

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 202

Representative Hollington

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A B I L L

To amend sections 145.01, 145.191, 145.38, 145.384, 1
145.473, 145.561, 145.58, 742.26, 742.44, 742.46, 2
3307.35, 3307.42, 3309.341, 3309.661, 3501.13, and 3
5505.51 of the Revised Code to limit the 4
retirement benefit of a re-employed retiree of a 5
public retirement system and eliminate the 6
deferred retirement option plan in the Ohio Police 7
and Fire Pension Fund and State Highway Patrol 8
Retirement System. 9

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

Section 1. That sections 145.01, 145.191, 145.38, 145.384, 10
145.473, 145.561, 145.58, 742.26, 742.44, 742.46, 3307.35, 11
3307.42, 3309.341, 3309.661, 3501.13, and 5505.51 of the Revised 12
Code be amended to read as follows: 13

Sec. 145.01. As used in this chapter: 14

(A) "Public employee" means: 15

(1) Any person holding an office, not elective, under the 16
state or any county, township, municipal corporation, park 17
district, conservancy district, sanitary district, health 18
district, metropolitan housing authority, state retirement board, 19
Ohio historical society, public library, county law library, union 20

cemetery, joint hospital, institutional commissary, state 21
university, or board, bureau, commission, council, committee, 22
authority, or administrative body as the same are, or have been, 23
created by action of the general assembly or by the legislative 24
authority of any of the units of local government named in 25
division (A)(1) of this section, or employed and paid in whole or 26
in part by the state or any of the authorities named in division 27
(A)(1) of this section in any capacity not covered by section 28
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 29

(2) A person who is a member of the public employees 30
retirement system and who continues to perform the same or similar 31
duties under the direction of a contractor who has contracted to 32
take over what before the date of the contract was a publicly 33
operated function. The governmental unit with which the contract 34
has been made shall be deemed the employer for the purposes of 35
administering this chapter. 36

(3) Any person who is an employee of a public employer, 37
notwithstanding that the person's compensation for that employment 38
is derived from funds of a person or entity other than the 39
employer. Credit for such service shall be included as total 40
service credit, provided that the employee makes the payments 41
required by this chapter, and the employer makes the payments 42
required by sections 145.48 and 145.51 of the Revised Code. 43

(4) A person who elects in accordance with section 145.015 of 44
the Revised Code to remain a contributing member of the public 45
employees retirement system. 46

In all cases of doubt, the public employees retirement board 47
shall determine whether any person is a public employee, and its 48
decision is final. 49

(B) "Member" means any public employee, other than a public 50
employee excluded or exempted from membership in the retirement 51

system by section 145.03, 145.031, 145.032, 145.033, 145.034, 52
145.035, or 145.38 of the Revised Code. ~~"Member" includes a PERS 53~~
~~retirant who becomes a member under division (C) of section 145.38 54~~
~~of the Revised Code. "Member" also includes a disability benefit 55~~
recipient. 56

(C) "Head of the department" means the elective or appointive 57
head of the several executive, judicial, and administrative 58
departments, institutions, boards, and commissions of the state 59
and local government as the same are created and defined by the 60
laws of this state or, in case of a charter government, by that 61
charter. 62

(D) "Employer" or "public employer" means the state or any 63
county, township, municipal corporation, park district, 64
conservancy district, sanitary district, health district, 65
metropolitan housing authority, state retirement board, Ohio 66
historical society, public library, county law library, union 67
cemetery, joint hospital, institutional commissary, state medical 68
college, state university, or board, bureau, commission, council, 69
committee, authority, or administrative body as the same are, or 70
have been, created by action of the general assembly or by the 71
legislative authority of any of the units of local government 72
named in this division not covered by section 742.01, 3307.01, 73
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 74
means the employer of any public employee. 75

(E) "Prior service" means all service as a public employee 76
rendered before January 1, 1935, and all service as an employee of 77
any employer who comes within the state teachers retirement system 78
or of the school employees retirement system or of any other 79
retirement system established under the laws of this state 80
rendered prior to January 1, 1935, provided that if the employee 81
claiming the service was employed in any capacity covered by that 82
other system after that other system was established, credit for 83

the service may be allowed by the public employees retirement 84
system only when the employee has made payment, to be computed on 85
the salary earned from the date of appointment to the date 86
membership was established in the public employees retirement 87
system, at the rate in effect at the time of payment, and the 88
employer has made payment of the corresponding full liability as 89
provided by section 145.44 of the Revised Code. "Prior service" 90
also means all service credited for active duty with the armed 91
forces of the United States as provided in section 145.30 of the 92
Revised Code. 93

If an employee who has been granted prior service credit by 94
the public employees retirement system for service rendered prior 95
to January 1, 1935, as an employee of a board of education 96
establishes, before retirement, one year or more of contributing 97
service in the state teachers retirement system or school 98
employees retirement system, then the prior service ceases to be 99
the liability of this system. 100

If the board determines that a position of any member in any 101
calendar year prior to January 1, 1935, was a part-time position, 102
the board shall determine what fractional part of a year's credit 103
shall be allowed by the following formula: 104

(1) When the member has been either elected or appointed to 105
an office the term of which was two or more years and for which an 106
annual salary is established, the fractional part of the year's 107
credit shall be computed as follows: 108

First, when the member's annual salary is one thousand 109
dollars or less, the service credit for each such calendar year 110
shall be forty per cent of a year. 111

Second, for each full one hundred dollars of annual salary 112
above one thousand dollars, the member's service credit for each 113
such calendar year shall be increased by two and one-half per 114

cent. 115

(2) When the member is paid on a per diem basis, the service 116
credit for any single year of the service shall be determined by 117
using the number of days of service for which the compensation was 118
received in any such year as a numerator and using two hundred 119
fifty days as a denominator. 120

(3) When the member is paid on an hourly basis, the service 121
credit for any single year of the service shall be determined by 122
using the number of hours of service for which the compensation 123
was received in any such year as a numerator and using two 124
thousand hours as a denominator. 125

(F) "Contributor" means any person who has an account in the 126
employees' savings fund created by section 145.23 of the Revised 127
Code. When used in the sections listed in division (B) of section 128
145.82 of the Revised Code, "contributor" includes any person 129
participating in a PERS defined contribution plan. 130

(G) "Beneficiary" or "beneficiaries" means the estate or a 131
person or persons who, as the result of the death of a member, 132
contributor, or retirant, qualify for or are receiving some right 133
or benefit under this chapter. 134

(H)(1) "Total service credit," except as provided in section 135
145.37 of the Revised Code, means all service credited to a member 136
of the retirement system since last becoming a member, including 137
restored service credit as provided by section 145.31 of the 138
Revised Code; credit purchased under sections 145.293 and 145.299 139
of the Revised Code; all the member's prior service credit; all 140
the member's military service credit computed as provided in this 141
chapter; all service credit established pursuant to section 142
145.297 of the Revised Code; and any other service credited under 143
this chapter. In addition, "total service credit" includes any 144
period, not in excess of three years, during which a member was 145

out of service and receiving benefits under Chapters 4121. and 146
4123. of the Revised Code. For the exclusive purpose of satisfying 147
the service credit requirement and of determining eligibility for 148
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 149
and 145.361 of the Revised Code, "five or more years of total 150
service credit" means sixty or more calendar months of 151
contributing service in this system. 152

(2) "One and one-half years of contributing service credit," 153
as used in division (B) of section 145.45 of the Revised Code, 154
also means eighteen or more calendar months of employment by a 155
municipal corporation that formerly operated its own retirement 156
plan for its employees or a part of its employees, provided that 157
all employees of that municipal retirement plan who have eighteen 158
or more months of such employment, upon establishing membership in 159
the public employees retirement system, shall make a payment of 160
the contributions they would have paid had they been members of 161
this system for the eighteen months of employment preceding the 162
date membership was established. When that payment has been made 163
by all such employee members, a corresponding payment shall be 164
paid into the employers' accumulation fund by that municipal 165
corporation as the employer of the employees. 166

(3) Where a member also is a member of the state teachers 167
retirement system or the school employees retirement system, or 168
both, except in cases of retirement on a combined basis pursuant 169
to section 145.37 of the Revised Code or as provided in section 170
145.383 of the Revised Code, service credit for any period shall 171
be credited on the basis of the ratio that contributions to the 172
public employees retirement system bear to total contributions in 173
all state retirement systems. 174

(4) Not more than one year of credit may be given for any 175
period of twelve months. 176

(5) "Ohio service credit" means credit for service that was 177

rendered to the state or any of its political subdivisions or any employer. 178
179

(I) "Regular interest" means interest at any rates for the 180
respective funds and accounts as the public employees retirement 181
board may determine from time to time. 182

(J) "Accumulated contributions" means the sum of all amounts 183
credited to a contributor's individual account in the employees' 184
savings fund together with any interest credited to the 185
contributor's account under section 145.471 or 145.472 of the 186
Revised Code. 187

(K)(1) "Final average salary" means the quotient obtained by 188
dividing by three the sum of the three full calendar years of 189
contributing service in which the member's earnable salary was 190
highest, except that if the member has a partial year of 191
contributing service in the year the member's employment 192
terminates and the member's earnable salary for the partial year 193
is higher than for any comparable period in the three years, the 194
member's earnable salary for the partial year shall be substituted 195
for the member's earnable salary for the comparable period during 196
the three years in which the member's earnable salary was lowest. 197

(2) If a member has less than three years of contributing 198
service, the member's final average salary shall be the member's 199
total earnable salary divided by the total number of years, 200
including any fraction of a year, of the member's contributing 201
service. 202

(3) For the purpose of calculating benefits payable to a 203
member qualifying for service credit under division (Z) of this 204
section, "final average salary" means the total earnable salary on 205
which contributions were made divided by the total number of years 206
during which contributions were made, including any fraction of a 207
year. If contributions were made for less than twelve months, 208

"final average salary" means the member's total earnable salary.	209
(L) "Annuity" means payments for life derived from	210
contributions made by a contributor and paid from the annuity and	211
pension reserve fund as provided in this chapter. All annuities	212
shall be paid in twelve equal monthly installments.	213
(M) "Annuity reserve" means the present value, computed upon	214
the basis of the mortality and other tables adopted by the board,	215
of all payments to be made on account of any annuity, or benefit	216
in lieu of any annuity, granted to a retirant as provided in this	217
chapter.	218
(N)(1) "Disability retirement" means retirement as provided	219
in section 145.36 of the Revised Code.	220
(2) "Disability allowance" means an allowance paid on account	221
of disability under section 145.361 of the Revised Code.	222
(3) "Disability benefit" means a benefit paid as disability	223
retirement under section 145.36 of the Revised Code, as a	224
disability allowance under section 145.361 of the Revised Code, or	225
as a disability benefit under section 145.37 of the Revised Code.	226
(4) "Disability benefit recipient" means a member who is	227
receiving a disability benefit.	228
(O) "Age and service retirement" means retirement as provided	229
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of	230
the Revised Code.	231
(P) "Pensions" means annual payments for life derived from	232
contributions made by the employer that at the time of retirement	233
are credited into the annuity and pension reserve fund from the	234
employers' accumulation fund and paid from the annuity and pension	235
reserve fund as provided in this chapter. All pensions shall be	236
paid in twelve equal monthly installments.	237
(Q) "Retirement allowance" means the pension plus that	238

portion of the benefit derived from contributions made by the 239
member. 240

(R)(1) Except as otherwise provided in division (R) of this 241
section, "earnable salary" means all salary, wages, and other 242
earnings paid to a contributor by reason of employment in a 243
position covered by the retirement system. The salary, wages, and 244
other earnings shall be determined prior to determination of the 245
amount required to be contributed to the employees' savings fund 246
under section 145.47 of the Revised Code and without regard to 247
whether any of the salary, wages, or other earnings are treated as 248
deferred income for federal income tax purposes. "Earnable salary" 249
includes the following: 250

(a) Payments made by the employer in lieu of salary, wages, 251
or other earnings for sick leave, personal leave, or vacation used 252
by the contributor; 253

(b) Payments made by the employer for the conversion of sick 254
leave, personal leave, and vacation leave accrued, but not used if 255
the payment is made during the year in which the leave is accrued, 256
except that payments made pursuant to section 124.383 or 124.386 257
of the Revised Code are not earnable salary; 258

(c) Allowances paid by the employer for full maintenance, 259
consisting of housing, laundry, and meals, as certified to the 260
retirement board by the employer or the head of the department 261
that employs the contributor; 262

(d) Fees and commissions paid under section 507.09 of the 263
Revised Code; 264

(e) Payments that are made under a disability leave program 265
sponsored by the employer and for which the employer is required 266
by section 145.296 of the Revised Code to make periodic employer 267
and employee contributions; 268

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 269

this section.	270
(2) "Earnable salary" does not include any of the following:	271
(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;	272 273 274 275
(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;	276 277 278 279 280
(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;	281 282 283 284
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	285 286 287
(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;	288 289 290 291
(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;	292 293 294 295 296
(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	297 298 299

Substitute Senate Bill No. 164 of the 124th general assembly, or 300
Amended Substitute House Bill No. 405 of the 124th general 301
assembly; 302

(h) Anything of value received by the contributor that is 303
based on or attributable to retirement or an agreement to retire, 304
except that payments made on or before January 1, 1989, that are 305
based on or attributable to an agreement to retire shall be 306
included in earnable salary if both of the following apply: 307

(i) The payments are made in accordance with contract 308
provisions that were in effect prior to January 1, 1986; 309

(ii) The employer pays the retirement system an amount 310
specified by the retirement board equal to the additional 311
liability resulting from the payments. 312

(3) The retirement board shall determine by rule whether any 313
compensation not enumerated in division (R) of this section is 314
earnable salary, and its decision shall be final. 315

(S) "Pension reserve" means the present value, computed upon 316
the basis of the mortality and other tables adopted by the board, 317
of all payments to be made on account of any retirement allowance 318
or benefit in lieu of any retirement allowance, granted to a 319
member or beneficiary under this chapter. 320

(T)(1) "Contributing service" means all service credited to a 321
member of the system since January 1, 1935, for which 322
contributions are made as required by sections 145.47, 145.48, and 323
145.483 of the Revised Code. In any year subsequent to 1934, 324
credit for any service shall be allowed by the following formula: 325

(a) For each month for which the member's earnable salary is 326
two hundred fifty dollars or more, allow one month's credit. 327

(b) For each month for which the member's earnable salary is 328
less than two hundred fifty dollars, allow a fraction of a month's 329

credit. The numerator of this fraction shall be the earnable 330
salary during the month, and the denominator shall be two hundred 331
fifty dollars, except that if the member's annual earnable salary 332
is less than six hundred dollars, the member's credit shall not be 333
reduced below twenty per cent of a year for a calendar year of 334
employment during which the member worked each month. Division 335
(T)(1)(b) of this section shall not reduce any credit earned 336
before January 1, 1985. 337

(2) Notwithstanding division (T)(1) of this section, an 338
elected official who prior to January 1, 1980, was granted a full 339
year of credit for each year of service as an elected official 340
shall be considered to have earned a full year of credit for each 341
year of service regardless of whether the service was full-time or 342
part-time. The public employees retirement board has no authority 343
to reduce the credit. 344

(U) "State retirement board" means the public employees 345
retirement board, the school employees retirement board, or the 346
state teachers retirement board. 347

(V) "Retirant" means any former member who retires and is 348
receiving a monthly allowance as provided in sections 145.32, 349
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 350

(W) "Employer contribution" means the amount paid by an 351
employer as determined under section 145.48 of the Revised Code. 352

(X) "Public service terminates" means the last day for which 353
a public employee is compensated for services performed for an 354
employer or the date of the employee's death, whichever occurs 355
first. 356

(Y) When a member has been elected or appointed to an office, 357
the term of which is two or more years, for which an annual salary 358
is established, and in the event that the salary of the office is 359
increased and the member is denied the additional salary by reason 360

of any constitutional provision prohibiting an increase in salary 361
during a term of office, the member may elect to have the amount 362
of the member's contributions calculated upon the basis of the 363
increased salary for the office. At the member's request, the 364
board shall compute the total additional amount the member would 365
have contributed, or the amount by which each of the member's 366
contributions would have increased, had the member received the 367
increased salary for the office the member holds. If the member 368
elects to have the amount by which the member's contribution would 369
have increased withheld from the member's salary, the member shall 370
notify the employer, and the employer shall make the withholding 371
and transmit it to the retirement system. A member who has not 372
elected to have that amount withheld may elect at any time to make 373
a payment to the retirement system equal to the additional amount 374
the member's contribution would have increased, plus interest on 375
that contribution, compounded annually at a rate established by 376
the board and computed from the date on which the last 377
contribution would have been withheld from the member's salary to 378
the date of payment. A member may make a payment for part of the 379
period for which the increased contribution was not withheld, in 380
which case the interest shall be computed from the date the last 381
contribution would have been withheld for the period for which the 382
payment is made. Upon the payment of the increased contributions 383
as provided in this division, the increased annual salary as 384
provided by law for the office for the period for which the member 385
paid increased contributions thereon shall be used in determining 386
the member's earnable salary for the purpose of computing the 387
member's final average salary. 388

(Z) "Five years of service credit," for the exclusive purpose 389
of satisfying the service credit requirements and of determining 390
eligibility for benefits under section 145.33 of the Revised Code, 391
means employment covered under this chapter or under a former 392
retirement plan operated, recognized, or endorsed by the employer 393

prior to coverage under this chapter or under a combination of the 394
coverage. 395

(AA) "Deputy sheriff" means any person who is commissioned 396
and employed as a full-time peace officer by the sheriff of any 397
county, and has been so employed since on or before December 31, 398
1965; any person who is or has been commissioned and employed as a 399
peace officer by the sheriff of any county since January 1, 1966, 400
and who has received a certificate attesting to the person's 401
satisfactory completion of the peace officer training school as 402
required by section 109.77 of the Revised Code; or any person 403
deputized by the sheriff of any county and employed pursuant to 404
section 2301.12 of the Revised Code as a criminal bailiff or court 405
constable who has received a certificate attesting to the person's 406
satisfactory completion of the peace officer training school as 407
required by section 109.77 of the Revised Code. 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. 415

(CC) "Drug agent" means any person who is either of the 416
following: 417

(1) Employed full time as a narcotics agent by a county 418
narcotics agency created pursuant to section 307.15 of the Revised 419
Code and has received a certificate attesting to the satisfactory 420
completion of the peace officer training school as required by 421
section 109.77 of the Revised Code; 422

(2) Employed full time as an undercover drug agent as defined 423
in section 109.79 of the Revised Code and is in compliance with 424

section 109.77 of the Revised Code. 425

(DD) "Department of public safety enforcement agent" means a 426
full-time employee of the department of public safety who is 427
designated under section 5502.14 of the Revised Code as an 428
enforcement agent and who is in compliance with section 109.77 of 429
the Revised Code. 430

(EE) "Natural resources law enforcement staff officer" means 431
a full-time employee of the department of natural resources who is 432
designated a natural resources law enforcement staff officer under 433
section 1501.013 of the Revised Code and is in compliance with 434
section 109.77 of the Revised Code. 435

(FF) "Park officer" means a full-time employee of the 436
department of natural resources who is designated a park officer 437
under section 1541.10 of the Revised Code and is in compliance 438
with section 109.77 of the Revised Code. 439

(GG) "Forest officer" means a full-time employee of the 440
department of natural resources who is designated a forest officer 441
under section 1503.29 of the Revised Code and is in compliance 442
with section 109.77 of the Revised Code. 443

(HH) "Preserve officer" means a full-time employee of the 444
department of natural resources who is designated a preserve 445
officer under section 1517.10 of the Revised Code and is in 446
compliance with section 109.77 of the Revised Code. 447

(II) "Wildlife officer" means a full-time employee of the 448
department of natural resources who is designated a wildlife 449
officer under section 1531.13 of the Revised Code and is in 450
compliance with section 109.77 of the Revised Code. 451

(JJ) "State watercraft officer" means a full-time employee of 452
the department of natural resources who is designated a state 453
watercraft officer under section 1547.521 of the Revised Code and 454
is in compliance with section 109.77 of the Revised Code. 455

(KK) "Park district police officer" means a full-time 456
employee of a park district who is designated pursuant to section 457
511.232 or 1545.13 of the Revised Code and is in compliance with 458
section 109.77 of the Revised Code. 459

(LL) "Conservancy district officer" means a full-time 460
employee of a conservancy district who is designated pursuant to 461
section 6101.75 of the Revised Code and is in compliance with 462
section 109.77 of the Revised Code. 463

(MM) "Municipal police officer" means a member of the 464
organized police department of a municipal corporation who is 465
employed full time, is in compliance with section 109.77 of the 466
Revised Code, and is not a member of the Ohio police and fire 467
pension fund. 468

(NN) "Veterans' home police officer" means any person who is 469
employed at a veterans' home as a police officer pursuant to 470
section 5907.02 of the Revised Code and is in compliance with 471
section 109.77 of the Revised Code. 472

(OO) "Special police officer for a mental health institution" 473
means any person who is designated as such pursuant to section 474
5119.14 of the Revised Code and is in compliance with section 475
109.77 of the Revised Code. 476

(PP) "Special police officer for an institution for the 477
mentally retarded and developmentally disabled" means any person 478
who is designated as such pursuant to section 5123.13 of the 479
Revised Code and is in compliance with section 109.77 of the 480
Revised Code. 481

(QQ) "State university law enforcement officer" means any 482
person who is employed full time as a state university law 483
enforcement officer pursuant to section 3345.04 of the Revised 484
Code and who is in compliance with section 109.77 of the Revised 485
Code. 486

(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 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 life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, state watercraft officer, park district police officer,

conservancy district officer, veterans' home police officer, 518
special police officer for a mental health institution, special 519
police officer for an institution for the mentally retarded and 520
developmentally disabled, state university law enforcement 521
officer, municipal police officer, house sergeant at arms, 522
assistant house sergeant at arms, regional transit authority 523
police officer, or state highway patrol police officer. PERS law 524
enforcement officer also includes a person serving as a municipal 525
public safety director at any time during the period from 526
September 29, 2005, to ~~the effective date of this amendment~~ March 527
24, 2009, if the duties of that service were to preserve the 528
peace, protect life and property, and enforce the laws of this 529
state. 530

(XX) "Hamilton county municipal court bailiff" means a person 531
appointed by the clerk of courts of the Hamilton county municipal 532
court under division (A)(3) of section 1901.32 of the Revised Code 533
who is employed full time as a bailiff or deputy bailiff, who has 534
received a certificate attesting to the person's satisfactory 535
completion of the peace officer basic training described in 536
division (D)(1) of section 109.77 of the Revised Code. 537

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

developmentally disabled, state university law enforcement 550
officer, municipal police officer, house sergeant at arms, 551
assistant house sergeant at arms, regional transit authority 552
police officer, or state highway patrol police officer. PERS 553
public safety officer also includes a person serving as a 554
municipal public safety director at any time during the period 555
from September 29, 2005, to ~~the effective date of this amendment~~ 556
March 24, 2009, if the duties of that service were other than to 557
preserve the peace, protect life and property, and enforce the 558
laws of this state. 559

(ZZ) "Fiduciary" means a person who does any of the 560
following: 561

(1) Exercises any discretionary authority or control with 562
respect to the management of the system or with respect to the 563
management or disposition of its assets; 564

(2) Renders investment advice for a fee, direct or indirect, 565
with respect to money or property of the system; 566

(3) Has any discretionary authority or responsibility in the 567
administration of the system. 568

(AAA) "Actuary" means an individual who satisfies all of the 569
following requirements: 570

(1) Is a member of the American academy of actuaries; 571

(2) Is an associate or fellow of the society of actuaries; 572

(3) Has a minimum of five years' experience in providing 573
actuarial services to public retirement plans. 574

(BBB) "PERS defined benefit plan" means the plan described in 575
sections 145.201 to 145.79 of the Revised Code. 576

(CCC) "PERS defined contribution plans" means the plan or 577
plans established under section 145.81 of the Revised Code. 578

Sec. 145.191. (A) Except as provided in division (E) of this 579
section, a public employees retirement system member or 580
contributor who, as of the last day of the month immediately 581
preceding the date on which the public employees retirement board 582
first establishes a PERS defined contribution plan, has less than 583
five years of total service credit is eligible to make an election 584
under this section. A member or contributor who is employed in 585
more than one position subject to this chapter is eligible to make 586
only one election. The election applies to all positions subject 587
to this chapter. 588

Not later than one hundred eighty days after the day the 589
board first establishes a PERS defined contribution plan, an 590
eligible member or contributor may elect to participate in a PERS 591
defined contribution plan. If a form evidencing an election is not 592
received by the system not later than the last day of the 593
one-hundred-eighty-day period, a member or contributor to whom 594
this section applies is deemed to have elected to continue 595
participating in the PERS defined benefit plan. 596

(B) An election under this section shall be made in writing 597
on a form provided by the system and filed with the system. 598

(C) On receipt of an election under this section, the system 599
shall do both of the following: 600

(1) Credit to the plan elected both of the following: 601

(a) Any employer contributions attributable to the member for 602
the period beginning on the day the board first established a PERS 603
defined contribution plan; 604

(b) All accumulated contributions attributable to the member 605
or contributor. 606

(2) Cancel all service credit and eligibility for any 607
payment, benefit, or right under the PERS defined benefit plan. 608

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

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

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

~~(2) A a PERS law enforcement officer or a PERS public safety officer.~~

Sec. 145.38. (A) As used in this section and sections 145.381 and 145.384 of the Revised Code:

(1) "PERS retirant" means a former member of the public employees retirement system who is receiving one of the following:

(a) Age and service retirement benefits under section 145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code;

(b) Age and service retirement benefits paid by the public employees retirement system under section 145.37 of the Revised Code;

(c) Any benefit paid under a PERS defined contribution plan.

(2) "Other system retirant" means both of the following:

(a) A member or former member of the Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, state highway patrol retirement system, or Cincinnati retirement system who is receiving age and service or commuted age and service retirement benefits or a disability benefit from a system of which the person is a member or former member;

(b) A member or former member of the public employees 638
retirement system who is receiving age and service retirement 639
benefits or a disability benefit under section 145.37 of the 640
Revised Code paid by the school employees retirement system or the 641
state teachers retirement system. 642

(3) "Retirement benefit" means an age and service retirement 643
as described in division (A)(1)(a), (1)(b), or (2) of this 644
section. 645

(B)(1) Subject to this section and section 145.381 of the 646
Revised Code, a PERS retirant or other system retirant may be 647
employed by a public employer. If so employed, the PERS retirant 648
or other system retirant shall contribute to the public employees 649
retirement system in accordance with section 145.47 of the Revised 650
Code, and the employer shall make contributions in accordance with 651
section 145.48 of the Revised Code. 652

(2) A public employer that employs a PERS retirant or other 653
system retirant, or enters into a contract for services as an 654
independent contractor with a PERS retirant, shall notify the 655
retirement board of the employment or contract not later than the 656
end of the month in which the employment or contract commences. 657
Any overpayment of benefits to a PERS retirant by the retirement 658
system resulting from delay or failure of the employer to give the 659
notice shall be repaid to the retirement system by the employer. 660

(3) On receipt of notice from a public employer that a person 661
who is an other system retirant has been employed, the retirement 662
system shall notify the retirement system of which the other 663
system retirant was a member of such employment. 664

(4)(a) A PERS retirant who has received a retirement 665
~~allowance~~ benefit for less than two months when employment subject 666
to this section commences shall forfeit the retirement ~~allowance~~ 667
benefit for any month the PERS retirant is employed prior to the 668

expiration of the two-month period. Service and contributions for 669
that period shall not be included in calculation of any benefits 670
payable to the PERS retirant, and those contributions shall be 671
refunded on the retirant's death or termination of the employment. 672

(b) An other system retirant who has received a retirement 673
~~allowance~~ benefit or disability benefit for less than two months 674
when employment subject to this section commences shall forfeit 675
the retirement ~~allowance~~ benefit or disability benefit for any 676
month the other system retirant is employed prior to the 677
expiration of the two-month period. Service and contributions for 678
that period shall not be included in the calculation of any 679
benefits payable to the other system retirant, and those 680
contributions shall be refunded on the retirant's death or 681
termination of the employment. 682

(c) Contributions made on compensation earned after the 683
expiration of the two-month period shall be used in the 684
calculation of the benefit or payment due under section 145.384 of 685
the Revised Code. 686

(5) On receipt of notice from the Ohio police and fire 687
pension fund, school employees retirement system, or state 688
teachers retirement system of the re-employment of a PERS 689
retirant, the public employees retirement system shall not pay, or 690
if paid, shall recover, the amount to be forfeited by the PERS 691
retirant in accordance with section 742.26, 3307.35, or 3309.341 692
of the Revised Code. 693

(6)(a) If, subsequent to the period described in division 694
(B)(4) of this section, a PERS retirant or other system retirant 695
is employed in a position subject to this chapter and has annual 696
earnable salary in excess of fourteen thousand one hundred sixty 697
dollars, as adjusted under division (B)(6)(b) of this section, the 698
retirant shall forfeit one dollar of the retirement benefit for 699
each two dollars of earnable salary in the position subject to 700

this chapter. 701

(b) The excess earnings base established under division 702
(B)(6)(a) of this section shall be adjusted each year by the 703
actual average increase, if any, in the consumer price index 704
prepared by the United States bureau of labor statistics (U.S. 705
city average for urban wage earners and clerical workers: "all 706
items 1982-1984=100"). 707

(7) A PERS retirant who enters into a contract to provide 708
services as an independent contractor to the employer by which the 709
retirant was employed at the time of retirement or, less than two 710
months after the retirement ~~allowance~~ benefit commences, begins 711
providing services as an independent contractor pursuant to a 712
contract with another public employer, shall forfeit the pension 713
portion of the retirement benefit for the period beginning the 714
first day of the month following the month in which the services 715
begin and ending on the first day of the month following the month 716
in which the services end. The annuity portion of the retirement 717
~~allowance~~ benefit shall be suspended on the day services under the 718
contract begin and shall accumulate to the credit of the retirant 719
to be paid in a single payment after services provided under the 720
contract terminate. A PERS retirant subject to division (B)~~(6)~~(7) 721
of this section shall not contribute to the retirement system and 722
shall not become a member of the system. 723

~~(7)~~(8) As used in this division, "employment" includes 724
service for which a PERS retirant or other system retirant, the 725
retirant's employer, or both, have waived any earnable salary for 726
the service. 727

~~(C)(1) Except as provided in division (C)(3) of this section,~~ 728
~~this division applies to both of the following:~~ 729

~~(a) A PERS retirant who, prior to September 14, 2000, was 730~~
~~subject to division (C)(1)(b) of this section as that division 731~~

~~existed immediately prior to September 14, 2000, and has not
elected pursuant to Am. Sub. S.B. 144 of the 123rd general
assembly to cease to be subject to that division;~~

~~(b) A PERS retirant to whom both of the following apply:~~

~~(i) The retirant held elective office in this state, or in
any municipal corporation, county, or other political subdivision
of this state at the time of retirement under this chapter.~~

~~(ii) The retirant was elected or appointed to the same office
for the remainder of the term or the term immediately following
the term during which the retirement occurred.~~

~~(2) A PERS retirant who is subject to this division is a
member of the public employees retirement system with all the
rights, privileges, and obligations of membership, except that the
membership does not include survivor benefits provided pursuant to
section 145.45 of the Revised Code or, beginning on the ninetieth
day after September 14, 2000, any amount calculated under section
145.401 of the Revised Code. The pension portion of the PERS
retirant's retirement allowance shall be forfeited until the first
day of the first month following termination of the employment.
The annuity portion of the retirement allowance shall accumulate
to the credit of the PERS retirant to be paid in a single payment
after termination of the employment. The retirement allowance
shall resume on the first day of the first month following
termination of the employment. On termination of the employment,
the PERS retirant shall elect to receive either a refund of the
retirant's contributions to the retirement system during the
period of employment subject to this section or a supplemental
retirement allowance based on the retirant's contributions and
service credit for that period of employment.~~

~~(3) This division does not apply to any of the following:~~

~~(a) A PERS retirant elected to office who, at the time of the~~

~~election for the retirant's current term, was not retired but, not
less than ninety days prior to the primary election for the term
or the date on which a primary for the term would have been held,
filed a written declaration of intent to retire before the end of
the term with the director of the board of elections of the county
in which petitions for nomination or election to the office are
filed;~~

~~(b) A PERS retirant elected to office who, at the time of the
election for the retirant's current term, was a retirant and had
been retired for not less than ninety days;~~

~~(c) A PERS retirant appointed to office who, at the time of
appointment to the retirant's current term, notified the person or
entity making the appointment that the retirant was already
retired or intended to retire before the end of the term.~~

~~(D)(1) Except as provided in division (C) of this section, a
A PERS retirant or other system retirant subject to this section
is not a member of the public employees retirement system, and,
except as specified in this section does not have any of the
rights, privileges, or obligations of membership. Except as
specified in division ~~(D)~~(C)(2) of this section, the retirant is
not eligible to receive health, medical, hospital, or surgical
benefits under section 145.58 of the Revised Code for employment
subject to this section.~~

(2) A PERS retirant subject to this section shall receive
primary health, medical, hospital, or surgical insurance coverage
from the retirant's employer, if the employer provides coverage to
other employees performing comparable work. Neither the employer
nor the PERS retirant may waive the employer's coverage, except
that the PERS retirant may waive the employer's coverage if the
retirant has coverage comparable to that provided by the employer
from a source other than the employer or the public employees
retirement system. If a claim is made, the employer's coverage

shall be the primary coverage and shall pay first. The benefits 795
provided under section 145.58 of the Revised Code shall pay only 796
those medical expenses not paid through the employer's coverage or 797
coverage the PERS retirant receives through a source other than 798
the retirement system. 799

~~(E)~~(D) If the disability benefit of an other system retirant 800
employed under this section is terminated, the retirant shall 801
become a member of the public employees retirement system, 802
effective on the first day of the month next following the 803
termination with all the rights, privileges, and obligations of 804
membership. If such person, after the termination of the 805
disability benefit, earns two years of service credit under this 806
system or under the Ohio police and fire pension fund, state 807
teachers retirement system, school employees retirement system, or 808
state highway patrol retirement system, the person's prior 809
contributions as an other system retirant under this section shall 810
be included in the person's total service credit as a public 811
employees retirement system member, and the person shall forfeit 812
all rights and benefits of this section. Not more than one year of 813
credit may be given for any period of twelve months. 814

~~(F)~~(E) This section does not affect the receipt of benefits 815
by or eligibility for benefits of any person who on August 20, 816
1976, was receiving a disability benefit or service retirement 817
pension or allowance from a state or municipal retirement system 818
in Ohio and was a member of any other state or municipal 819
retirement system of this state. 820

~~(G)~~(F) The public employees retirement board may adopt rules 821
to carry out this section. 822

Sec. 145.384. (A) As used in this section, "PERS retirant" 823
~~means a PERS retirant who is not subject to division (C) of~~ 824
~~section 145.38 of the Revised Code. For purposes of this section,~~ 825

~~"PERS retirant"~~ also includes both of the following: 826

(1) A member who retired under section 145.383 of the Revised Code; 827
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(2) A retirant whose retirement allowance resumed under section 145.385 of the Revised Code. 829
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(B)(1) An other system retirant or PERS retirant who has made contributions under section 145.38 or 145.383 of the Revised Code or, in the case of a retirant described in division (A)(2) of this section, section 145.47 of the Revised Code may file an application with the public employees retirement system to receive either a benefit, as provided in division (B)(2) of this section, or payment of the retirant's contributions made under those sections, as provided in division (H) of this section. 831
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(2) A benefit under this section shall consist of an annuity having a reserve equal to the amount of the retirant's accumulated contributions for the period of employment, other than the contributions excluded pursuant to division (B)(4)(a) or (b) of section 145.38 of the Revised Code, and an amount of the employer's contributions determined by the board. 839
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(a) Unless, as described in division (I) of this section, the application is accompanied by a statement of the spouse's consent to another form of payment or the board waives the requirement of spousal consent, a PERS retirant or other system retirant who is married at the time of application for a benefit under this section shall receive a monthly annuity under which the actuarial equivalent of the retirant's single life annuity is paid in a lesser amount for life and one-half of the lesser amount continues after the retirant's death to the surviving spouse. 845
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(b) A PERS retirant or other system retirant who is not subject to division (B)(2)(a) of this section shall elect either to receive the benefit as a monthly annuity or a lump sum payment 854
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discounted to the present value using a rate of interest 857
determined by the board. A retirant who elects to receive a 858
monthly annuity shall select one of the following as the plan of 859
payment: 860

(i) The retirant's single life annuity; 861

(ii) The actuarial equivalent of the retirant's single life 862
annuity in an equal or lesser amount for life and continuing after 863
death to a surviving beneficiary designated at the time the plan 864
of payment is selected. 865

If a retirant who is eligible to select a plan of payment 866
under division (B)(2)(b) of this section fails to do so, the 867
benefit shall be paid as a monthly annuity under the plan of 868
payment specified in rules adopted by the public employees 869
retirement board. 870

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 871
section, if a monthly annuity would be less than twenty-five 872
dollars per month, the retirant shall receive a lump sum payment. 873

(C)(1) The death of a spouse or other designated beneficiary 874
under a plan of payment described in division (B)(2) of this 875
section cancels that plan of payment. The PERS retirant or other 876
system retirant shall receive the equivalent of the retirant's 877
single life annuity, as determined by the board, effective the 878
first day of the month following receipt by the board of notice of 879
the death. 880

(2) On divorce, annulment, or marriage dissolution, a PERS 881
retirant or other system retirant receiving a benefit described in 882
division (B)(2) of this section under which the beneficiary is the 883
spouse may, with the written consent of the spouse or pursuant to 884
an order of the court with jurisdiction over the termination of 885
the marriage, elect to cancel the plan and receive the equivalent 886
of the retirant's single life annuity as determined by the board. 887

The election shall be made on a form provided by the board and 888
shall be effective the month following its receipt by the board. 889

(D) Following a marriage or remarriage, a PERS retirant or 890
other system retirant who is receiving a benefit described in 891
division (B)(2)(b)(i) of this section may elect a new plan of 892
payment under division (B)(2)(b) of this section based on the 893
actuarial equivalent of the retirant's single life annuity as 894
determined by the board. 895

If the marriage or remarriage occurs on or after ~~the~~ 896
~~effective date of this amendment~~ June 6, 2005, the election must 897
be made not later than one year after the date of the marriage or 898
remarriage. 899

The plan elected under this division shall be effective on 900
the date of receipt by the board of an application on a form 901
approved by the board, but any change in the amount of the benefit 902
shall commence on the first day of the month following the 903
effective date of the plan. 904

(E) A benefit payable under division (B)(2) of this section 905
shall commence on the latest of the following: 906

(1) The last day for which compensation for all employment 907
subject to section 145.38, 145.383, or 145.385 of the Revised Code 908
was paid; 909

(2) Attainment by the PERS retirant or other system retirant 910
of age sixty-five; 911

(3) If the PERS retirant or other system retirant was 912
previously employed under section 145.38, 145.383, or 145.385 of 913
the Revised Code and is receiving or previously received a benefit 914
under this section, completion of a period of twelve months since 915
the effective date of the last benefit under this section; 916

(4) A date specified by the retirant. 917

(F)(1) If a PERS retirant or other system retirant dies while 918
employed in employment subject to section 145.38, 145.383, or 919
145.385 of the Revised Code, a lump sum payment calculated in 920
accordance with division (B)(2) of this section shall be paid to 921
the retirant's beneficiary under division (G) of this section. 922

(2) If at the time of death a PERS retirant or other system 923
retirant receiving a monthly annuity under division (B)(2)(b)(i) 924
of this section has received less than the retirant would have 925
received as a lump sum payment, the difference between the amount 926
received and the amount that would have been received as a lump 927
sum payment shall be paid to the retirant's beneficiary under 928
division (G) of this section. 929

(3) If a beneficiary receiving a monthly annuity under 930
division (B)(2) of this section dies and, at the time of the 931
beneficiary's death, the total of the amounts paid to the retirant 932
and beneficiary are less than the amount the retirant would have 933
received as a lump sum payment, the difference between the total 934
of the amounts received by the retirant and beneficiary and the 935
amount that the retirant would have received as a lump sum payment 936
shall be paid to the beneficiary's estate. 937

(G) A PERS retirant or other system retirant employed under 938
section 145.38, 145.383, or 145.385 of the Revised Code may 939
designate one or more persons as beneficiary to receive any 940
benefits payable under division (B)(2)(b) of this section due to 941
death. The designation shall be in writing duly executed on a form 942
provided by the public employees retirement board, signed by the 943
PERS retirant or other system retirant, and filed with the board 944
prior to death. The last designation of a beneficiary revokes all 945
previous designations. The PERS retirant's or other system 946
retirant's marriage, divorce, marriage dissolution, legal 947
separation, withdrawal of account, birth of a child, or adoption 948
of a child revokes all previous designations. If there is no 949

designated beneficiary, the beneficiary is the beneficiary 950
determined under division (D) of section 145.43 of the Revised 951
Code. If any benefit payable under this section due to the death 952
of a PERS retirant or other system retirant is not claimed by a 953
beneficiary within five years after the death, the amount payable 954
shall be transferred to the income fund and thereafter paid to the 955
beneficiary or the estate of the PERS retirant or other system 956
retirant on application to the board. 957

(H)(1) A PERS retirant or other system retirant who applies 958
under division (B)(1) of this section for payment of the 959
retirant's contributions and is unmarried or is married and, 960
unless the board has waived the requirement of spousal consent, 961
includes with the application a statement of the spouse's consent 962
to the payment, shall be paid the contributions made under section 963
145.38 or 145.383 of the Revised Code or, in the case of a 964
retirant described in division (A)(2) of this section, section 965
145.47 of the Revised Code, plus interest as provided in section 966
145.471 of the Revised Code, if the following conditions are met: 967

(a) The retirant has not attained sixty-five years of age and 968
has terminated employment subject to section 145.38, 145.383, or 969
145.385 of the Revised Code for any cause other than death or the 970
receipt of a benefit under this section. 971

(b) Three months have elapsed since the termination of the 972
retirant's employment subject to section 145.38, 145.383, or 973
145.385 of the Revised Code, other than employment exempted from 974
contribution pursuant to section 145.03 of the Revised Code. 975

(c) The retirant has not returned to public service, other 976
than service exempted from contribution pursuant to section 145.03 977
of the Revised Code, during the three-month period. 978

(2) Payment of a retirant's contributions cancels the 979
retirant's right to a benefit under division (B)(2) of this 980

section.	981
(I) A statement of a spouse's consent under division (B)(2)	982
of this section to the form of a benefit or under division (H) of	983
this section to a payment of contributions is valid only if signed	984
by the spouse and witnessed by a notary public. The board may	985
waive the requirement of spousal consent if the spouse is	986
incapacitated or cannot be located, or for any other reason	987
specified by the board. Consent or waiver is effective only with	988
regard to the spouse who is the subject of the consent or waiver.	989
(J) No amount received under this section shall be included	990
in determining an additional benefit under section 145.323 of the	991
Revised Code or any other post-retirement benefit increase.	992
Sec. 145.473. (A) Except as provided in division (C) of this	993
section, the rate of interest credited to individual accounts of	994
contributors under sections 145.471 and 145.472 of the Revised	995
Code shall be as follows:	996
(1) Four per cent per annum, compounded annually, to and	997
including December 31, 1955;	998
(2) Three per cent per annum, compounded annually, from	999
January 1, 1956, to and including December 31, 1963;	1000
(3) Three and one-quarter per cent per annum, compounded	1001
annually, from January 1, 1964, to and including December 31,	1002
1969;	1003
(4) Four per cent per annum, compounded annually, from	1004
January 1, 1970, to and including the day before December 13,	1005
2000;	1006
(5) An amount determined by the public employees retirement	1007
board that is not greater than six per cent per annum, compounded	1008
annually, on and after December 13, 2000.	1009
(B) Except as provided in division (C) of this section, for	1010

the purpose of determining the reserve value of a contributor's annuity, the rate of interest shall be as follows:

(1) Four per cent per annum, compounded annually, for contributors retiring before October 1, 1956;

(2) Three per cent per annum, compounded annually, for contributors retiring on or after October 1, 1956, but before January 1, 1964;

(3) Three and one-quarter per cent per annum, compounded annually, for contributors retiring on or after January 1, 1964, but before January 1, 1970;

(4) Four per cent per annum, compounded annually, for contributors retiring on or after January 1, 1970, but before December 13, 2000;

(5) An amount determined by the board based on the recommendation of the board's actuary, compounded annually, for contributors retiring on or after December 13, 2000.

(C) For a PERS retirant ~~who is not subject to division (C) of section 145.38 of the Revised Code~~ or an other system retirant, as those terms are defined in section 145.38 of the Revised Code, or a member of the public employees retirement system who retires in accordance with section 145.383 of the Revised Code, the rate of interest shall be the current actuarial assumption rate of interest, as determined by the board's actuary, for the purposes described in divisions (A) and (B) of this section.

Sec. 145.561. ~~The~~ Except as provided in division (B)(6) of section 145.38 of the Revised Code, the granting of a retirement allowance, annuity, pension, or other benefit to any person pursuant to action of the public employees retirement board vests a right in such person, so long as ~~he~~ the person remains the recipient of any benefit of the funds established by section

145.23 of the Revised Code, to receive such retirement allowance, 1041
annuity, pension, or other benefit at the rate fixed at the time 1042
of granting such retirement allowance, annuity, pension, or other 1043
benefit. Such right shall also be vested with equal effect in the 1044
recipient of a grant heretofore made from any of the funds named 1045
in section 145.23 of the Revised Code. 1046

Sec. 145.58. (A) As used in this section, "ineligible 1047
individual" means all of the following: 1048

(1) A former member receiving benefits pursuant to section 1049
145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for 1050
whom eligibility is established more than five years after June 1051
13, 1981, and who, at the time of establishing eligibility, has 1052
accrued less than ten years' service credit, exclusive of credit 1053
obtained pursuant to section 145.297 or 145.298 of the Revised 1054
Code, credit obtained after January 29, 1981, pursuant to section 1055
145.293 or 145.301 of the Revised Code, and credit obtained after 1056
May 4, 1992, pursuant to section 145.28 of the Revised Code; 1057

(2) The spouse of the former member; 1058

(3) The beneficiary of the former member receiving benefits 1059
pursuant to section 145.46 of the Revised Code. 1060

(B) The public employees retirement board may enter into 1061
agreements with insurance companies, health insuring corporations, 1062
or government agencies authorized to do business in the state for 1063
issuance of a policy or contract of health, medical, hospital, or 1064
surgical benefits, or any combination thereof, for those 1065
individuals receiving age and service retirement or a disability 1066
or survivor benefit subscribing to the plan, or for PERS retirants 1067
employed under section 145.38 of the Revised Code, for coverage of 1068
benefits in accordance with division ~~(D)~~(C)(2) of section 145.38 1069
of the Revised Code. Notwithstanding any other provision of this 1070
chapter, the policy or contract may also include coverage for any 1071

eligible individual's spouse and dependent children and for any of 1072
the individual's sponsored dependents as the board determines 1073
appropriate. If all or any portion of the policy or contract 1074
premium is to be paid by any individual receiving age and service 1075
retirement or a disability or survivor benefit, the individual 1076
shall, by written authorization, instruct the board to deduct the 1077
premium agreed to be paid by the individual to the company, 1078
corporation, or agency. 1079

The board may contract for coverage on the basis of part or 1080
all of the cost of the coverage to be paid from appropriate funds 1081
of the public employees retirement system. The cost paid from the 1082
funds of the system shall be included in the employer's 1083
contribution rate provided by sections 145.48 and 145.51 of the 1084
Revised Code. The board may by rule provide coverage to ineligible 1085
individuals if the coverage is provided at no cost to the 1086
retirement system. The board shall not pay or reimburse the cost 1087
for coverage under this section or section 145.325 of the Revised 1088
Code for any ineligible individual. 1089

The board may provide for self-insurance of risk or level of 1090
risk as set forth in the contract with the companies, 1091
corporations, or agencies, and may provide through the 1092
self-insurance method specific benefits as authorized by rules of 1093
the board. 1094

(C) The board shall, beginning the month following receipt of 1095
satisfactory evidence of the payment for coverage, pay monthly to 1096
each recipient of service retirement, or a disability or survivor 1097
benefit under the public employees retirement system who is 1098
eligible for medical insurance coverage under part B of Title 1099
XVIII of "The Social Security Act," 79 Stat. 301 (1965), 42 1100
U.S.C.A. 1395j, as amended, an amount determined by the board for 1101
such coverage that is not less than ninety-six dollars and forty 1102
cents, except that the board shall make no such payment to any 1103

ineligible individual or pay an amount that exceeds the amount 1104
paid by the recipient for the coverage. 1105

At the request of the board, the recipient shall certify to 1106
the retirement system the amount paid by the recipient for 1107
coverage described in this division. 1108

(D) The board shall establish by rule requirements for the 1109
coordination of any coverage, payment, or benefit provided under 1110
this section or section 145.325 of the Revised Code with any 1111
similar coverage, payment, or benefit made available to the same 1112
individual by the Ohio police and fire pension fund, state 1113
teachers retirement system, school employees retirement system, or 1114
state highway patrol retirement system. 1115

(E) The board shall make all other necessary rules pursuant 1116
to the purpose and intent of this section. 1117

Sec. 742.26. (A) As used in this section: 1118

(1) "Actuarial present value" means the calculation under 1119
which the probability of occurrence, based on a specified 1120
mortality table, and the discount for future monetary growth at a 1121
specified interest rate are considered by an actuary to determine 1122
the value of an annuity. 1123

(2) "Other system retirant" means a former member of the 1124
public employees retirement system, state teachers retirement 1125
system, school employees retirement system, state highway patrol 1126
retirement system, or Cincinnati retirement system who is 1127
receiving a disability benefit or an age and service or commuted 1128
age and service retirement benefit or allowance from a system of 1129
which the person is a former member. 1130

(3) "~~OP and F~~ OP and F retirant" means any person who is 1131
receiving a retirement ~~allowance~~ pension, other than a disability 1132
benefit, from the Ohio police and fire pension fund. 1133

(4) "Retirement allowance or pension" means an allowance or pension granted by virtue of age and service retirement as described in division (A)(2) or (3) of this section. 1134
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(B) The mortality table and interest rate used in determining actuarial present value shall be determined by the board of trustees of the fund based on the recommendations of an actuary employed by the board. 1137
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(C)(1) An ~~OPFPF~~ OP and F retirant or other system retirant may be employed as a member of a police or fire department. If so employed, the retirant shall make contributions to the fund in accordance with section 742.31 of the Revised Code, and the employer shall make contributions in accordance with sections 742.33 and 742.34 of the Revised Code. 1141
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(2) An employer that employs an ~~OPFPF~~ OP and F retirant or other system retirant shall notify the board of trustees of the fund of the employment not later than the end of the month in which the employment commences. On receipt of notice from an employer that a person who is an other system retirant has been employed, the fund shall notify the retirement system of which the other system retirant was a member of such employment. 1147
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(D) An ~~OPFPF~~ OP and F retirant or other system retirant who has received a retirement allowance or benefit for less than two months when employment subject to this section commences shall forfeit the retirement allowance or benefit for the period that begins on the date the employment commences and ends on the earlier of the date the employment terminates or the date that is two months after the date on which the retirement allowance or benefit commenced. Service and contributions for that period shall not be included in the calculation of any benefits payable under this section, and those contributions shall be refunded on the retirant's death or termination of the employment. 1154
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(E) On receipt of notice from the public employees retirement system, school employees retirement system, or state teachers retirement system of the re-employment of an ~~OP and F~~ OP and F retirant, the Ohio police and fire pension fund shall not pay, or if paid shall recover, the amount to be forfeited by the ~~OP and F~~ OP and F retirant in accordance with section 145.38, 3307.35, or 3309.341 of the Revised Code.

(F)(1) If, subsequent to the period described in division (D) of this section, an OP and F retirant or other system retirant is employed in a position subject to this chapter and has annual salary in excess of fourteen thousand one hundred sixty dollars, as adjusted under division (F)(2) of this section, the retirant shall forfeit one dollar of the retirement allowance for each two dollars of salary in the position subject to this chapter.

(2) The excess earnings base established under division (F)(1) of this section shall be adjusted each year by the actual average increase, if any, in the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "all items 1982-1984=100").

(G)(1) On termination of employment under this section, an ~~OP and F~~ OP and F retirant or other system retirant may file an application with the board of trustees of the fund to receive either a benefit, as provided in division ~~(F)~~(G)(2) of this section, or payment of the retirant's contributions made under this section, as provided in division ~~(H)~~(I) of this section.

(2) A benefit under this section shall consist of an annuity the actuarial present value of which is equal to two times the sum of all amounts deducted from the salary of the ~~OP and F~~ OP and F retirant or other system retirant and credited to the retirant's individual account in the fund, other than contributions excluded pursuant to division (D) of this section, together with interest

credited thereon at the rate determined by the board. 1197

(a) Unless, as described in division ~~(I)~~(J) of this section, 1198
the application is accompanied by a statement of the spouse's 1199
consent to another form of payment or the board of trustees waives 1200
the requirement of spousal consent, a retirant who is married at 1201
the time of application under this division shall receive a 1202
monthly annuity under which the actuarial equivalent of the 1203
retirant's single life annuity is paid in a lesser amount for life 1204
and one-half of the lesser amount continues after the retirant's 1205
death to the surviving spouse. 1206

(b) A retirant who is not subject to division ~~(F)~~(G)(2)(a) of 1207
this section shall elect to receive either a monthly annuity or a 1208
~~lump sum~~ lump sum payment. If the retirant fails to elect a plan 1209
of payment, the annuity shall be paid as a monthly annuity under 1210
the plan of payment specified in rules adopted by the board of 1211
trustees of the fund. 1212

A retirant who elects to receive a monthly annuity shall 1213
select one of the following as the plan of payment: 1214

(i) The retirant's single life annuity; 1215

(ii) The actuarial equivalent of the retirant's single life 1216
annuity in an equal or lesser amount for life and continuing after 1217
death to a surviving beneficiary designated at the time the plan 1218
of payment is selected. 1219

(c) Notwithstanding divisions ~~(F)~~(G)(2)(a) and (b) of this 1220
section, if a monthly annuity would be less than twenty-five 1221
dollars per month, the retirant shall receive a lump sum payment. 1222

(3) Interest shall be credited to accounts only at the time 1223
of calculation of a benefit payable under division ~~(F)~~(G)(2) of 1224
this section. 1225

(4) A benefit payable under this division shall commence on 1226

the first day of the month immediately after the latest of the 1227
following: 1228

(a) The last day for which compensation for employment 1229
subject to this section was paid; 1230

(b) Attainment by the ~~OPFPF~~ OP and F retirant or other system 1231
retirant of age sixty; 1232

(c) If the ~~OPFPF~~ OP and F retirant or other system retirant 1233
was previously employed under this section and is receiving or 1234
previously received a benefit under this division, completion of a 1235
period of twelve months since the last benefit paid under this 1236
section commenced. 1237

(5) No amount received under this division shall be included 1238
in determining an additional benefit under section 742.3711, 1239
742.3716, or 742.3717 of the Revised Code or any other 1240
post-retirement benefit increase. 1241

~~(G)~~(H)(1) If an ~~OPFPF~~ OP and F retirant or other system 1242
retirant dies while employed in employment subject to this 1243
section, a ~~lump-sum~~ lump sum payment calculated in accordance with 1244
division ~~(F)~~(G)(2) of this section shall be paid to the retirant's 1245
surviving spouse, or if there is no surviving spouse, to the 1246
retirant's estate. 1247

(2) If at the time of death an ~~OPFPF~~ OP and F retirant or 1248
other system retirant receiving a monthly annuity under division 1249
~~(F)~~(G)(2) of this section has received less than would have been 1250
received as a ~~lump-sum~~ lump sum payment under division ~~(F)~~(G)(2) 1251
of this section, the difference between the amount received and 1252
the amount that would have been received as a ~~lump-sum~~ lump sum 1253
payment shall be paid to the retirant's surviving spouse, or if 1254
there is no surviving spouse, to the retirant's estate. 1255

(3) If a beneficiary receiving a monthly annuity under 1256
division ~~(F)~~(G)(2) of this section dies and, at the time of the 1257

beneficiary's death, the total of the amounts paid to the retirant 1258
and beneficiary are less than the amount the retirant would have 1259
received as a lump sum payment, the difference between the total 1260
of the amounts received by the retirant and beneficiary and the 1261
amount that the retirant would have received as a lump sum payment 1262
shall be paid to the beneficiary's estate. 1263

~~(H)~~(I)(1) An ~~OP~~ OP and F retirant or other system retirant 1264
who applies under division ~~(F)~~(G)(1) of this section for payment 1265
of the retirant's contributions and is unmarried or is married 1266
and, unless the board of trustees has waived the requirement of 1267
spousal consent, includes with the application a statement of the 1268
spouse's consent to the payment shall be paid the contributions 1269
made under division (C) of this section, plus interest, if the 1270
following conditions are met: 1271

(a) The retirant has not attained sixty years of age and has 1272
terminated employment subject to this section for any cause other 1273
than death or the receipt of a benefit under division ~~(F)~~(G) of 1274
this section. 1275

(b) Three months have elapsed since the termination of 1276
employment subject to this section. 1277

(c) The retirant has not returned to service subject to this 1278
chapter or Chapter 145., 3307., or 3309. of the Revised Code, 1279
other than service exempted from contribution to the public 1280
employees retirement system pursuant to section 145.03 of the 1281
Revised Code, during the three-month period. 1282

(2) Payment of a retirant's contributions cancels the 1283
retirant's right to a benefit under division ~~(F)~~(G) of this 1284
section. 1285

~~(I)~~(J) A statement of a spouse's consent under division 1286
~~(F)~~(G) of this section to the form of a benefit or under division 1287
~~(H)~~(I) of this section to a payment of contributions is valid only 1288

if signed by the spouse and witnessed by a notary public. The 1289
board of trustees may waive the requirement of spousal consent if 1290
the spouse is incapacitated or cannot be located, or for any other 1291
reason specified by the board. Consent or waiver is effective only 1292
with regard to the spouse who is the subject of the consent or 1293
waiver. 1294

~~(J)~~(K) An other system retirant subject to this section is 1295
not a member of the Ohio police and fire pension fund, does not 1296
have any of the rights, privileges, or obligations of membership, 1297
except as specified in this section, and is not eligible to 1298
receive health, medical, hospital, or surgical benefits under 1299
section 742.45 of the Revised Code for employment subject to this 1300
section. 1301

~~(K)~~(L) If any payment is made by the Ohio police and fire 1302
pension fund to an ~~OP~~ OP and F retirant or other system 1303
retirant to which the retirant is not entitled, the retirant shall 1304
repay it to the fund. If the retirant fails to make the repayment, 1305
the fund shall withhold the amount due from any allowances or 1306
other amounts due the ~~OP~~ OP and F retirant or other system 1307
retirant. 1308

~~(L)~~(M) An ~~OP~~ OP and F retirant who is employed under this 1309
section is not eligible to receive any benefits under section 1310
742.37 of the Revised Code for the employment under this section. 1311

~~(M)~~(N) This section does not affect the receipt of benefits 1312
by or eligibility for benefits of any person who on August 20, 1313
1976, was receiving a disability benefit or service retirement 1314
pension or allowance from a state or municipal retirement system 1315
in Ohio and was a member of any other state or municipal 1316
retirement system of this state. 1317

~~(N)~~(O) The board of trustees of the fund may adopt rules to 1318
carry out this section. 1319

Sec. 742.44. ~~Except~~ Prior to the effective date of this 1320
amendment and except as provided in section 742.14 of the Revised 1321
Code, at any time prior to filing an application for retirement 1322
under division (C)(1) of section 742.37 of the Revised Code, a 1323
member who is eligible to retire under that division may elect to 1324
participate in the deferred retirement option plan established 1325
under section 742.43 of the Revised Code. No election to 1326
participate in the plan may be made after the effective date of 1327
this amendment. 1328

To make an election, an eligible member shall complete and 1329
submit to the Ohio police and fire pension fund a form prescribed 1330
by the fund. At this time the member may, but is not required to, 1331
elect under section 742.3711 of the Revised Code to have the 1332
member's monthly pension calculated as a retirement allowance 1333
payable throughout the member's life or a retirement allowance 1334
under option 2 in division (A) of section 742.3711 of the Revised 1335
Code. Unless rescinded during a period specified in rules adopted 1336
under section 742.43 of the Revised Code, the election is 1337
irrevocable from the date it is received by the fund until the 1338
employee ceases to participate in the plan as provided in section 1339
742.444 of the Revised Code. 1340

A member is not required to specify the number of years or 1341
portion of a year the member will participate in the plan but must 1342
agree to terminate active service in a police or fire department 1343
and begin receiving the member's pension not later than the date 1344
that is eight years after the effective date of the election to 1345
participate in the plan or be subject to the forfeiture provisions 1346
of division (C) of section 742.444 of the Revised Code. 1347

The effective date of an election made under this section is 1348
the first day of the employer's first payroll period immediately 1349
following the board's receipt of the notice of election. 1350

Sec. 742.46. The Except as provided in division (F) of 1351
section 742.26 of the Revised Code, the granting of a benefit or 1352
pension to any person under sections 742.01 to 742.61 of the 1353
Revised Code, other than a person participating in the deferred 1354
retirement option plan established under section 742.43 of the 1355
Revised Code, vests a right in such person to obtain and receive 1356
the amount of such benefit or pension granted to the person 1357
subject to sections 742.01 to 742.61 of the Revised Code. Subject 1358
to section 742.444 of the Revised Code, a person participating in 1359
the deferred retirement option plan vests in the right to obtain 1360
and receive the amount accrued to the benefit of the person when 1361
the person ceases participating in the plan. 1362

Such right may be enforced by an action in mandamus 1363
instituted in the court of common pleas in the county in which the 1364
person granted such benefit or pension resides. 1365

Sec. 3307.35. (A) As used in this section and section 1366
3307.352 of the Revised Code, ~~"other:~~ 1367

(1) "Other system retirant" means a member or former member 1368
of the public employees retirement system, Ohio police and fire 1369
pension fund, school employees retirement system, state highway 1370
patrol retirement system, or Cincinnati retirement system who is 1371
receiving age and service or commuted age and service retirement, 1372
or a disability benefit from a system of which the retirant is a 1373
member or former member. 1374

(2) "Retirement benefit" means an age and service retirement 1375
allowance granted by virtue of retirement as described in division 1376
(A)(1) of this section or as a superannuate. 1377

(B) Subject to this section and section 3307.353 of the 1378
Revised Code, a superannuate or other system retirant may be 1379
employed as a teacher. 1380

(C) A superannuate or other system retirant employed in 1381
accordance with this section shall contribute to the state 1382
teachers retirement system in accordance with section 3307.26 of 1383
the Revised Code and the employer shall contribute in accordance 1384
with sections 3307.28 and 3307.31 of the Revised Code. Such 1385
contributions shall be received as specified in section 3307.14 of 1386
the Revised Code. A superannuate or other system retirant employed 1387
as a teacher is not a member of the state teachers retirement 1388
system, does not have any of the rights, privileges, or 1389
obligations of membership, except as provided in this section, and 1390
is not eligible to receive health, medical, hospital, or surgical 1391
benefits under section 3307.39 of the Revised Code for employment 1392
subject to this section. 1393

(D) The employer that employs a superannuate or other system 1394
retirant shall notify the state teachers retirement board of the 1395
employment not later than the end of the month in which the 1396
employment commences. Any overpayment of benefits to a 1397
superannuate by the retirement system resulting from an employer's 1398
failure to give timely notice may be charged to the employer and 1399
may be certified and deducted as provided in section 3307.31 of 1400
the Revised Code. 1401

(E) On receipt of notice from an employer that a person who 1402
is an other system retirant has been employed, the state teachers 1403
retirement system shall notify the state retirement system of 1404
which the other system retirant was a member of such employment. 1405

(F) A superannuate or other system retirant who has received 1406
an allowance or benefit for less than two months when employment 1407
subject to this section commences shall forfeit the allowance or 1408
benefit for any month the superannuate or retirant is employed 1409
prior to the expiration of such period. Contributions shall be 1410
made to the retirement system from the first day of such 1411
employment, but service and contributions for that period shall 1412

not be used in the calculation of any benefit payable to the 1413
superannuate or other system retirant, and those contributions 1414
shall be refunded on the superannuate's or retirant's death or 1415
termination of the employment. Contributions made on compensation 1416
earned after the expiration of such period shall be used in 1417
calculation of the benefit or payment due under section 3307.352 1418
of the Revised Code. 1419

(G) On receipt of notice from the Ohio police and fire 1420
pension fund, public employees retirement system, or school 1421
employees retirement system of the re-employment of a 1422
superannuate, the state teachers retirement system shall not pay, 1423
or if paid shall recover, the amount to be forfeited by the 1424
superannuate in accordance with section 145.38, 742.26, or 1425
3309.341 of the Revised Code. 1426

(H)(1) If, subsequent to the period described in division (F) 1427
of this section, a superannuate or other system retirant is 1428
employed in a position subject to this chapter and has annual 1429
compensation in excess of fourteen thousand one hundred sixty 1430
dollars, as adjusted under division (H)(2) of this section, the 1431
superannuate or retirant shall forfeit one dollar of the 1432
retirement benefit for each two dollars of compensation in the 1433
position subject to this chapter. 1434

(2) The excess earnings base established under division 1435
(H)(1) of this section shall be adjusted each year by the actual 1436
average increase, if any, in the consumer price index prepared by 1437
the United States bureau of labor statistics (U.S. city average 1438
for urban wage earners and clerical workers: "all items 1439
1982-1984=100"). 1440

(I) If the disability benefit of an other system retirant 1441
employed under this section is terminated, the retirant shall 1442
become a member of the state teachers retirement system, effective 1443
on the first day of the month next following the termination, with 1444

all the rights, privileges, and obligations of membership. If such 1445
person, after the termination of the retirant's disability 1446
benefit, earns two years of service credit under this retirement 1447
system or under the public employees retirement system, Ohio 1448
police and fire pension fund, school employees retirement system, 1449
or state highway patrol retirement system, the retirant's prior 1450
contributions as an other system retirant under this section shall 1451
be included in the retirant's total service credit, as defined in 1452
section 3307.50 of the Revised Code, as a state teachers 1453
retirement system member, and the retirant shall forfeit all 1454
rights and benefits of this section. Not more than one year of 1455
credit may be given for any period of twelve months. 1456

~~(I)~~(J) This section does not affect the receipt of benefits 1457
by or eligibility for benefits of any person who on August 20, 1458
1976, was receiving a disability benefit or service retirement 1459
pension or allowance from a state or municipal retirement system 1460
in Ohio and was a member of any other state or municipal 1461
retirement system of this state. 1462

~~(J)~~(K) The state teachers retirement board may make the 1463
necessary rules to carry into effect this section and to prevent 1464
the abuse of the rights and privileges thereunder. 1465

Sec. 3307.42. The Except as provided in division (H) of 1466
section 3307.35 of the Revised Code, the granting to any person of 1467
an allowance, annuity, or pension, as defined in section 3307.50 1468
of the Revised Code, or the granting of a benefit under a plan 1469
established under section 3307.81 of the Revised Code, pursuant to 1470
an action of the state teachers' retirement board vests a right in 1471
such person, so long as the person remains the beneficiary of any 1472
of the funds established by section 3307.14 of the Revised Code, 1473
to receive the allowance, annuity, pension, or benefit at the rate 1474
fixed at the time of granting the allowance, annuity, pension, or 1475

benefit. Such right shall also be vested with equal effect in the 1476
beneficiary of a grant heretofore made from any of the funds named 1477
in section 3307.14 of the Revised Code. 1478

Sec. 3309.341. (A) As used in this section and section 1479
3309.344 of the Revised Code: 1480

(1) "SERS retirant" means any person who is receiving a 1481
retirement allowance from the school employees retirement system 1482
under section 3309.36, 3309.38, or 3309.381 of the Revised Code or 1483
any benefit paid under a plan established under section 3309.81 of 1484
the Revised Code. 1485

(2) "Other system retirant" means a member or former member 1486
of the public employees retirement system, Ohio police and fire 1487
pension fund, state teachers retirement system, state highway 1488
patrol retirement system, or Cincinnati retirement system who is 1489
receiving age and service or commuted age and service retirement, 1490
or a disability benefit from a system of which the retirant is a 1491
member or former member. 1492

(3) "Retirement benefit" means an age and service retirement 1493
allowance granted by virtue of retirement as described in division 1494
(A)(1) or (2) of this section. 1495

(B)(1) Subject to this section and section 3309.345 of the 1496
Revised Code, an SERS retirant or other system retirant may be 1497
employed by a public employer. If so employed, the SERS retirant 1498
or other system retirant shall contribute to the school employees 1499
retirement system in accordance with section 3309.47 of the 1500
Revised Code, and the employer shall make contributions in 1501
accordance with section 3309.49 of the Revised Code. 1502

(2) An employer that employs an SERS retirant or other system 1503
retirant shall notify the retirement board of the employment not 1504
later than the end of the month in which the employment commences. 1505

On receipt of notice from an employer that a person who is an 1506
other system retirant has been employed, the school employees 1507
retirement system shall notify the state retirement system of 1508
which the other system retirant was a member of such employment. 1509

(C) An SERS retirant or other system retirant who has 1510
received a retirement allowance or disability benefit for less 1511
than two months when employment subject to this section commences 1512
shall forfeit the retirement allowance or disability benefit for 1513
any month the SERS retirant or other system retirant is employed 1514
prior to the expiration of the two-month period. Service and 1515
contributions for that period shall not be included in the 1516
calculation of any benefits payable to the SERS retirant or other 1517
system retirant, and those contributions shall be refunded on 1518
death or termination of the employment. Contributions made on 1519
compensation earned after the expiration of such period shall be 1520
used in the calculation of the benefit or payment due under 1521
section 3309.344 of the Revised Code. 1522

(D) On receipt of notice from the Ohio police and fire 1523
pension fund, public employees retirement system, or state 1524
teachers retirement system of the re-employment of an SERS 1525
retirant, the school employees retirement system shall not pay, or 1526
if paid shall recover, the amount to be forfeited by the SERS 1527
retirant in accordance with section 145.38, 742.26, or 3307.35 of 1528
the Revised Code. 1529

(E)(1) If, subsequent to the period described in division (C) 1530
of this section, an SERS retirant or other system retirant is 1531
employed in a position subject to this chapter and has annual 1532
compensation in excess of fourteen thousand one hundred sixty 1533
dollars, as adjusted under division (E)(2) of this section, the 1534
retirant shall forfeit one dollar of the retirement allowance for 1535
each two dollars of compensation in the position subject to this 1536
chapter. 1537

(2) The excess earnings base established under division 1538
(E)(1) of this section shall be adjusted each year by the actual 1539
average increase, if any, in the consumer price index prepared by 1540
the United States bureau of labor statistics (U.S. city average 1541
for urban wage earners and clerical workers: "all items 1542
1982-1984=100"). 1543

(F) An SERS retirant or other system retirant subject to this 1544
section is not a member of the school employees retirement system; 1545
does not have any of the rights, privileges, or obligations of 1546
membership, except as specified in this section; and is not 1547
eligible to receive health, medical, hospital, or surgical 1548
benefits under section 3309.69 of the Revised Code for employment 1549
subject to this section. 1550

~~(F)~~(G) If the disability benefit of an other system retirant 1551
employed under this section is terminated, the retirant shall 1552
become a member of the school employees retirement system, 1553
effective on the first day of the month next following the 1554
termination, with all the rights, privileges, and obligations of 1555
membership. If the retirant, after the termination of the 1556
disability benefit, earns two years of service credit under this 1557
retirement system or under the public employees retirement system, 1558
Ohio police and fire pension fund, state teachers retirement 1559
system, or state highway patrol retirement system, the retirant's 1560
prior contributions as an other system retirant under this section 1561
shall be included in the retirant's total service credit as a 1562
school employees retirement system member, and the retirant shall 1563
forfeit all rights and benefits of this section. Not more than one 1564
year of credit may be given for any period of twelve months. 1565

~~(G)~~(H) This section does not affect the receipt of benefits 1566
by or eligibility for benefits of any person who on August 29, 1567
1976, was receiving a disability benefit or service retirement 1568
pension or allowance from a state or municipal retirement system 1569

in Ohio and was a member of any other state or municipal 1570
retirement system of this state. 1571

~~(H)~~(I) The school employees retirement board may adopt rules 1572
to carry out this section. 1573

Sec. 3309.661. ~~The~~ Except as provided in division (E) of 1574
section 3309.341 of the Revised Code, the granting of a retirement 1575
allowance, annuity, pension, or other benefit to any person 1576
pursuant to action of the school employees retirement board vests 1577
a right in such person, so long as ~~he~~ the person remains the 1578
recipient of any of the funds established by section 3309.60 of 1579
the Revised Code, to receive such retirement allowance, annuity, 1580
pension, or benefit. Such right shall also be vested with equal 1581
effect in the recipient of a grant heretofore made from any of the 1582
funds named in section 3309.60 of the Revised Code. 1583

Sec. 3501.13. (A) The director of the board of elections 1584
shall keep a full and true record of the proceedings of the board 1585
and of all moneys received and expended; file and preserve in the 1586
board's office all orders and records pertaining to the 1587
administration of registrations, primaries, and elections; receive 1588
and have the custody of all books, papers, and property belonging 1589
to the board; and perform other duties in connection with the 1590
office of director and the proper conduct of elections as the 1591
board determines. 1592

(B) Before entering upon the duties of the office, the 1593
director shall subscribe to an oath that the director will support 1594
the Constitution of the United States and the Ohio Constitution, 1595
perform all the duties of the office to the best of the director's 1596
ability, enforce the election laws, and preserve all records, 1597
documents, and other property pertaining to the conduct of 1598
elections placed in the director's custody. 1599

(C) The director may administer oaths to persons required by law to file certificates or other papers with the board, to judges of elections, to witnesses who are called to testify before the board, and to voters filling out blanks at the board's offices. Except as otherwise provided by state or federal law, the records of the board and papers and books filed in its office are public records and open to inspection under such reasonable regulations as shall be established by the board. The following notice shall be posted in a prominent place at each board office:

"Except as otherwise provided by state or federal law, records filed in this office of the board of elections are open to public inspection during normal office hours, pursuant to the following reasonable regulations: (the board shall here list its regulations). Whoever prohibits any person from inspecting the public records of this board is subject to the penalties of section 3599.161 of the Revised Code."

~~(D) Upon receipt of a written declaration of intent to retire as provided for in section 145.38 of the Revised Code, the director shall provide a copy to each member of the board of elections.~~

Sec. 5505.51. A state highway patrol retirement system member who meets the following requirements may, at any time prior to applying for a pension under section 5505.16 of the Revised Code and prior to the effective date of this amendment, elect to participate in the deferred retirement option plan established under section 5505.50 of the Revised Code:

~~(1)~~(A) The member is younger than fifty-eight years of age.

~~(2)~~(B) The member is eligible to apply for a pension under section 5505.16 of the Revised Code, unless the pension is a reduced pension as described in division (B) of that section.

The member shall make the election by filing with the 1630
retirement system an election form provided by the system. The 1631
election is effective on the day the member files the election 1632
form. No election to participate in the plan may be made after the 1633
effective date of this amendment. 1634

At the time of making the election to participate in the 1635
deferred retirement option plan, the member also shall make an 1636
election under section 5505.162 of the Revised Code. Except as 1637
provided in that section, the election under section 5505.162 of 1638
the Revised Code is irrevocable from the date it is received by 1639
the retirement system. 1640

A member electing to participate in the deferred retirement 1641
option plan must agree to terminate active service in the state 1642
highway patrol and begin receiving the member's pension not later 1643
than the earlier of the member's sixtieth birthday or the date 1644
that is eight years after the effective date of the election to 1645
participate in the plan. If the member refuses or neglects to 1646
terminate active service in accordance with the agreement, the 1647
state highway patrol retirement board shall deem the member's 1648
service terminated. 1649

A member electing to participate in the deferred retirement 1650
option plan is a retirant for the purposes of rules adopted by the 1651
state highway patrol retirement board. 1652

Section 2. That existing sections 145.01, 145.191, 145.38, 1653
145.384, 145.473, 145.561, 145.58, 742.26, 742.44, 742.46, 1654
3307.35, 3307.42, 3309.341, 3309.661, 3501.13, and 5505.51 of the 1655
Revised Code are hereby repealed. 1656