municipal court under division (A)(3) of section 1901.32 of the 506  
Revised Code who is employed full time as a bailiff or deputy 507  
bailiff, who has received a certificate attesting to the 508  
person's satisfactory completion of the peace officer basic 509  
training described in division (D)(1) of section 109.77 of the 510  
Revised Code. 511

(AAA) "PERS public safety officer" means a Hamilton county 512

municipal court bailiff, or any of the following whose primary 513  
duties are other than to preserve the peace, protect life and 514  
property, and enforce the laws of this state: a deputy sheriff, 515  
township constable or police officer in a township police 516  
department or district, drug agent, department of public safety 517  
enforcement agent, natural resources law enforcement staff 518  
officer, wildlife officer, forest-fire investigator, natural 519  
resources officer, park district police officer, conservancy 520  
district officer, veterans' home police officer, special police 521  
officer for a mental health institution, special police officer 522  
for an institution for persons with developmental disabilities, 523  
state university law enforcement officer, municipal police 524  
officer, house sergeant at arms, assistant house sergeant at 525  
arms, regional transit authority police officer, or state 526  
highway patrol police officer. 527

"PERS public safety officer" also includes a person 528  
employed as a bureau of criminal identification and 529  
investigation investigator, gaming agent, department of taxation 530  
investigator, special police officer for a port authority, or 531  
special police officer for a municipal airport who commences 532  
employment in any of those positions on or after ~~the effective~~ 533  
~~date of this amendment~~ April 6, 2017, or makes the election 534  
described in section 145.334 of the Revised Code. 535

"PERS public safety officer" also includes a person 536  
serving as a municipal public safety director at any time during 537  
the period from September 29, 2005, to March 24, 2009, if the 538  
duties of that service were other than to preserve the peace, 539  
protect life and property, and enforce the laws of this state. 540

(BBB) "Fiduciary" means a person who does any of the 541  
following: 542

(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;	543 544 545
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	546 547
(3) Has any discretionary authority or responsibility in the administration of the system.	548 549
(CCC) "Actuary" means an individual who satisfies all of the following requirements:	550 551
(1) Is a member of the American academy of actuaries;	552
(2) Is an associate or fellow of the society of actuaries;	553
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	554 555
(DDD) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	556 557
(EEE) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	558 559
<b>Sec. 145.016.</b> Contributing service shall be allowed in accordance with the following:	560 561
(A) For service not later than December 31, 2013, credit for any contributing service shall be allowed as follows:	562 563
(1) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit;	564 565
(2) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit with a numerator of the earnable salary during the month and a denominator of two hundred fifty dollars, except	566 567 568 569

that if the member's annual earnable salary is less than six 570  
hundred dollars, the member's credit shall not be reduced below 571  
twenty per cent of a year for a calendar year of employment 572  
during which the member worked each month. 573

Division (A) (2) of this section shall not reduce any 574  
credit earned before January 1, 1985. 575

(B) For service on or after January 1, 2014, credit for 576  
any contributing service shall be allowed in accordance with the 577  
following: 578

(1) For each month in which the member's earnable salary 579  
equals or exceeds the amount specified in division (B) (1) (a) or 580  
(b) of this section, as appropriate, allow one month's credit: 581

(a) For service on or after January 1, 2014, but not later 582  
than December 31, 2014, six hundred dollars; 583

(b) For each calendar year thereafter, the sum of the 584  
following: 585

(i) The prior year's amount; 586

(ii) The prior year's amount multiplied by the average 587  
percentage increase, if any, made to compensation under section 588  
505.24 of the Revised Code, if that increase became effective in 589  
the prior year. 590

(2) For each month that the member's earnable salary is 591  
less than the appropriate amount specified in division (B) (1) of 592  
this section, allow a fraction of a month's credit with a 593  
numerator of the earnable salary during the month and a 594  
denominator of the amount specified in division (B) (1) (a) or (b) 595  
of this section, as appropriate. 596

Division (B) of this section shall not reduce any credit 597

earned before January 1, 2014. 598

(C) (1) Except as provided in division (C) (2) of this 599  
section, for the purpose of satisfying the service credit 600  
requirement and determining eligibility for benefits under 601  
sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and 602  
145.361 of the Revised Code, "five or more years of total 603  
service credit" means five or more years of contributing service 604  
for which credit is allowed under division (A) or (B) of this 605  
section. 606

(2) (a) A member who, as of the effective date of this 607  
amendment, has sixty or more calendar months of contributions 608  
and has attained sixty years of age shall be considered to have 609  
five or more years of total service credit for the purpose of 610  
satisfying the service credit requirement and determining 611  
eligibility for benefits under sections 145.32, 145.33, 145.331, 612  
145.332, 145.35, 145.36, and 145.361 of the Revised Code. 613

(b) A member who, as of the effective date of this 614  
amendment, has sixty or more calendar months of contributions 615  
and is receiving a benefit under section 145.35, 145.36, or 616  
145.361 of the Revised Code shall be considered to have five or 617  
more years of total service credit for the purpose of satisfying 618  
the service credit requirement and determining eligibility for 619  
benefits under section 145.32, 145.33, 145.331, or 145.332 of 620  
the Revised Code. 621

(D) Notwithstanding any other provision of this section, 622  
an elected official who prior to January 1, 1980, was granted a 623  
full year of credit for each year of service as an elected 624  
official shall be considered to have earned a full year of 625  
credit for each year of service regardless of whether the 626  
service was full-time or part-time. The public employees 627

retirement board has no authority to reduce the credit. 628

Sec. 145.018. Notwithstanding section 145.016 of the 629  
Revised Code, the public employees retirement board shall grant 630  
a full year of service credit to a member of the retirement 631  
system if all of the following conditions are met: 632

(A) The member is employed by a county board of 633  
developmental disabilities. 634

(B) The member's employment is in a position that would be 635  
covered by Chapter 3309. of the Revised Code if the member was 636  
employed by a public employer as defined in section 3309.01 of 637  
the Revised Code. 638

(C) The member performs full-time services in the position 639  
for at least nine months of the year and is paid earnable salary 640  
in each month of that year. 641

**Sec. 145.33.** (A) (1) Except as provided in section 145.332 642  
of the Revised Code, when a member retires on age and service 643  
retirement, the member's total annual single lifetime allowance 644  
shall be an amount adjusted in accordance with division (A) (2) 645  
or (B) of this section and determined by multiplying the 646  
member's total service credit by the following: 647

(a) If the member is eligible for age and service 648  
retirement under division (A) or (B) of section 145.32 of the 649  
Revised Code, two and two-tenths per cent of the member's final 650  
average salary for each of the first thirty years of service 651  
plus two and one-half per cent of the member's final average 652  
salary for each subsequent year of service; 653

(b) If the member is eligible for age and service 654  
retirement under division (C) of section 145.32 of the Revised 655  
Code, two and two-tenths per cent of the member's final average 656

salary for each of the first thirty-five years of service plus 657  
two and one-half per cent of the member's final average salary 658  
for each subsequent year of service. 659

(2) (a) For a member eligible to retire under division (A) 660  
of section 145.32 of the Revised Code, the member's allowance 661  
under division (A) (1) of this section shall be adjusted by the 662  
factors of attained age or years of service to provide the 663  
greater amount as determined by the following schedule: 664

Attained	or	Years of Total Service	Percentage of	
Birthday		Credit	Base Amount	
58		25	75	668
59		26	80	669
60		27	85	670
61			88	671
		28	90	672
62			91	673
63			94	674
		29	95	675
64			97	676
65		30 or more	100	677

(b) For a member eligible to retire under division (B) or 678  
(C) of section 145.32 of the Revised Code, the member's 679  
allowance under division (A) (1) of this section shall be reduced 680  
by a percentage determined by the board's actuary based on the 681  
number of years the commencement of the allowance precedes the 682  
member's eligibility for an unreduced allowance. 683

(c) The actuary may use an actuarially based average 684  
percentage reduction for purposes of division (A) (2) (b) of this 685  
section. 686



(3) For a member eligible to retire under division (A) or 687  
(B) of section 145.32 of the Revised Code, the right to a 688  
benefit shall vest in accordance with the following schedule, 689  
based on the member's attained age by September 1, 1976: 690

Percentage		691
Attained	of	692
Birthday	Base Amount	693
66	102	694
67	104	695
68	106	696
69	108	697
70 or more	110	698

(B) The total annual single lifetime allowance that a 699  
member shall receive under this section shall not exceed the 700  
lesser of the following: 701

(1) Any limit established under section 145.333 of the 702  
Revised Code; 703

(2) One hundred per cent of the member's final average 704  
salary; 705

(3) The limit established by section 415 of the "Internal 706  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 707  
amended. 708

(C) Retirement allowances determined under this section 709  
shall be paid as provided in section 145.46 of the Revised Code. 710

If the monthly amount of a member's annual single lifetime 711  
allowance that is first payable on or after the effective date 712  
of this amendment under division (A) of this section would be 713  
less than fifty dollars, instead of a monthly payment the 714

retirement system shall pay the greater of the following in a 715  
single payment: 716

(1) An amount determined under section 145.40 of the 717  
Revised Code as a refund of accumulated contributions; 718

(2) An amount equal to the actuarial present value of the 719  
allowance as determined by the retirement system. 720

**Sec. 145.332.** Eligibility of members of the public 721  
employees retirement system, other than those subject to section 722  
145.32 of the Revised Code, for age and service retirement shall 723  
be determined under this section. 724

(A) A member of the public employees retirement system is 725  
eligible for age and service retirement under this division if, 726  
not later than five years after January 7, 2013, the member 727  
meets one of the following requirements: 728

(1) Has attained age forty-eight and has at least twenty- 729  
five years of total service credit as a PERS law enforcement 730  
officer; 731

(2) Has attained age fifty-two and has at least twenty- 732  
five years of total service credit as a PERS public safety 733  
officer or has service as a PERS public safety officer and 734  
service as a PERS law enforcement officer that when combined 735  
equal at least twenty-five years of total service credit; 736

(3) Has attained age sixty-two and has at least fifteen 737  
years of total service credit as a PERS law enforcement officer 738  
or PERS public safety officer. 739

(B) (1) A member who would be eligible to retire not later 740  
than ten years after January 7, 2013, if the requirements of 741  
section 145.33 of the Revised Code as they existed immediately 742

prior to January 7, 2013, were still in effect is eligible to 743  
retire under this division if the member meets one of the 744  
following requirements: 745

(a) Has attained age fifty and has at least twenty-five 746  
years of total service credit as a PERS law enforcement officer; 747

(b) Has attained age fifty-four and has at least twenty- 748  
five years of total service credit as a PERS public safety 749  
officer or has service as a PERS public safety officer and 750  
service as a PERS law enforcement officer that when combined 751  
equal at least twenty-five years of total service credit; 752

(c) Has attained age sixty-four and has at least fifteen 753  
years of total service credit as a PERS law enforcement officer 754  
or PERS public safety officer. 755

(2) A member who on January 7, 2013, has twenty or more 756  
years of total service credit is eligible for age and service 757  
retirement under this division on meeting one of the 758  
requirements of division (B) (1) of this section, regardless of 759  
when the member meets the requirement unless, between January 7, 760  
2013, and the date the member meets the requirement, the member 761  
receives a refund of accumulated contributions under section 762  
145.40 of the Revised Code. 763

(C) A member who is not eligible for age and service 764  
retirement under division (A) or (B) of this section is eligible 765  
under this division if the member meets one of the following 766  
requirements: 767

(1) Has attained age fifty-two and has at least twenty- 768  
five years of total service credit as a PERS law enforcement 769  
officer; 770

(2) Has attained age fifty-six and has at least twenty- 771

five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;

(3) Has attained age sixty-four and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.

(D) Service credit purchased or obtained under this chapter shall be used in determining whether a member has the number of years of total service credit required under division (A) or (B) of this section only if the member was a member on January 7, 2013, or obtains credit under section 145.483 of the Revised Code that would have made the member a member on that date and one of the following applies:

(1) Except in the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:

(a) For division (A) of this section, the service credit purchase is completed or the service credit is obtained not later than five years after January 7, 2013;

(b) For division (B) of this section, the service credit purchase is completed or the service credit is obtained not later than ten years after January 7, 2013.

(2) In the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:

(a) For division (A) of this section, the service for

which the credit has been or will be purchased or obtained 801  
occurs not later than five years after January 7, 2013; 802

(b) For division (B) of this section, the service for 803  
which the credit has been or will be purchased or obtained 804  
occurs not later than ten years after January 7, 2013. 805

(E) (1) A member with at least twenty-five years of total 806  
service credit who would be eligible to retire under division 807  
(B) (1) (a) of this section had the member attained age fifty and 808  
who voluntarily resigns or is discharged for any reason except 809  
death, dishonesty, cowardice, intemperate habits, or conviction 810  
of a felony, on or after attaining age forty-eight, but before 811  
attaining age fifty, may elect to receive a reduced benefit. The 812  
benefit shall be the actuarial equivalent of the allowance 813  
calculated under division (F) of this section adjusted for age. 814

(2) A member with at least twenty-five years of total 815  
service credit who would be eligible to retire under division 816  
(C) (1) of this section had the member attained age fifty-two and 817  
who voluntarily resigns or is discharged for any reason except 818  
death, dishonesty, cowardice, intemperate habits, or conviction 819  
of a felony, on or after attaining age forty-eight, but before 820  
attaining age fifty-two, may elect to receive a reduced benefit. 821  
The benefit shall be the actuarial equivalent of the allowance 822  
calculated under division (F) of this section adjusted for age. 823

(3) A member with at least twenty-five years of total 824  
service credit who would be eligible to retire under division 825  
(A) (2) of this section had the member attained age fifty-two and 826  
who voluntarily resigns or is discharged for any reason except 827  
death, dishonesty, cowardice, intemperate habits, or conviction 828  
of a felony, on or after attaining age forty-eight, but before 829  
attaining age fifty-two, may elect to receive a reduced benefit. 830

(a) If eligibility to make the election under division (E) 831  
(3) of this section occurs not later than five years after 832  
January 7, 2013, the benefit shall be calculated in accordance 833  
with the following schedule: 834

Attained Age	Reduced Benefit	
48	75% of the benefit payable under division (F) of this section	835 836 837
49	80% of the benefit payable under division (F) of this section	838 839
50	86% of the benefit payable under division (F) of this section	840 841
51	93% of the benefit payable under division (F) of this section	842 843

(b) If eligibility to make the election occurs after the 844  
date determined under division (E) (3) (a) of this section, the 845  
benefit shall be the actuarial equivalent of the allowance 846  
calculated under division (F) of this section adjusted for age. 847

(4) A member with at least twenty-five years of total 848  
service credit who would be eligible to retire under division 849  
(B) (1) (b) of this section had the member attained age fifty-four 850  
and who voluntarily resigns or is discharged for any reason 851  
except death, dishonesty, cowardice, intemperate habits, or 852  
conviction of a felony, on or after attaining age forty-eight, 853  
but before attaining age fifty-four, may elect to receive a 854  
reduced benefit. The benefit shall be the actuarial equivalent 855  
of the allowance calculated under division (F) of this section 856  
adjusted for age. 857

(5) A member with at least twenty-five years of total 858

service credit who would be eligible to retire under division 859  
(C) (2) of this section had the member attained age fifty-six and 860  
who voluntarily resigns or is discharged for any reason except 861  
death, dishonesty, cowardice, intemperate habits, or conviction 862  
of a felony, on or after attaining age fifty-two, but before 863  
attaining age fifty-six, may elect to receive a reduced benefit. 864  
The benefit shall be the actuarial equivalent of the allowance 865  
calculated under division (F) of this section adjusted for age. 866

(6) If a member elects to receive a reduced benefit under 867  
division (E) (1), (2), (3), (4), or (5) of this section, the 868  
reduced benefit shall be based on the member's age on the 869  
member's most recent birthday. Once a member elects to receive a 870  
reduced benefit and has received a payment, the member may not 871  
change that election. 872

(F) A benefit paid under division (A), (B), or (C) of this 873  
section shall consist of an annual single lifetime allowance 874  
equal to the sum of two and one-half per cent of the member's 875  
final average salary multiplied by the first twenty-five years 876  
of the member's total service credit plus two and one-tenth per 877  
cent of the member's final average salary multiplied by the 878  
number of years of the member's total service credit in excess 879  
of twenty-five years. 880

(G) A member with at least fifteen years of total service 881  
credit as a PERS law enforcement officer or PERS public safety 882  
officer who voluntarily resigns or is discharged for any reason 883  
except death, dishonesty, cowardice, intemperate habits, or 884  
conviction of a felony may apply for an age and service 885  
retirement benefit, which shall consist of an annual single 886  
lifetime allowance equal to one and one-half per cent of the 887  
member's final average salary multiplied by the number of years 888

of the member's total service credit. 889

(1) If the member will attain age fifty-two not later than 890  
ten years after January 7, 2013, the retirement allowance shall 891  
commence on the first day of the calendar month following the 892  
month in which application is filed with the board on or after 893  
the member's attainment of age fifty-two. 894

(2) If the member will not attain age fifty-two on or 895  
before the date determined under division (G) (1) of this 896  
section, the retirement allowance shall commence on the first 897  
day of the calendar month following the month in which 898  
application is filed with the board on or after the member's 899  
attainment of age fifty-six. 900

(H) A benefit paid under this section shall not exceed the 901  
lesser of ninety per cent of the member's final average salary 902  
or the limit established by section 415 of the "Internal Revenue 903  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 904

(I) A member with service credit as a PERS law enforcement 905  
officer or PERS public safety officer and other service credit 906  
under this chapter may elect one of the following: 907

(1) To have all the member's service credit under this 908  
chapter, including credit for service as a PERS law enforcement 909  
officer or PERS public safety officer, used in calculating a 910  
retirement allowance under section 145.33 of the Revised Code if 911  
the member qualifies for an allowance under that section; 912

(2) If the member qualifies for an allowance under 913  
division (A) (1), (B) (1), (C) (1), or (E) (1) or (2) of this 914  
section, to receive all of the following: 915

(a) A benefit under division (A) (1), (B) (1), (C) (1), or 916  
(E) (1) or (2) of this section for the member's service credit as 917



a PERS law enforcement officer;	918
(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service;	919 920 921
(c) A pension equal to the annuity provided under division (I) (2) (b) of this section, excluding amounts of the member's accumulated contributions deposited under former division (Y) of section 145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised Code for the purchase of service credit.	922 923 924 925 926 927 928
(3) If the member qualifies for an allowance under division (A) (2), (B) (2), (C) (2), or (E) (3), (4), or (5) of this section, to receive all of the following:	929 930 931
(a) A benefit under division (A) (2), (B) (2), (C) (2), or (E) (3), (4), or (5) of this section for the member's service credit as a PERS law enforcement officer or PERS public safety officer;	932 933 934 935
(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service or PERS public safety officer service;	936 937 938 939
(c) A pension equal to the annuity provided under division (I) (3) (b) of this section, excluding amounts of the member's accumulated contributions deposited under former division (Y) of section 145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised Code for the purchase of service credit.	940 941 942 943 944 945 946

(J) For the purposes of this section, "total service credit" includes credit for military service to the extent permitted by division (K) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by division (L) of this section.

(K) Notwithstanding sections 145.01 and 145.30 of the Revised Code, not more than four years of military service credit granted or purchased under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a PERS law enforcement officer or PERS public safety officer or the total service credit of that person.

(L) (1) Only credit for the member's service as a PERS law enforcement officer, PERS public safety officer, or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under this section for the following:

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(e) Any person who originally is employed as an undercover

drug agent as defined in section 109.79 of the Revised Code,	976
department of public safety enforcement agent who prior to June	977
30, 1999, was a liquor control investigator, forest-fire	978
investigator, natural resources officer, wildlife officer, park	979
district police officer, conservancy district officer, veterans'	980
home police officer, special police officer for a mental health	981
institution, special police officer for an institution for	982
persons with developmental disabilities, or municipal police	983
officer on or after December 15, 1988;	984
(f) Any person who originally is employed as a state	985
university law enforcement officer on or after November 6, 1996;	986
(g) Any person who is originally employed as a state	987
university law enforcement officer by the university of Akron on	988
or after September 16, 1998;	989
(h) Any person who originally is employed as a preserve	990
officer on or after March 18, 1999;	991
(i) Any person who originally is employed as a natural	992
resources law enforcement staff officer on or after March 18,	993
1999;	994
(j) Any person who is originally employed as a department	995
of public safety enforcement agent on or after June 30, 1999;	996
(k) Any person who is originally employed as a house	997
sergeant at arms or assistant house sergeant at arms on or after	998
September 5, 2001;	999
(l) Any person who is originally appointed as a regional	1000
transit authority police officer or state highway patrol police	1001
officer on or after February 1, 2002;	1002
(m) Any person who is originally employed as a municipal	1003

public safety director on or after September 29, 2005, but not 1004  
later than March 24, 2009. 1005

(2) Only credit for a member's service as a PERS public 1006  
safety officer or service credit obtained as a PERS law 1007  
enforcement officer, police officer, or state highway patrol 1008  
trooper shall be used in computing the benefit of a member who 1009  
qualifies for a benefit under division (B) (1) (b) or (c), (B) (2), 1010  
(C) (1) (b) or (c), or (C) (2) of this section for any person who 1011  
originally is employed as a Hamilton county municipal court 1012  
bailiff on or after November 6, 1996. 1013

(M) For purposes of this section, service prior to June 1014  
30, 1999, as a food stamp trafficking agent under former section 1015  
5502.14 of the Revised Code shall be considered service as a law 1016  
enforcement officer. 1017

(N) (1) Retirement allowances determined under this section 1018  
shall be paid as provided in section 145.46 of the Revised Code. 1019

(2) If the monthly amount of a member's annual single 1020  
lifetime allowance that is first payable on or after the 1021  
effective date of this amendment under division (F) or (G) of 1022  
this section would be less than fifty dollars, instead of a 1023  
monthly payment, the retirement system shall pay the greater of 1024  
the following in a single payment: 1025

(a) An amount determined under section 145.40 of the 1026  
Revised Code as a refund of accumulated contributions; 1027

(b) An amount equal to the actuarial present value of the 1028  
allowance as determined by the retirement system. 1029

(3) If the monthly amount of a member's single life 1030  
annuity that is first payable on or after the effective date of 1031  
this amendment under division (I) (2) or (3) of this section for 1032

service other than PERS law enforcement service or PERS public 1033  
safety service would be less than fifty dollars, instead of a 1034  
monthly payment, the retirement system shall pay an amount 1035  
determined under section 145.40 of the Revised Code as a refund 1036  
of accumulated contributions. 1037

(O) A member seeking to retire under this section shall 1038  
file an application with the public employees retirement board. 1039

Service retirement shall be effective as provided in 1040  
division (E) of section 145.32 of the Revised Code. 1041

(P) If fewer than one per cent of the retirement system's 1042  
members are contributing as public safety officers, the board, 1043  
pursuant to a rule it adopts, may treat service as a public 1044  
safety officer as service as a law enforcement officer. 1045

**Sec. 145.362.** A disability benefit recipient whose 1046  
application for a disability benefit was received by the public 1047  
employees retirement system before January 7, 2013, shall, 1048  
regardless of when the disability occurred, retain membership 1049  
status and shall be considered on leave of absence from 1050  
employment during the first five years following the effective 1051  
date of a disability benefit, notwithstanding any contrary 1052  
provisions in this chapter. 1053

A disability benefit recipient whose application for a 1054  
disability benefit is received by the system on or after January 1055  
7, 2013, shall, regardless of when the disability occurred, 1056  
retain membership status and shall be considered on leave of 1057  
absence from employment during the first three years following 1058  
the effective date of a disability benefit, except that, if the 1059  
member is receiving rehabilitative services acceptable to the 1060  
board's examining physician, the board may permit the recipient 1061

to retain membership status and be considered on leave of 1062  
absence from employment for up to five years following the 1063  
effective date of a disability benefit. 1064

The public employees retirement board shall require any 1065  
disability benefit recipient to undergo a periodic medical 1066  
examination, as determined by the board's medical consultant or 1067  
as specified in rules adopted by the board. The board may waive 1068  
the medical examination if the board's medical consultant 1069  
certifies that the recipient's disability is ongoing or for any 1070  
other reason specified in rules adopted by the board. If any 1071  
disability benefit recipient refuses to submit to a medical 1072  
examination, the recipient's disability benefit shall be 1073  
suspended until withdrawal of the refusal. Should the refusal 1074  
continue for one year, all the recipient's rights in and to the 1075  
disability benefit shall be terminated as of the effective date 1076  
of the original suspension. 1077

On completion of the examination by the board's examining 1078  
physician, the physician shall report to the board's medical 1079  
consultant and certify whether the disability benefit recipient 1080  
meets the applicable standard for termination of a disability 1081  
benefit. If the examining physician certifies that the recipient 1082  
meets the applicable standard for termination of a disability 1083  
benefit and the medical consultant concurs, the medical 1084  
consultant shall certify to the board that the recipient meets 1085  
the applicable standard for termination. 1086

(A) Regardless of when the disability occurred, if the 1087  
recipient's application for a disability benefit was received by 1088  
the system before January 7, 2013, or, if on or after that date, 1089  
the recipient has been receiving the benefit for less than three 1090  
years or is receiving rehabilitative services acceptable to the 1091

board's examining physician and considered on leave of absence, 1092  
or, if, at the time contributing service terminated, the 1093  
recipient was a PERS law enforcement officer, the standard for 1094  
termination is that the recipient is no longer physically and 1095  
mentally incapable of resuming the service from which the 1096  
recipient was found disabled. 1097

(B) Regardless of when the disability occurred, if the 1098  
recipient's application for a disability benefit is received by 1099  
the system on or after January 7, 2013, the recipient has been 1100  
receiving the benefit for three years or longer, the recipient 1101  
was not a PERS law enforcement officer at the time contributing 1102  
service terminated, and the recipient is not receiving 1103  
rehabilitative services acceptable to the board's examining 1104  
physician, the standard for termination is that the recipient is 1105  
not physically or mentally incapable of performing the duties of 1106  
any position that meets all of the following criteria: 1107

(1) Replaces not less than seventy-five per cent of the 1108  
member's final average salary, adjusted each year by the actual 1109  
average increase in the consumer price index prepared by the 1110  
United States bureau of labor statistics (U.S. city average for 1111  
urban wage earners and clerical workers: "all items 1982- 1112  
1984=100"); 1113

(2) Is reasonably to be found in the member's regional job 1114  
market; 1115

(3) Is one that the member is qualified for by experience 1116  
or education. 1117

If the board concurs in the report that the disability 1118  
benefit recipient meets the applicable standard for termination 1119  
of a disability benefit, the payment of the disability benefit 1120

shall be terminated not later than three months after the date 1121  
of the board's concurrence or upon employment as a public 1122  
employee. If the leave of absence has not expired, the 1123  
retirement board shall certify to the disability benefit 1124  
recipient's last employer before being found disabled that the 1125  
recipient is no longer physically and mentally incapable of 1126  
resuming service that is the same or similar to that from which 1127  
the recipient was found disabled. The employer shall restore the 1128  
recipient to the recipient's previous position and salary or to 1129  
a position and salary similar thereto, unless the recipient was 1130  
dismissed or resigned in lieu of dismissal for dishonesty, 1131  
misfeasance, malfeasance, or conviction of a felony. 1132

Each disability benefit recipient shall file with the 1133  
board an annual statement of earnings, current medical 1134  
information on the recipient's condition, and any other 1135  
information required in rules adopted by the board. The board 1136  
may waive the requirement that a disability benefit recipient 1137  
file an annual statement of earnings or current medical 1138  
information if the board's medical consultant certifies that the 1139  
recipient's disability is ongoing or for any other reason 1140  
specified in rules adopted by the board. 1141

The board shall annually examine the information submitted 1142  
by the recipient. If a disability benefit recipient fails to 1143  
file the statement or information, the disability benefit shall 1144  
be suspended until the statement and information are filed. If 1145  
the failure continues for one year, the recipient's right to the 1146  
disability benefit shall be terminated as of the effective date 1147  
of the original suspension. 1148

If a disability benefit recipient is restored to service 1149  
by, or elected to an elective office with, an employer covered 1150



by this chapter, the recipient's disability benefit shall cease. 1151

The board may terminate a disability benefit at the 1152  
request of the recipient if the board's medical consultant 1153  
determines that the recipient is no longer disabled. 1154

If disability retirement under section 145.36 of the 1155  
Revised Code is terminated for any reason, the annuity and 1156  
pension reserves at that time in the annuity and pension reserve 1157  
fund shall be transferred to the employees' savings fund and the 1158  
employers' accumulation fund, respectively. If the total 1159  
disability benefit paid is less than the amount of the 1160  
accumulated contributions of the member transferred to the 1161  
annuity and pension reserve fund at the time of the member's 1162  
disability retirement, the difference shall be transferred from 1163  
the annuity and pension reserve fund to another fund as may be 1164  
required. In determining the amount of a member's account 1165  
following the termination of disability retirement for any 1166  
reason, the total amount paid shall be charged against the 1167  
member's refundable account. 1168

If a disability allowance paid under section 145.361 of 1169  
the Revised Code is terminated for any reason, the reserve on 1170  
the allowance at that time in the annuity and pension reserve 1171  
fund shall be transferred from that fund to the employers' 1172  
accumulation fund. 1173

If a former disability benefit recipient again becomes a 1174  
contributor, other than as an other system retirant under 1175  
section 145.38 of the Revised Code, to this system, the state 1176  
teachers retirement system, or the school employees retirement 1177  
system, and completes an additional two years of service credit, 1178  
the former disability benefit recipient shall be entitled to 1179  
full service credit, not exceeding five years' service credit, 1180

for the period as a disability benefit recipient, except that if 1181  
the board adopts a rule requiring payment for the service credit 1182  
it shall be granted only if the former disability benefit 1183  
recipient pays an amount determined under the rule. The rule 1184  
shall not require payment of more than the additional liability 1185  
to the retirement system resulting from granting the credit. The 1186  
former recipient may choose to purchase only part of the credit 1187  
in any one payment. 1188

If any employer employs any member who is receiving a 1189  
disability benefit, the employer shall file notice of employment 1190  
with the retirement board, designating the date of employment. 1191  
In case the notice is not filed, the total amount of the benefit 1192  
paid during the period of employment prior to notice shall be 1193  
charged to and paid by the employer. 1194

**Sec. 145.384.** (A) As used in this section, "PERS retirant" 1195  
means a PERS retirant who is not subject to division (C) of 1196  
section 145.38 of the Revised Code. For purposes of this 1197  
section, "PERS retirant" also includes both of the following: 1198

(1) A member who retired under section 145.383 of the 1199  
Revised Code; 1200

(2) A retirant whose retirement allowance resumed under 1201  
section 145.385 of the Revised Code. 1202

(B) (1) An other system retirant or PERS retirant who has 1203  
made contributions under section 145.38 or 145.383 of the 1204  
Revised Code or, in the case of a retirant described in division 1205  
(A) (2) of this section, section 145.47 of the Revised Code may 1206  
file an application with the public employees retirement system 1207  
to receive either a benefit, as provided in division (B) (2) of 1208  
this section, or payment of the retirant's contributions made 1209

under those sections, as provided in division (H) of this section. 1210  
1211

(2) A benefit under this section shall consist of an annuity having a reserve equal to the amount of the retirant's accumulated contributions for the period of employment, other than the contributions excluded pursuant to division (B)(4)(a) or (b) of section 145.38 of the Revised Code, and an amount of the employer's contributions determined by the board. 1212  
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(a) Unless, as described in division (I) of this section, the application is accompanied by a statement of the spouse's consent to another form of payment or the board waives the requirement of spousal consent, a PERS retirant or other system retirant who is married at the time of application for a benefit under this section shall receive a monthly annuity under which the actuarial equivalent of the retirant's single life annuity is paid in a lesser amount for life and one-half of the lesser amount continues after the retirant's death to the surviving spouse. 1218  
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(b) A PERS retirant or other system retirant who is not subject to division (B)(2)(a) of this section shall elect either to receive the benefit as a monthly annuity or a lump sum payment discounted to the present value using a rate of interest determined by the board. A retirant who elects to receive a monthly annuity shall select one of the following as the plan of payment: 1228  
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1230  
1231  
1232  
1233  
1234

(i) The retirant's single life annuity; 1235

(ii) The actuarial equivalent of the retirant's single life annuity in an equal or lesser amount for life and continuing after death to a surviving beneficiary designated at 1236  
1237  
1238

the time the plan of payment is selected. 1239

If a retirant who is eligible to select a plan of payment 1240  
under division (B) (2) (b) of this section fails to do so, the 1241  
benefit shall be paid as a monthly annuity under the plan of 1242  
payment specified in rules adopted by the public employees 1243  
retirement board. 1244

(c) Notwithstanding divisions (B) (2) (a) and (b) of this 1245  
section, if a monthly annuity would be less than ~~twenty five~~ 1246  
fifty dollars per month, the retirant shall receive a lump sum 1247  
payment. 1248

(C) (1) The death of a spouse or other designated 1249  
beneficiary under a plan of payment described in division (B) (2) 1250  
of this section cancels that plan of payment. The PERS retirant 1251  
or other system retirant shall receive the equivalent of the 1252  
retirant's single life annuity, as determined by the board, 1253  
effective the first day of the month following the date of 1254  
death. 1255

(2) On divorce, annulment, or marriage dissolution, a PERS 1256  
retirant or other system retirant receiving a benefit described 1257  
in division (B) (2) of this section under which the beneficiary 1258  
is the spouse may, with the written consent of the spouse or 1259  
pursuant to an order of the court with jurisdiction over the 1260  
termination of the marriage, elect to cancel the plan and 1261  
receive the equivalent of the retirant's single life annuity as 1262  
determined by the board. The election shall be made on a form 1263  
provided by the board and shall be effective the month following 1264  
its receipt by the board. 1265

(D) Following a marriage or remarriage, a PERS retirant or 1266  
other system retirant who is receiving a benefit described in 1267

division (B) (2) (b) (i) of this section may elect a new plan of 1268  
payment under division (B) (2) (b) of this section based on the 1269  
actuarial equivalent of the retirant's single life annuity as 1270  
determined by the board. 1271

If the marriage or remarriage occurs on or after June 6, 1272  
2005, the election must be made not later than one year after 1273  
the date of the marriage or remarriage. 1274

The plan elected under this division shall be effective on 1275  
the date of receipt by the board of an application on a form 1276  
approved by the board, but any change in the amount of the 1277  
benefit shall commence on the first day of the month following 1278  
the effective date of the plan. 1279

(E) A benefit payable under division (B) (2) of this 1280  
section shall commence on the latest of the following: 1281

(1) The last day for which compensation for all employment 1282  
subject to section 145.38, 145.383, or 145.385 of the Revised 1283  
Code was paid; 1284

(2) Attainment by the PERS retirant or other system 1285  
retirant of age sixty-five; 1286

(3) If the PERS retirant or other system retirant was 1287  
previously employed under section 145.38, 145.383, or 145.385 of 1288  
the Revised Code and is receiving or previously received a 1289  
benefit under this section, completion of a period of twelve 1290  
months since the effective date of the last benefit under this 1291  
section; 1292

(4) Ninety days prior to receipt by the board of the 1293  
member's completed application for retirement; 1294

(5) A date specified by the retirant. 1295

(F) (1) If a PERS retirant or other system retirant dies 1296  
while employed in employment subject to section 145.38, 145.383, 1297  
or 145.385 of the Revised Code, a lump sum payment shall be paid 1298  
to the retirant's beneficiary under division (G) of this 1299  
section. The lump sum shall be calculated in accordance with 1300  
division (H) of this section if the retirant was under age 1301  
sixty-five at the time of death. It shall be calculated in 1302  
accordance with division (B) (2) of this section if the retirant 1303  
was age sixty-five or older at the time of death. 1304

(2) If at the time of death a PERS retirant or other 1305  
system retirant receiving a monthly annuity under division (B) 1306  
(2) (b) (i) of this section has received less than the retirant 1307  
would have received as a lump sum payment, the difference 1308  
between the amount received and the amount that would have been 1309  
received as a lump sum payment shall be paid to the retirant's 1310  
beneficiary under division (G) of this section. 1311

(3) If a beneficiary receiving a monthly annuity under 1312  
division (B) (2) of this section dies and, at the time of the 1313  
beneficiary's death, the total of the amounts paid to the 1314  
retirant and beneficiary are less than the amount the retirant 1315  
would have received as a lump sum payment, the difference 1316  
between the total of the amounts received by the retirant and 1317  
beneficiary and the amount that the retirant would have received 1318  
as a lump sum payment shall be paid to the beneficiary's estate. 1319

(G) A PERS retirant or other system retirant employed 1320  
under section 145.38, 145.383, or 145.385 of the Revised Code 1321  
may designate one or more persons as beneficiary to receive any 1322  
benefits payable under division (B) (2) (b) of this section due to 1323  
death. The designation shall be in writing duly executed on a 1324  
form provided by the public employees retirement board, signed 1325

by the PERS retirant or other system retirant, and filed with 1326  
the board prior to death. The last designation of a beneficiary 1327  
revokes all previous designations. The PERS retirant's or other 1328  
system retirant's marriage, divorce, marriage dissolution, legal 1329  
separation, withdrawal of account, birth of a child, or adoption 1330  
of a child revokes all previous designations. If there is no 1331  
designated beneficiary or the beneficiary is not located within 1332  
ninety days, the beneficiary shall be determined in the 1333  
following order of precedence: 1334

- (1) Surviving spouse; 1335
- (2) Children, share and share alike; 1336
- (3) Parents, share and share alike; 1337
- (4) Estate. 1338

If any benefit payable under this section due to the death 1339  
of a PERS retirant or other system retirant is not claimed by a 1340  
beneficiary within five years after the death, the amount 1341  
payable shall be transferred to the income fund and thereafter 1342  
paid to the beneficiary or the estate of the PERS retirant or 1343  
other system retirant on application to the board. 1344

(H) (1) A PERS retirant or other system retirant who 1345  
applies under division (B) (1) of this section for payment of the 1346  
retirant's contributions and is unmarried or is married and, 1347  
unless the board has waived the requirement of spousal consent, 1348  
includes with the application a statement of the spouse's 1349  
consent to the payment, shall be paid the contributions made 1350  
under section 145.38 or 145.383 of the Revised Code or, in the 1351  
case of a retirant described in division (A) (2) of this section, 1352  
section 145.47 of the Revised Code, plus interest as provided in 1353  
section 145.471 of the Revised Code, if the following conditions 1354

are met: 1355

(a) The retirant has not attained sixty-five years of age 1356  
and has terminated employment subject to section 145.38, 1357  
145.383, or 145.385 of the Revised Code for any cause other than 1358  
death or the receipt of a benefit under this section. 1359

(b) Two months have elapsed since the termination of the 1360  
retirant's employment subject to section 145.38, 145.383, or 1361  
145.385 of the Revised Code, other than employment exempted from 1362  
contribution pursuant to section 145.03 of the Revised Code. 1363

(c) The retirant has not returned to public service, other 1364  
than service exempted from contribution pursuant to section 1365  
145.03 of the Revised Code, during the two-month period. 1366

(2) Payment of a retirant's contributions cancels the 1367  
retirant's right to a benefit under division (B) (2) of this 1368  
section. 1369

(I) A statement of a spouse's consent under division (B) 1370  
(2) of this section to the form of a benefit or under division 1371  
(H) of this section to a payment of contributions is valid only 1372  
if signed by the spouse and witnessed by a notary public. The 1373  
board may waive the requirement of spousal consent if the spouse 1374  
is incapacitated or cannot be located, or for any other reason 1375  
specified by the board. Consent or waiver is effective only with 1376  
regard to the spouse who is the subject of the consent or 1377  
waiver. 1378

(J) No amount received under this section shall be 1379  
included in determining an additional benefit under section 1380  
145.323 of the Revised Code or any other post-retirement benefit 1381  
increase. 1382

**Sec. 145.45.** Except as provided in division (C) (1) of this 1383



section, in lieu of accepting the payment of the accumulated 1384  
account of a member who dies before service retirement, a 1385  
beneficiary, as determined in this section or section 145.43 of 1386  
the Revised Code, may elect to forfeit the accumulated 1387  
contributions and to substitute certain other benefits under 1388  
division (A) or (B) of this section. 1389

(A) (1) ~~If~~ Except as provided in division (A) (3) of this 1390  
section, if a deceased member was eligible for a service 1391  
retirement benefit as provided in section 145.33, 145.331, or 1392  
145.332 of the Revised Code, a surviving spouse or other sole 1393  
dependent beneficiary may elect to receive a monthly benefit 1394  
computed as a joint-life plan under which the spouse or 1395  
beneficiary receives one hundred per cent of the actuarial 1396  
equivalent of the deceased member's lesser retirement allowance 1397  
payable for the member's life, which the member would have 1398  
received had the member retired on the last day of the month of 1399  
death and had the member at that time selected such a plan. 1400  
Payment shall begin with the month subsequent to the member's 1401  
death, except that a surviving spouse who is less than sixty- 1402  
five years old may defer receipt of such benefit. Upon receipt, 1403  
the benefit shall be calculated based upon the spouse's age at 1404  
the time of first payment, and shall accrue regular interest 1405  
during the time of deferral. 1406

(2) ~~Beginning on a date selected by the public employees-~~ 1407  
~~retirement board, which shall be not later than July 1, 2004-~~ 1408  
Except as provided in division (A) (3) of this section, a 1409  
surviving spouse or other sole dependent beneficiary may elect, 1410  
in lieu of a monthly payment under division (A) (1) of this 1411  
section, a plan of payment consisting of both of the following: 1412

(a) A lump sum in an amount the surviving spouse or other 1413

sole dependent beneficiary designates that constitutes a portion 1414  
of the allowance that would be payable under division (A) (1) of 1415  
this section; 1416

(b) The remainder of that allowance in monthly payments. 1417

The total amount paid as a lump sum and a monthly benefit 1418  
shall be the actuarial equivalent of the amount that would have 1419  
been paid had the lump sum not been selected. 1420

The lump sum amount designated by the surviving spouse or 1421  
other sole dependent beneficiary under division (A) (2) (a) of 1422  
this section shall be not less than six times and not more than 1423  
thirty-six times the monthly amount that would be payable to the 1424  
surviving spouse or other sole dependent beneficiary under 1425  
division (A) (1) of this section and shall not result in a 1426  
monthly payment that is less than fifty per cent of that monthly 1427  
amount. 1428

(3) If the monthly amount of the single lifetime allowance 1429  
of a member who dies on or after the effective date of this 1430  
amendment would be less than fifty dollars, a benefit under 1431  
division (A) (1) or (2) of this section shall be the greater of 1432  
the following: 1433

(a) The amount payable under section 145.43 of the Revised 1434  
Code as a refund of the member's accumulated contributions; 1435

(b) An amount equal to the actuarial present value of the 1436  
member's retirement allowance as determined by the public 1437  
employees retirement system. 1438

(B) If a deceased member had, except as provided in 1439  
division (B) (7) of this section, at least one and one-half years 1440  
of contributing service credit, with, except as provided in 1441  
division (B) (7) of this section, at least one-quarter year of 1442

contributing service credit within the two and one-half years			1443
prior to the date of death, or was receiving at the time of			1444
death a disability benefit as provided in section 145.36,			1445
145.361, or 145.37 of the Revised Code, qualified survivors who			1446
elect to receive monthly benefits shall receive the greater of			1447
the benefits provided in division (B) (1) (a) or (b) and (4) of			1448
this section as allocated in accordance with division (B) (5) of			1449
this section.			1450
(1) (a) Number		Or	1451
of Qualified		Monthly	1452
survivors	Annual Benefit as a Per	Benefit	1453
affecting	Cent of Decedent's	shall not be	1454
the benefit	Final Average Salary	less than	1455
1	25%	\$250	1456
2	40	400	1457
3	50	500	1458
4	55	500	1459
5 or more	60	500	1460
(b) Years of	Annual Benefit as a Per Cent		1461
Service	of Member's Final Average		1462
	Salary		1463
20	29%		1464
21	33		1465
22	37		1466
23	41		1467
24	45		1468
25	48		1469
26	51		1470
27	54		1471
28	57		1472
29 or more	60		1473

(2) Benefits shall begin as qualified survivors meet 1474  
eligibility requirements as follows: 1475

(a) A qualified spouse is the surviving spouse of the 1476  
deceased member, who is age sixty-two, or regardless of age 1477  
meets one of the following qualifications: 1478

(i) Except as provided in division (B)(7) of this section, 1479  
the deceased member had ten or more years of Ohio service 1480  
credit. 1481

(ii) The spouse is caring for a qualified child. 1482

(iii) The spouse is adjudged physically or mentally 1483  
incompetent. 1484

A spouse of a member who died prior to August 27, 1970, 1485  
whose eligibility was determined at the member's death, and who 1486  
is physically or mentally incompetent on or after August 20, 1487  
1976, shall be paid the monthly benefit which that person would 1488  
otherwise receive when qualified by age. 1489

(b) A qualified child is any child of the deceased member 1490  
who has never been married and to whom one of the following 1491  
applies: 1492

(i) Is under age twenty-two; 1493

(ii) Regardless of age, is adjudged physically or mentally 1494  
incompetent at the time of the member's death. 1495

(c) A qualified parent is a dependent parent aged sixty- 1496  
five or older or regardless of age if physically or mentally 1497  
incompetent, a dependent parent whose eligibility was determined 1498  
by the member's death prior to August 20, 1976, and who is 1499  
physically or mentally incompetent on or after August 20, 1976, 1500  
shall be paid the monthly benefit for which that person would 1501

otherwise qualify. 1502

(3) "Physically or mentally incompetent" as used in this 1503  
section may be determined by a court of jurisdiction, or by a 1504  
physician appointed by the retirement board. Incapability of 1505  
making a living because of a physically or mentally disabling 1506  
condition shall meet the qualifications of this division. 1507

(4) Benefits to a qualified survivor shall terminate upon 1508  
ceasing to meet eligibility requirements as provided in this 1509  
division, a first marriage, abandonment, adoption, or during 1510  
active military service. Benefits to a deceased member's 1511  
surviving spouse that were terminated under a former version of 1512  
this section that required termination due to remarriage and 1513  
were not resumed prior to September 16, 1998, shall resume on 1514  
the first day of the month immediately following receipt by the 1515  
board of an application on a form provided by the board. 1516

Benefits to a qualified child who is at least eighteen 1517  
years of age but under twenty-two years of age that under a 1518  
former version of this section never commenced or were 1519  
terminated due to a lack of attendance at an institution of 1520  
learning or training and not commenced or resumed before ~~the~~ 1521  
~~effective date of this amendment April 6, 2017,~~ shall commence 1522  
or resume on the first day of the month immediately following 1523  
receipt by the board of an application on a form provided by the 1524  
board if the application is received on or before the date that 1525  
is one year after ~~the effective date of this amendment April 6,~~ 1526  
2017. These benefits terminate on the child attaining twenty-two 1527  
years of age. 1528

Upon the death of any subsequent spouse who was a member 1529  
of the public employees retirement system, state teachers 1530  
retirement system, or school employees retirement system, the 1531

surviving spouse of such member may elect to continue receiving 1532  
benefits under this division, or to receive survivor's benefits, 1533  
based upon the subsequent spouse's membership in one or more of 1534  
the systems, for which such surviving spouse is eligible under 1535  
this section or section 3307.66 or 3309.45 of the Revised Code. 1536  
If the surviving spouse elects to continue receiving benefits 1537  
under this division, such election shall not preclude the 1538  
payment of benefits under this division to any other qualified 1539  
survivor. 1540

Benefits shall begin or resume on the first day of the 1541  
month following the attainment of eligibility and shall 1542  
terminate on the first day of the month following loss of 1543  
eligibility. 1544

(5) (a) If a benefit is payable under division (B) (1) (a) of 1545  
this section, benefits to a qualified spouse shall be paid in 1546  
the amount determined for the first qualifying survivor in 1547  
division (B) (1) (a) of this section. All other qualifying 1548  
survivors shall share equally in the benefit or remaining 1549  
portion thereof. 1550

(b) All qualifying survivors shall share equally in a 1551  
benefit payable under division (B) (1) (b) of this section, except 1552  
that if there is a surviving spouse, the surviving spouse shall 1553  
receive not less than the amount determined for the first 1554  
qualifying survivor in division (B) (1) (a) of this section. 1555

(6) The beneficiary of a member who is also a member of 1556  
the state teachers retirement system or of the school employees 1557  
retirement system, must forfeit the member's accumulated 1558  
contributions in those systems and in the public employees 1559  
retirement system, if the beneficiary takes a survivor benefit. 1560  
Such benefit shall be exclusively governed by section 145.37 of 1561

the Revised Code. 1562

(7) The following restrictions do not apply if the 1563  
deceased member was contributing toward benefits under section 1564  
145.332 of the Revised Code at the time of death: 1565

(a) That the deceased member have had at least one and 1566  
one-half years of contributing service credit, with at least 1567  
one-quarter year of contributing service within the two and one- 1568  
half years prior to the date of death; 1569

(b) If the deceased member was killed in the line of duty, 1570  
that the deceased member have had ten or more years of Ohio 1571  
service credit as described in division (B) (2) (a) (i) of this 1572  
section. 1573

For the purposes of division (B) (7) (b) of this section, 1574  
"killed in the line of duty," means either that death occurred 1575  
in the line of duty or that death occurred as a result of injury 1576  
sustained in the line of duty. 1577

(C) (1) Regardless of whether the member is survived by a 1578  
spouse or designated beneficiary, if the public employees 1579  
retirement system receives notice that a deceased member 1580  
described in division (A) or (B) of this section has one or more 1581  
qualified children, all persons who are qualified survivors 1582  
under division (B) of this section shall receive monthly 1583  
benefits as provided in division (B) of this section. 1584

If, after determining the monthly benefits to be paid 1585  
under division (B) of this section, the system receives notice 1586  
that there is a qualified survivor who was not considered when 1587  
the determination was made, the system shall, notwithstanding 1588  
section 145.561 of the Revised Code, recalculate the monthly 1589  
benefits with that qualified survivor included, even if the 1590

benefits to qualified survivors already receiving benefits are 1591  
reduced as a result. The benefits shall be calculated as if the 1592  
qualified survivor who is the subject of the notice became 1593  
eligible on the date the notice was received and shall be paid 1594  
to qualified survivors effective on the first day of the first 1595  
month following the system's receipt of the notice. 1596

If the retirement system did not receive notice that a 1597  
deceased member has one or more qualified children prior to 1598  
making payment under section 145.43 of the Revised Code to a 1599  
beneficiary as determined by the retirement system, the payment 1600  
is a full discharge and release of the system from any future 1601  
claims under this section or section 145.43 of the Revised Code. 1602

(2) If benefits under division (C) (1) of this section to 1603  
all persons, or to all persons other than a surviving spouse or 1604  
other sole beneficiary, terminate, there are no children under 1605  
the age of twenty-two years, and the surviving spouse or 1606  
beneficiary qualifies for benefits under division (A) of this 1607  
section, the surviving spouse or beneficiary may elect to 1608  
receive benefits under division (A) of this section. The 1609  
benefits shall be effective on the first day of the month 1610  
immediately following the termination. 1611

(D) The final average salary used in the calculation of a 1612  
benefit payable pursuant to division (A) or (B) of this section 1613  
to a survivor or beneficiary of a disability benefit recipient 1614  
shall be adjusted for each year between the disability benefit's 1615  
effective date and the recipient's date of death by the lesser 1616  
of three per cent or the actual average percentage increase in 1617  
the consumer price index prepared by the United States bureau of 1618  
labor statistics (U.S. city average for urban wage earners and 1619  
clerical workers: "all items 1982-84=100"). 1620



(E) If the survivor benefits due and paid under this 1621  
section are in a total amount less than the member's accumulated 1622  
account that was transferred from the public employees' savings 1623  
fund to the survivors' benefit fund, then the difference between 1624  
the total amount of the benefits paid shall be paid to the 1625  
beneficiary under section 145.43 of the Revised Code. 1626

**Sec. 145.571.** (A) As used in this section, "alternate 1627  
payee," "benefit," "lump sum payment," "participant," and 1628  
"public retirement program" have the same meanings as in section 1629  
3105.80 of the Revised Code. 1630

(B) On receipt of an order issued under section 3105.171 1631  
or 3105.65 of the Revised Code, the public employees retirement 1632  
system shall determine whether the order meets the requirements 1633  
of sections 3105.80 to 3105.90 of the Revised Code. The system 1634  
shall retain in the participant's record an order the system 1635  
determines meets the requirements. Not later than sixty days 1636  
after receipt, the system shall return to the court that issued 1637  
the order any order the system determines does not meet the 1638  
requirements. 1639

(C) The system shall comply with an order retained under 1640  
division (B) of this section at the following times as 1641  
appropriate: 1642

(1) If the participant has applied for or is receiving a 1643  
benefit or has applied for but not yet received a lump sum 1644  
payment, as soon as practicable; 1645

(2) If the participant has not applied for a benefit or 1646  
lump sum payment, on application by the participant for a 1647  
benefit or lump sum payment. 1648

(D) If the system transfers a participant's service credit 1649

or contributions made by or on behalf of a participant to a 1650  
public retirement program that is not named in the order, the 1651  
system shall do both of the following: 1652

(1) Notify the court that issued the order by sending the 1653  
court a copy of the order and the name and address of the public 1654  
retirement program to which the transfer was made; 1655

(2) Send a copy of the order to the public retirement 1656  
program to which the transfer was made. 1657

(E) If it receives a participant's service credit or 1658  
contributions and a copy of an order as provided in division (D) 1659  
of this section, the system shall administer the order as if it 1660  
were the public retirement program named in the order. 1661

(F) If a participant's benefit or lump sum payment is or 1662  
will be subject to more than one order described in section 1663  
3105.81 of the Revised Code or to an order described in section 1664  
3105.81 of the Revised Code and a withholding order under 1665  
section ~~3111.23~~ or ~~3113.21~~ 3121.03 of the Revised Code, the 1666  
system shall, after determining that the amounts that are or 1667  
will be withheld will cause the benefit or lump sum payment to 1668  
fall below the limits described in section 3105.85 of the 1669  
Revised Code, do all of the following: 1670

(1) Establish, in accordance with division (G) of this 1671  
section and subject to the limits described in section 3105.85 1672  
of the Revised Code, the priority in which the orders are or 1673  
will be paid by the system; 1674

(2) Reduce the amount paid to an alternate payee based on 1675  
the priority established under division (F) (1) of this section; 1676

(3) Notify, by regular mail, a participant and alternate 1677  
payee of any action taken under this division. 1678

(G) A withholding or deduction notice issued under section 1679  
~~3111.23 or 3113.21~~ 3121.03 of the Revised Code or an order 1680  
described in section 3115.501 of the Revised Code has priority 1681  
over all other orders and shall be complied with in accordance 1682  
with child support enforcement laws. All other orders are 1683  
entitled to priority in order of earliest retention by the 1684  
system. The system is not to retain an order that provides for 1685  
the division of property unless the order is filed in a court 1686  
with jurisdiction in this state. 1687

(H) The system is not liable in civil damages for loss 1688  
resulting from any action or failure to act in compliance with 1689  
this section. 1690

**Sec. 145.62.** Subject to rules adopted by the public 1691  
employees retirement system under section 145.09 of the Revised 1692  
Code, a contributor participating in the PERS defined benefit 1693  
plan or contributing under section 145.38 or 145.383 of the 1694  
Revised Code may deposit additional amounts in the employees' 1695  
savings fund established under section 145.23 of the Revised 1696  
Code. The additional deposits may be made either directly to the 1697  
retirement system or by payroll deduction under section 145.294 1698  
of the Revised Code. The contributor shall receive in return 1699  
either an annuity, as provided in section 145.64 of the Revised 1700  
Code, having a reserve equal to the amount deposited or a refund 1701  
under section 145.63 of the Revised Code of the amount 1702  
deposited, together with earnings on the amount deposited as the 1703  
public employees retirement board determines appropriate. If the 1704  
annuity under the plan of payment selected by the contributor 1705  
under section 145.64 of the Revised Code would be less than 1706  
~~twenty-five~~ fifty dollars per month, the contributor shall 1707  
receive the refund. 1708

<b>Sec. 742.03.</b> (A) As used in this section and in sections	1709
742.04 and 742.05 of the Revised Code:	1710
(1) "Police officer" means a member of the fund who is or	1711
has been an employee of a police department and is not a police	1712
retirant.	1713
(2) "Firefighter" means a member of the fund who is or has	1714
been an employee of a fire department and is not a firefighter	1715
retirant.	1716
(3) "Firefighter retirant" means a member of the fund who	1717
is receiving an age and service or disability benefit as a	1718
result of service in a fire department or a surviving spouse of	1719
a deceased member who is receiving a benefit as a result of the	1720
deceased member's service in a fire department. "Firefighter	1721
retirant" does not include a member of the fund who is	1722
participating in the deferred retirement option plan established	1723
under section 742.43 of the Revised Code.	1724
(4) "Police retirant" means a member of the fund who is	1725
receiving an age and service or disability benefit as a result	1726
of service in a police department or a surviving spouse of a	1727
deceased member who is receiving a benefit as a result of the	1728
deceased member's service in a police department. "Police	1729
retirant" does not include a member of the fund who is	1730
participating in the deferred retirement option plan established	1731
under section 742.43 of the Revised Code.	1732
(B) The administration, control, and management of the	1733
Ohio police and fire pension fund, created under section 742.02	1734
of the Revised Code, is vested in a board of trustees of the	1735
Ohio police and fire pension fund, which shall consist of the	1736
following members:	1737

(1) One member, known as the treasurer of state's 1738  
investment designee, who shall be appointed by the treasurer of 1739  
state for a term of four years and have the following 1740  
qualifications: 1741

(a) The member is a resident of this state. 1742

(b) Within the three years immediately preceding the 1743  
appointment, the member has not been employed by the public 1744  
employees retirement system, police and fire pension fund, state 1745  
teachers retirement system, school employees retirement system, 1746  
or state highway patrol retirement system or by any person, 1747  
partnership, or corporation that has provided to one of those 1748  
retirement systems services of a financial or investment nature, 1749  
including management, analysis, supervision, or investment of 1750  
assets. 1751

(c) The member has direct experience in the management, 1752  
analysis, supervision, or investment of assets. 1753

(d) The member is not currently employed by the state or a 1754  
political subdivision of the state. 1755

(2) Two members, known as the investment expert members, 1756  
who shall be appointed for four-year terms. One investment 1757  
expert member shall be appointed by the governor, and one 1758  
investment expert member shall be jointly appointed by the 1759  
speaker of the house of representatives and the president of the 1760  
senate. Each investment expert member shall have the following 1761  
qualifications: 1762

(a) Each member shall be a resident of this state. 1763

(b) Within the three years immediately preceding the 1764  
appointment, each member shall not have been employed by the 1765  
public employees retirement system, police and fire pension 1766

fund, state teachers retirement system, school employees 1767  
retirement system, or state highway patrol retirement system or 1768  
by any person, partnership, or corporation that has provided to 1769  
one of those retirement systems services of a financial or 1770  
investment nature, including the management, analysis, 1771  
supervision, or investment of assets. 1772

(c) Each member shall have direct experience in the 1773  
management, analysis, supervision, or investment of assets. 1774

~~Any investment expert member appointed to fill a vacancy 1775  
occurring prior to the expiration of the term for which the 1776  
member's predecessor was appointed shall hold office until the 1777  
end of such term. The member shall continue in office subsequent 1778  
to the expiration date of the member's term until the member's 1779  
successor takes office, or until a period of sixty days has 1780  
elapsed, whichever occurs first. 1781~~

(3) Four members known as employee members. 1782

Two employee members shall be police officers elected by 1783  
police officers. Two employee members shall be firefighters 1784  
elected by firefighters. Employee members of the board shall be 1785  
elected for terms of four years as provided by section 742.04 of 1786  
the Revised Code. 1787

(4) One member known as the firefighter retirant member, 1788  
who shall be a resident of this state elected by the firefighter 1789  
retirants. The firefighter retirant member shall be elected for 1790  
a term of four years as provided by section 742.04 of the 1791  
Revised Code. 1792

(5) One member known as the police retirant member, who 1793  
shall be a resident of this state elected by the police 1794  
retirants. The police retirant member shall be elected for a 1795

term of four years as provided by section 742.04 of the Revised Code. 1796  
1797

(C) No employee member of the board who retires while a 1798  
member of the board shall be eligible to become a retirant 1799  
member for three years after the date of the member's 1800  
retirement. 1801

(D) Any ~~investment expert~~ member appointed under this 1802  
section, including a member appointed to fill a vacancy 1803  
occurring prior to the expiration of the term for which the 1804  
member's predecessor was appointed, holds office until the end 1805  
of ~~such the term for which the member is appointed~~. The member 1806  
continues in office subsequent to the expiration date of the 1807  
member's term until the member's successor takes office, ~~or~~ 1808  
~~until a period of sixty days has elapsed, whichever occurs~~ 1809  
~~first.~~ 1810

**Sec. 742.05.** (A) ~~Any vacancy occurring in the term of a~~ 1811  
~~member of the board of trustees of the Ohio police and fire~~ 1812  
~~pension fund who is the fiscal officer of a municipal~~ 1813  
~~corporation shall be filled by appointment by the governor for~~ 1814  
~~the unexpired term of such member.~~ 1815

~~(B)~~ Except as provided in division ~~(C)~~ (B) of this 1816  
section, if a vacancy occurs in the term of an employee or 1817  
retirant member of the board, all the remaining members of the 1818  
board shall elect a successor employee or retirant member. On 1819  
certification of the election results in accordance with rules 1820  
adopted under section 742.045 of the Revised Code, the successor 1821  
member shall hold office until the first day of the new term 1822  
that follows the next board election that occurs not less than 1823  
ninety days after the successor member's election, or until the 1824  
end of the term for which the successor member was elected, 1825

whichever is sooner; except that, the successor employee member 1826  
representing firefighters who was elected to the board under 1827  
this section on March 6, 2014, shall hold office until June 1, 1828  
2020, notwithstanding sections 742.03 and 742.04 of the Revised 1829  
Code. 1830

Elections under this section to fill a vacancy on the 1831  
board shall be conducted in accordance with rules adopted under 1832  
section 742.045 of the Revised Code. 1833

~~If a member of the board who is the fiscal officer of a 1834  
municipal corporation ceases to be a fiscal officer of a 1835  
municipal corporation, a vacancy shall exist. 1836~~

If an employee member of the board ceases to be a member 1837  
of the fund, a vacancy shall exist. 1838

If as a result of changed circumstances a retirant member 1839  
no longer qualifies for membership on the board as a retirant 1840  
member, a vacancy shall exist. 1841

Any elected or appointed member of the board who fails to 1842  
attend three consecutive meetings of the board, without valid 1843  
excuse, shall be considered as having resigned from the board 1844  
and the board shall declare the member's office vacated and as 1845  
of the date of the adoption of a proper resolution a vacancy 1846  
shall exist. 1847

~~(C)~~ (B) A successor member need not be elected under 1848  
division ~~(B)~~ (A) of this section to fill a vacancy if on the day 1849  
the vacancy occurs less than ninety days remain in the vacated 1850  
term. 1851

**Sec. 3307.05.** The state teachers retirement board shall 1852  
consist of the following members: 1853



(A) The superintendent of public instruction or a designee	1854
of the superintendent who has the following qualifications:	1855
(1) The designee is a resident of this state.	1856
(2) Within the three years immediately preceding the	1857
appointment, the designee has not been employed by the public	1858
employees retirement system, police and fire pension fund, state	1859
teachers retirement system, school employees retirement system,	1860
or state highway patrol retirement system or by any person,	1861
partnership, or corporation that has provided to one of those	1862
retirement systems services of a financial or investment nature,	1863
including the management, analysis, supervision, or investment	1864
of assets.	1865
(3) The designee has direct experience in the management,	1866
analysis, supervision, or investment of assets.	1867
(B) One member, known as the treasurer of state's	1868
investment designee, who shall be appointed by the treasurer of	1869
state for a term of four years and have the following	1870
qualifications:	1871
<del>(a)</del> (1) The member is a resident of this state.	1872
<del>(b)</del> (2) Within the three years immediately preceding the	1873
appointment, the member has not been employed by the public	1874
employees retirement system, police and fire pension fund, state	1875
teachers retirement system, school employees retirement system,	1876
or state highway patrol retirement system or by any person,	1877
partnership, or corporation that has provided to one of those	1878
retirement systems services of a financial or investment nature,	1879
including management, analysis, supervision, or investment of	1880
assets.	1881
<del>(c)</del> (3) The member has direct experience in the management,	1882

analysis, supervision, or investment of assets. 1883

~~(d)~~ (4) The member is not currently employed by the state 1884  
or a political subdivision of the state. 1885

(C) Two members, known as the investment expert members, 1886  
who shall be appointed for four-year terms. One investment 1887  
expert member shall be appointed by the governor, and one 1888  
investment expert member shall be jointly appointed by the 1889  
speaker of the house of representatives and the president of the 1890  
senate. Each investment expert member shall have the following 1891  
qualifications: 1892

~~(a)~~ (1) Each member shall be a resident of this state. 1893

~~(b)~~ (2) Within the three years immediately preceding the 1894  
appointment, each member shall not have been employed by the 1895  
public employees retirement system, police and fire pension 1896  
fund, state teachers retirement system, school employees 1897  
retirement system, or state highway patrol retirement system or 1898  
by any person, partnership, or corporation that has provided to 1899  
one of those retirement systems services of a financial or 1900  
investment nature, including the management, analysis, 1901  
supervision, or investment of assets. 1902

~~(c)~~ (3) Each member shall have direct experience in the 1903  
management, analysis, supervision, or investment of assets. 1904

Any investment expert member appointed to fill a vacancy 1905  
occurring prior to the expiration of the term for which the 1906  
member's predecessor was appointed shall hold office until the 1907  
end of such term. The member shall continue in office subsequent 1908  
to the expiration date of the member's term until the member's 1909  
successor takes office, or until a period of sixty days has 1910  
elapsed, whichever occurs first. 1911

(D) Five members, known as contributing members, who shall 1912  
be members of the state teachers retirement system; 1913

(E) Two former members of the system, known as retired 1914  
teacher members, who shall be superannuates who are not 1915  
otherwise employed in positions requiring them to make 1916  
contributions to the system. 1917

**Sec. 3307.14.** The state teachers retirement board shall be 1918  
the trustee of certain funds hereby created as follows: 1919

(A) The "teachers' savings fund" is the fund in which 1920  
shall be accumulated the contributions deducted from the 1921  
compensation of teachers participating in the STRS defined 1922  
benefit plan, as provided by section 3307.26 of the Revised 1923  
Code, together with the interest credited thereon. Such 1924  
accumulated contributions refunded upon withdrawal, or payable 1925  
to an estate or beneficiary as provided in this chapter, shall 1926  
be paid from this fund. Any accumulated contributions forfeited 1927  
by the failure of a contributor, an estate, or a beneficiary to 1928  
claim the same shall be transferred from this fund to the 1929  
guarantee fund. The accumulated contributions of a member or of 1930  
a teacher who qualifies for a benefit under section 3307.35 of 1931  
the Revised Code shall be transferred at the member's or 1932  
teacher's retirement from the teachers' savings fund to the 1933  
annuity and pension reserve fund. The accumulated contributions 1934  
of a member who dies prior to superannuation retirement that are 1935  
forfeited by the qualified beneficiary in exchange for monthly 1936  
survivor benefits, as provided by section 3307.66 of the Revised 1937  
Code, shall be transferred to the survivors' benefit fund. The 1938  
accumulated contributions of a superannuate or other system 1939  
retirant as defined in section 3307.35 of the Revised Code shall 1940  
be transferred to the survivors' benefit fund for payment of a 1941

lump-sum benefit to a beneficiary as provided in that section. 1942  
As used in this division, "accumulated contributions" has the 1943  
same meaning as in section 3307.50 of the Revised Code. 1944

(B) The "employers' trust fund" is the fund to which the 1945  
employer contribution made on behalf of a teacher participating 1946  
in the STRS defined benefit plan shall be credited and in which 1947  
shall be accumulated the reserves held in trust for the payment 1948  
of all pensions or other benefits provided by sections 3307.35, 1949  
3307.58, 3307.59, 3307.60, 3307.63, 3307.631, 3307.66, and 1950  
3307.6912, ~~and 3307.98~~ of the Revised Code, to teachers retiring 1951  
or receiving disability benefits in the future or to their 1952  
qualified beneficiaries, and from which the reserves for such 1953  
pensions and other benefits shall be transferred to the annuity 1954  
and pension reserve fund and to the survivors' benefit fund. The 1955  
balances as of August 31, 1957, in the employers accumulation 1956  
fund shall be transferred to this fund. As of September 1, 1957, 1957  
an additional amount shall be transferred from the employers' 1958  
trust fund to the annuity and pension reserve fund in the amount 1959  
required to complete the funding of the prior service, as 1960  
defined in section 3307.50 of the Revised Code, and military 1961  
service pensions then payable. 1962

(C) The "annuity and pension reserve fund" is the fund 1963  
from which shall be paid all annuities, pensions, and disability 1964  
benefits under the STRS defined benefit plan and annuities 1965  
payable under section 3307.352 of the Revised Code for which 1966  
reserves have been transferred from the teachers' savings fund 1967  
and the employers' trust fund. 1968

(D) The "survivors' benefit fund" is the fund from which 1969  
shall be paid the survivors' benefits provided by section 1970  
3307.66 of the Revised Code and the lump sum payment to 1971

beneficiaries as provided in section 3307.35 of the Revised 1972  
Code, and to which shall be transferred from the employers' 1973  
trust fund the amount required to fund all liabilities as of the 1974  
end of each year. 1975

(E) The "guarantee fund" is the fund from which interest 1976  
is transferred and credited on the amounts in the funds 1977  
described in divisions (A), (B), (C), and (D) of this section, 1978  
and is a contingent fund from which the special requirements of 1979  
said funds may be paid by transfer from this fund. All income 1980  
derived from the investment of funds by the state teachers 1981  
retirement board as trustee under section 3307.15 of the Revised 1982  
Code, together with all gifts and bequests, or the income 1983  
therefrom, shall be paid into this fund. 1984

Any deficit occurring in any other fund that will not be 1985  
covered by payments to that fund, as otherwise provided in this 1986  
chapter, shall be paid by transfers of amounts from the 1987  
guarantee fund to such fund or funds. Should the amount in the 1988  
guarantee fund be insufficient at any time to meet the amounts 1989  
payable therefrom, the amount of such deficiency, with regular 1990  
interest, shall be paid by an additional employer rate of 1991  
contribution as determined by the actuary and shall be approved 1992  
by the board, and the amount of such additional employer 1993  
contribution shall be credited to the guarantee fund. 1994

The board may accept gifts and bequests. Any funds that 1995  
may come into the possession of the board in this manner or that 1996  
may be transferred from the teachers' savings fund by reason of 1997  
lack of a claimant, or any surplus in any fund created in 1998  
divisions (A) to (F) of this section, or any other funds whose 1999  
disposition is not otherwise provided for, shall be credited to 2000  
the guarantee fund. 2001

(F) The expense fund is the fund from which shall be paid 2002  
the expenses for the administration and management of the state 2003  
teachers retirement system as provided by this chapter. 2004

(G) The "defined contribution fund" is the fund in which 2005  
shall be accumulated the contributions deducted from the 2006  
compensation of teachers participating in an STRS defined 2007  
contribution plan, as provided in section 3307.26 of the Revised 2008  
Code, together with any earnings and employer contributions 2009  
credited thereon. 2010

(H) The "health care fund" is the fund in which shall be 2011  
accumulated any amounts allocated by the board for health care 2012  
coverage described in section 3307.39 of the Revised Code, 2013  
together with any earnings credited thereon. The fund shall be 2014  
established under 26 U.S.C. 401(h) as a separate account. It is 2015  
the fund from which shall be paid health care coverage made 2016  
available under section 3307.39 of the Revised Code, except that 2017  
payments from the fund shall be limited as provided by 26 U.S.C. 2018  
401(h). 2019

**Sec. 3307.20.** (A) As used in this section: 2020

(1) "Personal history record" means information maintained 2021  
by the state teachers retirement board on an individual who is a 2022  
member, former member, contributor, former contributor, 2023  
retirant, or beneficiary that includes the address, electronic 2024  
mail address, telephone number, social security number, record 2025  
of contributions, correspondence with the state teachers 2026  
retirement system, or other information the board determines to 2027  
be confidential. 2028

(2) "Retirant" has the same meaning as in section 3307.50 2029  
of the Revised Code and includes any former member receiving a 2030

benefit under an STRS defined contribution plan. 2031

(3) "Law enforcement agency" has the same meaning as in 2032  
section 149.435 of the Revised Code. 2033

(B) The records of the board shall be open to public 2034  
inspection, except for the following, which shall be excluded, 2035  
except with the written authorization of the individual 2036  
concerned: 2037

(1) The individual's personal records provided for in 2038  
former section 3307.23 of the Revised Code; 2039

(2) The individual's personal history record; 2040

(3) Any information identifying, by name and address, the 2041  
amount of a monthly allowance or benefit paid to the individual. 2042

(C) (1) All medical reports and recommendations received by 2043  
the board from a member, member's physician, board-assigned 2044  
physician, or other entity providing medical reports and 2045  
recommendations to the board under sections 3307.48, 3307.62, 2046  
and 3307.66 of the Revised Code are privileged, except as 2047  
follows: 2048

(a) Copies of medical reports or recommendations shall be 2049  
made available by the board to the personal physician, attorney, 2050  
or authorized agent of the individual concerned upon written 2051  
release received from the individual or the individual's agent, 2052  
or, when necessary for the proper administration of the fund, to 2053  
the board assigned physician. 2054

(b) Documentation required by section 2929.193 of the 2055  
Revised Code shall be provided to a court holding a hearing 2056  
under that section. 2057

(2) No medical report or recommendation received by the 2058

board under section 3307.48, 3307.62, or 3307.66 of the Revised Code shall be released to the individual concerned or considered a medical record generated and maintained by a health care provider in the process of establishing a therapeutic relationship.

(D) Any person who is a member or contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one request of a person in any one year.

(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information:

(1) If a member, former member, retirant, contributor, or former contributor 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 Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.

(3) At the written request of any person, the board shall provide to the person a complete list of the names and addresses



of members, retirants, contributors, ~~or~~ and beneficiaries. The 2088  
costs of compiling, copying, and mailing the list shall be paid 2089  
by such person. 2090

(4) Within fourteen days after receiving from the director 2091  
of job and family services a list of the names and social 2092  
security numbers of recipients of public assistance pursuant to 2093  
section 5101.181 of the Revised Code, the board shall inform the 2094  
auditor of state of the name, current or most recent employer 2095  
address, and social security number of each member whose name 2096  
and social security number are the same as that of a person 2097  
whose name or social security number was submitted by the 2098  
director. The board and its employees shall, except for purposes 2099  
of furnishing the auditor of state with information required by 2100  
this section, preserve the confidentiality of recipients of 2101  
public assistance in compliance with section 5101.181 of the 2102  
Revised Code. 2103

(5) The system shall comply with orders issued under 2104  
section 3105.87 of the Revised Code. 2105

On the written request of an alternate payee, as defined 2106  
in section 3105.80 of the Revised Code, the system shall furnish 2107  
to the alternate payee information on the amount and status of 2108  
any amounts payable to the alternate payee under an order issued 2109  
under section 3105.171 or 3105.65 of the Revised Code. 2110

(6) At the request of any person, the board shall make 2111  
available to the person copies of all documents, including 2112  
resumes, in the board's possession regarding filling a vacancy 2113  
of a contributing member or retired teacher member of the board. 2114  
The person who made the request shall pay the cost of compiling, 2115  
copying, and mailing the documents. The information described in 2116  
this division is a public record. 2117

(7) The system shall provide the notice required by 2118  
section 3307.373 of the Revised Code to the prosecutor assigned 2119  
to the case. 2120

(8) The system may provide information requested by the 2121  
United States social security administration, United States 2122  
centers for medicare and medicaid services, Ohio public 2123  
employees deferred compensation program, Ohio police and fire 2124  
pension fund, school employees retirement system, public 2125  
employees retirement system, state highway patrol retirement 2126  
system, Cincinnati retirement system, a law enforcement agency, 2127  
or a third party that the state teachers retirement system has 2128  
contracted with for the purpose of administering any part of the 2129  
system. 2130

(F) A statement that contains information obtained from 2131  
the system's records that is signed by an officer of the 2132  
retirement system and to which the system's official seal is 2133  
affixed, or copies of the system's records to which the 2134  
signature and seal are attached, shall be received as true 2135  
copies of the system's records in any court or before any 2136  
officer of this state. 2137

**Sec. 3307.231.** To the extent to which it is used in 2138  
determining the liability of any fund created by section 3307.14 2139  
of the Revised Code, the state teachers retirement board shall 2140  
verify the ~~statement~~information provided ~~for in under~~ section 2141  
~~3307.23~~3307.213 of the Revised Code by the best evidence it is 2142  
able to obtain. If official records are not available as to the 2143  
length of service of a teacher, compensation, or other 2144  
information required, the board may use its discretion as to the 2145  
evidence to be accepted. 2146

**Sec. 3307.25.** (A) An individual who becomes a member of 2147

the state teachers retirement system on or after the date on 2148  
which the state teachers retirement board establishes an STRS 2149  
defined contribution plan shall make an election under this 2150  
section. Not later than one hundred eighty days after the date 2151  
on which employment begins, the individual shall elect to 2152  
participate either in the STRS defined benefit plan or one of 2153  
the STRS defined contribution plans. If a form evidencing an 2154  
election under this section is not on file with the system at 2155  
the end of the one-hundred-eighty-day period, the individual is 2156  
deemed to have elected to participate in the STRS defined 2157  
benefit plan. 2158

(B) An election under this section shall be made in 2159  
writing on a form provided by the system and ~~filed with~~ 2160  
submitted to the system. 2161

(C) An election under this section shall take effect on 2162  
the date employment began and, except as provided in division 2163  
(E) of this section, is irrevocable at the end of the election 2164  
period described in division (A) of this section. 2165

(D) An individual is ineligible to make an election under 2166  
this section if one of the following applies: 2167

(1) At the time employment begins, the individual is 2168  
already a member or contributor participating in the STRS 2169  
defined benefit plan, a former member who has previously made an 2170  
election under division (E) of this section or section 3307.251 2171  
of the Revised Code, a superannuate of the system, or an other 2172  
system retirant, as defined in section 3307.35 of the Revised 2173  
Code; 2174

(2) An election to participate in an alternative 2175  
retirement plan under section 3305.05 or 3305.051 of the Revised 2176

Code is in effect for employment covered by the system. 2177

(E) A member who elected under division (A) of this 2178  
section to participate in an STRS defined contribution plan may 2179  
make an election to cease participation in the plan elected and 2180  
participate in the STRS defined benefit plan or in another STRS 2181  
defined contribution plan. The election must be made, on a form 2182  
provided by the system, not later than the first day of June 2183  
preceding the first day of July following the fourth anniversary 2184  
of the commencement of the member's participation in the 2185  
original plan. 2186

An election made under this division takes effect on the 2187  
first day of July following the election. 2188

(F) (1) When a member elects under division (E) of this 2189  
section to change from an STRS defined contribution plan to the 2190  
STRS defined benefit plan the system shall do all of the 2191  
following: 2192

(a) Transfer from the member's account in the defined 2193  
contribution fund to an account in the teachers' savings fund 2194  
the sum of the following: 2195

(i) An amount equal to the contributions made pursuant to 2196  
section 3307.26 of the Revised Code; 2197

(ii) Any supplemental contributions made by the member; 2198

(iii) Any earnings from supplemental contributions. 2199

(b) Transfer from the defined contribution fund to the 2200  
employers' trust fund the sum of the following: 2201

(i) An amount equal to the contributions made pursuant to 2202  
section 3307.28 of the Revised Code; 2203

(ii) Any amount remaining in the member's account in the defined contribution fund after the transfers described in divisions (F) (1) (a) and (b) (i) of this section are made.

(c) Grant service credit in accordance with rules adopted under section 3307.53 of the Revised Code.

(2) If the amount in the member's account in the defined contribution fund is less than the amount the member would have had in an account in the teachers' savings fund had the member elected to participate in the STRS defined benefit plan, the system shall transfer from the guarantee fund established under section 3307.14 of the Revised Code to the teachers' savings fund the amount necessary to make the transfer required by division (F) (1) (a) (i) of this section.

(3) Except for service credit granted under division (F) (1) (c) of this section, a member who begins participation in the STRS defined benefit plan pursuant to division (E) of this section shall have the same rights and privileges under the plan as a member who never had made an election to participate in an STRS defined contribution plan.

**Sec. 3307.251.** As used in this section, "accumulated contributions" and "total service credit" have the same meanings as in section 3307.50 of the Revised Code.

(A) A member of the state teachers retirement system who, as of the thirtieth day of June immediately preceding the date on which the system establishes an STRS defined contribution plan, has less than five years of total service credit is eligible to make an election under this section.

Not later than one hundred eighty days after the day the state teachers retirement board first establishes an STRS

defined contribution plan, an eligible member may elect to 2233  
participate in such a plan. If an election is not made, a member 2234  
to whom this section applies is deemed to have elected to 2235  
continue participating in the STRS defined benefit plan. 2236

(B) An election under this section shall be made in 2237  
writing on a form provided by the system and ~~filed with~~ 2238  
submitted to the system. 2239

(C) On receipt of an election under this section, the 2240  
system shall do both of the following: 2241

(1) Credit to the account of the member in the defined 2242  
contribution fund the accumulated contributions standing to the 2243  
member's credit in the teachers' savings fund, plus interest at 2244  
a rate determined by the board; 2245

(2) Cancel all service credit and eligibility for any 2246  
payment, benefit, or right under the STRS defined benefit plan. 2247

(D) An election under this section shall be irrevocable at 2248  
the end of the election period described in division (A) of this 2249  
section. 2250

**Sec. 3307.26.** (A) Each teacher shall contribute a certain 2251  
per cent of the teacher's earned compensation, except that the 2252  
per cent shall be not greater than fourteen per cent of the 2253  
teacher's compensation. The per cent shall be as follows: 2254

(1) For compensation earned not later than June 30, 2013, 2255  
ten per cent; 2256

(2) For compensation earned on or after July 1, 2013, but 2257  
not later than June 30, 2014, eleven per cent; 2258

(3) For compensation earned on or after July 1, 2014, but 2259  
not later than June 30, 2015, twelve per cent; 2260

(4) For compensation earned on or after July 1, 2015, but not later than June 30, 2016, thirteen per cent;	2261 2262
(5) For compensation earned on or after July 1, 2016, fourteen per cent;	2263 2264
(6) For compensation earned on or after July 1, 2017, the state teachers retirement board may reduce the rate to less than fourteen per cent if the board's actuary determines in its annual actuarial valuation required by section 3307.51 of the Revised Code or in other evaluations conducted under that section that a reduction in the rate does not materially impair the fiscal integrity of the retirement system.	2265 2266 2267 2268 2269 2270 2271
(B) For teachers participating in the STRS defined benefit plan, contributions shall be deposited in the teachers' savings fund. For teachers participating in an STRS defined contribution plan, contributions shall be deposited in the defined contribution fund. Contributions made pursuant to this section shall not exceed the limits established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.	2272 2273 2274 2275 2276 2277 2278 2279
(C) The contribution for all teachers shall be deducted by the employer on each payroll in an amount equal to the applicable per cent of the teachers' paid compensation for such payroll period or other period as the board may approve. All contributions on paid compensation for teachers <del>participating in an STRS defined contribution plan</del> shall be remitted at intervals required by the state teachers retirement system <del>under section 3307.86 of the Revised Code. All contributions on earned compensation for teachers participating in the STRS defined benefit plan shall be remitted to the state teachers retirement system by the thirtieth day of June of each year. Each school</del>	2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290

~~district shall encumber sufficient moneys by the thirtieth day~~ 2291  
~~of June of each year to account for the difference, if any, that~~ 2292  
~~may exist between contributions that would be withheld based~~ 2293  
~~upon compensation earned by a teacher during the year ending the~~ 2294  
~~thirtieth day of June and the contributions withheld based upon~~ 2295  
~~compensation paid to the teacher for the year. Deductions from~~ 2296  
~~payroll for contributions under this section, on an annual~~ 2297  
~~basis, shall not exceed eight per cent or other percentage~~ 2298  
~~established by the board authorized by this section.~~ 2299

(D) At retirement under the STRS defined benefit plan, or 2300  
upon a member's death prior to retirement under that plan, if 2301  
contributions have been made after September 1, 1959, in excess 2302  
of the contributions normally required to provide the retirement 2303  
or survivor benefit, the excess contributions may be refunded to 2304  
the member, to the member's beneficiary, or to the member's 2305  
estate in a lump sum, or may be used to provide additional 2306  
income. 2307

(E) The board may determine with regard to any member 2308  
participating in the STRS defined benefit plan whether the 2309  
limits established by division (D) of section 3307.58 of the 2310  
Revised Code have resulted in exclusion from use in the 2311  
calculation of benefits under section 3307.58, 3307.59, or 2312  
3307.60 of the Revised Code of any compensation on which 2313  
contributions have been made under this section. The board may 2314  
adopt rules in accordance with section 111.15 of the Revised 2315  
Code providing for the disposition of contributions attributable 2316  
to such compensation and may dispose of the contributions in 2317  
accordance with those rules. Any disposition of contributions 2318  
made by the board in accordance with the rules shall be final. 2319

(F) The deductions under this section shall be made even 2320



though the minimum compensation provided by law for any teacher 2321  
shall be reduced thereby. Every teacher shall be deemed to 2322  
consent to the deductions made. Payment less the deductions 2323  
shall be a complete discharge and acquittance of all claims and 2324  
demands for the services rendered by the person during the 2325  
period covered by the payment. 2326

(G) Additional deposits may be made to a member's account 2327  
in the teachers' savings fund or defined contribution fund, 2328  
subject to rules of the board. At retirement, the amount 2329  
deposited with interest may be used to provide additional 2330  
annuity income. The additional deposits may be refunded to the 2331  
member before retirement, and shall be refunded if the member 2332  
withdraws the member's refundable account. The deposits may be 2333  
refunded to the beneficiary or estate if the member dies before 2334  
retirement. 2335

**Sec. 3307.28.** Each employer shall pay ~~annually~~ to the 2336  
state teachers retirement system an amount ~~certified by the~~ 2337  
~~secretary~~ which shall be a certain per cent of the earnable 2338  
compensation of all members, and which shall be known as the 2339  
"employer contribution." Each employer shall remit the employer 2340  
contribution at intervals required by the state teachers 2341  
retirement system. For members participating in the STRS defined 2342  
benefit plan, the employer contribution shall be deposited into 2343  
the employers' trust fund. For members participating in an STRS 2344  
defined contribution plan, the employer contribution shall be 2345  
deposited into the defined contribution fund in accordance with 2346  
the plan selected by the member, less the amount transferred 2347  
under section 3307.84 of the Revised Code. 2348

The rate per cent of the contribution shall be ~~fixed~~ 2349  
determined by the actuary on the basis of the actuary's 2350

evaluation of the liabilities of the system, not to exceed 2351  
fourteen per cent, and shall be approved by the state teachers 2352  
retirement board. The board may raise the rate per cent of the 2353  
contribution to fourteen per cent of the earnable compensation 2354  
of all members. In making such evaluation, the actuary shall 2355  
use, as the actuarial assumptions, such interest rates and 2356  
mortality and other tables as are adopted by the board. The 2357  
actuary shall compute the percentage of such earnable 2358  
compensation, to be known as the "employer rate," required 2359  
annually to fund the liability for all benefits under the STRS 2360  
defined benefit plan, after deducting therefrom the benefits 2361  
provided by the member's accumulated contributions, as defined 2362  
in section 3307.50 of the Revised Code, deposits, and other 2363  
appropriations, and to fund any deficiencies in the funds 2364  
described in divisions (A) to (F) of section 3307.14 of the 2365  
Revised Code. 2366

**Sec. 3307.351.** (A) As used in this section: 2367

(1) In addition to the meaning in section 3307.01 of the 2368  
Revised Code, when appropriate "compensation" has the same 2369  
meaning as in section 3309.01 of the Revised Code. 2370

(2) "Earnable salary" has the same meaning as in section 2371  
145.01 of the Revised Code. 2372

(3) "STRS position" means a position for which a member of 2373  
the state teachers retirement system is making contributions to 2374  
the system. 2375

(4) "Other state retirement system" means the public 2376  
employees retirement system or the school employees retirement 2377  
system. 2378

(5) "State retirement system" means the public employees 2379

retirement system, state teachers retirement system, or the 2380  
school employees retirement system. 2381

(B) (1) Subject to division (E) of this section, a member 2382  
of the state teachers retirement system who holds two or more 2383  
STRS positions may retire under section 3307.57, 3307.58, or 2384  
3307.60 of the Revised Code or under an STRS defined 2385  
contribution plan from the position for which the annual 2386  
compensation at the time of retirement is highest and continue 2387  
to contribute to the retirement system for the other STRS 2388  
position or positions. 2389

(2) Subject to division (E) of this section, a member of 2390  
the state teachers retirement system who also holds one or more 2391  
other positions covered by the other state retirement systems 2392  
may retire under section 3307.57, 3307.58, or 3307.60 of the 2393  
Revised Code or under an STRS defined contribution plan from the 2394  
STRS position and continue contributing to the other state 2395  
retirement systems if the annual compensation for the STRS 2396  
position at the time of retirement is greater than annual 2397  
compensation or earnable salary for the position, or any of the 2398  
positions, covered by the other state retirement systems. 2399

(3) Subject to division (E) of this section, a member of 2400  
the state teachers retirement system who holds two or more STRS 2401  
positions and at least one other position covered by one of the 2402  
other state retirement systems may retire under section 3307.57, 2403  
3307.58, or 3307.60 of the Revised Code or under an STRS defined 2404  
contribution plan from one of the STRS positions and continue 2405  
contributing to the state teachers retirement system and the 2406  
other state retirement system if the annual compensation for the 2407  
STRS position from which the member is retiring is, at the time 2408  
of retirement, greater than the annual compensation or earnable 2409

salary for any of the positions for which the member is 2410  
continuing to make contributions. 2411

(4) Subject to division (E) of this section, a member of 2412  
the state teachers retirement system who also holds one or more 2413  
other positions covered by the other state retirement systems 2414  
may retire under section 145.37, 3307.57, ~~3307.58, or 3307.60-~~ 2415  
3309.35 of the Revised Code or under ~~an STRS defined-~~ 2416  
~~contribution~~ a plan established under section 145.81 or 3309.81 2417  
of the Revised Code from one of the other state retirement 2418  
system positions and continue contributing to the state teachers 2419  
retirement system if the annual compensation for the other state 2420  
retirement system position from which the member is retiring is, 2421  
at the time of retirement, greater than the annual compensation 2422  
for any of the positions for which the member is continuing to 2423  
make contributions. 2424

(5) A member of the state teachers retirement system who 2425  
has retired as provided in division (B) (2) or (3) of section 2426  
145.383 or division (B) (2) or (3) of section 3309.343 of the 2427  
Revised Code may continue to contribute to the state teachers 2428  
retirement system for an STRS position if the member held the 2429  
position at the time of retirement from the other state 2430  
retirement system. 2431

(6) A member who contributes to the state teachers 2432  
retirement system in accordance with division (B) (1), (3), (4), 2433  
or (5) of this section shall contribute in accordance with 2434  
section 3307.26 of the Revised Code. The member's employer shall 2435  
contribute as provided in section 3307.28 of the Revised Code. 2436  
Neither the member nor the member's survivors are eligible for 2437  
any benefits based on those contributions other than those 2438  
provided under section 145.384, 3307.352, or 3309.344 of the 2439

Revised Code. 2440

(C) (1) In determining retirement eligibility and the 2441  
annual retirement allowance of a member who retires as provided 2442  
in division (B) (1), (2), (3), or (4) of this section, the 2443  
following shall be used to the date of retirement: 2444

(a) The member's earnable salary and compensation for all 2445  
positions covered by a state retirement system; 2446

(b) Total service credit in any state retirement system, 2447  
except that the credit shall not exceed one year of credit for 2448  
any period of twelve months; 2449

(c) The member's accumulated contributions. 2450

(2) A member who retires as provided in division (B) (1), 2451  
(2), (3), or (4) of this section is a retirant for all purposes 2452  
of this chapter, except that the member is not subject to 2453  
divisions (F) and (G) of section 3307.35 of the Revised Code for 2454  
a position or positions for which contributions continue under 2455  
those divisions or division (B) (5) of this section. 2456

(D) A retired member receiving a benefit under section 2457  
3307.352 of the Revised Code based on employment subject to this 2458  
section is not a member of the state teachers retirement system 2459  
and does not have any rights, privileges, or obligations of 2460  
membership. The retired member is a superannuate for purposes of 2461  
section 3307.35 of the Revised Code. 2462

(E) Effective July 1, 2014, a member may continue to 2463  
contribute to the retirement system for another STRS position or 2464  
other state retirement system position under division (B) (1), 2465  
(2), (3), or (4) of this section only for those positions the 2466  
member continuously held for at least twelve consecutive months 2467  
immediately prior to retirement under section 3307.57, 3307.58, 2468

or 3307.60 of the Revised Code or an STRS defined contribution plan. 2469  
2470

(F) The state teachers retirement board may adopt rules to carry out this section. 2471  
2472

**Sec. 3307.352.** For purposes of this section, 2473  
"superannuate" includes a member who retired under section 2474  
3307.351 of the Revised Code. 2475

(A) Except as provided in division (B)(3) of this section, 2476  
a superannuate or other system retirant who has made 2477  
contributions under section 3307.35 or 3307.351 of the Revised 2478  
Code may ~~file~~ submit an application ~~with~~ to the state teachers 2479  
retirement system for a benefit consisting of a single life 2480  
annuity. The annuity shall have a reserve equal to the amount of 2481  
the superannuate's or retirant's accumulated contributions, as 2482  
defined in section 3307.50 of the Revised Code, for the period 2483  
of employment, other than the contributions excluded pursuant to 2484  
division (F) of section 3307.35 of the Revised Code, and an 2485  
amount determined by the state teachers retirement board from 2486  
the employers' trust created by section 3307.14 of the Revised 2487  
Code, plus interest credited to the date of retirement at a rate 2488  
of interest determined by the board. The superannuate or other 2489  
system retirant shall elect either to receive the benefit as a 2490  
monthly annuity for life or a lump sum payment discounted to the 2491  
present value using a rate of interest determined by the board, 2492  
except that if the monthly annuity would be less than twenty- 2493  
five dollars per month the superannuate or retirant shall 2494  
receive a lump sum payment. 2495

A benefit payable under this division shall commence on 2496  
the first day of the month immediately following the latest of 2497  
the following: 2498

(1) The last day for which compensation for employment	2499
subject to this section was paid;	2500
(2) Attainment by the superannuate or other system	2501
retirant of age sixty-five;	2502
(3) If the superannuate or other system retirant was	2503
previously employed under section 3307.35 or 3307.351 of the	2504
Revised Code and previously received or is receiving a benefit	2505
under this division, completion of a period of twelve months	2506
since the effective date of the last benefit under this	2507
division.	2508
(B) (1) A superannuate or other system retirant under age	2509
sixty-five who has made contributions under section 3307.35 or	2510
3307.351 of the Revised Code may <del>file-submit</del> an application <del>with-</del>	2511
<u>to</u> the state teachers retirement system for a return of those	2512
contributions if both of the following conditions are met:	2513
(a) The superannuate or retirant has terminated, for any	2514
reason other than death, the employment for which the	2515
contributions were made.	2516
(b) If the superannuate or retirant received a return of	2517
contributions under this division for a previous period of	2518
employment under section 3307.35 or 3307.351 of the Revised	2519
Code, twelve months have passed since the date the retirement	2520
system returned the contributions.	2521
(2) A return of contributions under this division shall	2522
consist of the sum of the following:	2523
(a) The contributions the superannuate or other system	2524
retirant made under section 3307.35 or 3307.351 of the Revised	2525
Code other than the contributions excluded under division (F) of	2526
section 3307.35 of the Revised Code;	2527

(b) Interest at a rate determined by the state teachers retirement board credited through the later of the month the superannuate or retirant terminated the employment for which the contributions are made or the date required by division (B) (1) (b) of this section.

(3) Payment of a return of contributions under this division shall be made on a date determined by the state teachers retirement board but shall be not earlier than the later of the first day of the first month following termination of employment or the date required by division (B) (1) (b) of this section. The payment cancels the ~~superannuate~~ superannuate's or retirant's right to a benefit under division (A) of this section for the service for which the contributions were made.

(C) (1) If a superannuate or other system retirant who made contributions under section 3307.35 or 3307.351 of the Revised Code dies before receiving a benefit under division (A) of this section or a return of contributions under division (B) of this section, a lump sum payment shall be paid to the beneficiary designated under division (D) (1) of section 3307.562 of the Revised Code. The lump sum shall be calculated in accordance with division (A) of this section, except that the interest shall be credited as follows:

(a) If the superannuate or retirant was under age sixty-five at the time of death, the interest shall be credited through the month of death.

(b) If the superannuate or retirant was age sixty-five or older at the time of death, the interest shall be credited through the later of the month in which the superannuate or retirant terminated the employment for which the contributions are made or the month the superannuate or retirant attained age



sixty-five. 2558

(2) If at the time of death a superannuate or other system 2559  
retirant receiving a monthly annuity under division (A) of this 2560  
section has received less than the superannuate or retirant 2561  
would have received as a lump sum payment, the difference 2562  
between the amount received and the amount that would have been 2563  
received as a lump sum payment shall be paid to the 2564  
superannuate's or retirant's beneficiary designated under 2565  
division (D) (1) of section 3307.562 of the Revised Code. 2566

(D) No amount received under this section shall be 2567  
included in determining an additional benefit under section 2568  
3307.67 of the Revised Code or any other post-retirement benefit 2569  
increase. 2570

**Sec. 3307.39.** (A) The state teachers retirement board may 2571  
enter into an agreement with insurance companies, health 2572  
insuring corporations, or government agencies authorized to do 2573  
business in the state for issuance of a policy or contract of 2574  
health, medical, hospital, or surgical coverage, or any 2575  
combination thereof, for those individuals receiving, under the 2576  
STRS defined benefit plan, service retirement or a disability or 2577  
survivor benefit who subscribe to the plan. Notwithstanding any 2578  
other provision of this chapter, the policy or contract may also 2579  
include coverage for any eligible individual's spouse and 2580  
dependent children ~~and for any of the individual's sponsored-~~ 2581  
~~dependents~~ as the board considers appropriate. If all or any 2582  
portion of the policy or contract premium is to be paid by any 2583  
individual receiving service retirement or a disability or 2584  
survivor benefit, the individual shall, by written 2585  
authorization, instruct the board to deduct the premium agreed 2586  
to be paid by the individual to the companies, corporations, or 2587

agencies. 2588

The board may contract for coverage on the basis of part 2589  
or all of the cost of the coverage to be paid from appropriate 2590  
funds of the state teachers retirement system. The cost paid 2591  
from the funds of the system shall be included in the employer's 2592  
contribution rate provided by section 3307.28 of the Revised 2593  
Code. 2594

The board may enter into an agreement under this division 2595  
for coverage of recipients of benefits under an STRS defined 2596  
contribution plan if the plan selected includes health, medical, 2597  
hospital, or surgical coverage, or any combination thereof. The 2598  
board may contract for coverage on the basis that the cost of 2599  
the coverage will be paid by the recipient or by the plan to 2600  
which the recipient contributed under this chapter. The board 2601  
may offer to recipients plans that provide for different levels 2602  
of coverage or for prepayment of the cost of coverage. 2603

The board may provide for self-insurance of risk or level 2604  
of risk as set forth in the contract with the companies, 2605  
corporations, or agencies, and may provide through the self- 2606  
insurance method specific coverage as authorized by the rules of 2607  
the board. 2608

(B) The board may make a monthly payment to each recipient 2609  
of service retirement, or a disability or survivor benefit under 2610  
the STRS defined benefit plan who is enrolled in coverage under 2611  
part B of the medicare program established under Title XVIII of 2612  
"The Social Security Amendments of 1965," 79 Stat. 301 (1965), 2613  
42 U.S.C.A. 1395j, as amended, and may make a monthly payment to 2614  
a recipient of benefits under an STRS defined contribution plan 2615  
who is eligible for that insurance coverage if the monthly 2616  
payments are funded through the plan selected by the recipient. 2617

The payment shall be the greater of the following: 2618

(1) Twenty-nine dollars and ninety cents; 2619

(2) An amount determined by the board, which shall not 2620  
exceed ninety per cent of the basic premium for the coverage, 2621  
except that the amount shall not exceed the amount paid by the 2622  
recipient. 2623

At the request of the board, the recipient shall certify 2624  
the amount paid by the recipient for coverage described in this 2625  
division. 2626

The board shall make all payments under this division 2627  
beginning the month following receipt of satisfactory evidence 2628  
of the payment for the coverage. 2629

(C) The board shall establish by rule requirements for the 2630  
coordination of any coverage or payment provided under this 2631  
section with any similar coverage or payment made available to 2632  
the same individual by the public employees retirement system, 2633  
Ohio police and fire pension fund, school employees retirement 2634  
system, or state highway patrol retirement system. 2635

(D) The board shall make all other necessary rules 2636  
pursuant to the purpose and intent of this section. 2637

**Sec. 3307.44.** (A) Any person who is receiving an 2638  
allowance, as defined in section 3307.50 of the Revised Code, 2639  
benefit, or increase under this chapter may, at any time, waive 2640  
the person's rights thereto, or to a portion thereof, by ~~filing~~ 2641  
submitting a written notice of waiver ~~with to~~ the state teachers 2642  
retirement board. Except as provided in division (B) of this 2643  
section, such waiver shall remain in effect until the first day 2644  
of the month following the person's death or the ~~filing board's~~ 2645  
receipt of the person's written cancellation of such waiver with 2646

the board. Any amount so waived shall forever be forfeited. 2647

(B) If a beneficiary waives in writing all claim to any 2648  
benefits under this chapter prior to receipt of the first 2649  
benefit, the waiver shall put into effect the succession of 2650  
beneficiaries as provided in division (C) of section 3307.562 of 2651  
the Revised Code and shall be irrevocable. 2652

**Sec. 3307.48.** (A) As used in this section, "disability 2653  
benefit recipient" means a recipient of a disability benefit 2654  
under any of the following: 2655

(1) Section 3307.63 of the Revised Code; 2656

(2) Section 3307.631 of the Revised Code; 2657

(3) The STRS combined plan. 2658

(B) A disability benefit recipient, notwithstanding 2659  
section 3319.13 of the Revised Code, shall retain membership in 2660  
the state teachers retirement system and shall be considered on 2661  
leave of absence during the first five years following the 2662  
effective date of a disability benefit. 2663

(C) The state teachers retirement board ~~shall~~ may require 2664  
any disability benefit recipient to submit to an annual medical 2665  
examination by a physician selected by the board, ~~except that~~ 2666  
~~the board may forgo the medical examination if the board's~~ 2667  
~~physician determines that the recipient's disability is ongoing~~ 2668  
or may require additional examinations if the board's physician 2669  
determines that additional information should be obtained. If a 2670  
disability benefit recipient fails to submit to a medical 2671  
examination, the recipient's disability benefit shall be 2672  
suspended until the examination has occurred. If the failure 2673  
continues for one year or the disability benefit is terminated 2674  
for any reason during the one-year period, all the recipient's 2675

rights under and to the disability benefit shall be terminated 2676  
as of the effective date of the ~~original~~-suspension. 2677

After the examination, the examiner shall report ~~and~~ 2678  
~~certify~~ to the board whether the disability benefit recipient is 2679  
no longer ~~physically and mentally~~ incapable of resuming the 2680  
service from which the recipient was found disabled. If the 2681  
examiner determines that the disability benefit recipient is no 2682  
longer incapable of resuming the service from which the 2683  
recipient was found disabled, the retirement board shall appoint 2684  
a medical review board composed of at least three disinterested 2685  
physicians to evaluate the examiner's report. The medical review 2686  
board shall report its finding to the retirement board. If the 2687  
retirement board concurs in a ~~report-finding~~ by the ~~examining-~~ 2688  
~~physician~~ medical review board that the disability benefit 2689  
recipient is no longer incapable, the board shall order 2690  
termination of payment of a disability benefit as follows: 2691

(1) Immediately upon employment as a teacher; 2692

(2) If the leave of absence has not expired and the 2693  
recipient is not employed as a teacher, the later of the last 2694  
day of the third month following the board's termination or the 2695  
following thirty-first day of August; 2696

(3) If the leave of absence has expired and the recipient 2697  
is not employed as a teacher, the last day of the third month 2698  
following the board's termination. 2699

The board shall provide notice to the recipient of the 2700  
board's order. At the request of the recipient, a hearing on the 2701  
order shall be conducted in accordance with procedures 2702  
established by the board. If the leave of absence has not 2703  
expired, the board shall so certify to the disability benefit 2704

recipient's last employer before being found disabled that the 2705  
recipient is no longer ~~physically and mentally~~ incapable of 2706  
resuming service that is the same or similar to that from which 2707  
the recipient was found disabled. If the recipient was under 2708  
contract at the time the recipient was found disabled, the 2709  
employer by the first day of the next succeeding year shall 2710  
restore the recipient to the recipient's previous position and 2711  
salary or to a position and salary similar thereto, unless the 2712  
recipient was dismissed or resigned in lieu of dismissal for 2713  
dishonesty, misfeasance, malfeasance, or conviction of a felony. 2714

(D) An individual receiving a disability benefit from the 2715  
system shall be ineligible to perform any teaching service, as 2716  
defined by the board. A disability benefit shall immediately 2717  
terminate if the disability benefit recipient performs any 2718  
teaching service in this state or elsewhere. The board shall 2719  
notify the recipient that the benefit is terminated. The 2720  
recipient may submit, not later than thirty days after the date 2721  
the notice is sent, to the board information specifying that the 2722  
disability recipient did not perform teaching services while 2723  
receiving disability benefits along with any supporting evidence 2724  
available to the recipient. The board shall review the 2725  
information and any accompanying evidence to determine whether 2726  
the individual performed teaching services. The board may 2727  
designate an individual to review the information and submit a 2728  
recommendation to the board. The board shall determine whether 2729  
the benefit was correctly terminated. If not, the benefit shall 2730  
be reinstated and any missed payments paid to the recipient. The 2731  
board's decision is final. 2732

(E) If any employer should employ or reemploy a disability 2733  
benefit recipient prior to the termination of a disability 2734  
benefit, the employer shall ~~file~~ submit a notice of employment 2735

with the board designating the date of the employment. If the 2736  
disability benefit recipient received a disability benefit and 2737  
performed teaching services for all or any part of the same 2738  
month, the recipient shall repay to the annuity and pension 2739  
reserve fund the amount of the disability benefit received by 2740  
the recipient from the beginning of employment. 2741

(F) Each disability benefit recipient shall ~~file with~~ 2742  
submit to the board an annual statement of earnings, current 2743  
medical information on the recipient's condition, and any other 2744  
information required in rules adopted by the board. The board 2745  
may waive the requirement that a disability benefit recipient 2746  
~~file submit~~ an annual statement of earnings or current medical 2747  
information if the board's physician certifies that the 2748  
recipient's disability is ongoing. 2749

The board shall annually examine the information submitted 2750  
by the recipient. If a disability benefit recipient fails to 2751  
~~file submit~~ the statement or information, the disability benefit 2752  
shall be suspended until the statement and information are ~~filed~~ 2753  
submitted. If the failure continues for one year or the 2754  
disability benefit is terminated for any reason during the one- 2755  
year period, the recipient's right to the disability benefit 2756  
shall be terminated as of the effective date of the ~~original~~ 2757  
suspension. 2758

(G) A disability benefit may be terminated by the board at 2759  
the request of the disability benefit recipient. 2760

(H) If disability retirement under section 3307.63 of the 2761  
Revised Code is terminated for any reason, the annuity and 2762  
pension reserves at that time in the annuity and pension reserve 2763  
fund shall be transferred to the teachers' savings fund and the 2764  
employers' trust fund, respectively. If the total disability 2765

benefit paid was less than the amount of the accumulated 2766  
contributions of the member transferred to the annuity and 2767  
pension reserve fund at the time of the member's disability 2768  
retirement, then the difference shall be transferred from the 2769  
annuity and pension reserve fund to another fund as required. In 2770  
determining the amount of a member's account following the 2771  
termination of disability retirement for any reason, the total 2772  
amount paid shall be charged against the member's refundable 2773  
account. 2774

(I) If a disability allowance paid under section 3307.631 2775  
of the Revised Code is terminated for any reason, the reserve on 2776  
the allowance at that time in the annuity and pension reserve 2777  
fund shall be transferred from that fund to the employers' trust 2778  
fund. 2779

(J) A former disability benefit recipient shall receive 2780  
credit for the period as a disability benefit recipient if 2781  
either of the following occurs: 2782

(1) The former disability recipient again becomes a 2783  
contributor, other than as an other system retirant under 2784  
section 3307.35 of the Revised Code, to this retirement system 2785  
in the STRS defined benefit plan or to the school employees 2786  
retirement system, or the public employees retirement system in 2787  
the PERS defined benefit plan, and completes at least two 2788  
additional years of service credit; 2789

(2) The former disability benefit recipient again becomes 2790  
a contributor, other than as an other system retirant under 2791  
section 3307.35 of the Revised Code, to this retirement system 2792  
in the STRS defined contribution plan and completes at least two 2793  
additional years of service credit. 2794



Credit may be received for more than one period of leave 2795  
as a disability benefit recipient, except that for credit 2796  
received on or after July 1, 2013, the total number of years 2797  
received shall not exceed the lesser of the years of 2798  
contributing service following the termination of disability 2799  
benefits or five years of total service credit. 2800

**Sec. 3307.501.** (A) As used in this section, "percentage 2801  
increase" means the percentage that an increase in compensation 2802  
is of the compensation paid prior to the increase. 2803

(B) For the purpose of determining final average salary 2804  
under this section, "compensation" has the same meaning as in 2805  
section 3307.01 of the Revised Code, except that it does not 2806  
include any amount resulting from a percentage increase paid to 2807  
a member during the member's two highest years of compensation, 2808  
and any partial year of compensation as determined under 2809  
divisions (C) (1) and (2) of this section to which the percentage 2810  
increase also applies, if the percentage increase exceeds the 2811  
greater of the following: 2812

(1) The highest percentage increase in compensation paid 2813  
to the member during any of the three years immediately 2814  
preceding the earlier of the member's two highest years of 2815  
compensation; 2816

(2) A percentage increase paid to the member as part of an 2817  
increase generally applicable to members employed by the 2818  
employer. An increase shall be considered generally applicable 2819  
if it is paid to members employed by a school district board of 2820  
education in positions requiring a license issued under section 2821  
3319.22 of the Revised Code in accordance with uniform criteria 2822  
applicable to all such members or if paid to members employed by 2823  
an employer other than a school district board of education in 2824

accordance with uniform criteria applicable to all such members. 2825

(C) The state teachers retirement board shall determine 2826  
the final average salary of a member as follows: 2827

(1) For benefits beginning before August 1, 2015, by 2828  
dividing the sum of the member's annual compensation for the 2829  
three highest years of compensation for which the member made 2830  
contributions plus any amount determined under division (E) of 2831  
this section by three, except that if the member has a partial 2832  
year of contributing service in the year the member's employment 2833  
terminates and the compensation for the partial year is at a 2834  
rate higher than the rate of compensation for any one of the 2835  
member's highest three years of compensation, the board shall 2836  
substitute the compensation for the partial year for the 2837  
compensation for the same portion of the lowest of the member's 2838  
three highest years of compensation; 2839

(2) For benefits beginning on or after August 1, 2015, 2840  
except as provided in division (C)(3) of this section, by 2841  
dividing the sum of the member's annual compensation for the 2842  
five highest years of compensation for which the member made 2843  
contributions plus any amount determined under division (E) of 2844  
this section by five, except that if the member has a partial 2845  
year of contributing service in the year the member's employment 2846  
terminates and the compensation for the partial year is at a 2847  
rate higher than the rate of compensation for any one of the 2848  
member's highest five years of compensation, the board shall 2849  
substitute the compensation for the partial year for the 2850  
compensation for the same portion of the lowest of the member's 2851  
five highest years of compensation; 2852

(3) For benefits beginning on or after August 1, 2015, 2853  
that were preceded by a disability benefit effective before that 2854

date and with no break in benefits, by dividing the sum of the 2855  
member's annual compensation for the three highest years of 2856  
compensation for which the member made contributions plus any 2857  
amount determined under division (E) of this section by three, 2858  
except that if the member has a partial year of contributing 2859  
service in the year the member's employment terminates and the 2860  
compensation for the partial year is at a rate higher than the 2861  
rate of compensation for any one of the member's highest three 2862  
years of compensation, the board shall substitute the 2863  
compensation for the partial year for the compensation for the 2864  
same portion of the lowest of the member's three highest years 2865  
of compensation. 2866

If a member has less than the requisite years of 2867  
contributing membership, the member's final average salary shall 2868  
be the member's total compensation for the period of 2869  
contributing membership plus any amount determined under 2870  
division (E) of this section divided by the total years, 2871  
including any portion of a year, of contributing service. 2872

For the purpose of calculating benefits payable to a 2873  
member qualifying for service credit under division (I) of 2874  
section 3307.01 of the Revised Code, the board shall calculate 2875  
the member's final average salary by dividing the member's total 2876  
compensation as a teacher covered under this chapter plus any 2877  
amount determined under division (E) of this section by the 2878  
total number of years, including any portion of a year, of 2879  
contributing membership during that period. If contributions 2880  
were made for less than twelve months, the member's final 2881  
average salary is the total amount of compensation paid to the 2882  
member during all periods of contributions under this chapter. 2883

(D) Contributions made by a member on amounts that, 2884

pursuant to division (B) of this section, are not compensation 2885  
or are not included, pursuant to division (E) of this section, 2886  
for the purpose of determining final average salary shall be 2887  
treated as additional deposits to the member's account under 2888  
section 3307.26 of the Revised Code and used to provide 2889  
additional annuity income. 2890

(E) The state teachers retirement board shall adopt rules 2891  
establishing criteria and procedures for administering this 2892  
division. 2893

The board shall notify each applicant for retirement of 2894  
any amount excluded from the applicant's compensation in 2895  
accordance with division (B) of this section and of the 2896  
procedures established by the board for requesting a hearing on 2897  
this exclusion. 2898

Any applicant for retirement who has had any amount 2899  
excluded from the applicant's compensation in accordance with 2900  
division (B) of this section may request a hearing on this 2901  
exclusion. Upon receiving such a request, the board shall 2902  
determine in accordance with its criteria and procedures 2903  
whether, for good cause as determined by the board, all or any 2904  
portion of any amount excluded from the applicant's compensation 2905  
in accordance with division (B) of this section, up to a maximum 2906  
of seventy-five hundred dollars, is to be included in the 2907  
determination of final average salary under division (C) of this 2908  
section. Any determination of the board under this division 2909  
shall be final. 2910

**Sec. 3307.56.** (A) (1) Subject to section 3307.37 of the 2911  
Revised Code and except as provided in division (B) (2) of this 2912  
section, a member participating in the STRS defined benefit plan 2913  
who ceases to be a teacher for any cause other than death, 2914

retirement, receipt of a disability benefit, or current 2915  
employment in a position in which the member has elected to 2916  
participate in an alternative retirement plan under section 2917  
3305.05 or 3305.051 of the Revised Code, upon application, shall 2918  
be paid the accumulated contributions standing to the credit of 2919  
the member's individual account in the teachers' savings fund 2920  
plus an amount calculated in accordance with section 3307.563 of 2921  
the Revised Code. If the member or the member's legal 2922  
representative cannot be found within ten years after the member 2923  
ceased making contributions pursuant to section 3307.26 of the 2924  
Revised Code, the accumulated contributions may be transferred 2925  
to the guarantee fund and thereafter paid to the member, to the 2926  
member's beneficiaries, or to the member's estate, upon proper 2927  
application. 2928

(2) A member described in division (A)(1) of this section 2929  
who is married at the time of application for payment and is 2930  
eligible for age and service retirement under section 3307.58 or 2931  
3307.59 of the Revised Code or would be eligible for age and 2932  
service retirement under either of those sections but for a 2933  
forfeiture ordered under division (A) or (B) of section 2929.192 2934  
of the Revised Code shall submit with the application a written 2935  
statement by the member's spouse attesting that the spouse 2936  
consents to the payment of the member's accumulated 2937  
contributions. Consent shall be valid only if it is signed and 2938  
witnessed by a notary public. If the statement is not submitted 2939  
under this division, the application shall be considered an 2940  
application for service retirement and shall be subject to 2941  
division ~~(C)~~(I)(1) of section 3307.60 of the Revised Code. 2942

The state teachers retirement board may waive the 2943  
requirement of consent if the spouse is incapacitated or cannot 2944  
be located, or for any other reason specified by the board. 2945

Consent or waiver is effective only with regard to the spouse 2946  
who is the subject of the consent or waiver. 2947

(B) This division applies to any member who is employed in 2948  
a position in which the member has elected under section 3305.05 2949  
or 3305.051 of the Revised Code to participate in an alternative 2950  
retirement plan and due to the election ceases to be a teacher 2951  
for the purposes of that position. 2952

Subject to section 3307.37 of the Revised Code, the state 2953  
teachers retirement system shall do the following: 2954

(1) On receipt of a certified copy of an election under 2955  
section 3305.05 or 3305.051 of the Revised Code, pay, in 2956  
accordance with section 3305.052 of the Revised Code, the amount 2957  
described in that section to the appropriate provider; 2958

(2) If a member has accumulated contributions, in addition 2959  
to those subject to division (B)(1) of this section, standing to 2960  
the credit of a member's individual account and is not otherwise 2961  
in a position in which the member is considered a teacher for 2962  
the purposes of that position, pay, to the provider the member 2963  
selected pursuant to section 3305.05 or 3305.051 of the Revised 2964  
Code, the accumulated contributions standing to the credit of 2965  
the member's individual account in the teachers' saving fund 2966  
plus an amount calculated in accordance with section 3307.563 of 2967  
the Revised Code. The payment shall be made on the member's 2968  
application. 2969

(C) Payment of a member's accumulated contributions under 2970  
division (B) of this section cancels the member's total service 2971  
credit in the state teachers retirement system. A member whose 2972  
accumulated contributions are paid to a provider pursuant to 2973  
division (B) of this section is forever barred from claiming or 2974

purchasing service credit under the state teachers retirement 2975  
system for the period of employment attributable to those 2976  
contributions. 2977

**Sec. 3307.562.** (A) As used in this section and section 2978  
3307.66 of the Revised Code: 2979

(1) "Child" means a biological or legally adopted child of 2980  
a deceased member. If a court hearing for an interlocutory 2981  
decree for adoption was held prior to the member's death, 2982  
"child" includes the child who was the subject of the hearing if 2983  
a final decree of adoption adjudging the member's spouse as the 2984  
adoptive parent is made subsequent to the member's death. 2985

(2) "Parent" is a parent or legally adoptive parent of a 2986  
deceased member. 2987

(3) "Dependent" means a beneficiary who receives at least 2988  
one-half of the beneficiary's support from a member during the 2989  
twelve months prior to the member's death. 2990

(4) "Surviving spouse" means an individual who establishes 2991  
a valid marriage to a member at the time of the member's death 2992  
by marriage certificate or pursuant to division (E) of this 2993  
section. 2994

(5) "Survivor" means a spouse, child, or dependent parent. 2995

(B) Except as provided in division (B) of section 3307.563 2996  
or division (G)(1) of section 3307.66 of the Revised Code, 2997  
should a member who is participating in the STRS defined benefit 2998  
plan die before service retirement, the member's accumulated 2999  
contributions, plus an amount calculated in accordance with 3000  
section 3307.563 of the Revised Code, and any amounts owed and 3001  
unpaid to a disability benefit recipient shall be paid to such 3002  
beneficiaries as the member has nominated by written designation 3003

signed by the member and received by the state teachers 3004  
retirement board prior to death. A member may designate two or 3005  
more persons as beneficiaries to be paid the amount determined 3006  
under this division. On and after July 1, 2013, and subject to 3007  
rules adopted by the board, a member who designates two or more 3008  
persons as beneficiaries shall specify the percentage of the 3009  
amount that each beneficiary is to be paid. If the member has 3010  
not specified the percentages, the amount shall be divided 3011  
equally among the designated beneficiaries. If a designated 3012  
beneficiary is deceased, the amount allocated to the deceased 3013  
beneficiary shall be allocated to the remaining beneficiaries 3014  
based on each remaining beneficiary's initial percentage. The 3015  
nomination of beneficiary shall be on a form provided by the 3016  
retirement board. The last nomination of any beneficiary revokes 3017  
all previous nominations. The member's marriage, divorce, 3018  
marriage dissolution, legal separation, or withdrawal of 3019  
account, or the birth of the member's child, or the member's 3020  
adoption of a child, shall constitute an automatic revocation of 3021  
the member's previous designation. If a deceased member was also 3022  
a member of the public employees retirement system or the school 3023  
employees retirement system, the beneficiary last established 3024  
among the systems shall be the sole beneficiary in all the 3025  
systems. 3026

Any beneficiary ineligible for monthly survivor benefits 3027  
as provided by section 3307.66 of the Revised Code may waive in 3028  
writing all claim to any benefits and such waiver shall thereby 3029  
put in effect the succession of beneficiaries under division (C) 3030  
of this section, provided the beneficiary thereunder is 3031  
immediately eligible and agrees in writing to accept survivor 3032  
benefits as provided by section 3307.66 of the Revised Code. If 3033  
the accumulated contributions of a deceased member are not 3034



claimed by a beneficiary, or by the estate of the deceased 3035  
member, within ten years, they shall be transferred to the 3036  
guarantee fund and thereafter paid to such beneficiary or to the 3037  
member's estate upon application to the board. The board shall 3038  
formulate and adopt rules governing all designations of 3039  
beneficiaries. 3040

(C) Except as provided in division (G) (1) of section 3041  
3307.66 of the Revised Code, if a member dies before service 3042  
retirement and is not survived by a designated beneficiary, any 3043  
beneficiaries shall qualify, in the following order of 3044  
precedence, with all attendant rights and privileges: 3045

(1) Surviving spouse; 3046

(2) Children, share and share alike; 3047

(3) A dependent parent, if that parent elects to take 3048  
survivor benefits under division (C) (2) of section 3307.66 of 3049  
the Revised Code; 3050

(4) Parents, share and share alike; 3051

(5) Estate. 3052

If any survivor dies before payment is made under this 3053  
section or is not located prior to the ninety-first day after 3054  
the board receives notification of the member's death, the 3055  
survivor next in order of precedence shall qualify as a 3056  
beneficiary, provided that benefits under division (C) (2) of 3057  
section 3307.66 of the Revised Code are elected. In the event 3058  
that the beneficiary originally determined is subsequently 3059  
located, the beneficiary may qualify for benefits under division 3060  
(C) (2) of section 3307.66 of the Revised Code upon meeting the 3061  
conditions of eligibility set forth in division (B) of that 3062  
section, but in no case earlier than the first day of the month 3063

following application by such beneficiary. Any payment made to a 3064  
beneficiary as determined by the board shall be a full discharge 3065  
and release to the board from any future claims. 3066

(D) (1) Any amount due any person, as an annuitant, 3067  
receiving a monthly benefit, and unpaid to the annuitant at 3068  
death, shall be paid to the beneficiary named by written 3069  
designation signed by the annuitant and received by the state 3070  
teachers retirement board prior to death. If no such designation 3071  
has been ~~filed~~ submitted, or if the beneficiary designated is 3072  
deceased or is not located prior to the ninety-first day after 3073  
the board receives notification of the annuitant's death, such 3074  
amount shall be paid, in the following order of precedence to 3075  
the annuitant's: 3076

(a) Surviving spouse; 3077

(b) Children, share and share alike; 3078

(c) Parents, share and share alike; 3079

(d) Estate. 3080

(2) If there is no beneficiary under division (D) (1) of 3081  
this section, an amount not exceeding the cost of the 3082  
annuitant's burial expenses may be paid to the person 3083  
responsible for the burial expenses. 3084

For purposes of this division an "annuitant" is the last 3085  
person who received a monthly benefit pursuant to the plan of 3086  
payment selected by the former member. Such payment shall be a 3087  
full discharge and release to the board from any future claim 3088  
for such payment. 3089

(E) If the validity of marriage cannot be established to 3090  
the satisfaction of the board for the purpose of disbursing any 3091

amount due under this section or section 3307.66 of the Revised 3092  
Code, the board may accept a decision rendered by a court having 3093  
jurisdiction in the state in which the member was domiciled at 3094  
the time of death that the relationship constituted a valid 3095  
marriage at the time of death, or the "spouse" would have the 3096  
same status as a widow or widower for purposes of sharing the 3097  
distribution of the member's intestate personal property. 3098

(F) As used in this division, "recipient" means an 3099  
individual who is receiving or may be eligible to receive an 3100  
allowance or benefit under this chapter based on the 3101  
individual's service to an employer. 3102

If the death of a member, a recipient, or any individual 3103  
who would be eligible to receive an allowance or benefit under 3104  
this chapter by virtue of the death of a member or recipient is 3105  
caused by one of the following beneficiaries, no amount due 3106  
under this chapter to the beneficiary shall be paid to the 3107  
beneficiary in the absence of a court order to the contrary 3108  
~~filed with~~ submitted to the board: 3109

(1) A beneficiary who is convicted of, pleads guilty to, 3110  
or is found not guilty by reason of insanity of a violation of 3111  
or complicity in the violation of either of the following: 3112

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 3113  
Code; 3114

(b) An existing or former law of any other state, the 3115  
United States, or a foreign nation that is substantially 3116  
equivalent to section 2903.01, 2903.02, or 2903.03 of the 3117  
Revised Code; 3118

(2) A beneficiary who is indicted for a violation of or 3119  
complicity in the violation of the sections or laws described in 3120

division (F) (1) (a) or (b) of this section and is adjudicated 3121  
incompetent to stand trial; 3122

(3) A beneficiary who is a juvenile found to be a 3123  
delinquent child by reason of committing an act that, if 3124  
committed by an adult, would be a violation of or complicity in 3125  
the violation of the sections or laws described in division (F) 3126  
(1) (a) or (b) of this section. 3127

**Sec. 3307.58.** (A) As used in this section, "qualifying 3128  
service credit" means all of the following: 3129

(1) Credit earned under section 3307.53 or for which 3130  
contributions were made under section 145.47 or 3309.47 of the 3131  
Revised Code; 3132

(2) Credit restored under section 145.31, 3307.71, or 3133  
3309.26 of the Revised Code; 3134

(3) Credit purchased under section 145.302, 3307.752, or 3135  
3309.022, or division (D) of section 5505.16 of the Revised 3136  
Code, or obtained under section 742.521 of the Revised Code; 3137

(4) Credit obtained under section 3307.761, 3307.763, or 3138  
3307.765 of the Revised Code other than military service credit 3139  
as defined in section 3307.761 of the Revised Code, except that 3140  
"qualifying service credit" includes credit obtained under 3141  
section 3307.761, 3307.763, or 3307.765 of the Revised Code that 3142  
was initially purchased under division (D) of section 5505.16 of 3143  
the Revised Code or obtained under section 742.521 of the 3144  
Revised Code. 3145

(B) Any member participating in the STRS defined benefit 3146  
plan who has attained the applicable combination of age and 3147  
service credit shall be granted service retirement after ~~filing~~ 3148  
~~with~~ submitting to the state teachers retirement board a 3149

completed application on a form approved by the board.	3150
(1) Except as provided in division (B)(3) of this section,	3151
a member is eligible to retire under this division if any of the	3152
following is the case:	3153
(a) The member has five or more years of qualifying	3154
service credit and has attained age sixty-five;	3155
(b) The member is applying for service retirement	3156
following termination of a disability benefit received under	3157
section 3307.63 or 3307.631 of the Revised Code and has five or	3158
more years of total service credit <u>and has attained age sixty-</u>	3159
<u>five</u> ;	3160
(c) The member meets one of the following requirements:	3161
(i) Before August 1, 2015, has thirty or more years of	3162
service credit at any age;	3163
(ii) On or after August 1, 2015, but before August 1,	3164
2017, has thirty-one or more years of service credit at any age;	3165
(iii) On or after August 1, 2017, but before August 1,	3166
2019, has thirty-two or more years of service credit at any age;	3167
(iv) On or after August 1, 2019, but before August 1,	3168
2021, has thirty-three or more years of service credit at any	3169
age;	3170
(v) On or after August 1, 2021, but before August 1, 2023,	3171
has thirty-four or more years of service credit at any age;	3172
(vi) On or after August 1, 2023, but before August 1,	3173
2026, has thirty-five or more years of service credit at any	3174
age;	3175
(vii) On or after August 1, 2026, has thirty-five or more	3176

years of service credit and has attained age sixty. 3177

(2) Except as provided in division (B)(3) of this section, 3178  
a member is eligible to retire under this division if any of the 3179  
following is the case: 3180

(a) The member has five or more years of qualifying 3181  
service credit and has attained age sixty; 3182

(b) The member is applying for service retirement 3183  
following termination of a disability benefit received under 3184  
section 3307.63 or 3307.631 of the Revised Code and has five or 3185  
more years of total service credit and has attained age sixty; 3186

(c) The member meets one of the following requirements: 3187

(i) Before August 1, 2015, has twenty-five or more years 3188  
of service credit and has attained age fifty-five; 3189

(ii) On or after August 1, 2015, but before August 1, 3190  
2017, has twenty-six or more years of service credit and has 3191  
attained age fifty-five or has thirty or more years of service 3192  
credit at any age; 3193

(iii) On or after August 1, 2017, but before August 1, 3194  
2019, has twenty-seven or more years of service credit and has 3195  
attained age fifty-five or has thirty or more years of service 3196  
credit at any age; 3197

(iv) On or after after August 1, 2019, but before August 3198  
1, 2021, has twenty-eight or more years of service credit and 3199  
has attained age fifty-five or has thirty or more years of 3200  
service credit at any age; 3201

(v) On or after August 1, 2021, but before August 1, 2023, 3202  
has twenty-nine or more years of service credit and has attained 3203  
age fifty-five or has thirty or more years of service credit at 3204

any age; 3205

(vi) On or after August 1, 2023, has thirty or more years 3206  
of service credit at any age. 3207

(3) The board may adjust the retirement eligibility 3208  
requirements of this section if the board's actuary, in its 3209  
annual actuarial valuation required by section 3307.51 of the 3210  
Revised Code or in other evaluations conducted under that 3211  
section, determines that an adjustment does not materially 3212  
impair the fiscal integrity of the retirement system or is 3213  
necessary to preserve the fiscal integrity of the system. 3214

(C) Service retirement shall be effective not earlier than 3215  
the first day of the month next following the later of: 3216

(1) The last day for which compensation was paid; ~~or~~ 3217

(2) The attainment of minimum age and service credit 3218  
eligibility for benefits provided under this section; 3219

(3) The termination of a disability benefit received under 3220  
section 3307.63 or 3307.631 of the Revised Code and attainment 3221  
of minimum age and service credit eligibility for benefits 3222  
provided under this section. 3223

(D) (1) Except as provided in division (E) of this section, 3224  
the annual single lifetime benefit of a member whose retirement 3225  
effective date is before August 1, 2013, shall be the greater of 3226  
the amounts determined by the member's Ohio service credit 3227  
multiplied by one of the following: 3228

(a) Eighty-six dollars; 3229

(b) The sum of the following amounts: 3230

(i) For each of the first thirty years of Ohio service 3231

credit, two and two-tenths per cent of the member's final 3232  
average salary or, subject to the limitation described in 3233  
division (D) (1) (c) of this section, two and five-tenths per cent 3234  
of the member's final average salary if the member has thirty- 3235  
five or more years of service credit under section 3307.48, 3236  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3237  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3238  
division (A) (2) or (B) of former section 3307.513 of the Revised 3239  
Code, former section 3307.514 of the Revised Code, section 3240  
3307.72 of the Revised Code earned after July 1, 1978, or any 3241  
combination of service credit under those sections; 3242

(ii) For each year or fraction of a year of Ohio service 3243  
credit in excess of thirty years, two and two-tenths per cent of 3244  
the member's final average salary or, subject to the limitation 3245  
described in division (D) (1) (c) of this section, if the member 3246  
has more than thirty years service credit under section 3307.48, 3247  
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3248  
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3249  
division (A) (2) or (B) of former section 3307.513 of the Revised 3250  
Code, former section 3307.514 of the Revised Code, section 3251  
3307.72 of the Revised Code earned after July 1, 1978, or any 3252  
combination of service credit under those sections, the per cent 3253  
of final average salary shown in the following schedule for each 3254  
corresponding year or fraction of a year of service credit under 3255  
those sections that is in excess of thirty years: 3256

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%	3257
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3258
				3259
				3260
				3261
				3262



32.01 - 33.00	2.7	37.01 - 38.00	3.2	3263
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3264
34.01 - 35.00	2.9			3265

For purposes of this schedule, years of service credit shall be rounded to the nearest one-hundredth of a year. 3266  
3267

(c) For purposes of division (D) (1) of this section, a percentage of final average salary in excess of two and two-tenths per cent shall be applied to service credit under section 3307.57 of the Revised Code only if the service credit was established under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised Code or restored under section 145.31 or 3309.26 of the Revised Code. 3268  
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(2) (a) Except as provided in division (E) of this section, the annual single lifetime benefit of a member whose retirement effective date is on or after August 1, 2013, but before August 1, 2015, shall be the amount determined by the member's Ohio service credit multiplied by the sum of the following amounts: 3276  
3277  
3278  
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3280

(i) For each of the first thirty years of Ohio service credit, two and two-tenths per cent of the member's final average salary or, subject to the limitation described in division (D) (2) (b) of this section, two and five-tenths per cent of the member's final average salary if the member has thirty-five or more years of service credit under section 3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, division (A) (2) or (B) of former section 3307.513 of the Revised Code, former section 3307.514 of the Revised Code, section 3307.72 of the Revised Code earned after July 1, 1978, or any combination of service credit under those sections; 3281  
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3292

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

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

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

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

Code or restored under section 145.31 or 3309.26 of the Revised Code. 3324  
 Code. 3325

(3) Except as provided in division (E) of this section, 3326  
 the annual single lifetime benefit of a member whose retirement 3327  
 effective date is on or after August 1, 2015, shall be the 3328  
 amount determined by the member's service credit multiplied by 3329  
 two and two-tenths per cent of the member's final average 3330  
 salary. 3331

(E)(1) The annual single lifetime benefit of a member 3332  
 described in division (B)(2) of this section whose service 3333  
 retirement is effective before August 1, 2015, shall be adjusted 3334  
 by the greater per cent shown in the following schedule opposite 3335  
 the member's attained age or Ohio service credit. 3336

Attained	or	Years of Ohio Service Credit	Per Cent of Base Amount	
Age				3337
58		25	75%	3338
59		26	80	3339
60		27	85	3340
61			88	3341
		28	90	3342
62			91	3343
63			94	3344
		29	95	3345
64			97	3346
65		30 or more	100	3347

(2) The annual single lifetime benefit of a member 3350  
 described in division (B)(2) of this section whose service 3351  
 retirement is effective on or after August 1, 2015, shall be 3352  
 reduced by a percentage determined by the board's actuary for 3353

each year the member retires before attaining the applicable age 3354  
and service credit specified in division (B)(1) of this section. 3355  
The board's actuary may use an actuarially based average 3356  
percentage reduction for this purpose. 3357

(F) Notwithstanding any other provision of this section, 3358  
on application, a member who, as of July 1, 2015, has five or 3359  
more years of Ohio service credit and has attained age sixty, 3360  
has twenty-five or more years of Ohio service credit and has 3361  
attained age fifty-five, or has thirty or more years of Ohio 3362  
service credit shall be granted service retirement according to 3363  
former section 3307.58 of the Revised Code as in effect 3364  
immediately prior to January 7, 2013. The member's benefit shall 3365  
be the greater of the amount the member would have been eligible 3366  
for had the member retired effective July 1, 2015, or the amount 3367  
determined under division (D)(3) of this section. 3368

(G) The annual single lifetime benefit determined under 3369  
division (D) or (E) of this section shall not exceed the lesser 3370  
of one hundred per cent of the final average salary or the limit 3371  
established by section 415 of the "Internal Revenue Code of 3372  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 3373

(H) The annual single lifetime benefit of a member whose 3374  
retirement effective date is before August 1, 2013, shall be the 3375  
greater of the amounts determined under division (D)(1) or (E) 3376  
(1) of this section as appropriate or under this division. The 3377  
benefit shall not exceed the lesser of the sum of the following 3378  
amounts or the limit established by section 415 of the "Internal 3379  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 3380  
amended: 3381

(1) An annuity with a reserve equal to the member's 3382  
accumulated contributions; 3383

(2) A pension equal to the amount in division (H) (1) of 3384  
this section; 3385

(3) An additional pension of forty dollars annually 3386  
multiplied by the number of years of prior and military service 3387  
credit, except years of credit purchased under section 3307.751 3388  
or 3307.752 of the Revised Code. 3389

(I) If a member's disability benefit was terminated under 3390  
section 3307.48 of the Revised Code and the member's retirement 3391  
under this section is effective on the first day of the month 3392  
following the last day for which the disability benefit was 3393  
paid, the member's annual single lifetime benefit determined 3394  
under division (D) or (E) of this section shall be increased by 3395  
a percentage equal to the total of any percentage increases the 3396  
member received under section 3307.67 of the Revised Code, plus 3397  
any additional amount the member received under this chapter 3398  
while receiving the disability benefit. The increase shall be 3399  
based on the plan of payment selected by the member under 3400  
section 3307.60 of the Revised Code. However, the benefit used 3401  
to calculate any future increases under section 3307.67 of the 3402  
Revised Code shall be based on the plan of payment selected by 3403  
the member, plus any additional amount added to the benefit 3404  
determined under this division that established a new base 3405  
benefit to the member. 3406

(J) Benefits determined under this section shall be paid 3407  
as provided in section 3307.60 of the Revised Code. 3408

**Sec. 3307.60.** (A) Upon application for retirement as 3409  
provided in section 3307.58 or 3307.59 of the Revised Code, the 3410  
retirant may elect a plan of payment under this division or, on 3411  
and after the date specified in division (B) of this section, a 3412  
plan of payment under that division. Under this division, the 3413

retirant may elect to receive a single lifetime benefit, or may 3414  
elect to receive the actuarial equivalent of the retirant's 3415  
benefit in a lesser amount, payable for life, and continuing 3416  
after death to a beneficiary under one of the following optional 3417  
plans: 3418

(1) Option 1. The retirant's lesser benefit shall be paid 3419  
for life to the sole beneficiary named at retirement. 3420

(2) Option 2. Some other portion of the retirant's benefit 3421  
shall be paid for life to the sole beneficiary named at 3422  
retirement. The beneficiary's monthly amount shall not exceed 3423  
the monthly amount payable to the retirant during the retirant's 3424  
lifetime. 3425

(3) Option 3. The retirant's lesser benefit established as 3426  
provided under option 1 or option 2 shall be paid for life to 3427  
the sole beneficiary named at retirement, except that in the 3428  
event of the death of the sole beneficiary or termination of a 3429  
marital relationship between the retirant and the sole 3430  
beneficiary the retirant may elect to return to a single 3431  
lifetime benefit equivalent as determined by the state teachers 3432  
retirement board, if, in the case of termination of a marital 3433  
relationship, the election is made with the written consent of 3434  
the beneficiary or pursuant to an order of the court with 3435  
jurisdiction over termination of the marital relationship. 3436

(4) Option 4. The retirant's lesser benefit or a portion 3437  
of the retirant's lesser benefit shall be paid for life to two, 3438  
three, or four surviving beneficiaries named at retirement. The 3439  
portion of the allowance that continues after the member's death 3440  
shall be allocated among the beneficiaries at the time of the 3441  
member's retirement. If the retirant elects this plan as 3442  
required by a court order issued under section 3105.171 or 3443

3105.65 of the Revised Code or the laws of another state 3444  
regarding the division of marital property and compliance with 3445  
the court order requires the allocation of a portion less than 3446  
ten per cent to any person, the retirant shall allocate a 3447  
portion less than ten per cent to that beneficiary in accordance 3448  
with that order. In all other circumstances, no portion 3449  
allocated under this plan of payment shall be less than ten per 3450  
cent. The total of the portions allocated shall not exceed one 3451  
hundred per cent of the retirant's lesser allowance. In the 3452  
event of the death of a beneficiary or termination of a marital 3453  
relationship between the retirant and a beneficiary, the 3454  
retirant may elect to cancel the portion of the plan of payment 3455  
providing continuing lifetime benefits to that beneficiary 3456  
except that, in the case of termination of a marital 3457  
relationship, the election may be made only with the written 3458  
consent of the beneficiary or pursuant to an order of the court 3459  
with jurisdiction over termination of the marital relationship. 3460  
The retirant shall receive the actuarial equivalent of the 3461  
remainder of the retirant's single lifetime benefit based on the 3462  
number of remaining beneficiaries, with no change in the amount 3463  
payable to any remaining beneficiary. 3464

(5) Option 5. Upon the retirant's death before the 3465  
expiration of a certain period from the retirement date and 3466  
elected by the retirant, and approved by the board, the 3467  
retirant's benefit shall be continued for the remainder of such 3468  
period to the beneficiary. Monthly benefits shall not be paid to 3469  
joint beneficiaries, but they may receive the present value of 3470  
any remaining payments in a lump sum settlement. If all 3471  
beneficiaries die before the expiration of the certain period, 3472  
the present value of all payments yet remaining in such period 3473  
shall be paid to the estate of the beneficiary last receiving. 3474

(6) Option 6. A plan of payment established by the state teachers retirement board combining any of the features of options 1, 2, and 5.

(B) ~~Beginning on a date selected by the state teachers retirement board, which shall be not later than July October 1, ~~2004~~2002,~~ a retirant may elect, in lieu of a plan of payment under division (A) of this section, a plan consisting of both of the following:

(1) A lump sum in an amount the member designates that constitutes a portion of the member's single lifetime benefit;

(2) Either of the following:

(a) The remainder of the retirant's single lifetime benefit;

(b) The actuarial equivalent of the remainder of the retirant's benefit in a lesser amount, payable for life, and continuing after death to a beneficiary under one of the options described in divisions (A) (1) to (6) of this section.

The amount designated by the member under division (B) (1) 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 member as a single lifetime benefit and shall not result in a monthly allowance that is less than fifty per cent of that amount.

(C) A retirant shall not elect a plan of payment under division (A) or (B) of this section that results in a monthly payment of the retirant's lesser benefit to a beneficiary of one hundred dollars or less a month. This division does not apply to a retirant who is subject to division (I) (1) of this section.



(D) Until the first payment is made to a former member 3503  
under section 3307.58 or 3307.59 of the Revised Code, the former 3504  
member may change the selection of a plan of payment. 3505

~~(D)~~ (E) (1) If a deceased member was eligible for but had 3506  
not yet been awarded a service retirement benefit under section 3507  
3307.58 or 3307.59 of the Revised Code at the time of death, 3508  
option 1 as provided for in division (A) (1) of this section 3509  
shall be paid to the spouse or other sole dependent beneficiary. 3510

(2) Beginning on a ~~date selected by the board, which shall~~ 3511  
~~be not later than July-October 1, 2004~~2002, the spouse or sole 3512  
beneficiary may elect, in lieu of option 1, a plan of payment 3513  
consisting of both of the following: 3514

(a) A lump sum in an amount the spouse or other sole 3515  
dependent beneficiary designates that constitutes a portion of 3516  
the retirant's single life annuity; 3517

(b) The actuarial equivalent of the remainder of the 3518  
retirant's single life annuity paid as a benefit under option 1 3519  
for life to the spouse or other sole dependent beneficiary. 3520

The amount designated by the spouse or other sole 3521  
dependent beneficiary under division ~~(D)~~ (E) (2) (a) of this 3522  
section shall be not less than six times and not more than 3523  
thirty-six times the monthly amount that would be payable as the 3524  
retirant's single life annuity and shall not result in a monthly 3525  
allowance that is less than fifty per cent of that monthly 3526  
amount. 3527

~~(E)~~ (F) If the total benefit paid under this section is 3528  
less than the balance in the teachers' savings fund, the 3529  
difference shall be paid to the beneficiary provided under 3530  
division (D) (1) of section 3307.562 of the Revised Code. 3531

~~(F)~~ (G) In the case of a retirant who elected an optional 3532  
plan prior to September 15, 1989: 3533

(1) The death of the spouse or other designated 3534  
beneficiary following retirement shall, at the election of the 3535  
retirant, cancel any optional plan selected at retirement to 3536  
provide continuing lifetime benefits to the spouse or other 3537  
beneficiary and return the retirant to a single lifetime benefit 3538  
equivalent as determined by the board. 3539

(2) A divorce, annulment, or marriage dissolution shall, 3540  
at the election of the retirant, cancel any optional plan 3541  
selected at retirement to provide continuing lifetime benefits 3542  
to the spouse as designated beneficiary and return the retirant 3543  
to a single lifetime benefit equivalent as determined by the 3544  
board if the election is made with the written consent of the 3545  
beneficiary or pursuant to an order of a court of common pleas 3546  
or the court of another state with jurisdiction over the 3547  
termination of the marriage. 3548

~~(G)~~ (H) (1) Following marriage or remarriage, both of the 3549  
following apply: 3550

(a) A retirant who elected to receive a single lifetime 3551  
benefit or an optional plan of payment under division (A) (3) or 3552  
(4) of this section may elect a new optional plan of payment 3553  
based on the actuarial equivalent of the retirant's single 3554  
lifetime benefit, as determined by the board. The new plan must 3555  
be a plan described in division (A) (1), (2), (3), (4), or (6) of 3556  
this section under which only the retirant's new spouse is added 3557  
as a beneficiary and the application for the new plan must be 3558  
received by the board prior to the retirant's death. A spouse 3559  
may not be added if there are four beneficiaries under division 3560  
(A) (4) of this section that must be retained pursuant to a court 3561

order described under division ~~(H)~~(I)(1) (b) of this section or 3562  
if the amount payable to any beneficiary pursuant to such court 3563  
order would be reduced. A retirant who is receiving a retirement 3564  
allowance under an optional plan that provides for continuation 3565  
of benefits after death to a former spouse may elect a new 3566  
optional plan of payment only with the written consent of the 3567  
former spouse or pursuant to an order of the court with 3568  
jurisdiction over the termination of the marriage, except that 3569  
consent of the former spouse is not required if the new optional 3570  
plan of payment will not affect payments to the former spouse. 3571

(b) A retirant who is receiving a benefit pursuant to a 3572  
plan of payment providing for payment to a former spouse 3573  
pursuant to a court order described in division ~~(H)~~(I)(1) (b) of 3574  
this section may elect a new plan of payment under "option 4" 3575  
with the retirant's spouse as a beneficiary based on the 3576  
actuarial equivalent of the retirant's single lifetime 3577  
retirement allowance as determined by the board if the new plan 3578  
of payment elected does not reduce the payment to the former 3579  
spouse. 3580

(2) If the marriage or remarriage occurs on or after June 3581  
6, 2005, the election must be made not later than one year after 3582  
the date of the marriage or remarriage. 3583

A valid election under division ~~(G)~~(H)(1) or (2) of this 3584  
section shall become effective on the date of receipt by the 3585  
board of an application on a form approved by the board. The 3586  
election must be signed by the retirant and received by the 3587  
board prior to the retirant's death. Any change in the amount of 3588  
the benefit shall commence on the first day of the month 3589  
following the effective date of the plan. 3590

~~(H)~~(I)(1) Except as otherwise provided in this division 3591

and division ~~(H)~~(I)(2) of this section, an application for 3592  
service retirement made pursuant to section 3307.58 or 3307.59 3593  
of the Revised Code by a married person shall be considered an 3594  
election of a benefit under option 3 as provided for in division 3595  
(A)(3) of this section under which one-half of the lesser 3596  
benefit payable during the life of the retirant will be paid 3597  
after death to the retirant's spouse for life as sole 3598  
beneficiary. The exceptions are as follows: 3599

(a) The retirant selects an optional plan under division 3600  
(A) of this section providing for payment after death to the 3601  
retirant's spouse for life as sole beneficiary of more than one- 3602  
half of the lesser benefit payable during the life of the 3603  
retirant. 3604

(b) A plan of payment providing for payment in a specified 3605  
amount continuing after the retirant's death to a former spouse 3606  
is required by a court order issued prior to the effective date 3607  
of retirement under section 3105.171 or 3105.65 of the Revised 3608  
Code or the laws of another state regarding division of marital 3609  
property. 3610

(c) The retirant submits to the retirement board a written 3611  
statement signed by the spouse attesting that the spouse 3612  
consents to the retirant's election to receive a single lifetime 3613  
annuity or a payment under an optional benefit plan under which 3614  
after the death of the retirant the surviving spouse will 3615  
receive less than one-half of the lesser benefit payable during 3616  
the life of the retirant. 3617

(d) Any other reason specified by the board. 3618

(2) If a retirant is subject to division ~~(H)~~(I)(1)(b) of 3619  
this section and the board has received a copy of the order 3620

described in that division, the board shall accept the 3621  
retirant's election of a plan of payment under this section only 3622  
if the retirant complies with both of the following: 3623

(a) The retirant elects a plan of payment that is in 3624  
accordance with the order described in division ~~(H)~~(I)(1)(b) of 3625  
this section. 3626

(b) If the retirant is married, the retirant elects 3627  
"option 4" and designates the retirant's current spouse as a 3628  
beneficiary under that plan unless that spouse consents in 3629  
writing to not being designated a beneficiary under any plan of 3630  
payment or the board waives the requirement that the current 3631  
spouse consent. 3632

(3) An application for retirement shall include an 3633  
explanation of all of the following: 3634

(a) That, if the member is married, unless the spouse 3635  
consents to another plan of payment or there is a court order 3636  
dividing marital property issued under section 3105.171 or 3637  
3105.65 of the Revised Code or the laws of another state 3638  
regarding the division of marital property that provides for 3639  
payment in a specified amount, the member's retirement allowance 3640  
will be paid under "option 3" as provided for in division (A)(3) 3641  
of this section and consist of the actuarial equivalent of the 3642  
member's retirement allowance in a lesser amount payable for 3643  
life and one-half of the lesser allowance continuing after death 3644  
to the surviving spouse for the life of the spouse; 3645

(b) A description of the alternative plans of payment 3646  
available with the consent of the spouse; 3647

(c) That the spouse may consent to another plan of payment 3648  
and the procedure for giving consent; 3649

(d) That consent is irrevocable once notice of consent is 3650  
~~filed with~~ submitted to the board. 3651

Consent shall be valid only if it is signed, in writing, 3652  
and witnessed by a notary public. 3653

(4) If the retirant does not select an optional plan of 3654  
payment as described in division ~~(H)~~(I) (1) (a) of this section, 3655  
no court has ordered a plan of payment described in division ~~(H)~~ 3656  
(I) (1) (b) of this section, and the board does not receive the 3657  
written statement provided for in division ~~(H)~~(I) (1) (c) of this 3658  
section, the board shall determine and pay the retirement 3659  
allowance in accordance with this division, except that the 3660  
board may provide by rule for waiver by the board of the 3661  
statement and payment of the benefits other than in accordance 3662  
with this division or payment under section 3307.56 of the 3663  
Revised Code if the retirant is unable to obtain the statement 3664  
due to absence or incapacity of the spouse or other cause 3665  
specified by the board. 3666

~~(I)~~(J) For the purpose of determining actuarial 3667  
equivalence under this section, on the advice of an actuary 3668  
employed by the board, the board shall adopt mortality tables 3669  
that may take into consideration the membership experience of 3670  
the state teachers retirement system and may also include the 3671  
membership experience of the public employees retirement system 3672  
and the school employees retirement system. 3673

**Sec. 3307.62.** As used in this section, "qualifying service 3674  
credit" has the same meaning as in section 3307.58 of the 3675  
Revised Code. 3676

(A) The state teachers retirement system shall provide 3677  
disability coverage to each member participating in the STRS 3678

defined benefit plan who meets either of the following: 3679

(1) If the member had service credit on account on June 30, 2013, has at least five years of qualifying service credit; 3680  
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(2) If the member did not have any service credit on account on June 30, 2013, has at least ten years of qualifying service credit. 3682  
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Not later than October 16, 1992, the state teachers retirement board shall give each person who is a member on July 29, 1992, the opportunity to elect disability coverage either under former section 3307.43 of the Revised Code or under former section 3307.431 of the Revised Code. The board shall mail notice of the election, accompanied by an explanation of the coverage under each of the Revised Code sections and a form on which the election is to be made, to each member at the member's last known address. The board shall also provide the explanation and form to any member on the member's request. 3685  
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Regardless of whether the member actually receives notice of the right to make an election, a member who fails to ~~file~~ submit a valid election under this section shall be considered to have elected disability coverage under section 3307.63 of the Revised Code. To be valid, an election must be made on the form provided by the board, signed by the member, and ~~filed with~~ submitted to the board not later than one hundred eighty days after the date the notice was mailed, or, in the case of a form provided at the request of a member, a date specified by rule of the board. Once made, an election is irrevocable, but if the member ceases to be a member of the system, the election is void. If a person who makes an election under this section also makes an election under section 145.35 or 3309.39 of the Revised Code, the election made for the system that pays a disability 3695  
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benefit to that person shall govern the benefit. 3709

Disability coverage shall be provided under section 3710  
3307.631 of the Revised Code for persons who become members 3711  
after July 29, 1992, and for members who elect under this 3712  
division to be covered under section 3307.631 of the Revised 3713  
Code. 3714

The board may adopt rules governing elections made under 3715  
this division. 3716

(B) Application for a disability benefit may be made by a 3717  
member, by a person acting in the member's behalf, or by the 3718  
member's employer and if the member has disability coverage 3719  
under division (A) of this section. 3720

The application for a disability benefit shall be made on 3721  
a form approved by the board. The benefit payable to any member 3722  
whose application is approved shall become effective on the 3723  
first day of the month next following the later of the 3724  
following: 3725

(1) The last day for which compensation was paid; 3726

(2) The date on which the member's most recent application 3727  
for a disability benefit was received by the board. 3728

(C) Medical examination of the member shall be conducted 3729  
by a competent, disinterested physician or physicians selected 3730  
by the board to determine whether the member is mentally or 3731  
physically incapacitated for the performance of duty by a 3732  
disabling condition, either permanent or presumed to be 3733  
permanent for twelve continuous months following the ~~filing~~ 3734  
board's receipt of an application. The disability must have 3735  
occurred since last becoming a member, or it must have increased 3736  
since last becoming a member to such an extent as to make the 3737



disability permanent or presumably permanent for twelve 3738  
continuous months following the ~~filing~~ board's receipt of an 3739  
application. 3740

(D) Application for a disability benefit must be made 3741  
within a two-year period from the date the member's contributing 3742  
service terminated, unless the board determines that the 3743  
member's medical records demonstrate conclusively that at the 3744  
time the period expired the member was physically or mentally 3745  
incapacitated and unable to make application, except that if the 3746  
member did not have any service credit on account on June 30, 3747  
2013, application must be made within a one-year period from the 3748  
date contributing service terminated. Application may not be 3749  
made by any person receiving service retirement benefits under 3750  
section 3307.58 or 3307.59 of the Revised Code or any person 3751  
whose accumulated contributions standing to the credit of the 3752  
person's individual account in the teachers' savings fund have 3753  
been paid under section 3307.56 of the Revised Code. 3754

(E) If the physician or physicians determine that the 3755  
member qualifies for a disability benefit, the board concurs 3756  
with the determination, and the member agrees to medical 3757  
treatment as specified in division (G) of this section, the 3758  
member shall receive a disability benefit under section 3307.63 3759  
or 3307.631 of the Revised Code. If such physician or physicians 3760  
determine that the member does not qualify for a disability 3761  
benefit, the report of the examiner or examiners shall be 3762  
evaluated by a board of medical review composed of at least 3763  
three physicians appointed by the retirement board. 3764

(F) The state teachers retirement board shall render an 3765  
order determining whether or not the applicant shall be granted 3766  
a disability benefit. Notification to the applicant shall be 3767

issued, and upon the request of an applicant who is denied a disability benefit, a hearing or appeal relative to such order shall be conducted in accordance with procedures established by the retirement board.

(G) The state teachers retirement board shall adopt rules requiring each disability benefit recipient, as a condition of continuing to receive a disability benefit, to agree in writing to obtain any medical treatment recommended by the board's physician and submit medical reports regarding the treatment. If the board determines that a disability benefit recipient is not obtaining the medical treatment or the board does not receive a required medical report, the disability benefit shall be suspended until the treatment is obtained, the report is received by the board, or the board's physician certifies that the treatment is no longer helpful or advisable. Should the recipient's failure to obtain treatment or submit a medical report continue for one year, the recipient's right to the disability benefit shall be terminated as of the effective date of the original suspension.

(H) If an employer ~~files~~submits an application for a disability benefit as a result of a member having been separated from service because the member is considered to be incapacitated for the performance of duty, and the board denies the disability benefit, the board shall so certify to the employer and the employer shall restore the member to the member's previous position and salary or to a similar position and salary.

(I) The recipient of a disability allowance under section 3307.631 of the Revised Code whose allowance terminates under division (C) (3) of that section due to age is not eligible to do

either of the following:	3798
(1) Retire on disability under section 3307.63 of the Revised Code;	3799 3800
(2) Receive a disability allowance under section 3307.631 of the Revised Code.	3801 3802
<b>Sec. 3307.66.</b> (A) As used in this section:	3803
(1) "Physically or mentally incompetent" means incapable of earning a living because of a physically or mentally disabling condition. Physical or mental incompetency may be determined by a court or by a doctor of medicine or osteopathic medicine appointed by the state teachers retirement board.	3804 3805 3806 3807 3808
(2) "Qualifying service credit" has the same meaning as in section 3307.58 of the Revised Code.	3809 3810
(B) For the purposes of this section:	3811
(1) A qualified spouse is the surviving spouse of a deceased member of the state teachers retirement system participating in the STRS defined benefit plan who is one of the following:	3812 3813 3814 3815
(a) Sixty-two years of age or older or any age if the deceased member had ten or more years of Ohio service credit;	3816 3817
(b) Caring for a qualified child;	3818
(c) Adjudged physically or mentally incompetent at the time of the member's death and has remained continuously incompetent;	3819 3820 3821
(d) Any age if the deceased member was eligible for a service retirement allowance as provided in section 3307.58 of the Revised Code and the surviving spouse elects to receive a	3822 3823 3824

benefit under division (C) (1) of this section.	3825
(2) A qualified child is a person who is the child of a	3826
deceased member participating in the STRS defined benefit plan	3827
to whom both of the following apply:	3828
(a) Never married;	3829
(b) Meets either of the following age-related	3830
requirements:	3831
(i) Is under age twenty-two;	3832
(ii) Is any age if adjudged physically or mentally	3833
incompetent, if the person became incompetent prior to	3834
attainment of age twenty-two and has remained continuously	3835
incompetent.	3836
(3) A qualified parent is a dependent parent of a deceased	3837
member participating in the STRS defined benefit plan who is age	3838
sixty-five or older.	3839
(4) A person is a "qualified survivor" if the person	3840
qualifies as a surviving spouse, child, or dependent parent.	3841
(C) Except as provided in division (G) (1) of this section,	3842
in lieu of accepting the payment of the accumulated account of a	3843
member participating in the STRS defined benefit plan who dies	3844
before service retirement, a beneficiary, as determined in	3845
section 3307.562 of the Revised Code, may elect to forfeit the	3846
accumulated account and to substitute benefits under this	3847
division.	3848
(1) If a deceased member was eligible for a service	3849
retirement allowance as provided in section 3307.58 or 3307.59	3850
of the Revised Code, a surviving spouse or an individual	3851
designated as the member's sole beneficiary pursuant to division	3852

(B) of section 3307.562 of the Revised Code who was a qualified 3853  
child or dependent parent of the member or received one-half or 3854  
more of support from the member during the twelve-month period 3855  
preceding the member's death may elect to receive a monthly 3856  
benefit computed as the joint-survivor allowance designated as 3857  
option 1 in section 3307.60 of the Revised Code, which the 3858  
member would have received had the member retired on the last 3859  
day of the month of death and had the member at that time 3860  
selected such joint-survivor plan. 3861

(2) (a) A surviving spouse or other qualified survivor may 3862  
elect to receive monthly benefits under division (C) (2) of this 3863  
section if any of the following apply: 3864

(i) The deceased member had service credit on account on 3865  
June 30, 2013, and had completed at least one and one-half years 3866  
of qualifying service credit, with at least one-quarter year of 3867  
qualifying service credit within the two and one-half years 3868  
prior to the date of death, or, if the member did not have 3869  
service credit on account on June 30, 2013, had completed at 3870  
least five years of qualifying service credit and died not later 3871  
than one year after the date contributing service terminated. 3872

(ii) The member was receiving at the time of death a 3873  
disability benefit as provided in section 3307.63 or 3307.631 of 3874  
the Revised Code. 3875

(iii) The member was receiving, within twelve months prior 3876  
to the date of death, a disability benefit as provided in 3877  
section 3307.63 or 3307.631 of the Revised Code and was 3878  
contributing under this chapter or Chapter 145. or 3309. of the 3879  
Revised Code at the time of death. 3880

(b) The surviving spouse or other qualified survivor shall 3881

elect one of the following methods of calculating benefits	3882	
elected under division (C) (2) of this section, which shall,	3883	
except as provided in division (G) (1) of this section, remain in	3884	
effect without regard to any change in the number of qualified	3885	
survivors:	3886	
(i) Number	Annual benefit as a	3887
of qualified	per cent of member's	3888
survivors	final average salary	3889
1	25%	3890
2	40	3891
3	50	3892
4	55	3893
5 or more	60	3894
	Annual benefit as a	3895
	per cent of member's	3896
(ii) Years of service	final average salary	3897
20	29%	3898
21	33	3899
22	37	3900
23	41	3901
24	45	3902
25	48	3903
26	51	3904
27	54	3905
28	57	3906
29 or more	60	3907
(3) (a) If at the time of death the deceased member was	3908	
receiving a disability benefit under section 3307.63 or 3307.631	3909	
of the Revised Code, the benefit elected under division (C) (1)	3910	
or (2) of this section shall be increased by a percentage equal	3911	
to the total of any percentage increases the member received	3912	

under section 3307.67 of the Revised Code, plus any additional 3913  
amount the member received under this chapter while receiving 3914  
the disability benefit. The increase shall be based on the 3915  
benefit determined under division (C) (1) or (2) of this section. 3916  
The benefit used to calculate any future increases under section 3917  
3307.67 of the Revised Code shall be the benefit determined 3918  
under division (C) (1) or (2) of this section, plus any 3919  
additional amounts added to the benefit determined under this 3920  
division that established a new base benefit to the deceased 3921  
member. 3922

(b) If eligibility for a benefit under division (C) (1) or 3923  
(2) of this section is not established until more than one year 3924  
after the member's death, the annual benefit shall be increased 3925  
by a percentage equal to the total of the percentage increases 3926  
that would have been made under section 3307.67 of the Revised 3927  
Code, plus any additional amount that would have been paid under 3928  
this chapter had the benefit begun in the year in which the 3929  
member died. However, the benefit used to calculate any future 3930  
increases under section 3307.67 of the Revised Code shall be the 3931  
benefit determined under division (C) (1) or (2) of this section, 3932  
plus any additional amounts added to the benefit determined 3933  
under this division that established a new base benefit to the 3934  
deceased member. 3935

(D) If a benefit is calculated pursuant to division (C) (2) 3936  
(b) (i) of this section, benefits to a surviving spouse shall be 3937  
paid in the amount determined for the first qualifying survivor 3938  
in division (C) (2) (b) (i) of this section. All other qualifying 3939  
survivors shall share equally in the benefit or remaining 3940  
portion thereof. 3941

If a benefit is calculated pursuant to division (C) (2) (b) 3942

(ii) of this section and is payable to more than one qualified survivor, the benefit shall be apportioned equally among the qualified survivors, except that if there is a surviving spouse, the portion of the benefit allocated to the surviving spouse shall be as follows:

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

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

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

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

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



Benefits to a qualified child who is at least eighteen 3973  
years of age but under twenty-two years of age that under a 3974  
former version of this section never commenced or were 3975  
terminated due to a lack of attendance at an institution of 3976  
learning or training and not commenced or resumed before ~~the~~ 3977  
~~effective date of this amendment~~ April 6, 2017, shall commence 3978  
or resume on the first day of the month immediately following 3979  
receipt by the board of an application on a form provided by the 3980  
board, if the application is received on or before the fifteenth 3981  
day of a month. These benefits terminate on the child attaining 3982  
twenty-two years of age. 3983

Upon the death of any subsequent spouse who was a member 3984  
of the public employees retirement system, state teachers 3985  
retirement system, or school employees retirement system, the 3986  
surviving spouse of such member may elect to continue receiving 3987  
benefits under this division, or to receive survivor's benefits, 3988  
based upon the subsequent spouse's membership in one or more of 3989  
the systems, for which such surviving spouse is eligible under 3990  
this section or section 145.45 or 3309.45 of the Revised Code. 3991  
If the surviving spouse elects to continue receiving benefits 3992  
under this division, such election shall not preclude the 3993  
payment of benefits under this division to any other qualified 3994  
survivor. 3995

(F) The beneficiary of a member who is also a member of 3996  
the public employees retirement system, or the school employees 3997  
retirement system, must forfeit the member's accumulated 3998  
contributions in those systems, if the beneficiary elects to 3999  
receive a benefit under division (C) of this section. Such 4000  
benefit shall be exclusively governed by section 3307.57 of the 4001  
Revised Code. 4002

(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.

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.

If the system did not receive notice that a deceased member has one or more qualified children prior to making payment under section 3307.562 of the Revised Code to a beneficiary as determined by the system, the payment is a full discharge and release of the system from any future claims under this section or section 3307.562 of the Revised Code.

(2) If benefits under division (C) (2) of this section to all persons, or to all persons other than a surviving spouse or sole beneficiary, terminate, there are no children under the age of twenty-two years, and the surviving spouse or beneficiary

qualifies for benefits under division (C) (1) of this section, 4033  
the surviving spouse or beneficiary may elect to receive 4034  
benefits under division (C) (1) of this section. The benefit 4035  
shall be calculated based on the age of the spouse or 4036  
beneficiary at the time of the member's death and is effective 4037  
on the first day of the month following receipt by the board of 4038  
an application for benefits under division (C) (1) of this 4039  
section. 4040

(H) If the benefits due and paid under division (C) of 4041  
this section are in a total amount less than the member's 4042  
accumulated account that was transferred from the teachers' 4043  
savings fund, school employees retirement fund, and public 4044  
employees retirement fund, to the survivors' benefit fund, then 4045  
the difference between the total amount of the benefits paid 4046  
shall be paid to the beneficiary under section 3307.562 of the 4047  
Revised Code. 4048

**Sec. 3307.71.** (A) (1) Except as provided in this section, 4049  
section 3305.05, or section 3305.051 of the Revised Code, a 4050  
member or former member of the state teachers retirement system 4051  
participating in the STRS defined benefit plan who has at least 4052  
one and one-half years of contributing service credit in this 4053  
system, the public employees retirement system, the school 4054  
employees retirement system, the Ohio police and fire pension 4055  
fund, or the state highway patrol retirement system after the 4056  
withdrawal and cancellation of service credit in this system may 4057  
restore all or part of such service credit by repayment of the 4058  
amount withdrawn. To this amount shall be added interest at a 4059  
rate per annum, compounded annually, to be determined by the 4060  
state teachers retirement board. Interest shall be payable from 4061  
the first of the month of withdrawal through the month of 4062  
repayment. 4063

(2) If the accumulated contributions were withdrawn under 4064  
section 3307.561 of the Revised Code, service credit may be 4065  
restored only if the member or former member accrued one and 4066  
one-half years of service credit after the withdrawal and 4067  
cancellation of service credit in this system. 4068

(B) A member may choose to purchase only part of such 4069  
credit in any one payment. The cost for restoring partial 4070  
service shall be calculated as the proportion that it bears to 4071  
the total cost at the time of purchase and is subject to the 4072  
rules established by the board. If a former member is eligible 4073  
to buy the service credit as a member of the Ohio police and 4074  
fire pension fund, the state highway patrol retirement system, 4075  
or the city of Cincinnati Retirement System, the former member 4076  
is ineligible to restore that service credit under this section. 4077

(C) The total payment to restore canceled service credit 4078  
shall be credited as follows: 4079

(1) To the member's account in the teachers' savings fund, 4080  
~~the all of the following:~~ 4081

(a) The portion of the payment that consists of 4082  
contributions made under section 3307.26 of the Revised Code, ~~and~~ 4083  
~~any;~~ 4084

(b) Any interest on the contributions received by the 4085  
member under division (A) (1), (2), or (3) (a) of section 3307.563 4086  
of the Revised Code, ~~and any;~~ 4087

(c) Any interest paid on the amounts described in 4088  
divisions (C) (1) (a) and (b) of this section added to the payment 4089  
under division (A) (1) of this section. ~~and~~ 4090

(2) To the employers trust fund, ~~the all of the following:~~ 4091

(a) The portion of the payment that consists of any 4092  
amounts received by the member under division (A) (3) (b) of 4093  
section 3307.563 of the Revised Code ~~and any~~ i 4094

(b) Any interest paid on the amount described in division 4095  
(C) (2) (a) of this section added to the payment under division 4096  
(A) (1) of this section. 4097

**Sec. 3307.74.** (A) Service credit may be purchased under 4098  
section 3307.70 of the Revised Code by a member participating in 4099  
the STRS defined benefit plan for the following: 4100

(1) Teaching service in a public or private school, 4101  
college, or university of this or another state, and for 4102  
teaching service in any school or entity operated primarily for 4103  
United States citizens. Teaching credit shall be limited to 4104  
service rendered in schools, colleges, or universities chartered 4105  
or accredited by the appropriate governmental agency. 4106

(2) Public service with another state or the United States 4107  
government, provided that such credit shall be limited to 4108  
service that would have been covered by the state teachers 4109  
retirement system, school employees retirement system, Ohio 4110  
police and fire pension fund, state highway patrol retirement 4111  
system, or public employees retirement system if served in a 4112  
comparable public position in this state. 4113

(3) Service for which contributions were made by the 4114  
member or on the member's behalf to a municipal retirement 4115  
system in this state, except that if the conditions specified in 4116  
section 3307.762 of the Revised Code are met, service credit for 4117  
this service may be purchased only in accordance with section 4118  
3307.763 of the Revised Code. 4119

The number of years of service credit for service 4120

described in this section shall not exceed the lesser of five 4121  
years or the member's total accumulated number of years of Ohio 4122  
service. 4123

(B) Credit shall be purchased under this section in 4124  
accordance with section 3307.70 of the Revised Code. 4125

(C) With the exception of social security, a member is 4126  
ineligible to purchase credit for service described in this 4127  
section that is used in the calculation of any retirement 4128  
benefit that has been paid, is currently being paid, or is 4129  
payable in the future to such member under any other retirement 4130  
program, ~~or service for five or more years for which~~ 4131  
~~contributions were made to a defined contribution plan if the~~ 4132  
~~member has been paid all contributions standing to the member's~~ 4133  
~~credit or is not entitled to be paid any such contributions.~~ 4134  
At the time the credit is purchased, the member shall certify on a 4135  
form furnished by the board that the member does and will 4136  
conform to this requirement. 4137

(D) Credit for service described in this section may be 4138  
combined pursuant to section 3307.57 of the Revised Code with 4139  
credit purchased under sections 145.293 and 3309.31 of the 4140  
Revised Code, except that not more than a total of five years' 4141  
credit for service described in this section and sections 4142  
145.293 and 3309.31 of the Revised Code shall be used in 4143  
determining retirement eligibility or calculating benefits under 4144  
section 3307.57 of the Revised Code. 4145

**Sec. 3307.761.** (A) As used in this section and section 4146  
3307.765 of the Revised Code: 4147

(1) "Uniform retirement system" or "uniform system" means 4148  
the Ohio police and fire pension fund or state highway patrol 4149

retirement system. 4150

(2) "Military service credit" means credit purchased or 4151  
obtained under this chapter or Chapter 742. or 5505. of the 4152  
Revised Code for service in the armed forces of the United 4153  
States. 4154

(B) A member of the state teachers retirement system 4155  
participating in the STRS defined benefit plan who has 4156  
contributions on deposit with a uniform retirement system shall, 4157  
in computing years of total service, be given full credit for 4158  
service credit earned under Chapter 742. or 5505. of the Revised 4159  
Code or for military service credit if a transfer to the state 4160  
teachers retirement system is made under this division. At the 4161  
request of the member, the uniform system shall transfer to the 4162  
state teachers retirement system, for each year of service, the 4163  
sum of the following: 4164

(1) An amount equal to the member's accumulated 4165  
contributions to the uniform system and any payments by the 4166  
member for military service credit; 4167

(2) An amount equal to the lesser of the employer's 4168  
contributions to the uniform system or the amount that would 4169  
have been contributed by the employer for the service had the 4170  
member been a member of the state teachers retirement system at 4171  
the time the credit was earned; 4172

(3) Interest, determined as provided in division (F) of 4173  
this section, on the amounts specified in divisions (B) (1) and 4174  
(2) of this section from the last day of the year for which the 4175  
service credit in the uniform system was earned or in which 4176  
payment was made ~~for to purchase or obtain~~ military service 4177  
credit ~~was purchased or obtained~~ to the date the transfer is 4178

made. 4179

(C) A member participating in the STRS defined benefit 4180  
plan who has at least one and one-half years of contributing 4181  
service with the state teachers retirement system, is a former 4182  
member of a uniform retirement system, and has received a refund 4183  
of contributions to that uniform system shall, in computing 4184  
years of total service, be given full credit for service credit 4185  
earned under Chapter 742. or 5505. of the Revised Code or for 4186  
military service credit if, for each year of service, the state 4187  
teachers retirement system receives the sum of the following: 4188

(1) An amount, which shall be paid by the member, equal to 4189  
the amount refunded by the uniform system to the member for that 4190  
year for accumulated contributions and payments for military 4191  
service credit, with interest at a rate established by the state 4192  
teachers retirement board on that amount from the date of the 4193  
refund to the date of the payment; 4194

(2) Interest, which shall be transferred by the uniform 4195  
system, on the amount refunded to the member that is 4196  
attributable to the year of service from the last day of the 4197  
year for which the service credit was earned or in which payment 4198  
was made for military service credit to the date the refund was 4199  
made; 4200

(3) An amount, which shall be transferred by the uniform 4201  
system, equal to the lesser of the employer's contributions to 4202  
the uniform system or the amount that would have been 4203  
contributed by the employer for the service had the member been 4204  
a member of the state teachers retirement system at the time the 4205  
credit was earned, with interest on that amount from the last 4206  
day of the year for which the service credit was earned or in 4207  
which payment was made for military service to the date of the 4208



transfer. 4209

On receipt of payment from the member, the state teachers 4210  
retirement system shall notify the uniform system, which, on 4211  
receipt of the notice, shall make the transfer required by this 4212  
division. Interest shall be determined as provided in division 4213  
(F) of this section. 4214

A member may choose to purchase only part of the credit 4215  
the member is eligible to purchase under this division in any 4216  
one payment, subject to rules of the state teachers retirement 4217  
board. 4218

(D) A member is ineligible to obtain credit under this 4219  
section for service that is used in the calculation of any 4220  
retirement benefit currently being paid or payable in the future 4221  
under any other retirement program or for service credit that 4222  
may be transferred under section 3307.765 of the Revised Code. 4223

(E) If a member of the state teachers retirement system 4224  
who is not a current contributor elects to obtain credit under 4225  
section 742.21 or 5505.40 of the Revised Code for service for 4226  
which the member contributed to the system or purchased for 4227  
military service credit, the system shall transfer to the 4228  
uniform retirement system, as applicable, the amount specified 4229  
in division (D) of section 742.21 or division (B) (2) of section 4230  
5505.40 of the Revised Code. 4231

(F) Interest charged under this section shall be 4232  
calculated separately for each year of service credit. Unless 4233  
otherwise specified in this section it shall be calculated at 4234  
the lesser of the actuarial assumption rate for that year of the 4235  
state teachers retirement system or of the uniform retirement 4236  
system in which the credit was earned. The interest shall be 4237

compounded annually. 4238

(G) The state teachers retirement board shall credit to a 4239  
member's account in the teachers' savings fund the amounts 4240  
described in divisions (B)(1) and (C)(1) of this section, except 4241  
that the interest paid by the member under division (C)(1) of 4242  
this section shall be credited to the employers' trust fund. The 4243  
board shall credit to the employers' trust fund the amounts 4244  
described in divisions (B)(2) and (3) and (C)(2) and (3) of this 4245  
section. 4246

(H) At the request of the state teachers retirement 4247  
system, the Ohio police and fire pension fund or state highway 4248  
patrol retirement system shall certify to the state teachers 4249  
retirement system a copy of the records of the service and 4250  
contributions of a state teachers retirement system member who 4251  
seeks service credit under this section. 4252

**Sec. 3309.01.** As used in this chapter: 4253

(A) "Employer" or "public employer" means boards of 4254  
education, school districts, joint vocational districts, 4255  
governing authorities of community schools established under 4256  
Chapter 3314. of the Revised Code, a science, technology, 4257  
engineering, and mathematics school established under Chapter 4258  
3326. of the Revised Code, educational institutions, technical 4259  
colleges, state, municipal, and community colleges, community 4260  
college branches, universities, university branches, other 4261  
educational institutions, or other agencies within the state by 4262  
which an employee is employed and paid, including any 4263  
organization using federal funds, provided the federal funds are 4264  
disbursed by an employer as determined by the above. In all 4265  
cases of doubt, the school employees retirement board shall 4266  
determine whether any employer is an employer as defined in this 4267

chapter, and its decision shall be final. 4268

(B) "Employee" means all of the following: 4269

(1) Any person employed by a public employer in a position 4270  
for which the person is not required to have a certificate or 4271  
license issued pursuant to sections 3319.22 to 3319.31 of the 4272  
Revised Code; 4273

(2) Any person who performs a service common to the normal 4274  
daily operation of an educational unit even though the person is 4275  
employed and paid by one who has contracted with an employer to 4276  
perform the service, and the contracting board or educational 4277  
unit shall be the employer for the purposes of administering the 4278  
provisions of this chapter; 4279

(3) Any person, not a faculty member, employed in any 4280  
school or college or other institution wholly controlled and 4281  
managed, and wholly or partly supported by the state or any 4282  
political subdivision thereof, the board of trustees, or other 4283  
managing body of which shall accept the requirements and 4284  
obligations of this chapter. 4285

In all cases of doubt, the school employees retirement 4286  
board shall determine whether any person is an employee, as 4287  
defined in this division, and its decision is final. 4288

(C) "Prior service" means all service rendered prior to 4289  
September 1, 1937: 4290

(1) As an employee as defined in division (B) of this 4291  
section; 4292

(2) As an employee in a capacity covered by the public 4293  
employees retirement system or the state teachers retirement 4294  
system; 4295

(3) As an employee of an institution in another state, 4296  
service credit for which was procured by a member under the 4297  
provisions of section 3309.31 of the Revised Code. 4298

Prior service, for service as an employee in a capacity 4299  
covered by the public employees retirement system or the state 4300  
teachers retirement system, shall be granted a member under 4301  
qualifications identical to the laws and rules applicable to 4302  
service credit in those systems. 4303

Prior service shall not be granted any member for service 4304  
rendered in a capacity covered by the public employees 4305  
retirement system, the state teachers retirement system, and 4306  
this system in the event the service credit has, in the 4307  
respective systems, been received, waived by exemption, or 4308  
forfeited by withdrawal of contributions, except as provided in 4309  
this chapter. 4310

If a member who has been granted prior service should, 4311  
subsequent to September 16, 1957, and before retirement, 4312  
establish three years of contributing service in the public 4313  
employees retirement system, or one year in the state teachers 4314  
retirement system, then the prior service granted shall become, 4315  
at retirement, the liability of the other system, if the prior 4316  
service or employment was in a capacity that is covered by that 4317  
system. 4318

The provisions of this division shall not cancel any prior 4319  
service granted a member by the school employees retirement 4320  
board prior to August 1, 1959. 4321

(D) "Total service," "total service credit," or "Ohio 4322  
service credit" means all contributing service of a member of 4323  
the school employees retirement system, and all prior service, 4324

computed as provided in this chapter, and all service 4325  
established pursuant to sections 3309.31, 3309.311, and 3309.33 4326  
of the Revised Code. In addition, "total service" includes any 4327  
period, not in excess of three years, during which a member was 4328  
out of service and receiving benefits from the state insurance 4329  
fund, provided the injury or incapacitation was the direct 4330  
result of school employment. 4331

(E) "Member" means any employee, except an SERS retirant 4332  
or other system retirant as defined in section 3309.341 of the 4333  
Revised Code, who has established membership in the school 4334  
employees retirement system. "Member" includes a disability 4335  
benefit recipient. 4336

(F) "Contributor" means any person who has an account in 4337  
the employees' savings fund. When used in the sections listed in 4338  
division (B) of section 3309.82 of the Revised Code, 4339  
"contributor" includes any person participating in a plan 4340  
established under section 3309.81 of the Revised Code. 4341

(G) "Retirant" means any former member who retired and is 4342  
receiving a ~~service~~ retirement allowance under section 3309.36 4343  
~~or commuted service retirement allowance as provided in this~~ 4344  
~~chapter~~ 3309.381 or former section 3309.38 of the Revised Code. 4345

(H) "Beneficiary" or "beneficiaries" means the estate or a 4346  
person or persons who, as the result of the death of a 4347  
contributor or retirant, qualifies for or is receiving some 4348  
right or benefit under this chapter. 4349

(I) "Interest," as specified in division (E) of section 4350  
3309.60 of the Revised Code, means interest at the rates for the 4351  
respective funds and accounts as the school employees retirement 4352  
board may determine from time to time. 4353

(J) "Accumulated contributions" means the sum of all 4354  
amounts credited to a contributor's account in the employees' 4355  
savings fund together with any regular interest credited thereon 4356  
at the rates approved by the retirement board prior to 4357  
retirement. 4358

(K) "Final average salary" means the sum of the annual 4359  
compensation for the three highest years of compensation for 4360  
which contributions were made by the member, divided by three. 4361  
If the member has a partial year of contributing service in the 4362  
year in which the member terminates employment and the partial 4363  
year is at a rate of compensation that is higher than the rate 4364  
of compensation for any one of the highest three years of annual 4365  
earnings, the board shall substitute the compensation earned for 4366  
the partial year for the compensation earned for a similar 4367  
fractional portion in the lowest of the three high years of 4368  
annual compensation before dividing by three. If a member has 4369  
less than three years of contributing membership, the final 4370  
average salary shall be the total compensation divided by the 4371  
total number of years, including any fraction of a year, of 4372  
contributing service. 4373

(L) "Annuity" means payments for life derived from 4374  
contributions made by a contributor and paid from the annuity 4375  
and pension reserve fund as provided in this chapter. All 4376  
annuities shall be paid in twelve equal monthly installments. 4377

(M) (1) "Pension" means annual payments for life derived 4378  
from appropriations made by an employer and paid from the 4379  
employers' trust fund or the annuity and pension reserve fund. 4380  
All pensions shall be paid in twelve equal monthly installments. 4381

(2) "Disability retirement" means retirement as provided 4382  
in section 3309.40 of the Revised Code. 4383

(N) "Retirement allowance" means the pension plus the annuity. 4384  
4385

(O) (1) "Benefit" means a payment, other than a retirement 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. 4386  
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(2) "Disability allowance" means an allowance paid on account of disability under section 3309.401 of the Revised Code. 4391  
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(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. 4394  
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(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. 4399  
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(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. 4404  
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(R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following. 4409  
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(S) "Local district pension system" means any school employees' pension fund created in any school district of the 4411  
4412

state prior to September 1, 1937. 4413

(T) "Employer contribution" means the amount paid by an 4414  
employer as determined under section 3309.49 of the Revised 4415  
Code. 4416

(U) "Fiduciary" means a person who does any of the 4417  
following: 4418

(1) Exercises any discretionary authority or control with 4419  
respect to the management of the system, or with respect to the 4420  
management or disposition of its assets; 4421

(2) Renders investment advice for a fee, direct or 4422  
indirect, with respect to money or property of the system; 4423

(3) Has any discretionary authority or responsibility in 4424  
the administration of the system. 4425

(V) (1) Except as otherwise provided in this division, 4426  
"compensation" means all salary, wages, and other earnings paid 4427  
to a contributor by reason of employment. The salary, wages, and 4428  
other earnings shall be determined prior to determination of the 4429  
amount required to be contributed to the employees' savings fund 4430  
under section 3309.47 of the Revised Code and without regard to 4431  
whether any of the salary, wages, or other earnings are treated 4432  
as deferred income for federal income tax purposes. 4433

(2) Compensation does not include any of the following: 4434

(a) Payments for accrued but unused sick leave or personal 4435  
leave, including payments made under a plan established pursuant 4436  
to section 124.39 of the Revised Code or any other plan 4437  
established by the employer; 4438

(b) Payments made for accrued but unused vacation leave, 4439  
including payments made pursuant to section 124.13 of the 4440



Revised Code or a plan established by the employer; 4441

(c) Payments made for vacation pay covering concurrent 4442  
periods for which other salary or compensation is also paid or 4443  
during which benefits are paid under this chapter; 4444

(d) Amounts paid by the employer to provide life 4445  
insurance, sickness, accident, endowment, health, medical, 4446  
hospital, dental, or surgical coverage, or other insurance for 4447  
the contributor or the contributor's family, or amounts paid by 4448  
the employer to the contributor in lieu of providing the 4449  
insurance; 4450

(e) Incidental benefits, including lodging, food, laundry, 4451  
parking, or services furnished by the employer, use of the 4452  
employer's property or equipment, and reimbursement for job- 4453  
related expenses authorized by the employer, including moving 4454  
and travel expenses and expenses related to professional 4455  
development; 4456

(f) Payments made to or on behalf of a contributor that 4457  
are in excess of the annual compensation that may be taken into 4458  
account by the retirement system under division (a) (17) of 4459  
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 4460  
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who 4461  
first establishes membership before July 1, 1996, the annual 4462  
compensation that may be taken into account by the retirement 4463  
system shall be determined under division (d) (3) of section 4464  
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 4465  
L. No. 103-66, 107 Stat. 472; 4466

(g) Payments made under division (B), (C), or (E) of 4467  
section 5923.05 of the Revised Code, Section 4 of Substitute 4468  
Senate Bill No. 3 of the 119th general assembly, Section 3 of 4469

Amended Substitute Senate Bill No. 164 of the 124th general 4470  
assembly, or Amended Substitute House Bill No. 405 of the 124th 4471  
general assembly; 4472

(h) Anything of value received by the contributor that is 4473  
based on or attributable to retirement or an agreement to 4474  
retire, except that payments made on or before January 1, 1989, 4475  
that are based on or attributable to an agreement to retire 4476  
shall be included in compensation if both of the following 4477  
apply: 4478

(i) The payments are made in accordance with contract 4479  
provisions that were in effect prior to January 1, 1986. 4480

(ii) The employer pays the retirement system an amount 4481  
specified by the retirement board equal to the additional 4482  
liability from the payments. 4483

(3) The retirement board shall determine by rule whether 4484  
any form of earnings not enumerated in this division is to be 4485  
included in compensation, and its decision shall be final. 4486

(W) "Disability benefit recipient" means a member who is 4487  
receiving a disability benefit. 4488

(X) "Actuary" means an individual who satisfies all of the 4489  
following requirements: 4490

(1) Is a member of the American academy of actuaries; 4491

(2) Is an associate or fellow of the society of actuaries; 4492

(3) Has a minimum of five years' experience in providing 4493  
actuarial services to public retirement plans. 4494

**Sec. 3309.011.** "Employee" as defined in division (B) of 4495  
section 3309.01 of the Revised Code, does not include any of the 4496

following: 4497

(A) Any person having a license issued pursuant to 4498  
sections 3319.22 to 3319.31 of the Revised Code and employed in 4499  
a public school in this state in an educational position, as 4500  
determined by the state board of education, under programs 4501  
provided for by federal acts or regulations and financed in 4502  
whole or in part from federal funds, but for which no licensure 4503  
requirements for the position can be made under the provisions 4504  
of such federal acts or regulations; 4505

(B) Any person who participates in an alternative 4506  
retirement plan established under Chapter 3305. of the Revised 4507  
Code; 4508

(C) Any person who elects to transfer from the school 4509  
employees retirement system to the public employees retirement 4510  
system under section 3309.312 of the Revised Code; 4511

(D) Any person whose full-time employment by the 4512  
university of Akron as a state university law enforcement 4513  
officer pursuant to section 3345.04 of the Revised Code 4514  
commences on or after September 16, 1998; 4515

(E) Any person described in division (B) of section 4516  
3309.013 of the Revised Code; 4517

(F) Any person described in division (D) of section 4518  
145.011 of the Revised Code; 4519

(G) Any person described in division (B) (1) (b) of section 4520  
3307.01 of the Revised Code. 4521

**Sec. 3309.22.** (A) (1) As used in this division, "personal 4522  
history record" means information maintained in any format by 4523  
the board on an individual who is a member, former member, 4524

contributor, former contributor, retirant, or beneficiary that 4525  
includes the address, electronic mail address, telephone number, 4526  
social security number, record of contributions, correspondence 4527  
with the system, and other information the board determines to 4528  
be confidential. 4529

(2) The records of the board shall be open to public 4530  
inspection and may be made available in printed or electronic 4531  
format, except for the following, which shall be excluded, 4532  
except with the written authorization of the individual 4533  
concerned: 4534

(a) The individual's statement of previous service and 4535  
other information as provided for in section 3309.28 of the 4536  
Revised Code; 4537

(b) Any information identifying by name and address the 4538  
amount of a monthly allowance or benefit paid to the individual; 4539

(c) The individual's personal history record. 4540

(B) All medical reports and recommendations required by 4541  
the system are privileged except as follows: 4542

(1) Copies of medical reports or recommendations shall be 4543  
made available to the following: 4544

(a) The individual concerned, on written request; 4545

(b) The personal physician, attorney, or authorized agent 4546  
of the individual concerned on written release received from the 4547  
individual or the individual's agent; 4548

(c) The board assigned physician. 4549

(2) Documentation required by section 2929.193 of the 4550  
Revised Code shall be provided to a court holding a hearing 4551

under that section. 4552

(C) Any person who is a contributor of the system shall be 4553  
furnished, on written request, with a statement of the amount to 4554  
the credit of the person's account. The board need not answer 4555  
more than one such request of a person in any one year. 4556

(D) Notwithstanding the exceptions to public inspection in 4557  
division (A) (2) of this section, the board may furnish the 4558  
following information: 4559

(1) If a member, former member, contributor, former 4560  
contributor, or retirant is subject to an order issued under 4561  
section 2907.15 of the Revised Code or an order issued under 4562  
division (A) or (B) of section 2929.192 of the Revised Code or 4563  
is convicted of or pleads guilty to a violation of section 4564  
2921.41 of the Revised Code, on written request of a prosecutor 4565  
as defined in section 2935.01 of the Revised Code, the board 4566  
shall furnish to the prosecutor the information requested from 4567  
the individual's personal history record. 4568

(2) Pursuant to a court or administrative order issued 4569  
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 4570  
the Revised Code, the board shall furnish to a court or child 4571  
support enforcement agency the information required under that 4572  
section. 4573

(3) At the written request of any person, the board shall 4574  
provide to the person a list of the names and addresses of 4575  
members, former members, retirants, contributors, former 4576  
contributors, or beneficiaries. The costs of compiling, copying, 4577  
and mailing the list shall be paid by such person. 4578

(4) Within fourteen days after receiving from the director 4579  
of job and family services a list of the names and social 4580

security numbers of recipients of public assistance pursuant to 4581  
section 5101.181 of the Revised Code, the board shall inform the 4582  
auditor of state of the name, current or most recent employer 4583  
address, and social security number of each contributor whose 4584  
name and social security number are the same as that of a person 4585  
whose name or social security number was submitted by the 4586  
director. The board and its employees shall, except for purposes 4587  
of furnishing the auditor of state with information required by 4588  
this section, preserve the confidentiality of recipients of 4589  
public assistance in compliance with section 5101.181 of the 4590  
Revised Code. 4591

(5) The system shall comply with orders issued under 4592  
section 3105.87 of the Revised Code. 4593

On the written request of an alternate payee, as defined 4594  
in section 3105.80 of the Revised Code, the system shall furnish 4595  
to the alternate payee information on the amount and status of 4596  
any amounts payable to the alternate payee under an order issued 4597  
under section 3105.171 or 3105.65 of the Revised Code. 4598

(6) At the request of any person, the board shall make 4599  
available to the person copies of all documents, including 4600  
resumes, in the board's possession regarding filling a vacancy 4601  
of an employee member or retirant member of the board. The 4602  
person who made the request shall pay the cost of compiling, 4603  
copying, and mailing the documents. The information described in 4604  
this division is a public record. 4605

(7) The system shall provide the notice required by 4606  
section 3309.673 of the Revised Code to the prosecutor assigned 4607  
to the case. 4608

(8) The system may provide information requested by the 4609

United States social security administration, United States 4610  
centers for medicare and medicaid services, Ohio public 4611  
employees deferred compensation program, Ohio police and fire 4612  
pension fund, state teachers retirement system, public employees 4613  
retirement system, state highway patrol retirement system, 4614  
Cincinnati retirement system, or a third party that the school 4615  
employees retirement board has contracted with for the purpose 4616  
of administering any part of this chapter. 4617

(E) A statement that contains information obtained from 4618  
the system's records that is signed by an officer of the 4619  
retirement system and to which the system's official seal is 4620  
affixed, or copies of the system's records to which the 4621  
signature and seal are attached, shall be received as true 4622  
copies of the system's records in any court or before any 4623  
officer of this state. 4624

**Sec. 3309.671.** (A) As used in this section, "alternate 4625  
payee," "benefit," "lump sum payment," "participant," and 4626  
"public retirement program" have the same meanings as in section 4627  
3105.80 of the Revised Code. 4628

(B) On receipt of an order issued under section 3105.171 4629  
or 3105.65 of the Revised Code, the school employees retirement 4630  
system shall determine whether the order meets the requirements 4631  
of sections 3105.80 to 3105.90 of the Revised Code. The system 4632  
shall retain in the participant's record an order the system 4633  
determines meets the requirements. Not later than sixty days 4634  
after receipt, the system shall return to the court that issued 4635  
the order any order the system determines does not meet the 4636  
requirements. 4637

(C) The system shall comply with an order retained under 4638  
division (B) of this section at the following times as 4639

appropriate: 4640

(1) If the participant has applied for or is receiving a 4641  
benefit or has applied for but not yet received a lump sum 4642  
payment, as soon as practicable; 4643

(2) If the participant has not applied for a benefit or 4644  
lump sum payment, on application by the participant for a 4645  
benefit or lump sum payment. 4646

(D) If the system transfers a participant's service credit 4647  
or contributions made by or on behalf of a participant to a 4648  
public retirement program that is not named in the order, the 4649  
system shall do both of the following: 4650

(1) Notify the court that issued the order by sending the 4651  
court a copy of the order and the name and address of the public 4652  
retirement program to which the transfer was made. 4653

(2) Send a copy of the order to the public retirement 4654  
program to which the transfer was made. 4655

(E) If it receives a participant's service credit or 4656  
contributions and a copy of an order as provided in division (D) 4657  
of this section, the system shall administer the order as if it 4658  
were the public retirement program named in the order. 4659

(F) If a participant's benefit or lump sum payment is or 4660  
will be subject to more than one order described in section 4661  
3105.81 of the Revised Code or to an order described in section 4662  
3105.81 of the Revised Code and a withholding order under 4663  
section ~~3111.23~~ or ~~3113.21~~ 3121.03 of the Revised Code, the 4664  
system shall, after determining that the amounts that are or 4665  
will be withheld will cause the benefit or lump sum payment to 4666  
fall below the limits described in section 3105.85 of the 4667  
Revised Code, do all of the following: 4668



(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F) (1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section ~~3111.23 or 3113.21~~ 3121.03 of the Revised Code or an order described in section 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

**Section 2.** That existing sections 145.01, 145.016, 145.33, 145.332, 145.362, 145.384, 145.45, 145.571, 145.62, 742.03, 742.05, 3307.05, 3307.14, 3307.20, 3307.231, 3307.25, 3307.251, 3307.26, 3307.28, 3307.351, 3307.352, 3307.39, 3307.44, 3307.48, 3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 3307.62, 3307.66, 3307.71, 3307.74, 3307.761, 3309.01, 3309.011, 3309.22, and 3309.671 and sections 3307.23, 3307.241, 3307.96, 3307.97, and 3307.98 of the Revised Code are hereby repealed.

**Section 3.** Section 145.018 of the Revised Code, as enacted

by this act, applies to a member of the Public Employees 4698  
Retirement System for the period beginning January 1, 2017, and 4699  
ending on the effective date of that section if both of the 4700  
following apply: 4701

(A) The member received less than a full year of service 4702  
credit for employment that would have qualified the member for a 4703  
full year of service credit under that section had that section 4704  
taken effect January 1, 2017; 4705

(B) Not later than ninety days after the effective date of 4706  
that section, the county board of developmental disabilities 4707  
that employed the member during the period beginning January 1, 4708  
2017, and ending on the effective date of that section, acting 4709  
through the county auditor, reports to the Public Employees 4710  
Retirement System the member's name and any additional 4711  
information required by the System in the form the System 4712  
requires. 4713

**Section 4.** Section 145.332 of the Revised Code is 4714  
presented in this act as a composite of the section as amended 4715  
by both Sub. H.B. 158 and Sub. S.B. 293 of the 131st General 4716  
Assembly. The General Assembly, applying the principle stated in 4717  
division (B) of section 1.52 of the Revised Code that amendments 4718  
are to be harmonized if reasonably capable of simultaneous 4719  
operation, finds that the composite is the resulting version of 4720  
the section in effect prior to the effective date of the section 4721  
as presented in this act. 4722