

**As Reported by the Senate Health, Human Services and Aging  
Committee**

**127th General Assembly  
Regular Session  
2007-2008**

**Sub. S. B. No. 148**

**Senator Faber**

**Cosponsor: Senator Mumper**

**—**

**A B I L L**

To amend sections 3309.33, 3309.34, 3309.36, 3309.38, 1  
and 3309.381 of the Revised Code to revise 2  
retirement eligibility requirements for members of 3  
the School Employees Retirement System. 4

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

**Section 1.** That sections 3309.33, 3309.34, 3309.36, 3309.38, 5  
and 3309.381 of the Revised Code be amended to read as follows: 6

**Sec. 3309.33.** (A) An employer may establish a retirement 7  
incentive plan for its employees who are members of the school 8  
employees retirement system. The plan shall provide for purchase 9  
by the employer of service credit for eligible employees who 10  
choose to participate in the plan and for payment by the employer 11  
of the entire cost of such service credit. A plan established 12  
under this section shall remain in effect until terminated by the 13  
employer, except that, once established, the plan must remain in 14  
effect for at least one year. 15

~~An employee who is a member of the school employees~~ 16  
~~retirement system shall~~ (B) To be eligible to participate in a 17  
retirement incentive plan if he, an employee must meet the 18

<u>following requirements:</u>	19
<u>(1) Either of the following:</u>	20
<u>(a) If the employee became a member of the retirement system</u>	21
<u>before the effective date of this amendment, the member has</u>	22
<u>attained age fifty and he years of age;</u>	23
<u>(b) If the employee became a member of the retirement system</u>	24
<u>on or after the effective date of this amendment, the employee has</u>	25
<u>attained fifty-five years of age;</u>	26
<u>(2) The employee</u> agrees to retire and retires under section	27
3309.36 of the Revised Code effective within ninety days after	28
receiving notice from the school employees retirement system that	29
service credit has been purchased for <del>him</del> <u>the employee</u> under this	30
section.	31
<u>(C)</u> Participation in the plan shall be available to all	32
eligible employees except that the employer may limit the number	33
of persons for whom it purchases credit in any calendar year to a	34
specified percentage of its employees who are members of the	35
school employees retirement system on the first day of January of	36
that year. The percentage shall not be less than five per cent of	37
such employees. If participation is limited, employees with a	38
greater length of service with the employer have the right to	39
elect to have credit purchased before employees with a lesser	40
length of service with the employer.	41
<u>(D)</u> The amount of service credit purchased for any	42
participant shall be uniformly determined but shall not exceed the	43
lesser of the following:	44
<del>(A)</del> <u>(1)</u> Five years of service credit;	45
<del>(B)</del> <u>(2)</u> An amount of service credit equal to one-fifth of the	46
total service credited to the participant under Chapter 3309. of	47
the Revised Code.	48

For each year of service credit purchased under this section, 49  
the employer shall pay an amount specified by the school employees 50  
retirement board equal to the additional liability resulting from 51  
the purchase of that year of service credit as determined by an 52  
actuary employed by the board. Payments shall be made in 53  
accordance with rules adopted by the board, and the board shall 54  
notify each member when ~~he~~ the member is credited with service 55  
purchased under this section. 56

No payment made to the school employees retirement system 57  
under this section shall affect any payment required by section 58  
3309.49 of the Revised Code. 59

**Sec. 3309.34.** (A)(1) A member of the school employees 60  
retirement system whose membership began before the effective date 61  
of this amendment is eligible for service retirement if ~~he~~ the 62  
member has at least five years of total service credit and has 63  
attained sixty years of age, or if ~~he~~ the member has at least 64  
thirty years of total service credit at any age. A member whose 65  
membership began before the effective date of this amendment is 66  
eligible for commuted service retirement if ~~he~~ the member has at 67  
least twenty-five years of total service credit and has attained 68  
fifty-five years of age. 69

(2) A member whose membership began on or after the effective 70  
date of this amendment is eligible for service retirement if the 71  
member meets one of the following requirements: 72

(a) Has earned at least ten years of total service credit and 73  
has attained sixty-two years of age; 74

(b) Has earned at least twenty-five years of total service 75  
credit and has attained sixty years of age; 76

(c) Has earned at least thirty years of total service credit 77  
and has attained fifty-five years of age. 78

(B) A member may retire by filing an application for retirement with the school employees retirement board on a form provided by the board. The board shall not retire the member sooner than the first day of the month next following the later of:

~~(A)(1)~~ The last day of employment for which compensation was paid;

~~(B)(2)~~ The attainment of minimum age and service credit eligibility for service or commuted service retirement.

(C) At least once every ten years, the board shall direct its actuary to evaluate the retirement eligibility requirements of this section.

**Sec. 3309.36.** (A)(1) A member retiring of the school employees retirement system whose membership began before the effective date of this amendment who retires on service retirement shall be granted a retirement allowance consisting of the lesser of the sum of the following amounts or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended:

~~(1)(a)~~ An annuity having a reserve equal to the amount of the employee's accumulated contributions at that time;

~~(2)(b)~~ A pension of equivalent amount;

~~(3)(c)~~ An additional pension of forty dollars multiplied by the number of years of such prior service credit;

~~(4)(d)~~ For members who have ten or more years of service credit accumulated prior to October 1, 1956, a basic annual pension equal to one hundred eighty dollars, except that such basic annual pension shall not exceed the sum of the total annual benefits provided by divisions (A)(1), (2), and (3) of this section.

(2) A member whose membership began on or after the effective 109  
date of this amendment who retires on service retirement shall be 110  
granted a retirement allowance consisting of the lesser of the sum 111  
of the following amounts or the limit established by section 415 112  
of the "Internal Revenue Code of 1986": 113

(a) An annuity having a reserve equal to the amount of the 114  
employee's accumulated contributions at that time; 115

(b) A pension of equivalent amount. 116

(B)(1) When a member retires on service retirement, the 117  
member's allowance when computed as an annual single lifetime 118  
allowance as provided in divisions (A)(1), ~~(2)~~, ~~(3)~~, and ~~(4)~~(2) of 119  
this section and section 3309.38 of the Revised Code, based upon 120  
attained age sixty-five or thirty years of total service credit, 121  
shall be not less than the greater of the amounts determined by 122  
multiplying the member's total service credit by the following: 123

(a) Eighty-six dollars; 124

(b) Two and two-tenths per cent of the member's final average 125  
salary for each of the first thirty years of service credit or 126  
fraction thereof plus two and one-half per cent of the member's 127  
final average salary for each subsequent year of service credit or 128  
fraction thereof. 129

(2) ~~The~~ For a member whose membership began before the 130  
effective date of this amendment, the annual single lifetime 131  
allowance determined under division (B)(1) of this section shall 132  
be adjusted by the greater percentage shown in the following 133  
schedule opposite the member's attained age or years of Ohio 134  
service credit: 135

	Years of	Per Cent	
Attained	or	Ohio Service	of
Age		Credit	Base Amount
58		25	75%

59	26	80	140
60	27	85	141
61		88	142
	28	90	143
62		91	144
63		94	145
	29	95	146
64		97	147
65	30 or more	100	148

~~Members shall vest the~~ For a member whose membership began before 149  
the effective date of this amendment, the right to a benefit shall 150  
vest in accordance with the following schedule, based on the 151  
member's attained age by September 1, 1976: 152

	Per Cent	153
Attained	of	154
Age	Base Amount	155
66	102	156
67	104	157
68	106	158
69	108	159
70 or more	110	160

(3) For a member whose membership began on or after the 161  
effective date of this amendment, the annual single lifetime 162  
allowance determined under division (B)(1) of this section shall 163  
be adjusted to be the actuarial equivalent of the member's 164  
retirement allowance, as determined by the retirement board's 165  
actuary, had the member retired at age sixty-five or with thirty 166  
years of service credit, except that the retirement allowance 167  
shall not be less than the following: 168

	Per Cent	169
<u>Years of Service</u>	<u>of</u>	170
<u>Credit</u>	<u>Base Amount</u>	171

<u>25</u>	<u>75%</u>	172
<u>26</u>	<u>80</u>	173
<u>27</u>	<u>85</u>	174
<u>28</u>	<u>90</u>	175
<u>29</u>	<u>95</u>	176

(4) The annual single lifetime allowance which a retirant shall receive under this division shall not exceed the lesser of one hundred per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(C) Retirement allowances determined under this section shall be paid as provided in section 3309.46 of the Revised Code.

(D) At least once every ten years, the school employees retirement board shall direct its actuary to evaluate the actuarial equivalents in division (B)(3) of this section to determine their appropriateness. The board may adjust the actuarial equivalents in accordance with the actuary's recommendations.

**Sec. 3309.38.** (A) A member retiring on commuted service retirement on or after September 30, 1963, shall be granted a retirement allowance consisting of:

(1) An annuity having a reserve equal to the amount of the employee's accumulated contributions at the time;

(2) A pension of equivalent amount;

(3) An additional pension, if such employee has prior service credit, the reserve for which, based upon regular interest and the service tables approved by the board, shall be the present worth of the reserve required for the payment of the prior service pension provided by section 3309.36 of the Revised Code, after either age sixty or thirty-two years of service credit, whichever

can be first attained. The annual prior service pension shall be 202  
determined by the amount of such commuted reserve divided by the 203  
service annuity rate for the attained annuity age of retirement. 204

(4) For members who have ten or more years of service credit 205  
accumulated prior to October 1, 1956, a basic annual pension equal 206  
to one hundred eighty dollars, which shall be commuted in the same 207  
manner as provided for the prior service pension in division 208  
(A)(3) of this section, provided such commuted basic annual 209  
pension shall not exceed the sum of the total annual benefits 210  
provided by divisions (A)(1), (2), and (3) of this section. 211

(B) When a member retires on commuted service retirement, the 212  
member's annual single lifetime allowance including the allowances 213  
provided in divisions (A)(1), (2), (3), and (4) of this section 214  
shall not be less than the allowances provided under the 215  
provisions of division (B) of section 3309.36 of the Revised Code 216  
and shall not exceed the limit established by division (B)~~(3)~~(4) 217  
of that section. 218

(C) Retirement allowances determined under this section shall 219  
be paid as provided in section 3309.46 of the Revised Code. 220

**Sec. 3309.381.** (A) A recipient of a disability allowance 221  
under section 3309.401 of the Revised Code who is subject to 222  
division (C)(3) of that section may make application for ~~service~~ 223  
retirement under this section. Retirement shall be effective on 224  
the first day of the first month following the last day for which 225  
the disability allowance is paid. 226

(B) The annual allowance payable under this section shall 227  
consist of the sum of the amounts determined under divisions 228  
(B)(1) and (2) of this section: 229

(1) The greater of the following: 230

(a) An allowance calculated as provided in section 3309.36 of 231



the Revised Code, excluding any period during which the applicant 232  
received a disability benefit under section 3309.401 of the 233  
Revised Code; 234

(b) An allowance calculated by multiplying the applicant's 235  
total service credit, including service credit for the last 236  
continuous period during which the applicant received a disability 237  
benefit under section 3309.401 of the Revised Code, by two and 238  
two-tenths per cent of the applicant's final average salary, 239  
except that the allowance shall not exceed forty-five per cent of 240  
the applicant's final average salary. 241

(2) An amount equal to the additional allowance the recipient 242  
would receive under section 3309.374 of the Revised Code, plus any 243  
other additional amount the recipient would receive under this 244  
chapter, had the recipient retired under section 3309.36 of the 245  
Revised Code effective on the effective date of the recipient's 246  
most recent continuous period of receipt of a disability benefit 247  
under section 3309.401 of the Revised Code. 248

(C) The allowance calculated under division (B) of this 249  
section, exclusive of any amount added under division (B)(2) of 250  
this section based on section 3309.374 of the Revised Code, shall 251  
be the base for all future additional allowances under section 252  
3309.374 of the Revised Code. 253

The anniversary date for future additional allowances under 254  
section 3309.374 of the Revised Code shall be the effective date 255  
of the recipient's most recent continuous period of receipt of a 256  
disability benefit under section 3309.401 of the Revised Code. 257

(D) The retirement allowance determined under this section 258  
shall be paid as provided in section 3309.46 of the Revised Code. 259

**Section 2.** That existing sections 3309.33, 3309.34, 3309.36, 260  
3309.38, and 3309.381 of the Revised Code are hereby repealed. 261