

As Passed by the Senate

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

Sub. S. B. No. 267

Senator Faber

**Cosponsors: Senators Seitz, Cates, Coughlin, Fedor, Harris, Kearney,
Miller, D., Niehaus, Wilson, Spada, Miller, R., Wagoner, Stivers, Schuler,
Mumper, Mason, Smith, Amstutz, Padgett**

—

A B I L L

To amend sections 145.01, 145.19, 145.191, 145.33, 1
145.35, 145.47, and 145.49 and to enact section 2
145.2914 of the Revised Code regarding the Public 3
Employees Retirement System law enforcement 4
division and late penalties assessed by the 5
retirement system. 6

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

Section 1. That sections 145.01, 145.19, 145.191, 145.33, 7
145.35, 145.47, and 145.49 be amended and section 145.2914 of the 8
Revised Code be enacted to read as follows: 9

Sec. 145.01. As used in this chapter: 10

(A) "Public employee" means: 11

(1) Any person holding an office, not elective, under the 12
state or any county, township, municipal corporation, park 13
district, conservancy district, sanitary district, health 14
district, metropolitan housing authority, state retirement board, 15
Ohio historical society, public library, county law library, union 16

cemetery, joint hospital, institutional commissary, state 17
university, or board, bureau, commission, council, committee, 18
authority, or administrative body as the same are, or have been, 19
created by action of the general assembly or by the legislative 20
authority of any of the units of local government named in 21
division (A)(1) of this section, or employed and paid in whole or 22
in part by the state or any of the authorities named in division 23
(A)(1) of this section in any capacity not covered by section 24
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 25

(2) A person who is a member of the public employees 26
retirement system and who continues to perform the same or similar 27
duties under the direction of a contractor who has contracted to 28
take over what before the date of the contract was a publicly 29
operated function. The governmental unit with which the contract 30
has been made shall be deemed the employer for the purposes of 31
administering this chapter. 32

(3) Any person who is an employee of a public employer, 33
notwithstanding that the person's compensation for that employment 34
is derived from funds of a person or entity other than the 35
employer. Credit for such service shall be included as total 36
service credit, provided that the employee makes the payments 37
required by this chapter, and the employer makes the payments 38
required by sections 145.48 and 145.51 of the Revised Code. 39

(4) A person who elects in accordance with section 145.015 of 40
the Revised Code to remain a contributing member of the public 41
employees retirement system. 42

In all cases of doubt, the public employees retirement board 43
shall determine whether any person is a public employee, and its 44
decision is final. 45

(B) "Member" means any public employee, other than a public 46
employee excluded or exempted from membership in the retirement 47

system by section 145.03, 145.031, 145.032, 145.033, 145.034, 48
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 49
retirant who becomes a member under division (C) of section 145.38 50
of the Revised Code. "Member" also includes a disability benefit 51
recipient. 52

(C) "Head of the department" means the elective or appointive 53
head of the several executive, judicial, and administrative 54
departments, institutions, boards, and commissions of the state 55
and local government as the same are created and defined by the 56
laws of this state or, in case of a charter government, by that 57
charter. 58

(D) "Employer" or "public employer" means the state or any 59
county, township, municipal corporation, park district, 60
conservancy district, sanitary district, health district, 61
metropolitan housing authority, state retirement board, Ohio 62
historical society, public library, county law library, union 63
cemetery, joint hospital, institutional commissary, state medical 64
college, state university, or board, bureau, commission, council, 65
committee, authority, or administrative body as the same are, or 66
have been, created by action of the general assembly or by the 67
legislative authority of any of the units of local government 68
named in this division not covered by section 742.01, 3307.01, 69
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 70
means the employer of any public employee. 71

(E) "Prior service" means all service as a public employee 72
rendered before January 1, 1935, and all service as an employee of 73
any employer who comes within the state teachers retirement system 74
or of the school employees retirement system or of any other 75
retirement system established under the laws of this state 76
rendered prior to January 1, 1935, provided that if the employee 77
claiming the service was employed in any capacity covered by that 78
other system after that other system was established, credit for 79

the service may be allowed by the public employees retirement 80
system only when the employee has made payment, to be computed on 81
the salary earned from the date of appointment to the date 82
membership was established in the public employees retirement 83
system, at the rate in effect at the time of payment, and the 84
employer has made payment of the corresponding full liability as 85
provided by section 145.44 of the Revised Code. "Prior service" 86
also means all service credited for active duty with the armed 87
forces of the United States as provided in section 145.30 of the 88
Revised Code. 89

If an employee who has been granted prior service credit by 90
the public employees retirement system for service rendered prior 91
to January 1, 1935, as an employee of a board of education 92
establishes, before retirement, one year or more of contributing 93
service in the state teachers retirement system or school 94
employees retirement system, then the prior service ceases to be 95
the liability of this system. 96

If the board determines that a position of any member in any 97
calendar year prior to January 1, 1935, was a part-time position, 98
the board shall determine what fractional part of a year's credit 99
shall be allowed by the following formula: 100

(1) When the member has been either elected or appointed to 101
an office the term of which was two or more years and for which an 102
annual salary is established, the fractional part of the year's 103
credit shall be computed as follows: 104

First, when the member's annual salary is one thousand 105
dollars or less, the service credit for each such calendar year 106
shall be forty per cent of a year. 107

Second, for each full one hundred dollars of annual salary 108
above one thousand dollars, the member's service credit for each 109
such calendar year shall be increased by two and one-half per 110

cent. 111

(2) When the member is paid on a per diem basis, the service 112
credit for any single year of the service shall be determined by 113
using the number of days of service for which the compensation was 114
received in any such year as a numerator and using two hundred 115
fifty days as a denominator. 116

(3) When the member is paid on an hourly basis, the service 117
credit for any single year of the service shall be determined by 118
using the number of hours of service for which the compensation 119
was received in any such year as a numerator and using two 120
thousand hours as a denominator. 121

(F) "Contributor" means any person who has an account in the 122
employees' savings fund created by section 145.23 of the Revised 123
Code. When used in the sections listed in division (B) of section 124
145.82 of the Revised Code, "contributor" includes any person 125
participating in a PERS defined contribution plan. 126

(G) "Beneficiary" or "beneficiaries" means the estate or a 127
person or persons who, as the result of the death of a member, 128
contributor, or retirant, qualify for or are receiving some right 129
or benefit under this chapter. 130

(H)(1) "Total service credit," except as provided in section 131
145.37 of the Revised Code, means all service credited to a member 132
of the retirement system since last becoming a member, including 133
restored service credit as provided by section 145.31 of the 134
Revised Code; credit purchased under sections 145.293 and 145.299 135
of the Revised Code; all the member's prior service credit; all 136
the member's military service credit computed as provided in this 137
chapter; all service credit established pursuant to section 138
145.297 of the Revised Code; and any other service credited under 139
this chapter. In addition, "total service credit" includes any 140
period, not in excess of three years, during which a member was 141

out of service and receiving benefits under Chapters 4121. and 142
4123. of the Revised Code. For the exclusive purpose of satisfying 143
the service credit requirement and of determining eligibility for 144
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 145
and 145.361 of the Revised Code, "five or more years of total 146
service credit" means sixty or more calendar months of 147
contributing service in this system. 148

(2) "One and one-half years of contributing service credit," 149
as used in division (B) of section 145.45 of the Revised Code, 150
also means eighteen or more calendar months of employment by a 151
municipal corporation that formerly operated its own retirement 152
plan for its employees or a part of its employees, provided that 153
all employees of that municipal retirement plan who have eighteen 154
or more months of such employment, upon establishing membership in 155
the public employees retirement system, shall make a payment of 156
the contributions they would have paid had they been members of 157
this system for the eighteen months of employment preceding the 158
date membership was established. When that payment has been made 159
by all such employee members, a corresponding payment shall be 160
paid into the employers' accumulation fund by that municipal 161
corporation as the employer of the employees. 162

(3) Where a member also is a member of the state teachers 163
retirement system or the school employees retirement system, or 164
both, except in cases of retirement on a combined basis pursuant 165
to section 145.37 of the Revised Code or as provided in section 166
145.383 of the Revised Code, service credit for any period shall 167
be credited on the basis of the ratio that contributions to the 168
public employees retirement system bear to total contributions in 169
all state retirement systems. 170

(4) Not more than one year of credit may be given for any 171
period of twelve months. 172

(5) "Ohio service credit" means credit for service that was 173

rendered to the state or any of its political subdivisions or any employer. 174
175

(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. 176
177
178

(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. 179
180
181
182
183

(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. 184
185
186
187
188
189
190
191
192
193

(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. 194
195
196
197
198

(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, 199
200
201
202
203
204

"final average salary" means the member's total earnable salary.	205
(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.	206 207 208 209
(M) "Annuity 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 annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter.	210 211 212 213 214
(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.	215 216
(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.	217 218
(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.	219 220 221 222
(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	223 224
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of the Revised Code.	225 226 227
(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.	228 229 230 231 232 233
(Q) "Retirement allowance" means the pension plus that	234

portion of the benefit derived from contributions made by the 235
member. 236

(R)(1) Except as otherwise provided in division (R) of this 237
section, "earnable salary" means all salary, wages, and other 238
earnings paid to a contributor by reason of employment in a 239
position covered by the retirement system. The salary, wages, and 240
other earnings shall be determined prior to determination of the 241
amount required to be contributed to the employees' savings fund 242
under section 145.47 of the Revised Code and without regard to 243
whether any of the salary, wages, or other earnings are treated as 244
deferred income for federal income tax purposes. "Earnable salary" 245
includes the following: 246

(a) Payments made by the employer in lieu of salary, wages, 247
or other earnings for sick leave, personal leave, or vacation used 248
by the contributor; 249

(b) Payments made by the employer for the conversion of sick 250
leave, personal leave, and vacation leave accrued, but not used if 251
the payment is made during the year in which the leave is accrued, 252
except that payments made pursuant to section 124.383 or 124.386 253
of the Revised Code are not earnable salary; 254

(c) Allowances paid by the employer for full maintenance, 255
consisting of housing, laundry, and meals, as certified to the 256
retirement board by the employer or the head of the department 257
that employs the contributor; 258

(d) Fees and commissions paid under section 507.09 of the 259
Revised Code; 260

(e) Payments that are made under a disability leave program 261
sponsored by the employer and for which the employer is required 262
by section 145.296 of the Revised Code to make periodic employer 263
and employee contributions; 264

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 265

this section.	266
(2) "Earnable salary" does not include any of the following:	267
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	268 269 270 271
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	272 273 274 275 276
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	277 278 279 280
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	281 282 283
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	284 285 286 287
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	288 289 290 291 292
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended	293 294 295

Substitute Senate Bill No. 164 of the 124th general assembly, or 296
Amended Substitute House Bill No. 405 of the 124th general 297
assembly; 298

(h) Anything of value received by the contributor that is 299
based on or attributable to retirement or an agreement to retire, 300
except that payments made on or before January 1, 1989, that are 301
based on or attributable to an agreement to retire shall be 302
included in earnable salary if both of the following apply: 303

(i) The payments are made in accordance with contract 304
provisions that were in effect prior to January 1, 1986; 305

(ii) The employer pays the retirement system an amount 306
specified by the retirement board equal to the additional 307
liability resulting from the payments. 308

(3) The retirement board shall determine by rule whether any 309
compensation not enumerated in division (R) of this section is 310
earnable salary, and its decision shall be final. 311

(S) "Pension reserve" means the present value, computed upon 312
the basis of the mortality and other tables adopted by the board, 313
of all payments to be made on account of any retirement allowance 314
or benefit in lieu of any retirement allowance, granted to a 315
member or beneficiary under this chapter. 316

(T)(1) "Contributing service" means all service credited to a 317
member of the system since January 1, 1935, for which 318
contributions are made as required by sections 145.47, 145.48, and 319
145.483 of the Revised Code. In any year subsequent to 1934, 320
credit for any service shall be allowed by the following formula: 321

(a) For each month for which the member's earnable salary is 322
two hundred fifty dollars or more, allow one month's credit. 323

(b) For each month for which the member's earnable salary is 324
less than two hundred fifty dollars, allow a fraction of a month's 325

credit. The numerator of this fraction shall be the earnable 326
salary during the month, and the denominator shall be two hundred 327
fifty dollars, except that if the member's annual earnable salary 328
is less than six hundred dollars, the member's credit shall not be 329
reduced below twenty per cent of a year for a calendar year of 330
employment during which the member worked each month. Division 331
(T)(1)(b) of this section shall not reduce any credit earned 332
before January 1, 1985. 333

(2) Notwithstanding division (T)(1) of this section, an 334
elected official who prior to January 1, 1980, was granted a full 335
year of credit for each year of service as an elected official 336
shall be considered to have earned a full year of credit for each 337
year of service regardless of whether the service was full-time or 338
part-time. The public employees retirement board has no authority 339
to reduce the credit. 340

(U) "State retirement board" means the public employees 341
retirement board, the school employees retirement board, or the 342
state teachers retirement board. 343

(V) "Retirant" means any former member who retires and is 344
receiving a monthly allowance as provided in sections 145.32, 345
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 346

(W) "Employer contribution" means the amount paid by an 347
employer as determined under section 145.48 of the Revised Code. 348

(X) "Public service terminates" means the last day for which 349
a public employee is compensated for services performed for an 350
employer or the date of the employee's death, whichever occurs 351
first. 352

(Y) When a member has been elected or appointed to an office, 353
the term of which is two or more years, for which an annual salary 354
is established, and in the event that the salary of the office is 355
increased and the member is denied the additional salary by reason 356

of any constitutional provision prohibiting an increase in salary 357
during a term of office, the member may elect to have the amount 358
of the member's contributions calculated upon the basis of the 359
increased salary for the office. At the member's request, the 360
board shall compute the total additional amount the member would 361
have contributed, or the amount by which each of the member's 362
contributions would have increased, had the member received the 363
increased salary for the office the member holds. If the member 364
elects to have the amount by which the member's contribution would 365
have increased withheld from the member's salary, the member shall 366
notify the employer, and the employer shall make the withholding 367
and transmit it to the retirement system. A member who has not 368
elected to have that amount withheld may elect at any time to make 369
a payment to the retirement system equal to the additional amount 370
the member's contribution would have increased, plus interest on 371
that contribution, compounded annually at a rate established by 372
the board and computed from the date on which the last 373
contribution would have been withheld from the member's salary to 374
the date of payment. A member may make a payment for part of the 375
period for which the increased contribution was not withheld, in 376
which case the interest shall be computed from the date the last 377
contribution would have been withheld for the period for which the 378
payment is made. Upon the payment of the increased contributions 379
as provided in this division, the increased annual salary as 380
provided by law for the office for the period for which the member 381
paid increased contributions thereon shall be used in determining 382
the member's earnable salary for the purpose of computing the 383
member's final average salary. 384

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

prior to coverage under this chapter or under a combination of the 390
coverage. 391

(AA) "Deputy sheriff" means any person who is commissioned 392
and employed as a full-time peace officer by the sheriff of any 393
county, and has been so employed since on or before December 31, 394
1965, ~~and whose primary duties are to preserve the peace, to 395~~
~~protect life and property, and to enforce the laws of this state;~~ 396
any person who is or has been commissioned and employed as a peace 397
officer by the sheriff of any county since January 1, 1966, and 398
who has received a certificate attesting to the person's 399
satisfactory completion of the peace officer training school as 400
required by section 109.77 of the Revised Code ~~and whose primary 401~~
~~duties are to preserve the peace, protect life and property, and 402~~
~~enforce the laws of this state;~~ or any person deputized by the 403
sheriff of any county and employed pursuant to section 2301.12 of 404
the Revised Code as a criminal bailiff or court constable who has 405
received a certificate attesting to the person's satisfactory 406
completion of the peace officer training school as required by 407
section 109.77 of the Revised Code ~~and whose primary duties are to 408~~
~~preserve the peace, protect life and property, and enforce the 409~~
~~laws of this state.~~ 410

(BB) "Township constable or police officer in a township 411
police department or district" means any person who is 412
commissioned and employed as a full-time peace officer pursuant to 413
Chapter 505. or 509. of the Revised Code, who has received a 414
certificate attesting to the person's satisfactory completion of 415
the peace officer training school as required by section 109.77 of 416
the Revised Code, ~~and whose primary duties are to preserve the 417~~
~~peace, protect life and property, and enforce the laws of this 418~~
~~state.~~ 419

(CC) "Drug agent" means any person who is either of the 420
following: 421

(1) Employed ~~full-time~~ 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~~ 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.

(DD) "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.

(EE) "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.

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

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

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

(II) "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.

(JJ) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "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.

(LL) "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.

(MM) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed ~~full-time~~ 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.

(NN) "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.

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

(PP) "Special police officer for an institution for the mentally retarded and developmentally disabled" 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.

(QQ) "State university law enforcement officer" means any person who is employed ~~full-time~~ 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.

(RR) "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.

(SS) "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.

(TT) "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.

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

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

(WW) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff, or any of the

following whose primary duties are to preserve the peace, protect 515
life and property, and enforce the laws of this state: a deputy 516
sheriff, township constable or police officer in a township police 517
department or district, drug agent, municipal public safety 518
director, department of public safety enforcement agent, natural 519
resources law enforcement staff officer, park officer, forest 520
officer, preserve officer, wildlife officer, state watercraft 521
officer, park district police officer, conservancy district 522
officer, veterans' home police officer, special police officer for 523
a mental health institution, special police officer for an 524
institution for the mentally retarded and developmentally 525
disabled, state university law enforcement officer, municipal 526
police officer, house sergeant at arms, assistant house sergeant 527
at arms, regional transit authority police officer, or state 528
highway patrol police officer. 529

(XX) "Hamilton county municipal court bailiff" means a person 530
appointed by the clerk of courts of the Hamilton county municipal 531
court under division (A)(3) of section 1901.32 of the Revised Code 532
who is employed full time as a bailiff or deputy bailiff, who has 533
received a certificate attesting to the person's satisfactory 534
completion of the peace officer basic training described in 535
division (D)(1) of section 109.77 of the Revised Code, ~~and whose~~ 536
~~primary duties are to preserve the peace, to protect life and~~ 537
~~property, and to enforce the laws of this state.~~ 538

(YY) "PERS public safety officer" means a Hamilton county 539
municipal court bailiff, or any of the following whose primary 540
duties are other than to preserve the peace, protect life and 541
property, and enforce the laws of this state: a deputy sheriff, 542
township constable or police officer in a township police 543
department or district, drug agent, department of public safety 544
enforcement agent, natural resources law enforcement staff 545
officer, park officer, forest officer, preserve officer, wildlife 546

officer, state watercraft officer, park district police officer, 547
conservancy district officer, veterans' home police officer, 548
special police officer for a mental health institution, special 549
police officer for an institution for the mentally retarded and 550
developmentally disabled, state university law enforcement 551
officer, municipal police officer, house sergeant at arms, 552
assistant house sergeant at arms, regional transit authority 553
police officer, or state highway patrol police officer. 554

(ZZ) "Fiduciary" means a person who does any of the 555
following: 556

(1) Exercises any discretionary authority or control with 557
respect to the management of the system or with respect to the 558
management or disposition of its assets; 559

(2) Renders investment advice for a fee, direct or indirect, 560
with respect to money or property of the system; 561

(3) Has any discretionary authority or responsibility in the 562
administration of the system. 563

~~(ZZ)~~(AAA) "Actuary" means an individual who satisfies all of 564
the following requirements: 565

(1) Is a member of the American academy of actuaries; 566

(2) Is an associate or fellow of the society of actuaries; 567

(3) Has a minimum of five years' experience in providing 568
actuarial services to public retirement plans. 569

~~(AAA)~~(BBB) "PERS defined benefit plan" means the plan 570
described in sections 145.201 to 145.79 of the Revised Code. 571

~~(BBB)~~(CCC) "PERS defined contribution plans" means the plan 572
or plans established under section 145.81 of the Revised Code. 573

Sec. 145.19. (A) Except as provided in division (D) of this 574
section, an individual who becomes employed in a position subject 575

to this chapter on or after the date on which the public employees 576
retirement board first establishes a PERS defined contribution 577
plan shall make an election under this section. Not later than one 578
hundred eighty days after the date on which employment begins, the 579
individual shall elect to participate either in the PERS defined 580
benefit plan or a PERS defined contribution plan. If a form 581
evidencing an election under this section is not received by the 582
public employees retirement system not later than the last day of 583
the one-hundred-eighty-day period, the individual is deemed to 584
have elected to participate in the PERS defined benefit plan. 585

(B) An election under this section shall be made in writing 586
on a form provided by the system and filed with the system. 587

(C) An election under this section shall take effect on the 588
date employment began and, except as provided in section 145.814 589
of the Revised Code or rules governing the PERS defined benefit 590
plan, is irrevocable on receipt by the system. 591

(D) An individual is ineligible to make an election under 592
this section if one of the following applies: 593

(1) At the time employment begins, the individual is a PERS 594
retirant or other system retirant, as those terms are defined in 595
section 145.38 of the Revised Code, or is retired under section 596
145.383 of the Revised Code. 597

(2) The individual is participating or has elected to 598
participate in an alternative retirement plan under section 599
3305.05 or 3305.051 of the Revised Code and the employment is in a 600
position that is subject to division (C)(4) of section 3305.05 or 601
division (F) of section 3305.051 of the Revised Code. 602

(3) The individual is a contributor who, as of the last day 603
of the month prior to the date employment begins, has five or more 604
years of total service credit. 605

(4) The individual is employed in a position covered under 606

this chapter to which section 145.193 of the Revised Code applies. 607

(5) The individual is a PERS law enforcement officer or 608
~~Hamilton county municipal court bailiff~~ PERS public safety 609
officer. 610

Sec. 145.191. (A) Except as provided in division (E) of this 611
section, a public employees retirement system member or 612
contributor who, as of the last day of the month immediately 613
preceding the date on which the public employees retirement board 614
first establishes a PERS defined contribution plan, has less than 615
five years of total service credit is eligible to make an election 616
under this section. A member or contributor who is employed in 617
more than one position subject to this chapter is eligible to make 618
only one election. The election applies to all positions subject 619
to this chapter. 620

Not later than one hundred eighty days after the day the 621
board first establishes a PERS defined contribution plan, an 622
eligible member or contributor may elect to participate in a PERS 623
defined contribution plan. If a form evidencing an election is not 624
received by the system not later than the last day of the 625
one-hundred-eighty-day period, a member or contributor to whom 626
this section applies is deemed to have elected to continue 627
participating in the PERS defined benefit plan. 628

(B) An election under this section shall be made in writing 629
on a form provided by the system and filed with the system. 630

(C) On receipt of an election under this section, the system 631
shall do both of the following: 632

(1) Credit to the plan elected both of the following: 633

(a) Any employer contributions attributable to the member for 634
the period beginning on the day the board first established a PERS 635
defined contribution plan; 636

(b) All accumulated contributions attributable to the member 637
or contributor. 638

(2) Cancel all service credit and eligibility for any 639
payment, benefit, or right under the PERS defined benefit plan. 640

(D) An election under this section is effective as of the 641
date the board first established a PERS defined contribution plan 642
and, except as provided in section 145.814 of the Revised Code or 643
rules governing the PERS defined benefit plan, is irrevocable on 644
receipt by the system. 645

(E) An election may not be made under this section by a 646
member or contributor who is either of the following: 647

(1) A PERS retirant who is a member under division (C) of 648
section 145.38 of the Revised Code; 649

(2) A PERS law enforcement officer or a ~~Hamilton county~~ 650
~~municipal court bailiff~~ PERS public safety officer. 651

Sec. 145.2914. (A) The public employees retirement board may 652
adopt rules in accordance with section 145.09 of the Revised Code 653
to establish a program under which service credit earned under 654
division (A) or (B)(2)(b) of section 145.33 of the Revised Code is 655
treated as service credit earned under division (B)(2)(a) of that 656
section if the member makes payment to the public employees 657
retirement system in accordance with the rules. 658

(B) If the board adopts rules under division (A) of this 659
section, all of the following apply: 660

(1) For each year or portion of a year of service credit 661
earned under division (A) or (B)(2)(b) of section 145.33 of the 662
Revised Code that is to be treated as service credit earned under 663
division (B)(2)(a) of that section, the member shall pay to the 664
retirement system an amount specified by the retirement board that 665
is not less than one hundred per cent of the additional liability 666

resulting from the purchase of that year, or portion of a year, of 667
service. 668

(2) The number of years of service credit earned under 669
division (A) or (B)(2)(b) of section 145.33 of the Revised Code 670
that may be treated as service credit earned under division 671
(B)(2)(a) of that section shall not exceed five. 672

(3) Any amounts paid under this section shall be credited to 673
the employees' savings fund. 674

(4) The amounts paid by the member under this section are 675
subject to the limits established by division (n) of section 415 676
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 677
415(n), as amended. 678

(C) A member may make payments authorized by this section if 679
the member is eligible to retire under this chapter or will become 680
eligible to retire as a result of the payment. The member shall 681
agree to retire not later than ninety days after receiving notice 682
of the additional liability specified under division (B)(1) of 683
this section. Payment shall be made in full for any credit earned 684
under division (A) or (B)(2)(b) of section 145.33 of the Revised 685
Code that is to be treated as service credit earned under division 686
(B)(2)(a) of that section, but the member may choose to make 687
payment for only part of the credit for which the member is 688
eligible. 689

(D) If the member does not retire not later than ninety days 690
after making the payment authorized by this section, the system 691
shall refund the payment and shall not treat the credit for which 692
payment was made as service credit earned under division (B)(2)(a) 693
of section 145.33 of the Revised Code. 694

(E) The board's rules may deal with any other matter 695
necessary to implement this section. 696

Sec. 145.33. (A) Except as provided in division (B) or (C) of 697
this section, a member with at least five years of total service 698
credit who has attained age sixty, or who has thirty years of 699
total Ohio service credit, may apply for age and service 700
retirement, which shall consist of: 701

(1) An annuity having a reserve equal to the amount of the 702
member's accumulated contributions at that time; 703

(2) A pension equal to the annuity provided by division 704
(A)(1) of this section; 705

(3) An additional pension, if the member can qualify for 706
prior service, equal to forty dollars multiplied by the number of 707
years, and fraction thereof, of such prior and military service 708
credit; 709

(4) A basic annual pension equal to one hundred eighty 710
dollars if the member has ten or more years of total service 711
credit as of October 1, 1956, except that the basic annual pension 712
shall not exceed the sum of the annual benefits provided by 713
divisions (A)(1), (2), and (3) of this section. 714

(5) When a member retires on age and service retirement, the 715
member's total annual single lifetime allowance, including the 716
allowances provided in divisions (A)(1), (2), (3), and (4) of this 717
section, shall be not less than a base amount adjusted in 718
accordance with division (A)(5) of this section and determined by 719
multiplying the member's total service credit by the greater of 720
the following: 721

(a) Eighty-six dollars; 722

(b) Two and two-tenths per cent of the member's final average 723
salary for each of the first thirty years of service plus two and 724
one-half per cent of the member's final average salary for each 725
subsequent year of service. 726

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

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	733
59		26	80	734
60		27	85	735
61			88	736
		28	90	737
62			91	738
63			94	739
		29	95	740
64			97	741
65		30 or more	100	742

Members shall vest the right to a benefit in accordance with the following schedule, based on the member's attained age by September 1, 1976:

Attained Birthday	Percentage of Base Amount	
66	102	749
67	104	750
68	106	751
69	108	752
70 or more	110	753

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section 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. 759

(B)(1) For the purposes of divisions (B) to (G) of this 760
section, "total service credit as a PERS law enforcement officer" 761
and "total service credit as a ~~Hamilton county municipal court~~ 762
~~bailiff~~ PERS public safety officer" include credit for military 763
service to the extent permitted by division (E)(2) of this section 764
and credit for service as a police officer or state highway patrol 765
trooper to the extent permitted by divisions (E)(3) and (4) of 766
this section. 767

(2) A member who meets the conditions in division (B)(2)(a), 768
(b), or (c), ~~or (d)~~ of this section may apply for an age and 769
service retirement benefit under this division: 770

(a) The member has attained age forty-eight and has at least 771
twenty-five years of total service credit as a PERS law 772
enforcement officer ~~whose primary duties were to preserve the~~ 773
~~peace, protect life and property, and enforce the laws in the~~ 774
~~member's jurisdiction;~~ 775

(b) The member has attained age fifty-two, and has at least 776
twenty-five years of total service credit as a PERS law 777
enforcement public safety officer, ~~but the member's primary duties~~ 778
~~were other than to preserve the peace, protect life and property,~~ 779
~~and enforce the laws in the member's jurisdiction~~ or has service 780
as a PERS public safety officer and service as a PERS law 781
enforcement officer that when combined equal at least twenty-five 782
years of total service credit; 783

(c) ~~The member has attained age fifty two and has at least~~ 784
~~twenty five years of total service as a Hamilton county municipal~~ 785
~~court bailiff;~~ 786

~~(d)~~ The member has attained age sixty-two and has at least 787
fifteen years of total service credit as either of the following: 788

(i) A PERS law enforcement officer; 789

(ii) A ~~Hamilton county municipal court bailiff~~ PERS public safety officer. 790
791

(3) A benefit paid under division (B)(2) of this section 792
shall consist of an annual single lifetime allowance equal to the 793
sum of two and one-half per cent of the member's final average 794
salary multiplied by the first twenty-five years of the member's 795
total service plus two and one-tenth per cent of the member's 796
final average salary multiplied by the number of years of the 797
member's total service credit in excess of twenty-five years. 798

(4) A member with at least fifteen years of total service 799
credit as a PERS law enforcement officer or ~~Hamilton county~~ 800
~~municipal court bailiff~~ PERS public safety officer who voluntarily 801
resigns or is discharged for any reason except death, dishonesty, 802
cowardice, intemperate habits, or conviction of a felony may apply 803
for an age and service retirement benefit, which shall consist of 804
an annual single lifetime allowance equal to one and one-half per 805
cent of the member's final average salary multiplied by the number 806
of years of the member's total service credit. The allowance shall 807
commence on the first day of the calendar month following the 808
month in which the application is filed with the public employees 809
retirement board on or after the attainment by the applicant of 810
age fifty-two. 811

(C)(1) A member with at least twenty-five years of total 812
service credit who would be eligible to retire under division 813
(B)(2)(b) ~~or (c)~~ of this section had the member attained age 814
fifty-two and who voluntarily resigns or is discharged for any 815
reason except death, dishonesty, cowardice, intemperate habits, or 816
conviction of a felony, on or after the date of attaining 817
forty-eight years of age, but before the date of attaining 818
fifty-two years of age, may elect to receive a reduced benefit as 819
determined by the following schedule: 820

Attained Age	Reduced Benefit
--------------	-----------------

 821

48	75% of the benefit payable under	822
	division (B)(3) of this section	823
49	80% of the benefit payable under	824
	division (B)(3) of this section	825
50	86% of the benefit payable under	826
	division (B)(3) of this section	827
51	93% of the benefit payable under	828
	division (B)(3) of this section	829

(2) If a member elects to receive a reduced benefit after 830
attaining age forty-eight the reduced benefit is payable from the 831
later of the date of the member's most recent birthday or the date 832
the member becomes eligible to receive the reduced benefit. 833

(3) Once a member elects to receive a reduced benefit 834
determined by the schedule in division (C)(1) of this section and 835
has received a payment, the member may not reelect to change that 836
election. 837

(4) If a member who has resigned or been discharged has left 838
on deposit the member's accumulated contributions in the 839
employees' savings fund and has not elected to receive a reduced 840
benefit determined by the schedule in division (C)(1) of this 841
section, upon attaining fifty-two years of age, the member shall 842
be entitled to receive a benefit computed and paid under division 843
(B)(3) of this section. 844

(D) A benefit paid under division (B) or (C) of this section 845
shall not exceed the lesser of ninety per cent of the member's 846
final average salary or the limit established by section 415 of 847
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 848
415, as amended. 849

(E)(1) A member with service credit as a PERS law enforcement 850
officer or a ~~Hamilton county municipal court bailiff~~ PERS public 851
safety officer and other service credit under this chapter may 852
elect one of the following: 853

(a) To have all the member's service credit under this 854
chapter, including credit for service as a PERS law enforcement 855
officer or ~~Hamilton county municipal court bailiff~~ PERS public 856
safety officer, used in calculating a retirement allowance under 857
division (A) of this section if the member qualifies for an 858
allowance under that division; 859

(b) If the member qualifies for an allowance under division 860
(B)(2)(a) of this section, to have the member's service credit as 861
a PERS law enforcement officer used in calculating a benefit under 862
that division and the member's credit for all service other than 863
PERS law enforcement service used in calculating a benefit 864
consisting of a single life annuity having a reserve equal to the 865
amount of the member's accumulated contributions for all service 866
other than PERS law enforcement service and an equal amount of 867
employer contributions. 868

(c) If the member qualifies for an allowance under division 869
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 870
member's service credit as a PERS law enforcement officer or 871
~~Hamilton county municipal court bailiff~~ PERS public safety officer 872
used in calculating a benefit under the appropriate division and 873
the member's credit for all service other than PERS law 874
enforcement service or service as a ~~Hamilton county municipal~~ 875
~~court bailiff~~ PERS public safety officer under this chapter used 876
in calculating a benefit consisting of a single life annuity 877
having a reserve equal to the amount of the member's accumulated 878
contributions for all service other than PERS law enforcement 879
service or PERS public safety officer service and an equal amount 880
of the employer's contributions. 881

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 882
Code, no more than four years of military service credit granted 883
under section 145.30 of the Revised Code and five years of 884
military service credit purchased under section 145.301 or 145.302 885

of the Revised Code shall be used in calculating service as a PERS 886
law enforcement officer or ~~Hamilton county municipal court bailiff~~ 887
PERS public safety officer or the total service credit of that 888
person. 889

(3) Only credit for the member's service as a PERS law 890
enforcement officer, PERS public safety officer, or service credit 891
obtained as a police officer or state highway patrol trooper shall 892
be used in computing the benefit of a member who qualifies for a 893
benefit under division (B)(2)(a), (b), or (d)(ii) or (4) or 894
~~division~~ (C) of this section for the following: 895

(a) Any person who originally is commissioned and employed as 896
a deputy sheriff by the sheriff of any county, or who originally 897
is elected sheriff, on or after January 1, 1975; 898

(b) Any deputy sheriff who originally is employed as a 899
criminal bailiff or court constable on or after April 16, 1993; 900

(c) Any person who originally is appointed as a township 901
constable or police officer in a township police department or 902
district on or after January 1, 1981; 903

(d) Any person who originally is employed as a county 904
narcotics agent on or after September 26, 1984; 905

(e) Any person who originally is employed as an undercover 906
drug agent as defined in section 109.79 of the Revised Code, 907
department of public safety enforcement agent who prior to June 908
30, 1999, was a liquor control investigator, park officer, forest 909
officer, wildlife officer, state watercraft officer, park district 910
police officer, conservancy district officer, veterans' home 911
police officer, special police officer for a mental health 912
institution, special police officer for an institution for the 913
mentally retarded and developmentally disabled, or municipal 914
police officer on or after December 15, 1988; 915

(f) Any person who originally is employed as a state 916

university law enforcement officer on or after November 6, 1996;	917
(g) Any person who is originally employed as a state	918
university law enforcement officer by the university of Akron on	919
or after September 16, 1998;	920
(h) Any person who originally is employed as a preserve	921
officer on or after March 18, 1999;	922
(i) Any person who originally is employed as a natural	923
resources law enforcement staff officer on or after March 18,	924
1999;	925
(j) Any person who is originally employed as a department of	926
public safety enforcement agent on or after June 30, 1999;	927
(k) Any person who is originally employed as a house sergeant	928
at arms or assistant house sergeant at arms on or after September	929
5, 2001;	930
(l) Any person who is originally appointed as a regional	931
transit authority police officer or state highway patrol police	932
officer on or after February 1, 2002;	933
(m) Any person who is originally employed as a municipal	934
public safety director on or after the effective date of this	935
amendment <u>September 29, 2005.</u>	936
(4) Only credit for a member's service as a Hamilton county	937
municipal court bailiff <u>PERS public safety officer</u> or service	938
credit obtained as a PERS law enforcement officer, police officer,	939
or state highway patrol trooper shall be used in computing the	940
benefit of a member who qualifies for a benefit under division	941
(B)(2)(<u>b</u>) or (c) or (d) (ii) or (4) or division (C) of this section	942
for any person who originally is employed as a Hamilton county	943
municipal court bailiff on or after November 6, 1996.	944
(F) Retirement allowances determined under this section shall	945
be paid as provided in section 145.46 of the Revised Code.	946

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

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

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

Not later than October 16, 1992, the public employees retirement board shall give each person who is a member on July 29, 1992, the opportunity to elect disability coverage either under section 145.36 of the Revised Code or under section 145.361 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 request.

Regardless of whether the member actually receives notice of the right to make an election, a member who fails to file a valid election under this section shall be considered to have elected disability coverage under section 145.36 of the Revised Code. To be valid, an election must be made on the form provided by the retirement board, signed by the member, and filed with 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 978
member, a date specified by rule of the retirement board. Once 979
made, an election is irrevocable, but if the member ceases to be a 980
member of the retirement system, the election is void. If a person 981
who makes an election under this section also makes an election 982
under section 3307.62 or 3309.39 of the Revised Code, the election 983
made for the system that pays a disability benefit to that person 984
shall govern the benefit. 985

Disability coverage shall be provided under section 145.361 986
of the Revised Code for persons who become members after July 29, 987
1992, and for members who elect under this division to be covered 988
under section 145.361 of the Revised Code. 989

The retirement board may adopt rules governing elections made 990
under this division. 991

(C) Application for a disability benefit may be made by a 992
member, by a person acting in the member's behalf, or by the 993
member's employer, provided the member has disability coverage 994
under section 145.36 or 145.361 of the Revised Code and is not 995
receiving a disability benefit under any other Ohio state or 996
municipal retirement program. Application must be made within two 997
years from the date the member's contributing service terminated 998
or the date the member ceased to make contributions to the PERS 999
defined benefit plan under section 145.814 of the Revised Code, 1000
unless the retirement board determines that the member's medical 1001
records demonstrate conclusively that at the time the two-year 1002
period expired, the member was physically or mentally 1003
incapacitated for duty and unable to make an application. 1004
Application may not be made by or for any person receiving age and 1005
service retirement benefits under section 145.33, 145.331, 145.34, 1006
or 145.37 of the Revised Code or any person who, pursuant to 1007
section 145.40 of the Revised Code, has been paid the accumulated 1008
contributions standing to the credit of the person's individual 1009

account in the employees' savings fund. The application shall be 1010
made on a form provided by the retirement board. 1011

(D) The benefit payable to any member who is approved for a 1012
disability benefit shall become effective on the first day of the 1013
month immediately following the later of the following: 1014

(1) The last day for which compensation was paid; 1015

(2) The attainment of eligibility for a disability benefit. 1016

(E) Medical examination of a member who has applied for a 1017
disability benefit shall be conducted by a competent disinterested 1018
physician or physicians selected by the board to determine whether 1019
the member is mentally or physically incapacitated for the 1020
performance of duty by a disabling condition either permanent or 1021
presumed to be permanent. The disability must have occurred since 1022
last becoming a member or have increased since last becoming a 1023
member to such extent as to make the disability permanent or 1024
presumed to be permanent. A disability is presumed to be permanent 1025
if it is expected to last for a continuous period of not less than 1026
twelve months following the filing of the application. 1027

If the physician or physicians determine that the member 1028
qualifies for a disability benefit, the board concurs with the 1029
determination, and the member agrees to medical treatment as 1030
specified in division (F) of this section, the member shall 1031
receive a disability benefit under section 145.36 or 145.361 of 1032
the Revised Code. The action of the board shall be final. 1033

(F) The public employees retirement board shall adopt rules 1034
requiring a disability benefit recipient, as a condition of 1035
continuing to receive a disability benefit, to agree in writing to 1036
obtain any medical treatment recommended by the board's physician 1037
and submit medical reports regarding the treatment. If the board 1038
determines that a disability benefit recipient is not obtaining 1039
the medical treatment or the board does not receive a required 1040

medical report, the disability benefit shall be suspended until 1041
the treatment is obtained, the report is received by the board, or 1042
the board's physician certifies that the treatment is no longer 1043
helpful or advisable. Should the recipient's failure to obtain 1044
treatment or submit a medical report continue for one year, the 1045
recipient's right to the disability benefit shall be terminated as 1046
of the effective date of the original suspension. 1047

(G) In the event an employer files an application for a 1048
disability benefit as a result of a member having been separated 1049
from service because the member is considered to be mentally or 1050
physically incapacitated for the performance of the member's 1051
present duty, and the physician or physicians selected by the 1052
board reports to the board that the member is physically and 1053
mentally capable of performing service similar to that from which 1054
the member was separated and the board concurs in the report, the 1055
board shall so certify to the employer and the employer shall 1056
restore the member to the member's previous position and salary or 1057
to a similar position and salary. 1058

Sec. 145.47. (A) Each public employee who is a contributor to 1059
the public employees retirement system shall contribute eight per 1060
cent of the contributor's earnable salary to the employees' 1061
savings fund, except that the public employees retirement board 1062
may raise the contribution rate to a rate not greater than ten per 1063
cent of the employee's earnable salary. 1064

(B) The head of each state department, institution, board, 1065
and commission, and the fiscal officer of each local authority 1066
subject to this chapter, shall deduct from the earnable salary of 1067
each contributor on every payroll of such contributor for each 1068
payroll period subsequent to the date of coverage, an amount equal 1069
to the applicable per cent of the contributor's earnable salary. 1070
The head of each state department and the fiscal officer of each 1071

local authority subject to this chapter shall transmit promptly to 1072
the system a report of contributions at such intervals and in such 1073
form as the system shall require, showing thereon all deductions 1074
for the system made from the earnable salary of each contributor 1075
employed, together with warrants ~~or~~, checks, or electronic 1076
payments covering the total of such deductions. A penalty ~~of five~~ 1077
~~per cent of the total amount due for the particular reporting~~ 1078
~~period~~ shall be added when such report, together with warrants ~~or~~, 1079
checks, or electronic payments to cover the total amount due from 1080
the earnable salary of all amenable employees of such employer, is 1081
filed thirty or more days after the last day of such reporting 1082
period. ~~Such~~ The system, after making a record of all receipts 1083
under this division, shall deposit the receipts with the treasurer 1084
of state for use as provided by this chapter. 1085

(C) Unless the board adopts a rule under division (D) of this 1086
section, the penalty described in division (B) of this section for 1087
failing to timely transmit a report, pay the total amount due, or 1088
both is as follows: 1089

(1) At least one but not more than ten days past due, an 1090
amount equal to one per cent of the total amount due; 1091

(2) At least eleven but not more than thirty days past due, 1092
an amount equal to two and one-half per cent of the total amount 1093
due; 1094

(3) Thirty-one or more days past due, an amount equal to five 1095
per cent of the total amount due. 1096

The penalty described in this division shall be added to and 1097
collected on the next succeeding regular employer billing. 1098
Interest at a rate set by the retirement board shall be charged on 1099
the amount of the penalty in case such penalty is not paid within 1100
~~three months~~ thirty days after it is added to the regular employer 1101
billing. ~~The system, after making a record of all such receipts,~~ 1102

~~shall deposit them with the treasurer of state for use as provided 1103
by this chapter. In 1104~~

(D) The board may adopt rules to establish penalties in 1105
amounts that do not exceed the amounts specified in divisions 1106
(C)(1) to (3) of this section. 1107

(E) In addition to the periodical reports of deduction 1108
required by this section, the fiscal officer of each local 1109
authority subject to this chapter shall submit to the system at 1110
least once each year a complete listing of all noncontributing 1111
appointive employees. Where an employer fails to transmit 1112
contributions to the system, the system may make a determination 1113
of the employees' liability for contributions and certify to the 1114
employer the amounts due for collection in the same manner as 1115
payments due the employers' accumulation fund. Any amounts so 1116
collected shall be held in trust pending receipt of a report of 1117
contributions for such public employees for the period involved as 1118
provided by law and, thereafter, the amount in trust shall be 1119
transferred to the employees' savings fund to the credit of the 1120
employees. Any amount remaining after the transfer to the 1121
employees' savings fund shall be transferred to the employers' 1122
accumulation fund as a credit of such employer. ~~The~~ 1123

(F) The fiscal officer of each local authority subject to 1124
this chapter shall require each new contributor to submit to the 1125
system a detailed report of all the contributor's previous service 1126
as a public employee along with such other facts as the board 1127
requires for the proper operation of the system. 1128

(G) Any member who, because of the member's own illness, 1129
injury, or other reason which may be approved by the member's 1130
employer is prevented from making the member's contribution to the 1131
system for any payroll period, may pay such deductions as a back 1132
payment within one year. 1133

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, 145.47, and 145.49 of the Revised Code are hereby repealed.