

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 267

Senator Faber

Cosponsor: Senator Seitz

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A B I L L

To amend sections 145.01, 145.19, 145.191, 145.33, 1
145.35, and 145.49 and to enact section 145.2914 2
of the Revised Code regarding the Public Employees 3
Retirement System law enforcement division. 4

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

Section 1. That sections 145.01, 145.19, 145.191, 145.33, 5
145.35, and 145.49 be amended and section 145.2914 of the Revised 6
Code be enacted to read as follows: 7

Sec. 145.01. As used in this chapter: 8

(A) "Public employee" means: 9

(1) Any person holding an office, not elective, under the 10
state or any county, township, municipal corporation, park 11
district, conservancy district, sanitary district, health 12
district, metropolitan housing authority, state retirement board, 13
Ohio historical society, public library, county law library, union 14
cemetery, joint hospital, institutional commissary, state 15
university, or board, bureau, commission, council, committee, 16
authority, or administrative body as the same are, or have been, 17
created by action of the general assembly or by the legislative 18
authority of any of the units of local government named in 19

division (A)(1) of this section, or employed and paid in whole or 20
in part by the state or any of the authorities named in division 21
(A)(1) of this section in any capacity not covered by section 22
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 23

(2) A person who is a member of the public employees 24
retirement system and who continues to perform the same or similar 25
duties under the direction of a contractor who has contracted to 26
take over what before the date of the contract was a publicly 27
operated function. The governmental unit with which the contract 28
has been made shall be deemed the employer for the purposes of 29
administering this chapter. 30

(3) Any person who is an employee of a public employer, 31
notwithstanding that the person's compensation for that employment 32
is derived from funds of a person or entity other than the 33
employer. Credit for such service shall be included as total 34
service credit, provided that the employee makes the payments 35
required by this chapter, and the employer makes the payments 36
required by sections 145.48 and 145.51 of the Revised Code. 37

(4) A person who elects in accordance with section 145.015 of 38
the Revised Code to remain a contributing member of the public 39
employees retirement system. 40

In all cases of doubt, the public employees retirement board 41
shall determine whether any person is a public employee, and its 42
decision is final. 43

(B) "Member" means any public employee, other than a public 44
employee excluded or exempted from membership in the retirement 45
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 46
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 47
retirant who becomes a member under division (C) of section 145.38 48
of the Revised Code. "Member" also includes a disability benefit 49
recipient. 50

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

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

(E) "Prior service" means all service as a public employee rendered before January 1, 1935, and all service as an employee of any employer who comes within the state teachers retirement system or of the school employees retirement system or of any other retirement system established under the laws of this state rendered prior to January 1, 1935, provided that if the employee claiming the service was employed in any capacity covered by that other system after that other system was established, credit for the service may be allowed by the public employees retirement system only when the employee has made payment, to be computed on the salary earned from the date of appointment to the date membership was established in the public employees retirement system, at the rate in effect at the time of payment, and the

employer has made payment of the corresponding full liability as 83
provided by section 145.44 of the Revised Code. "Prior service" 84
also means all service credited for active duty with the armed 85
forces of the United States as provided in section 145.30 of the 86
Revised Code. 87

If an employee who has been granted prior service credit by 88
the public employees retirement system for service rendered prior 89
to January 1, 1935, as an employee of a board of education 90
establishes, before retirement, one year or more of contributing 91
service in the state teachers retirement system or school 92
employees retirement system, then the prior service ceases to be 93
the liability of this system. 94

If the board determines that a position of any member in any 95
calendar year prior to January 1, 1935, was a part-time position, 96
the board shall determine what fractional part of a year's credit 97
shall be allowed by the following formula: 98

(1) When the member has been either elected or appointed to 99
an office the term of which was two or more years and for which an 100
annual salary is established, the fractional part of the year's 101
credit shall be computed as follows: 102

First, when the member's annual salary is one thousand 103
dollars or less, the service credit for each such calendar year 104
shall be forty per cent of a year. 105

Second, for each full one hundred dollars of annual salary 106
above one thousand dollars, the member's service credit for each 107
such calendar year shall be increased by two and one-half per 108
cent. 109

(2) When the member is paid on a per diem basis, the service 110
credit for any single year of the service shall be determined by 111
using the number of days of service for which the compensation was 112
received in any such year as a numerator and using two hundred 113

fifty days as a denominator. 114

(3) When the member is paid on an hourly basis, the service 115
credit for any single year of the service shall be determined by 116
using the number of hours of service for which the compensation 117
was received in any such year as a numerator and using two 118
thousand hours as a denominator. 119

(F) "Contributor" means any person who has an account in the 120
employees' savings fund created by section 145.23 of the Revised 121
Code. When used in the sections listed in division (B) of section 122
145.82 of the Revised Code, "contributor" includes any person 123
participating in a PERS defined contribution plan. 124

(G) "Beneficiary" or "beneficiaries" means the estate or a 125
person or persons who, as the result of the death of a member, 126
contributor, or retirant, qualify for or are receiving some right 127
or benefit under this chapter. 128

(H)(1) "Total service credit," except as provided in section 129
145.37 of the Revised Code, means all service credited to a member 130
of the retirement system since last becoming a member, including 131
restored service credit as provided by section 145.31 of the 132
Revised Code; credit purchased under sections 145.293 and 145.299 133
of the Revised Code; all the member's prior service credit; all 134
the member's military service credit computed as provided in this 135
chapter; all service credit established pursuant to section 136
145.297 of the Revised Code; and any other service credited under 137
this chapter. In addition, "total service credit" includes any 138
period, not in excess of three years, during which a member was 139
out of service and receiving benefits under Chapters 4121. and 140
4123. of the Revised Code. For the exclusive purpose of satisfying 141
the service credit requirement and of determining eligibility for 142
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 143
and 145.361 of the Revised Code, "five or more years of total 144
service credit" means sixty or more calendar months of 145

contributing service in this system. 146

(2) "One and one-half years of contributing service credit," 147
as used in division (B) of section 145.45 of the Revised Code, 148
also means eighteen or more calendar months of employment by a 149
municipal corporation that formerly operated its own retirement 150
plan for its employees or a part of its employees, provided that 151
all employees of that municipal retirement plan who have eighteen 152
or more months of such employment, upon establishing membership in 153
the public employees retirement system, shall make a payment of 154
the contributions they would have paid had they been members of 155
this system for the eighteen months of employment preceding the 156
date membership was established. When that payment has been made 157
by all such employee members, a corresponding payment shall be 158
paid into the employers' accumulation fund by that municipal 159
corporation as the employer of the employees. 160

(3) Where a member also is a member of the state teachers 161
retirement system or the school employees retirement system, or 162
both, except in cases of retirement on a combined basis pursuant 163
to section 145.37 of the Revised Code or as provided in section 164
145.383 of the Revised Code, service credit for any period shall 165
be credited on the basis of the ratio that contributions to the 166
public employees retirement system bear to total contributions in 167
all state retirement systems. 168

(4) Not more than one year of credit may be given for any 169
period of twelve months. 170

(5) "Ohio service credit" means credit for service that was 171
rendered to the state or any of its political subdivisions or any 172
employer. 173

(I) "Regular interest" means interest at any rates for the 174
respective funds and accounts as the public employees retirement 175
board may determine from time to time. 176

(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.

(K)(1) "Final average salary" means the quotient obtained by dividing by three the sum of the three full calendar years of contributing service in which the member's earnable salary was highest, except that if the member has a partial year of contributing service in the year the member's employment terminates and the member's earnable salary for the partial year is higher than for any comparable period in the three years, the member's earnable salary for the partial year shall be substituted for the member's earnable salary for the comparable period during the three years in which the member's earnable salary was lowest.

(2) If a member has less than three years of contributing service, the member's final average salary shall be the member's total earnable salary divided by the total number of years, including any fraction of a year, of the member's contributing service.

(3) For the purpose of calculating benefits payable to a member qualifying for service credit under division (Z) of this section, "final average salary" means the total earnable salary on which contributions were made divided by the total number of years during which contributions were made, including any fraction of a year. If contributions were made for less than twelve months, "final average salary" means the member's total earnable salary.

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

(M) "Annuity reserve" means the present value, computed upon	208
the basis of the mortality and other tables adopted by the board,	209
of all payments to be made on account of any annuity, or benefit	210
in lieu of any annuity, granted to a retirant as provided in this	211
chapter.	212
(N)(1) "Disability retirement" means retirement as provided	213
in section 145.36 of the Revised Code.	214
(2) "Disability allowance" means an allowance paid on account	215
of disability under section 145.361 of the Revised Code.	216
(3) "Disability benefit" means a benefit paid as disability	217
retirement under section 145.36 of the Revised Code, as a	218
disability allowance under section 145.361 of the Revised Code, or	219
as a disability benefit under section 145.37 of the Revised Code.	220
(4) "Disability benefit recipient" means a member who is	221
receiving a disability benefit.	222
(O) "Age and service retirement" means retirement as provided	223
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of	224
the Revised Code.	225
(P) "Pensions" means annual payments for life derived from	226
contributions made by the employer that at the time of retirement	227
are credited into the annuity and pension reserve fund from the	228
employers' accumulation fund and paid from the annuity and pension	229
reserve fund as provided in this chapter. All pensions shall be	230
paid in twelve equal monthly installments.	231
(Q) "Retirement allowance" means the pension plus that	232
portion of the benefit derived from contributions made by the	233
member.	234
(R)(1) Except as otherwise provided in division (R) of this	235
section, "earnable salary" means all salary, wages, and other	236
earnings paid to a contributor by reason of employment in a	237

position covered by the retirement system. The salary, wages, and 238
other earnings shall be determined prior to determination of the 239
amount required to be contributed to the employees' savings fund 240
under section 145.47 of the Revised Code and without regard to 241
whether any of the salary, wages, or other earnings are treated as 242
deferred income for federal income tax purposes. "Earnable salary" 243
includes the following: 244

(a) Payments made by the employer in lieu of salary, wages, 245
or other earnings for sick leave, personal leave, or vacation used 246
by the contributor; 247

(b) Payments made by the employer for the conversion of sick 248
leave, personal leave, and vacation leave accrued, but not used if 249
the payment is made during the year in which the leave is accrued, 250
except that payments made pursuant to section 124.383 or 124.386 251
of the Revised Code are not earnable salary; 252

(c) Allowances paid by the employer for full maintenance, 253
consisting of housing, laundry, and meals, as certified to the 254
retirement board by the employer or the head of the department 255
that employs the contributor; 256

(d) Fees and commissions paid under section 507.09 of the 257
Revised Code; 258

(e) Payments that are made under a disability leave program 259
sponsored by the employer and for which the employer is required 260
by section 145.296 of the Revised Code to make periodic employer 261
and employee contributions; 262

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 263
this section. 264

(2) "Earnable salary" does not include any of the following: 265

(a) Fees and commissions, other than those paid under section 266
507.09 of the Revised Code, paid as sole compensation for personal 267

services and fees and commissions for special services over and	268
above services for which the contributor receives a salary;	269
(b) Amounts paid by the employer to provide life insurance,	270
sickness, accident, endowment, health, medical, hospital, dental,	271
or surgical coverage, or other insurance for the contributor or	272
the contributor's family, or amounts paid by the employer to the	273
contributor in lieu of providing the insurance;	274
(c) Incidental benefits, including lodging, food, laundry,	275
parking, or services furnished by the employer, or use of the	276
employer's property or equipment, or amounts paid by the employer	277
to the contributor in lieu of providing the incidental benefits;	278
(d) Reimbursement for job-related expenses authorized by the	279
employer, including moving and travel expenses and expenses	280
related to professional development;	281
(e) Payments for accrued but unused sick leave, personal	282
leave, or vacation that are made at any time other than in the	283
year in which the sick leave, personal leave, or vacation was	284
accrued;	285
(f) Payments made to or on behalf of a contributor that are	286
in excess of the annual compensation that may be taken into	287
account by the retirement system under division (a)(17) of section	288
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	289
U.S.C.A. 401(a)(17), as amended;	290
(g) Payments made under division (B), (C), or (E) of section	291
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	292
No. 3 of the 119th general assembly, Section 3 of Amended	293
Substitute Senate Bill No. 164 of the 124th general assembly, or	294
Amended Substitute House Bill No. 405 of the 124th general	295
assembly;	296
(h) Anything of value received by the contributor that is	297
based on or attributable to retirement or an agreement to retire,	298

except that payments made on or before January 1, 1989, that are 299
based on or attributable to an agreement to retire shall be 300
included in earnable salary if both of the following apply: 301

(i) The payments are made in accordance with contract 302
provisions that were in effect prior to January 1, 1986; 303

(ii) The employer pays the retirement system an amount 304
specified by the retirement board equal to the additional 305
liability resulting from the payments. 306

(3) The retirement board shall determine by rule whether any 307
compensation not enumerated in division (R) of this section is 308
earnable salary, and its decision shall be final. 309

(S) "Pension reserve" means the present value, computed upon 310
the basis of the mortality and other tables adopted by the board, 311
of all payments to be made on account of any retirement allowance 312
or benefit in lieu of any retirement allowance, granted to a 313
member or beneficiary under this chapter. 314

(T)(1) "Contributing service" means all service credited to a 315
member of the system since January 1, 1935, for which 316
contributions are made as required by sections 145.47, 145.48, and 317
145.483 of the Revised Code. In any year subsequent to 1934, 318
credit for any service shall be allowed by the following formula: 319

(a) For each month for which the member's earnable salary is 320
two hundred fifty dollars or more, allow one month's credit. 321

(b) For each month for which the member's earnable salary is 322
less than two hundred fifty dollars, allow a fraction of a month's 323
credit. The numerator of this fraction shall be the earnable 324
salary during the month, and the denominator shall be two hundred 325
fifty dollars, except that if the member's annual earnable salary 326
is less than six hundred dollars, the member's credit shall not be 327
reduced below twenty per cent of a year for a calendar year of 328
employment during which the member worked each month. Division 329

(T)(1)(b) of this section shall not reduce any credit earned 330
before January 1, 1985. 331

(2) Notwithstanding division (T)(1) of this section, an 332
elected official who prior to January 1, 1980, was granted a full 333
year of credit for each year of service as an elected official 334
shall be considered to have earned a full year of credit for each 335
year of service regardless of whether the service was full-time or 336
part-time. The public employees retirement board has no authority 337
to reduce the credit. 338

(U) "State retirement board" means the public employees 339
retirement board, the school employees retirement board, or the 340
state teachers retirement board. 341

(V) "Retirant" means any former member who retires and is 342
receiving a monthly allowance as provided in sections 145.32, 343
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 344

(W) "Employer contribution" means the amount paid by an 345
employer as determined under section 145.48 of the Revised Code. 346

(X) "Public service terminates" means the last day for which 347
a public employee is compensated for services performed for an 348
employer or the date of the employee's death, whichever occurs 349
first. 350

(Y) When a member has been elected or appointed to an office, 351
the term of which is two or more years, for which an annual salary 352
is established, and in the event that the salary of the office is 353
increased and the member is denied the additional salary by reason 354
of any constitutional provision prohibiting an increase in salary 355
during a term of office, the member may elect to have the amount 356
of the member's contributions calculated upon the basis of the 357
increased salary for the office. At the member's request, the 358
board shall compute the total additional amount the member would 359
have contributed, or the amount by which each of the member's 360

contributions would have increased, had the member received the 361
increased salary for the office the member holds. If the member 362
elects to have the amount by which the member's contribution would 363
have increased withheld from the member's salary, the member shall 364
notify the employer, and the employer shall make the withholding 365
and transmit it to the retirement system. A member who has not 366
elected to have that amount withheld may elect at any time to make 367
a payment to the retirement system equal to the additional amount 368
the member's contribution would have increased, plus interest on 369
that contribution, compounded annually at a rate established by 370
the board and computed from the date on which the last 371
contribution would have been withheld from the member's salary to 372
the date of payment. A member may make a payment for part of the 373
period for which the increased contribution was not withheld, in 374
which case the interest shall be computed from the date the last 375
contribution would have been withheld for the period for which the 376
payment is made. Upon the payment of the increased contributions 377
as provided in this division, the increased annual salary as 378
provided by law for the office for the period for which the member 379
paid increased contributions thereon shall be used in determining 380
the member's earnable salary for the purpose of computing the 381
member's final average salary. 382

(Z) "Five years of service credit," for the exclusive purpose 383
of satisfying the service credit requirements and of determining 384
eligibility for benefits under section 145.33 of the Revised Code, 385
means employment covered under this chapter or under a former 386
retirement plan operated, recognized, or endorsed by the employer 387
prior to coverage under this chapter or under a combination of the 388
coverage. 389

(AA) "Deputy sheriff" means any person who is commissioned 390
and employed as a full-time peace officer by the sheriff of any 391
county, and has been so employed since on or before December 31, 392

~~1965, and whose primary duties are to preserve the peace, to 393
protect life and property, and to enforce the laws of this state; 394
any person who is or has been commissioned and employed as a peace 395
officer by the sheriff of any county since January 1, 1966, and 396
who has received a certificate attesting to the person's 397
satisfactory completion of the peace officer training school as 398
required by section 109.77 of the Revised Code and whose primary 399
duties are to preserve the peace, protect life and property, and 400
enforce the laws of this state; or any person deputized by the 401
sheriff of any county and employed pursuant to section 2301.12 of 402
the Revised Code as a criminal bailiff or court constable who has 403
received a certificate attesting to the person's satisfactory 404
completion of the peace officer training school as required by 405
section 109.77 of the Revised Code and whose primary duties are to 406
preserve the peace, protect life and property, and enforce the 407
laws of this state. 408~~

(BB) "Township constable or police officer in a township 409
police department or district" means any person who is 410
commissioned and employed as a full-time peace officer pursuant to 411
Chapter 505. or 509. of the Revised Code, who has received a 412
certificate attesting to the person's satisfactory completion of 413
the peace officer training school as required by section 109.77 of 414
the Revised Code, ~~and whose primary duties are to preserve the 415
peace, protect life and property, and enforce the laws of this 416
state. 417~~

(CC) "Drug agent" means any person who is either of the 418
following: 419

(1) Employed full-time as a narcotics agent by a county 420
narcotics agency created pursuant to section 307.15 of the Revised 421
Code and has received a certificate attesting to the satisfactory 422
completion of the peace officer training school as required by 423
section 109.77 of the Revised Code; 424

(2) Employed full-time as an undercover drug agent as defined 425
in section 109.79 of the Revised Code and is in compliance with 426
section 109.77 of the Revised Code. 427

(DD) "Department of public safety enforcement agent" means a 428
full-time employee of the department of public safety who is 429
designated under section 5502.14 of the Revised Code as an 430
enforcement agent and who is in compliance with section 109.77 of 431
the Revised Code. 432

(EE) "Natural resources law enforcement staff officer" means 433
a full-time employee of the department of natural resources who is 434
designated a natural resources law enforcement staff officer under 435
section 1501.013 of the Revised Code and is in compliance with 436
section 109.77 of the Revised Code. 437

(FF) "Park officer" means a full-time employee of the 438
department of natural resources who is designated a park officer 439
under section 1541.10 of the Revised Code and is in compliance 440
with section 109.77 of the Revised Code. 441

(GG) "Forest officer" means a full-time employee of the 442
department of natural resources who is designated a forest officer 443
under section 1503.29 of the Revised Code and is in compliance 444
with section 109.77 of the Revised Code. 445

(HH) "Preserve officer" means a full-time employee of the 446
department of natural resources who is designated a preserve 447
officer under section 1517.10 of the Revised Code and is in 448
compliance with section 109.77 of the Revised Code. 449

(II) "Wildlife officer" means a full-time employee of the 450
department of natural resources who is designated a wildlife 451
officer under section 1531.13 of the Revised Code and is in 452
compliance with section 109.77 of the Revised Code. 453

(JJ) "State watercraft officer" means a full-time employee of 454
the department of natural resources who is designated a state 455

watercraft officer under section 1547.521 of the Revised Code and 456
is in compliance with section 109.77 of the Revised Code. 457

(KK) "Park district police officer" means a full-time 458
employee of a park district who is designated pursuant to section 459
511.232 or 1545.13 of the Revised Code and is in compliance with 460
section 109.77 of the Revised Code. 461

(LL) "Conservancy district officer" means a full-time 462
employee of a conservancy district who is designated pursuant to 463
section 6101.75 of the Revised Code and is in compliance with 464
section 109.77 of the Revised Code. 465

(MM) "Municipal police officer" means a member of the 466
organized police department of a municipal corporation who is 467
employed full-time, is in compliance with section 109.77 of the 468
Revised Code, and is not a member of the Ohio police and fire 469
pension fund. 470

(NN) "Veterans' home police officer" means any person who is 471
employed at a veterans' home as a police officer pursuant to 472
section 5907.02 of the Revised Code and is in compliance with 473
section 109.77 of the Revised Code. 474

(OO) "Special police officer for a mental health institution" 475
means any person who is designated as such pursuant to section 476
5119.14 of the Revised Code and is in compliance with section 477
109.77 of the Revised Code. 478

(PP) "Special police officer for an institution for the 479
mentally retarded and developmentally disabled" means any person 480
who is designated as such pursuant to section 5123.13 of the 481
Revised Code and is in compliance with section 109.77 of the 482
Revised Code. 483

(QQ) "State university law enforcement officer" means any 484
person who is employed full-time as a state university law 485
enforcement officer pursuant to section 3345.04 of the Revised 486

Code and who is in compliance with section 109.77 of the Revised Code. 487
488

(RR) "House sergeant at arms" means any person appointed by 489
the speaker of the house of representatives under division (B)(1) 490
of section 101.311 of the Revised Code who has arrest authority 491
under division (E)(1) of that section. 492

(SS) "Assistant house sergeant at arms" means any person 493
appointed by the house sergeant at arms under division (C)(1) of 494
section 101.311 of the Revised Code. 495

(TT) "Regional transit authority police officer" means a 496
person who is employed full time as a regional transit authority 497
police officer under division (Y) of section 306.35 of the Revised 498
Code and is in compliance with section 109.77 of the Revised Code. 499

(UU) "State highway patrol police officer" means a special 500
police officer employed full time and designated by the 501
superintendent of the state highway patrol pursuant to section 502
5503.09 of the Revised Code or a person serving full time as a 503
special police officer pursuant to that section on a permanent 504
basis on October 21, 1997, who is in compliance with section 505
109.77 of the Revised Code. 506

(VV) "Municipal public safety director" means a person who 507
serves ~~full-time~~ full time as the public safety director of a 508
municipal corporation with the duty of directing the activities of 509
the municipal corporation's police department and fire department. 510

(WW) Notwithstanding section 2901.01 of the Revised Code, 511
"PERS law enforcement officer" means a sheriff, or any of the 512
following whose primary duties are to preserve the peace, protect 513
life and property, and enforce the laws of this state: a deputy 514
sheriff, township constable or police officer in a township police 515
department or district, drug agent, municipal public safety 516
director, department of public safety enforcement agent, natural 517

resources law enforcement staff officer, park officer, forest 518
officer, preserve officer, wildlife officer, state watercraft 519
officer, park district police officer, conservancy district 520
officer, veterans' home police officer, special police officer for 521
a mental health institution, special police officer for an 522
institution for the mentally retarded and developmentally 523
disabled, state university law enforcement officer, municipal 524
police officer, house sergeant at arms, assistant house sergeant 525
at arms, regional transit authority police officer, or state 526
highway patrol police officer. 527

(XX) "Hamilton county municipal court bailiff" means a person 528
appointed by the clerk of courts of the Hamilton county municipal 529
court under division (A)(3) of section 1901.32 of the Revised Code 530
who is employed full time as a bailiff or deputy bailiff, who has 531
received a certificate attesting to the person's satisfactory 532
completion of the peace officer basic training described in 533
division (D)(1) of section 109.77 of the Revised Code, ~~and whose~~ 534
~~primary duties are to preserve the peace, to protect life and~~ 535
~~property, and to enforce the laws of this state.~~ 536

(YY) "PERS public safety officer" means a Hamilton county 537
municipal court bailiff, or any of the following whose primary 538
duties are other than to preserve the peace, protect life and 539
property, and enforce the laws of this state: a deputy sheriff, 540
township constable or police officer in a township police 541
department or district, drug agent, department of public safety 542
enforcement agent, natural resources law enforcement staff 543
officer, park officer, forest officer, preserve officer, wildlife 544
officer, state watercraft officer, park district police officer, 545
conservancy district officer, veterans' home police officer, 546
special police officer for a mental health institution, special 547
police officer for an institution for the mentally retarded and 548
developmentally disabled, state university law enforcement 549

officer, municipal police officer, house sergeant at arms, 550
assistant house sergeant at arms, regional transit authority 551
police officer, or state highway patrol police officer. 552

(ZZ) "Fiduciary" means a person who does any of the 553
following: 554

(1) Exercises any discretionary authority or control with 555
respect to the management of the system or with respect to the 556
management or disposition of its assets; 557

(2) Renders investment advice for a fee, direct or indirect, 558
with respect to money or property of the system; 559

(3) Has any discretionary authority or responsibility in the 560
administration of the system. 561

~~(ZZ)~~(AAA) "Actuary" means an individual who satisfies all of 562
the following requirements: 563

(1) Is a member of the American academy of actuaries; 564

(2) Is an associate or fellow of the society of actuaries; 565

(3) Has a minimum of five years' experience in providing 566
actuarial services to public retirement plans. 567

~~(AAA)~~(BBB) "PERS defined benefit plan" means the plan 568
described in sections 145.201 to 145.79 of the Revised Code. 569

~~(BBB)~~(CCC) "PERS defined contribution plans" means the plan 570
or plans established under section 145.81 of the Revised Code. 571

Sec. 145.19. (A) Except as provided in division (D) of this 572
section, an individual who becomes employed in a position subject 573
to this chapter on or after the date on which the public employees 574
retirement board first establishes a PERS defined contribution 575
plan shall make an election under this section. Not later than one 576
hundred eighty days after the date on which employment begins, the 577
individual shall elect to participate either in the PERS defined 578

benefit plan or a PERS defined contribution plan. If a form 579
evidencing an election under this section is not received by the 580
public employees retirement system not later than the last day of 581
the one-hundred-eighty-day period, the individual is deemed to 582
have elected to participate in the PERS defined benefit plan. 583

(B) An election under this section shall be made in writing 584
on a form provided by the system and filed with the system. 585

(C) An election under this section shall take effect on the 586
date employment began and, except as provided in section 145.814 587
of the Revised Code or rules governing the PERS defined benefit 588
plan, is irrevocable on receipt by the system. 589

(D) An individual is ineligible to make an election under 590
this section if one of the following applies: 591

(1) At the time employment begins, the individual is a PERS 592
retirant or other system retirant, as those terms are defined in 593
section 145.38 of the Revised Code, or is retired under section 594
145.383 of the Revised Code. 595

(2) The individual is participating or has elected to 596
participate in an alternative retirement plan under section 597
3305.05 or 3305.051 of the Revised Code and the employment is in a 598
position that is subject to division (C)(4) of section 3305.05 or 599
division (F) of section 3305.051 of the Revised Code. 600

(3) The individual is a contributor who, as of the last day 601
of the month prior to the date employment begins, has five or more 602
years of total service credit. 603

(4) The individual is employed in a position covered under 604
this chapter to which section 145.193 of the Revised Code applies. 605

(5) The individual is a PERS law enforcement officer or 606
~~Hamilton county municipal court bailiff~~ PERS public safety 607
officer. 608

Sec. 145.191. (A) Except as provided in division (E) of this section, a public employees retirement system member or contributor who, as of the last day of the month immediately preceding the date on which the public employees retirement board first establishes a PERS defined contribution plan, has less than five years of total service credit is eligible to make an election under this section. A member or contributor who is employed in more than one position subject to this chapter is eligible to make only one election. The election applies to all positions subject to this chapter.

Not later than one hundred eighty days after the day the board first establishes a PERS defined contribution plan, an eligible member or contributor may elect to participate in a PERS defined contribution plan. If a form evidencing an election is not received by the system not later than the last day of the one-hundred-eighty-day period, a member or contributor to whom this section applies is deemed to have elected to continue participating in the PERS defined benefit plan.

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

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

(1) Credit to the plan elected both of the following:

(a) Any employer contributions attributable to the member for the period beginning on the day the board first established a PERS defined contribution plan;

(b) All accumulated contributions attributable to the member or contributor.

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

(D) An election under this section is effective as of the 639
date the board first established a PERS defined contribution plan 640
and, except as provided in section 145.814 of the Revised Code or 641
rules governing the PERS defined benefit plan, is irrevocable on 642
receipt by the system. 643

(E) An election may not be made under this section by a 644
member or contributor who is either of the following: 645

(1) A PERS retirant who is a member under division (C) of 646
section 145.38 of the Revised Code; 647

(2) A PERS law enforcement officer or a ~~Hamilton county~~ 648
~~municipal court bailiff~~ PERS public safety officer. 649

Sec. 145.2914. (A) The public employees retirement board may 650
adopt rules in accordance with section 145.09 of the Revised Code 651
to establish a program under which service credit earned under 652
division (A) of section 145.33 of the Revised Code is treated as 653
service credit earned under divisions (B) to (G) of that section 654
if the member makes payment to the public employees retirement 655
system in accordance with the rules. 656

(B) If the board adopts rules under division (A) of this 657
section, all of the following apply: 658

(1) For each year or portion of a year of service credit 659
earned under division (A) of section 145.33 of the Revised Code 660
that is to be treated as service credit earned under divisions (B) 661
to (G) of that section, the member shall pay to the retirement 662
system an amount specified by the retirement board that is not 663
less than one hundred per cent of the additional liability 664
resulting from the purchase of that year, or portion of a year, of 665
service. 666

(2) The number of years of service credit earned under 667
division (A) of section 145.33 of the Revised Code that may be 668

treated as service credit earned under divisions (B) to (G) of 669
that section shall not exceed five. 670

(3) The member may make the payment authorized by this 671
section at any time prior to receipt of a retirement allowance. 672
The member may choose to purchase only part of the credit the 673
member is eligible to purchase in any one payment. 674

(4) Any amounts paid under this section shall be credited to 675
the employees' savings fund. 676

(5) The amounts paid by the member under this section are 677
subject to the limits established by division (n) of section 415 678
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 679
415(n), as amended. 680

(C) The board's rules may deal with any other matter 681
necessary to implement this section. 682

Sec. 145.33. (A) Except as provided in division (B) or (C) of 683
this section, a member with at least five years of total service 684
credit who has attained age sixty, or who has thirty years of 685
total Ohio service credit, may apply for age and service 686
retirement, which shall consist of: 687

(1) An annuity having a reserve equal to the amount of the 688
member's accumulated contributions at that time; 689

(2) A pension equal to the annuity provided by division 690
(A)(1) of this section; 691

(3) An additional pension, if the member can qualify for 692
prior service, equal to forty dollars multiplied by the number of 693
years, and fraction thereof, of such prior and military service 694
credit; 695

(4) A basic annual pension equal to one hundred eighty 696
dollars if the member has ten or more years of total service 697
credit as of October 1, 1956, except that the basic annual pension 698

shall not exceed the sum of the annual benefits provided by 699
divisions (A)(1), (2), and (3) of this section. 700

(5) When a member retires on age and service retirement, the 701
member's total annual single lifetime allowance, including the 702
allowances provided in divisions (A)(1), (2), (3), and (4) of this 703
section, shall be not less than a base amount adjusted in 704
accordance with division (A)(5) of this section and determined by 705
multiplying the member's total service credit by the greater of 706
the following: 707

(a) Eighty-six dollars; 708

(b) Two and two-tenths per cent of the member's final average 709
salary for each of the first thirty years of service plus two and 710
one-half per cent of the member's final average salary for each 711
subsequent year of service. 712

The allowance shall be adjusted by the factors of attained 713
age or years of service to provide the greater amount as 714
determined by the following schedule: 715

Attained	or	Years of	Percentage	
Birthday		Total Service	of	
		Credit	Base Amount	
58		25	75	719
59		26	80	720
60		27	85	721
61			88	722
		28	90	723
62			91	724
63			94	725
		29	95	726
64			97	727
65		30 or more	100	728

Members shall vest the right to a benefit in accordance with 729

the following schedule, based on the member's attained age by 730
September 1, 1976: 731

Attained Birthday	Percentage of Base Amount	
66	102	732
67	104	733
68	106	734
69	108	735
70 or more	110	736

(6) The total annual single lifetime allowance that a member 740
shall receive under division (A)(5) of this section shall not 741
exceed the lesser of one hundred per cent of the member's final 742
average salary or the limit established by section 415 of the 743
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 744
as amended. 745

(B)(1) For the purposes of divisions (B) to (G) of this 746
section, "total service credit as a PERS law enforcement officer" 747
and "total service credit as a ~~Hamilton county municipal court~~ 748
~~bailiff~~ PERS public safety officer" include credit for military 749
service to the extent permitted by division (E)(2) of this section 750
and credit for service as a police officer or state highway patrol 751
trooper to the extent permitted by divisions (E)(3) and (4) of 752
this section. 753

(2) A member who meets the conditions in division (B)(2)(a), 754
(b), or (c), ~~or (d)~~ of this section may apply for an age and 755
service retirement benefit under this division: 756

(a) The member has attained age forty-eight and has at least 757
twenty-five years of total service credit as a PERS law 758
enforcement officer ~~whose primary duties were to preserve the~~ 759
~~peace, protect life and property, and enforce the laws in the~~ 760
~~member's jurisdiction;~~ 761

(b) The member has attained age fifty-two, and has at least 762
twenty-five years of total service credit as a PERS law 763
~~enforcement public safety officer, but the member's primary duties~~ 764
~~were other than to preserve the peace, protect life and property,~~ 765
~~and enforce the laws in the member's jurisdiction~~ or has service 766
as a PERS public safety officer and service as a PERS law 767
enforcement officer that when combined equal at least twenty-five 768
years of total service credit; 769

~~(c) The member has attained age fifty two and has at least~~ 770
~~twenty five years of total service as a Hamilton county municipal~~ 771
~~court bailiff;~~ 772

~~(d)~~ The member has attained age sixty-two and has at least 773
fifteen years of total service credit as either of the following: 774

(i) A PERS law enforcement officer; 775

(ii) A ~~Hamilton county municipal court bailiff~~ PERS public 776
safety officer. 777

(3) A benefit paid under division (B)(2) of this section 778
shall consist of an annual single lifetime allowance equal to the 779
sum of two and one-half per cent of the member's final average 780
salary multiplied by the first twenty-five years of the member's 781
total service plus two and one-tenth per cent of the member's 782
final average salary multiplied by the number of years of the 783
member's total service credit in excess of twenty-five years. 784

(4) A member with at least fifteen years of total service 785
credit as a PERS law enforcement officer or ~~Hamilton county~~ 786
~~municipal court bailiff~~ PERS public safety officer who voluntarily 787
resigns or is discharged for any reason except death, dishonesty, 788
cowardice, intemperate habits, or conviction of a felony may apply 789
for an age and service retirement benefit, which shall consist of 790
an annual single lifetime allowance equal to one and one-half per 791
cent of the member's final average salary multiplied by the number 792

of years of the member's total service credit. The allowance shall 793
commence on the first day of the calendar month following the 794
month in which the application is filed with the public employees 795
retirement board on or after the attainment by the applicant of 796
age fifty-two. 797

(C)(1) A member with at least twenty-five years of total 798
service credit who would be eligible to retire under division 799
(B)(2)(b) ~~or (c)~~ of this section had the member attained age 800
fifty-two and who voluntarily resigns or is discharged for any 801
reason except death, dishonesty, cowardice, intemperate habits, or 802
conviction of a felony, on or after the date of attaining 803
forty-eight years of age, but before the date of attaining 804
fifty-two years of age, may elect to receive a reduced benefit as 805
determined by the following schedule: 806

Attained Age	Reduced Benefit	
48	75% of the benefit payable under	807
	division (B)(3) of this section	808
49	80% of the benefit payable under	809
	division (B)(3) of this section	810
50	86% of the benefit payable under	811
	division (B)(3) of this section	812
51	93% of the benefit payable under	813
	division (B)(3) of this section	814

(2) If a member elects to receive a reduced benefit after 815
attaining age forty-eight the reduced benefit is payable from the 816
later of the date of the member's most recent birthday or the date 817
the member becomes eligible to receive the reduced benefit. 818

(3) Once a member elects to receive a reduced benefit 819
determined by the schedule in division (C)(1) of this section and 820
has received a payment, the member may not reelect to change that 821
election. 822

(4) If a member who has resigned or been discharged has left 823

on deposit the member's accumulated contributions in the 825
employees' savings fund and has not elected to receive a reduced 826
benefit determined by the schedule in division (C)(1) of this 827
section, upon attaining fifty-two years of age, the member shall 828
be entitled to receive a benefit computed and paid under division 829
(B)(3) of this section. 830

(D) A benefit paid under division (B) or (C) of this section 831
shall not exceed the lesser of ninety per cent of the member's 832
final average salary or the limit established by section 415 of 833
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 834
415, as amended. 835

(E)(1) A member with service credit as a PERS law enforcement 836
officer or a ~~Hamilton county municipal court bailiff~~ PERS public 837
safety officer and other service credit under this chapter may 838
elect one of the following: 839

(a) To have all the member's service credit under this 840
chapter, including credit for service as a PERS law enforcement 841
officer or ~~Hamilton county municipal court bailiff~~ PERS public 842
safety officer, used in calculating a retirement allowance under 843
division (A) of this section if the member qualifies for an 844
allowance under that division; 845

(b) If the member qualifies for an allowance under division 846
(B)(2)(a) of this section, to have the member's service credit as 847
a PERS law enforcement officer used in calculating a benefit under 848
that division and the member's credit for all service other than 849
PERS law enforcement service used in calculating a benefit 850
consisting of a single life annuity having a reserve equal to the 851
amount of the member's accumulated contributions and an equal 852
amount of employer contributions. 853

(c) If the member qualifies for an allowance under division 854
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 855

member's service credit as a PERS law enforcement officer or 856
~~Hamilton county municipal court bailiff~~ PERS public safety officer 857
used in calculating a benefit under the appropriate division and 858
the member's credit for all service other than PERS law 859
enforcement service or service as a ~~Hamilton county municipal~~ 860
~~court bailiff~~ PERS public safety officer under this chapter used 861
in calculating a benefit consisting of a single life annuity 862
having a reserve equal to the amount of the member's accumulated 863
contributions and an equal amount of the employer's contributions. 864

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 865
Code, no more than four years of military service credit granted 866
under section 145.30 of the Revised Code and five years of 867
military service credit purchased under section 145.301 or 145.302 868
of the Revised Code shall be used in calculating service as a PERS 869
law enforcement officer or ~~Hamilton county municipal court bailiff~~ 870
PERS public safety officer or the total service credit of that 871
person. 872

(3) Only credit for the member's service as a PERS law 873
enforcement officer, PERS public safety officer, or service credit 874
obtained as a police officer or state highway patrol trooper shall 875
be used in computing the benefit of a member who qualifies for a 876
benefit under division (B)~~(2)(a), (b), or (d)(ii) or (4)~~ or 877
~~division~~ (C) of this section for the following: 878

(a) Any person who originally is commissioned and employed as 879
a deputy sheriff by the sheriff of any county, or who originally 880
is elected sheriff, on or after January 1, 1975; 881

(b) Any deputy sheriff who originally is employed as a 882
criminal bailiff or court constable on or after April 16, 1993; 883

(c) Any person who originally is appointed as a township 884
constable or police officer in a township police department or 885
district on or after January 1, 1981; 886

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;	887 888
(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;	889 890 891 892 893 894 895 896 897 898
(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	899 900
(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;	901 902 903
(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;	904 905
(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	906 907 908
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	909 910
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	911 912 913
(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;	914 915 916

(m) Any person who is originally employed as a municipal 917
public safety director on or after ~~the effective date of this~~ 918
~~amendment~~ September 29, 2005. 919

(4) Only credit for a member's service as a ~~Hamilton county~~ 920
~~municipal court bailiff~~ PERS public safety officer or service 921
credit obtained as a PERS law enforcement officer, police officer, 922
or state highway patrol trooper shall be used in computing the 923
benefit of a member who qualifies for a benefit under division 924
(B)(2)(b) or (c) ~~or (d)~~(ii) or (4) or division (C) of this section 925
for any person who originally is employed as a Hamilton county 926
municipal court bailiff on or after November 6, 1996. 927

(F) Retirement allowances determined under this section shall 928
be paid as provided in section 145.46 of the Revised Code. 929

(G) For the purposes of this section, service prior to June 930
30, 1999, as a food stamp trafficking agent under former section 931
5502.14 of the Revised Code shall be considered service as a law 932
enforcement officer. 933

Sec. 145.35. (A) As used in this section, "on-duty illness or 934
injury" means an illness or injury that occurred during or 935
resulted from performance of duties under the direct supervision 936
of a member's appointing authority. 937

(B) The public employees retirement system shall provide 938
disability coverage to each member who has at least five years of 939
total service credit and disability coverage for on-duty illness 940
or injury to each member who is a PERS law enforcement officer or 941
~~Hamilton county municipal court bailiff~~ PERS public safety 942
officer, regardless of length of service. 943

Not later than October 16, 1992, the public employees 944
retirement board shall give each person who is a member on July 945
29, 1992, the opportunity to elect disability coverage either 946

under section 145.36 of the Revised Code or under section 145.361 947
of the Revised Code. The board shall mail notice of the election, 948
accompanied by an explanation of the coverage under each of the 949
Revised Code sections and a form on which the election is to be 950
made, to each member at the member's last known address. The board 951
shall also provide the explanation and form to any member on 952
request. 953

Regardless of whether the member actually receives notice of 954
the right to make an election, a member who fails to file a valid 955
election under this section shall be considered to have elected 956
disability coverage under section 145.36 of the Revised Code. To 957
be valid, an election must be made on the form provided by the 958
retirement board, signed by the member, and filed with the board 959
not later than one hundred eighty days after the date the notice 960
was mailed, or, in the case of a form provided at the request of a 961
member, a date specified by rule of the retirement board. Once 962
made, an election is irrevocable, but if the member ceases to be a 963
member of the retirement system, the election is void. If a person 964
who makes an election under this section also makes an election 965
under section 3307.62 or 3309.39 of the Revised Code, the election 966
made for the system that pays a disability benefit to that person 967
shall govern the benefit. 968

Disability coverage shall be provided under section 145.361 969
of the Revised Code for persons who become members after July 29, 970
1992, and for members who elect under this division to be covered 971
under section 145.361 of the Revised Code. 972

The retirement board may adopt rules governing elections made 973
under this division. 974

(C) Application for a disability benefit may be made by a 975
member, by a person acting in the member's behalf, or by the 976
member's employer, provided the member has disability coverage 977
under section 145.36 or 145.361 of the Revised Code and is not 978

receiving a disability benefit under any other Ohio state or 979
municipal retirement program. Application must be made within two 980
years from the date the member's contributing service terminated 981
or the date the member ceased to make contributions to the PERS 982
defined benefit plan under section 145.814 of the Revised Code, 983
unless the retirement board determines that the member's medical 984
records demonstrate conclusively that at the time the two-year 985
period expired, the member was physically or mentally 986
incapacitated for duty and unable to make an application. 987
Application may not be made by or for any person receiving age and 988
service retirement benefits under section 145.33, 145.331, 145.34, 989
or 145.37 of the Revised Code or any person who, pursuant to 990
section 145.40 of the Revised Code, has been paid the accumulated 991
contributions standing to the credit of the person's individual 992
account in the employees' savings fund. The application shall be 993
made on a form provided by the retirement board. 994

(D) The benefit payable to any member who is approved for a 995
disability benefit shall become effective on the first day of the 996
month immediately following the later of the following: 997

(1) The last day for which compensation was paid; 998

(2) The attainment of eligibility for a disability benefit. 999

(E) Medical examination of a member who has applied for a 1000
disability benefit shall be conducted by a competent disinterested 1001
physician or physicians selected by the board to determine whether 1002
the member is mentally or physically incapacitated for the 1003
performance of duty by a disabling condition either permanent or 1004
presumed to be permanent. The disability must have occurred since 1005
last becoming a member or have increased since last becoming a 1006
member to such extent as to make the disability permanent or 1007
presumed to be permanent. A disability is presumed to be permanent 1008
if it is expected to last for a continuous period of not less than 1009
twelve months following the filing of the application. 1010

If the physician or physicians determine that the member 1011
qualifies for a disability benefit, the board concurs with the 1012
determination, and the member agrees to medical treatment as 1013
specified in division (F) of this section, the member shall 1014
receive a disability benefit under section 145.36 or 145.361 of 1015
the Revised Code. The action of the board shall be final. 1016

(F) The public employees retirement board shall adopt rules 1017
requiring a disability benefit recipient, as a condition of 1018
continuing to receive a disability benefit, to agree in writing to 1019
obtain any medical treatment recommended by the board's physician 1020
and submit medical reports regarding the treatment. If the board 1021
determines that a disability benefit recipient is not obtaining 1022
the medical treatment or the board does not receive a required 1023
medical report, the disability benefit shall be suspended until 1024
the treatment is obtained, the report is received by the board, or 1025
the board's physician certifies that the treatment is no longer 1026
helpful or advisable. Should the recipient's failure to obtain 1027
treatment or submit a medical report continue for one year, the 1028
recipient's right to the disability benefit shall be terminated as 1029
of the effective date of the original suspension. 1030

(G) In the event an employer files an application for a 1031
disability benefit as a result of a member having been separated 1032
from service because the member is considered to be mentally or 1033
physically incapacitated for the performance of the member's 1034
present duty, and the physician or physicians selected by the 1035
board reports to the board that the member is physically and 1036
mentally capable of performing service similar to that from which 1037
the member was separated and the board concurs in the report, the 1038
board shall so certify to the employer and the employer shall 1039
restore the member to the member's previous position and salary or 1040
to a similar position and salary. 1041

Sec. 145.49. (A) Notwithstanding section 145.47 of the Revised Code:

(1) The public employees retirement system shall be authorized to calculate the employee contribution rates separately for those public employees contributing toward benefits as PERS public safety officers under ~~division (B)(2)(b), (c), or (d)~~ of section 145.33 of the Revised Code.

(2) Each public employee contributing toward benefits as PERS law enforcement officers under ~~division (B)(2)(a)~~ of section 145.33 of the Revised Code shall contribute to the employees' savings fund ~~ten and one tenth~~ the rate determined under division (A)(1) of this section plus an additional percentage specified by the public employees retirement board, which shall initially be one per cent of the employee's earnable salary and shall not be increased to more than two per cent of the employee's earnable salary.

(B) Notwithstanding section 145.48 of the Revised Code, the public employees retirement system shall be authorized to calculate the employer contribution rates separately for those public employees contributing toward benefits as PERS public safety officers under ~~division (B)(2)(a)~~ of section 145.33 of the Revised Code or as PERS law enforcement officers under ~~division (B)(2)(b), (c), or (d)~~ of that section, except that the employer contribution rate shall not exceed eighteen and one-tenth per cent of the earnable salaries of those employees.

Section 2. That existing sections 145.01, 145.19, 145.191, 145.33, 145.35, and 145.49 of the Revised Code are hereby repealed.