

# As Introduced

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 69**

**Representative Wachtmann**

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## **A B I L L**

To amend sections 145.01, 145.20, 145.201, 145.22,	1
145.28, 145.29, 145.291, 145.293, 145.294,	2
145.295, 145.297, 145.298, 145.299, 145.2911,	3
145.2912, 145.2913, 145.2914, 145.30, 145.32,	4
145.323, 145.33, 145.331, 145.34, 145.35, 145.36,	5
145.361, 145.362, 145.37, 145.383, 145.39, 145.40,	6
145.401, 145.41, 145.44, 145.45, 145.452, 145.462,	7
145.47, 145.48, 145.483, 145.49, 145.51, 145.54,	8
145.56, 145.561, 145.563, 145.58, 145.82, 145.87,	9
145.92, 145.95, 145.97, 742.01, 742.31, 742.33,	10
742.34, 742.35, 742.37, 742.3716, 742.38, 742.39,	11
742.44, 742.444, 742.63, 2329.66, 3305.06,	12
3307.26, 3307.501, 3307.58, 3307.67, 3309.26,	13
3309.312, 3309.33, 3309.34, 3309.341, 3309.343,	14
3309.353, 3309.354, 3309.36, 3309.362, 3309.371,	15
3309.373, 3309.376, 3309.379, 3309.3710,	16
3309.3711, 3309.39, 3309.401, 3309.45, 3309.46,	17
3309.69, 3375.411, 5505.01, 5505.03, 5505.15,	18
5505.174, and 5505.54; to amend, for the purpose	19
of adopting new section numbers as indicated in	20
parentheses, sections 145.29 (145.292) and 145.325	21
(145.584); to enact new sections 145.29 and	22
145.332 and sections 145.016, 145.017, 145.036,	23
145.037, 145.038, 145.2915, 145.2916, 145.363,	24

145.573, 2901.431, and 2929.193; and to repeal 25  
sections 145.02, 145.292, 145.321, 145.322, 26  
145.324, 145.326, 145.327, 145.328, 145.329, 27  
145.3210, 145.3211, 145.3212, 145.3213, 145.332, 28  
145.42, 145.44, and 3309.38 of the Revised Code 29  
regarding the state retirement systems. 30

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

**Section 1.** That sections 145.01, 145.20, 145.201, 145.22, 31  
145.28, 145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 32  
145.298, 145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 33  
145.32, 145.323, 145.33, 145.331, 145.34, 145.35, 145.36, 145.361, 34  
145.362, 145.37, 145.383, 145.39, 145.40, 145.401, 145.41, 145.44, 35  
145.45, 145.452, 145.462, 145.47, 145.48, 145.483, 145.49, 145.51, 36  
145.54, 145.56, 145.561, 145.563, 145.58, 145.82, 145.87, 145.92, 37  
145.95, 145.97, 742.01, 742.31, 742.33, 742.34, 742.35, 742.37, 38  
742.3716, 742.38, 742.39, 742.44, 742.444, 742.63, 2329.66, 39  
3305.06, 3307.26, 3307.501, 3307.58, 3307.67, 3309.26, 3309.312, 40  
3309.33, 3309.34, 3309.341, 3309.343, 3309.353, 3309.354, 3309.36, 41  
3309.362, 3309.371, 3309.373, 3309.376, 3309.379, 3309.3710, 42  
3309.3711, 3309.39, 3309.401, 3309.45, 3309.46, 3309.69, 3375.411, 43  
5505.01, 5505.03, 5505.15, 5505.174, and 5505.54 be amended; 44  
sections 145.29 (145.292) and 145.325 (145.584) be amended for the 45  
purpose of adopting new section numbers as indicated in 46  
parentheses; and new sections 145.29 and 145.332 and sections 47  
145.016, 145.017, 145.036, 145.037, 145.038, 145.2915, 145.2916, 48  
145.363, 145.573, 2901.431, and 2929.193 of the Revised Code be 49  
enacted to read as follows: 50

**Sec. 145.01.** As used in this chapter: 51

(A) "Public employee" means: 52

(1) Any person holding an office, not elective, under the 53  
state or any county, township, municipal corporation, park 54  
district, conservancy district, sanitary district, health 55  
district, metropolitan housing authority, state retirement board, 56  
Ohio historical society, public library, county law library, union 57  
cemetery, joint hospital, institutional commissary, state 58  
university, or board, bureau, commission, council, committee, 59  
authority, or administrative body as the same are, or have been, 60  
created by action of the general assembly or by the legislative 61  
authority of any of the units of local government named in 62  
division (A)(1) of this section, or employed and paid in whole or 63  
in part by the state or any of the authorities named in division 64  
(A)(1) of this section in any capacity not covered by section 65  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 66

(2) A person who is a member of the public employees 67  
retirement system and who continues to perform the same or similar 68  
duties under the direction of a contractor who has contracted to 69  
take over what before the date of the contract was a publicly 70  
operated function. The governmental unit with which the contract 71  
has been made shall be deemed the employer for the purposes of 72  
administering this chapter. 73

(3) Any person who is an employee of a public employer, 74  
notwithstanding that the person's compensation for that employment 75  
is derived from funds of a person or entity other than the 76  
employer. Credit for such service shall be included as total 77  
service credit, provided that the employee makes the payments 78  
required by this chapter, and the employer makes the payments 79  
required by sections 145.48 and 145.51 of the Revised Code. 80

(4) A person who elects in accordance with section 145.015 of 81  
the Revised Code to remain a contributing member of the public 82  
employees retirement system. 83

In all cases of doubt, the public employees retirement board 84

shall determine under section 145.036, 145.037, or 145.038 of the 85  
Revised Code whether any person is a public employee, and its 86  
decision is final. 87

(B) "Member" means any public employee, other than a public 88  
employee excluded or exempted from membership in the retirement 89  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 90  
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 91  
retirant who becomes a member under division ~~(C)~~(D) of section 92  
145.38 of the Revised Code. "Member" also includes a disability 93  
benefit recipient. 94

(C) "Head of the department" means the elective or appointive 95  
head of the several executive, judicial, and administrative 96  
departments, institutions, boards, and commissions of the state 97  
and local government as the same are created and defined by the 98  
laws of this state or, in case of a charter government, by that 99  
charter. 100

(D) "Employer" or "public employer" means the state or any 101  
county, township, municipal corporation, park district, 102  
conservancy district, sanitary district, health district, 103  
metropolitan housing authority, state retirement board, Ohio 104  
historical society, public library, county law library, union 105  
cemetery, joint hospital, institutional commissary, state medical 106  
college, state university, or board, bureau, commission, council, 107  
committee, authority, or administrative body as the same are, or 108  
have been, created by action of the general assembly or by the 109  
legislative authority of any of the units of local government 110  
named in this division not covered by section 742.01, 3307.01, 111  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 112  
means the employer of any public employee. 113

(E) ~~"Prior service" means all service as a public employee~~ 114  
~~rendered before January 1, 1935, and all service as an employee of~~ 115  
~~any employer who comes within the state teachers retirement system~~ 116

~~or of the school employees retirement system or of any other 117~~  
~~retirement system established under the laws of this state 118~~  
~~rendered prior to January 1, 1935, provided that if the employee 119~~  
~~claiming the service was employed in any capacity covered by that 120~~  
~~other system after that other system was established, credit for 121~~  
~~the service may be allowed by the public employees retirement 122~~  
~~system only when the employee has made payment, to be computed on 123~~  
~~the salary earned from the date of appointment to the date 124~~  
~~membership was established in the public employees retirement 125~~  
~~system, at the rate in effect at the time of payment, and the 126~~  
~~employer has made payment of the corresponding full liability as 127~~  
~~provided by section 145.44 of the Revised Code. "Prior military 128~~  
~~service" also means all service credited for active duty with the 129~~  
~~armed forces of the United States as provided in section 145.30 of 130~~  
~~the Revised Code. 131~~

~~If an employee who has been granted prior service credit by 132~~  
~~the public employees retirement system for service rendered prior 133~~  
~~to January 1, 1935, as an employee of a board of education 134~~  
~~establishes, before retirement, one year or more of contributing 135~~  
~~service in the state teachers retirement system or school 136~~  
~~employees retirement system, then the prior service ceases to be 137~~  
~~the liability of this system. 138~~

~~If the board determines that a position of any member in any 139~~  
~~calendar year prior to January 1, 1935, was a part time position, 140~~  
~~the board shall determine what fractional part of a year's credit 141~~  
~~shall be allowed by the following formula: 142~~

~~(1) When the member has been either elected or appointed to 143~~  
~~an office the term of which was two or more years and for which an 144~~  
~~annual salary is established, the fractional part of the year's 145~~  
~~credit shall be computed as follows: 146~~

~~First, when the member's annual salary is one thousand 147~~  
~~dollars or less, the service credit for each such calendar year 148~~

~~shall be forty per cent of a year.~~ 149

~~Second, for each full one hundred dollars of annual salary 150  
above one thousand dollars, the member's service credit for each 151  
such calendar year shall be increased by two and one-half per 152  
cent.~~ 153

~~(2) When the member is paid on a per diem basis, the service 154  
credit for any single year of the service shall be determined by 155  
using the number of days of service for which the compensation was 156  
received in any such year as a numerator and using two hundred 157  
fifty days as a denominator.~~ 158

~~(3) When the member is paid on an hourly basis, the service 159  
credit for any single year of the service shall be determined by 160  
using the number of hours of service for which the compensation 161  
was received in any such year as a numerator and using two 162  
thousand hours as a denominator.~~ 163

(F) "Contributor" means any person who has an account in the 164  
employees' savings fund created by section 145.23 of the Revised 165  
Code. When used in the sections listed in division (B) of section 166  
145.82 of the Revised Code, "contributor" includes any person 167  
participating in a PERS defined contribution plan. 168

(G) "Beneficiary" or "beneficiaries" means the estate or a 169  
person or persons who, as the result of the death of a member, 170  
contributor, or retirant, qualify for or are receiving some right 171  
or benefit under this chapter. 172

(H)(1) "Total service credit," except as provided in section 173  
145.37 of the Revised Code, means all service credited to a member 174  
of the retirement system since last becoming a member, including 175  
restored service credit as provided by section 145.31 of the 176  
Revised Code; credit purchased under sections 145.293 and 145.299 177  
of the Revised Code; ~~all the member's prior service credit;~~ all 178  
the member's military service credit computed as provided in this 179

chapter; all service credit established pursuant to section 180  
145.297 of the Revised Code; and any other service credited under 181  
this chapter. ~~In addition, "total service credit" includes any~~ 182  
~~period, not in excess of three years, during which a member was~~ 183  
~~out of service and receiving benefits under Chapters 4121. and~~ 184  
~~4123. of the Revised Code.~~ For the exclusive purpose of satisfying 185  
the service credit requirement and of determining eligibility for 186  
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 187  
and 145.361 of the Revised Code, "five or more years of total 188  
service credit" means sixty or more calendar months of 189  
contributing service in this system. 190

(2) "One and one-half years of contributing service credit," 191  
as used in division (B) of section 145.45 of the Revised Code, 192  
also means eighteen or more calendar months of employment by a 193  
municipal corporation that formerly operated its own retirement 194  
plan for its employees or a part of its employees, provided that 195  
all employees of that municipal retirement plan who have eighteen 196  
or more months of such employment, upon establishing membership in 197  
the public employees retirement system, shall make a payment of 198  
the contributions they would have paid had they been members of 199  
this system for the eighteen months of employment preceding the 200  
date membership was established. When that payment has been made 201  
by all such employee members, a corresponding payment shall be 202  
paid into the employers' accumulation fund by that municipal 203  
corporation as the employer of the employees. 204

(3) Where a member also is a member of the state teachers 205  
retirement system or the school employees retirement system, or 206  
both, except in cases of retirement on a combined basis pursuant 207  
to section 145.37 of the Revised Code or as provided in section 208  
145.383 of the Revised Code, service credit for any period shall 209  
be credited on the basis of the ratio that contributions to the 210  
public employees retirement system bear to total contributions in 211

all state retirement systems. 212

(4) Not more than one year of credit may be given for any 213  
period of twelve months. 214

(5) "Ohio service credit" means credit for service that was 215  
rendered to the state or any of its political subdivisions or any 216  
employer. 217

(I) "Regular interest" means interest at any rates for the 218  
respective funds and accounts as the public employees retirement 219  
board may determine from time to time. 220

(J) "Accumulated contributions" means the sum of all amounts 221  
credited to a contributor's individual account in the employees' 222  
savings fund together with any interest credited to the 223  
contributor's account under section 145.471 or 145.472 of the 224  
Revised Code. 225

(K)~~(1)~~ "Final average salary" means the quotient obtained by 226  
dividing by ~~three~~ the appropriate number specified in section 227  
145.017 of the Revised Code the sum of ~~the three~~ that number of 228  
full calendar years of contributing service in which the member's 229  
earnable salary was highest, except that if the member has a 230  
partial year of contributing service in the year the member's 231  
employment terminates and the member's earnable salary for the 232  
partial year is higher than for any comparable period in the ~~three~~ 233  
specified number of years, the member's earnable salary for the 234  
partial year shall be substituted for the member's earnable salary 235  
for the comparable period during the ~~three~~ years in which the 236  
member's earnable salary was lowest. 237

~~(2)~~ If a member has less than ~~three~~ the specified number of 238  
years of contributing service, the member's final average salary 239  
shall be the member's total earnable salary divided by the total 240  
number of years, including any fraction of a year, of the member's 241  
contributing service. 242



~~(3)~~ For the purpose of calculating benefits payable to a 243  
member qualifying for service credit under division ~~(Z)~~(Y) of this 244  
section, "final average salary" means the total earnable salary on 245  
which contributions were made divided by the total number of years 246  
during which contributions were made, including any fraction of a 247  
year. If contributions were made for less than twelve months, 248  
"final average salary" means the member's total earnable salary. 249

(L) "Annuity" means payments for life derived from 250  
contributions made by a contributor and paid from the annuity and 251  
pension reserve fund as provided in this chapter. All annuities 252  
shall be paid in twelve equal monthly installments. 253

(M) "Annuity reserve" means the present value, computed upon 254  
the basis of the mortality and other tables adopted by the board, 255  
of all payments to be made on account of any annuity, or benefit 256  
in lieu of any annuity, granted to a retirant as provided in this 257  
chapter. 258

(N)(1) "Disability retirement" means retirement as provided 259  
in section 145.36 of the Revised Code. 260

(2) "Disability allowance" means an allowance paid on account 261  
of disability under section 145.361 of the Revised Code. 262

(3) "Disability benefit" means a benefit paid as disability 263  
retirement under section 145.36 of the Revised Code, as a 264  
disability allowance under section 145.361 of the Revised Code, or 265  
as a disability benefit under section 145.37 of the Revised Code. 266

(4) "Disability benefit recipient" means a member who is 267  
receiving a disability benefit. 268

(O) "Age and service retirement" means retirement as provided 269  
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 270  
the Revised Code. 271

(P) "Pensions" means annual payments for life derived from 272

contributions made by the employer that at the time of retirement 273  
are credited into the annuity and pension reserve fund from the 274  
employers' accumulation fund and paid from the annuity and pension 275  
reserve fund as provided in this chapter. All pensions shall be 276  
paid in twelve equal monthly installments. 277

(Q) "Retirement allowance" means the pension plus that 278  
portion of the benefit derived from contributions made by the 279  
member. 280

(R)(1) Except as otherwise provided in division (R) of this 281  
section, "earnable salary" means all salary, wages, and other 282  
earnings paid to a contributor by reason of employment in a 283  
position covered by the retirement system. The salary, wages, and 284  
other earnings shall be determined prior to determination of the 285  
amount required to be contributed to the employees' savings fund 286  
under section 145.47 of the Revised Code and without regard to 287  
whether any of the salary, wages, or other earnings are treated as 288  
deferred income for federal income tax purposes. "Earnable salary" 289  
includes the following: 290

(a) Payments made by the employer in lieu of salary, wages, 291  
or other earnings for sick leave, personal leave, or vacation used 292  
by the contributor; 293

(b) Payments made by the employer for the conversion of sick 294  
leave, personal leave, and vacation leave accrued, but not used if 295  
the payment is made during the year in which the leave is accrued, 296  
except that payments made pursuant to section 124.383 or 124.386 297  
of the Revised Code are not earnable salary; 298

(c) Allowances paid by the employer for full maintenance, 299  
consisting of housing, laundry, and meals, as certified to the 300  
retirement board by the employer or the head of the department 301  
that employs the contributor; 302

(d) Fees and commissions paid under section 507.09 of the 303

Revised Code; 304

(e) Payments that are made under a disability leave program 305  
sponsored by the employer and for which the employer is required 306  
by section 145.296 of the Revised Code to make periodic employer 307  
and employee contributions; 308

(f) Amounts included pursuant to ~~divisions~~ division (K)(3) 309  
and former division (Y) of this section and section 145.2916 of 310  
the Revised Code. 311

(2) "Earnable salary" does not include any of the following: 312

(a) Fees and commissions, other than those paid under section 313  
507.09 of the Revised Code, paid as sole compensation for personal 314  
services and fees and commissions for special services over and 315  
above services for which the contributor receives a salary; 316

(b) Amounts paid by the employer to provide life insurance, 317  
sickness, accident, endowment, health, medical, hospital, dental, 318  
or surgical coverage, or other insurance for the contributor or 319  
the contributor's family, or amounts paid by the employer to the 320  
contributor in lieu of providing the insurance; 321

(c) Incidental benefits, including lodging, food, laundry, 322  
parking, or services furnished by the employer, or use of the 323  
employer's property or equipment, or amounts paid by the employer 324  
to the contributor in lieu of providing the incidental benefits; 325

(d) Reimbursement for job-related expenses authorized by the 326  
employer, including moving and travel expenses and expenses 327  
related to professional development; 328

(e) Payments for accrued but unused sick leave, personal 329  
leave, or vacation that are made at any time other than in the 330  
year in which the sick leave, personal leave, or vacation was 331  
accrued; 332

(f) Payments made to or on behalf of a contributor that are 333

in excess of the annual compensation that may be taken into 334  
account by the retirement system under division (a)(17) of section 335  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 336  
U.S.C.A. 401(a)(17), as amended; 337

(g) Payments made under division (B), (C), or (E) of section 338  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 339  
No. 3 of the 119th general assembly, Section 3 of Amended 340  
Substitute Senate Bill No. 164 of the 124th general assembly, or 341  
Amended Substitute House Bill No. 405 of the 124th general 342  
assembly; 343

(h) Anything of value received by the contributor that is 344  
based on or attributable to retirement or an agreement to retire, 345  
except that payments made on or before January 1, 1989, that are 346  
based on or attributable to an agreement to retire shall be 347  
included in earnable salary if both of the following apply: 348

(i) The payments are made in accordance with contract 349  
provisions that were in effect prior to January 1, 1986; 350

(ii) The employer pays the retirement system an amount 351  
specified by the retirement board equal to the additional 352  
liability resulting from the payments. 353

(i) The portion of any amount included under section 145.2916 354  
of the Revised Code that represents employer contributions. 355

(3) The retirement board shall determine by rule whether any 356  
compensation not enumerated in division (R) of this section is 357  
earnable salary, and its decision shall be final. 358

(S) "Pension reserve" means the present value, computed upon 359  
the basis of the mortality and other tables adopted by the board, 360  
of all payments to be made on account of any retirement allowance 361  
or benefit in lieu of any retirement allowance, granted to a 362  
member or beneficiary under this chapter. 363

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

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

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

~~(2) Notwithstanding division (T)(1) of this section, an elected official who prior to January 1, 1980, was granted a full year of credit for each year of service as an elected official shall be considered to have earned a full year of credit for each year of service regardless of whether the service was full time or part time. The public employees retirement board has no authority to reduce the credit in accordance with section 145.016 of the Revised Code.~~

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

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an 395  
employer as determined under section 145.48 of the Revised Code. 396

(X) "Public service terminates" means the last day for which 397  
a public employee is compensated for services performed for an 398  
employer or the date of the employee's death, whichever occurs 399  
first. 400

~~(Y) When a member has been elected or appointed to an office, 401  
the term of which is two or more years, for which an annual salary 402  
is established, and in the event that the salary of the office is 403  
increased and the member is denied the additional salary by reason 404  
of any constitutional provision prohibiting an increase in salary 405  
during a term of office, the member may elect to have the amount 406  
of the member's contributions calculated upon the basis of the 407  
increased salary for the office. At the member's request, the 408  
board shall compute the total additional amount the member would 409  
have contributed, or the amount by which each of the member's 410  
contributions would have increased, had the member received the 411  
increased salary for the office the member holds. If the member 412  
elects to have the amount by which the member's contribution would 413  
have increased withheld from the member's salary, the member shall 414  
notify the employer, and the employer shall make the withholding 415  
and transmit it to the retirement system. A member who has not 416  
elected to have that amount withheld may elect at any time to make 417  
a payment to the retirement system equal to the additional amount 418  
the member's contribution would have increased, plus interest on 419  
that contribution, compounded annually at a rate established by 420  
the board and computed from the date on which the last 421  
contribution would have been withheld from the member's salary to 422  
the date of payment. A member may make a payment for part of the 423  
period for which the increased contribution was not withheld, in 424  
which case the interest shall be computed from the date the last 425  
contribution would have been withheld for the period for which the 426~~

~~payment is made. Upon the payment of the increased contributions 427~~  
~~as provided in this division, the increased annual salary as 428~~  
~~provided by law for the office for the period for which the member 429~~  
~~paid increased contributions thereon shall be used in determining 430~~  
~~the member's earnable salary for the purpose of computing the 431~~  
~~member's final average salary. 432~~

~~(Z)~~ "Five years of service credit," for the exclusive purpose 433  
of satisfying the service credit requirements and of determining 434  
eligibility for benefits under section 145.33 of the Revised Code, 435  
means employment covered under this chapter or under a former 436  
retirement plan operated, recognized, or endorsed by the employer 437  
prior to coverage under this chapter or under a combination of the 438  
coverage. 439

~~(AA)~~(Z) "Deputy sheriff" means any person who is commissioned 440  
and employed as a full-time peace officer by the sheriff of any 441  
county, and has been so employed since on or before December 31, 442  
1965; any person who is or has been commissioned and employed as a 443  
peace officer by the sheriff of any county since January 1, 1966, 444  
and who has received a certificate attesting to the person's 445  
satisfactory completion of the peace officer training school as 446  
required by section 109.77 of the Revised Code; or any person 447  
deputized by the sheriff of any county and employed pursuant to 448  
section 2301.12 of the Revised Code as a criminal bailiff or court 449  
constable who has received a certificate attesting to the person's 450  
satisfactory completion of the peace officer training school as 451  
required by section 109.77 of the Revised Code. 452

~~(BB)~~(AA) "Township constable or police officer in a township 453  
police department or district" means any person who is 454  
commissioned and employed as a full-time peace officer pursuant to 455  
Chapter 505. or 509. of the Revised Code, who has received a 456  
certificate attesting to the person's satisfactory completion of 457  
the peace officer training school as required by section 109.77 of 458

the Revised Code. 459

~~(CC)~~(BB) "Drug agent" means any person who is either of the 460  
following: 461

(1) Employed full time as a narcotics agent by a county 462  
narcotics agency created pursuant to section 307.15 of the Revised 463  
Code and has received a certificate attesting to the satisfactory 464  
completion of the peace officer training school as required by 465  
section 109.77 of the Revised Code; 466

(2) Employed full time as an undercover drug agent as defined 467  
in section 109.79 of the Revised Code and is in compliance with 468  
section 109.77 of the Revised Code. 469

~~(DD)~~(CC) "Department of public safety enforcement agent" 470  
means a full-time employee of the department of public safety who 471  
is designated under section 5502.14 of the Revised Code as an 472  
enforcement agent and who is in compliance with section 109.77 of 473  
the Revised Code. 474

~~(EE)~~(DD) "Natural resources law enforcement staff officer" 475  
means a full-time employee of the department of natural resources 476  
who is designated a natural resources law enforcement staff 477  
officer under section 1501.013 of the Revised Code and is in 478  
compliance with section 109.77 of the Revised Code. 479

~~(FF)~~(EE) "Park officer" means a full-time employee of the 480  
department of natural resources who is designated a park officer 481  
under section 1541.10 of the Revised Code and is in compliance 482  
with section 109.77 of the Revised Code. 483

~~(GG)~~(FF) "Forest officer" means a full-time employee of the 484  
department of natural resources who is designated a forest officer 485  
under section 1503.29 of the Revised Code and is in compliance 486  
with section 109.77 of the Revised Code. 487

~~(HH)~~(GG) "Preserve officer" means a full-time employee of the 488



department of natural resources who is designated a preserve 489  
officer under section 1517.10 of the Revised Code and is in 490  
compliance with section 109.77 of the Revised Code. 491

~~(II)~~(HH) "Wildlife officer" means a full-time employee of the 492  
department of natural resources who is designated a wildlife 493  
officer under section 1531.13 of the Revised Code and is in 494  
compliance with section 109.77 of the Revised Code. 495

~~(JJ)~~(II) "State watercraft officer" means a full-time 496  
employee of the department of natural resources who is designated 497  
a state watercraft officer under section 1547.521 of the Revised 498  
Code and is in compliance with section 109.77 of the Revised Code. 499

~~(KK)~~(JJ) "Park district police officer" means a full-time 500  
employee of a park district who is designated pursuant to section 501  
511.232 or 1545.13 of the Revised Code and is in compliance with 502  
section 109.77 of the Revised Code. 503

~~(LL)~~(KK) "Conservancy district officer" means a full-time 504  
employee of a conservancy district who is designated pursuant to 505  
section 6101.75 of the Revised Code and is in compliance with 506  
section 109.77 of the Revised Code. 507

~~(MM)~~(LL) "Municipal police officer" means a member of the 508  
organized police department of a municipal corporation who is 509  
employed full time, is in compliance with section 109.77 of the 510  
Revised Code, and is not a member of the Ohio police and fire 511  
pension fund. 512

~~(NN)~~(MM) "Veterans' home police officer" means any person who 513  
is employed at a veterans' home as a police officer pursuant to 514  
section 5907.02 of the Revised Code and is in compliance with 515  
section 109.77 of the Revised Code. 516

~~(OO)~~(NN) "Special police officer for a mental health 517  
institution" means any person who is designated as such pursuant 518  
to section 5119.14 of the Revised Code and is in compliance with 519

section 109.77 of the Revised Code. 520

~~(PP)~~(OO) "Special police officer for an institution for the 521  
~~mentally retarded and~~ developmentally disabled" means any person 522  
who is designated as such pursuant to section 5123.13 of the 523  
Revised Code and is in compliance with section 109.77 of the 524  
Revised Code. 525

~~(OO)~~(PP) "State university law enforcement officer" means any 526  
person who is employed full time as a state university law 527  
enforcement officer pursuant to section 3345.04 of the Revised 528  
Code and who is in compliance with section 109.77 of the Revised 529  
Code. 530

~~(RR)~~(OO) "House sergeant at arms" means any person appointed 531  
by the speaker of the house of representatives under division 532  
(B)(1) of section 101.311 of the Revised Code who has arrest 533  
authority under division (E)(1) of that section. 534

~~(SS)~~(RR) "Assistant house sergeant at arms" means any person 535  
appointed by the house sergeant at arms under division (C)(1) of 536  
section 101.311 of the Revised Code. 537

~~(TT)~~(SS) "Regional transit authority police officer" means a 538  
person who is employed full time as a regional transit authority 539  
police officer under division (Y) of section 306.35 of the Revised 540  
Code and is in compliance with section 109.77 of the Revised Code. 541

~~(UU)~~(TT) "State highway patrol police officer" means a 542  
special police officer employed full time and designated by the 543  
superintendent of the state highway patrol pursuant to section 544  
5503.09 of the Revised Code or a person serving full time as a 545  
special police officer pursuant to that section on a permanent 546  
basis on October 21, 1997, who is in compliance with section 547  
109.77 of the Revised Code. 548

~~(VV)~~(UU) "Municipal public safety director" means a person 549  
who serves full time as the public safety director of a municipal 550

corporation with the duty of directing the activities of the 551  
municipal corporation's police department and fire department. 552

~~(WW)~~(VV) Notwithstanding section 2901.01 of the Revised Code, 553  
"PERS law enforcement officer" means a sheriff or any of the 554  
following whose primary duties are to preserve the peace, protect 555  
life and property, and enforce the laws of this state: a deputy 556  
sheriff, township constable or police officer in a township police 557  
department or district, drug agent, department of public safety 558  
enforcement agent, natural resources law enforcement staff 559  
officer, park officer, forest officer, preserve officer, wildlife 560  
officer, state watercraft officer, park district police officer, 561  
conservancy district officer, veterans' home police officer, 562  
special police officer for a mental health institution, special 563  
police officer for an institution for the ~~mentally retarded and~~ 564  
developmentally disabled, state university law enforcement 565  
officer, municipal police officer, house sergeant at arms, 566  
assistant house sergeant at arms, regional transit authority 567  
police officer, or state highway patrol police officer. PERS law 568  
enforcement officer also includes a person serving as a municipal 569  
public safety director at any time during the period from 570  
September 29, 2005, to ~~the effective date of this amendment~~ March 571  
24, 2009, if the duties of that service were to preserve the 572  
peace, protect life and property, and enforce the laws of this 573  
state. 574

~~(XX)~~(WW) "Hamilton county municipal court bailiff" means a 575  
person appointed by the clerk of courts of the Hamilton county 576  
municipal court under division (A)(3) of section 1901.32 of the 577  
Revised Code who is employed full time as a bailiff or deputy 578  
bailiff, who has received a certificate attesting to the person's 579  
satisfactory completion of the peace officer basic training 580  
described in division (D)(1) of section 109.77 of the Revised 581  
Code. 582

~~(YY)~~(XX) "PERS public safety officer" means a Hamilton county 583  
municipal court bailiff, or any of the following whose primary 584  
duties are other than to preserve the peace, protect life and 585  
property, and enforce the laws of this state: a deputy sheriff, 586  
township constable or police officer in a township police 587  
department or district, drug agent, department of public safety 588  
enforcement agent, natural resources law enforcement staff 589  
officer, park officer, forest officer, preserve officer, wildlife 590  
officer, state watercraft officer, park district police officer, 591  
conservancy district officer, veterans' home police officer, 592  
special police officer for a mental health institution, special 593  
police officer for an institution for the ~~mentally retarded and~~ 594  
developmentally disabled, state university law enforcement 595  
officer, municipal police officer, house sergeant at arms, 596  
assistant house sergeant at arms, regional transit authority 597  
police officer, or state highway patrol police officer. PERS 598  
public safety officer also includes a person serving as a 599  
municipal public safety director at any time during the period 600  
from September 29, 2005, to ~~the effective date of this amendment~~ 601  
March 24, 2009, if the duties of that service were other than to 602  
preserve the peace, protect life and property, and enforce the 603  
laws of this state. 604

~~(ZZ)~~(YY) "Fiduciary" means a person who does any of the 605  
following: 606

(1) Exercises any discretionary authority or control with 607  
respect to the management of the system or with respect to the 608  
management or disposition of its assets; 609

(2) Renders investment advice for a fee, direct or indirect, 610  
with respect to money or property of the system; 611

(3) Has any discretionary authority or responsibility in the 612  
administration of the system. 613

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

- (1) Is a member of the American academy of actuaries;
- (2) Is an associate or fellow of the society of actuaries;
- (3) Has a minimum of five years' experience in providing  
actuarial services to public retirement plans.

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

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

**Sec. 145.016. Contributing service shall be allowed in**  
**accordance with the following:**

(A) For service before the first full calendar year beginning  
on or after the effective date of this section, credit for any  
contributing service shall be allowed as follows:

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

(2) For each month for which the member's earnable salary is  
less than two hundred fifty dollars, allow a fraction of a month's  
credit. The numerator of this fraction shall be the earnable  
salary during the month, and the denominator shall be two hundred  
fifty dollars, except that if the member's annual earnable salary  
is less than six hundred dollars, the member's credit shall not be  
reduced below twenty per cent of a year for a calendar year of  
employment during which the member worked each month. Division  
(A)(2) of this section shall not reduce any credit earned before  
January 1, 1985.

(B) For service during or after the first full calendar year  
beginning after the effective date of this section, credit for any

contributing service shall be allowed in accordance with the 643  
following: 644

(1) For each month for which the member's earnable salary 645  
equals or exceeds the amount specified in division (B)(1)(a) or 646  
(b) of this section, as appropriate, allow one month's credit: 647

(a) For the first full calendar year beginning after the 648  
effective date of this section, one thousand dollars; 649

(b) For each calendar year thereafter, the sum of the prior 650  
year's amount plus the amount determined by multiplying the prior 651  
year's amount by the average wage index as described in 20 C.F.R. 652  
404.272, as amended, rounded up to the next dollar for the most 653  
recent year for which information is available on June 30 of the 654  
year immediately preceding the year for which the sum is being 655  
calculated. 656

(2) Except as provided in division (C) of this section, for 657  
each month that the member's earnable salary is less than the 658  
appropriate amount specified in division (B)(1) of this section, 659  
allow a fraction of a month's credit. The numerator of the 660  
fraction shall be the earnable salary during the month and the 661  
denominator shall be the amount specified in division (B)(1)(a) or 662  
(b) of this section, as appropriate. Division (B) of this section 663  
shall not reduce any credit earned before the first full calendar 664  
year beginning after the effective date of this section. 665

(C) Notwithstanding any other provision of this section, an 666  
elected official who prior to January 1, 1980, was granted a full 667  
year of credit for each year of service as an elected official 668  
shall be considered to have earned a full year of credit for each 669  
year of service regardless of whether the service was full-time or 670  
part-time. The public employees retirement board has no authority 671  
to reduce the credit. 672

Sec. 145.017. (A) For a person eligible for a retirement allowance under division (A)(1) of section 145.32 of the Revised Code or division (B) or (E)(1) of section 145.332 of the Revised Code, the number of years used in the calculation of final average salary shall be three and the sum of the earnable salary for those years shall be divided by three.

(B) For a person eligible for a retirement allowance under division (A)(2) of section 145.32 of the Revised Code or division (C) or (E)(2) of section 145.332 of the Revised Code, the number of years used in the calculation of final average salary shall be five and the sum of the earnable salary for those years shall be divided by five.

(C) For a person eligible for a retirement allowance under section 145.331 of the Revised Code or a benefit under section 145.36 or 145.361 of the Revised Code, the number of years used in the calculation of final average salary shall be five and the sum of the earnable salary for those years shall be divided by five, except that if the person is eligible for a retirement allowance under division (A)(1) of section 145.32 of the Revised Code or division (B) or (E)(1) of section 145.332 of the Revised Code, or if able to continue in employment subject to this chapter would be eligible, the number of years used in the calculation of final average salary shall be three and the sum of the earnable salary for those years shall be divided by three.

(D) For a person eligible for a benefit under section 145.45 of the Revised Code, the number of years used in the calculation of final average salary shall be five and the sum of the earnable salary for those years shall be divided by five, except that if the deceased member would have been eligible for a retirement allowance under division (A)(1) of section 145.32 of the Revised Code or division (B) or (E)(1) of section 145.332 of the Revised

Code, or if able to continue in employment subject to this chapter 704  
would have been eligible had the member not died, the number of 705  
years used in the calculation of final average salary shall be 706  
three and the sum of the earnable salary for those years shall be 707  
divided by three. 708

**Sec. 145.036.** On or before the last day of January of each 709  
year, each public employer shall transmit to the public employees 710  
retirement system a list of all individuals providing personal 711  
services who at any time during the preceding calendar year 712  
received compensation from the employer for which no contributions 713  
were deducted under section 145.47 of the Revised Code because the 714  
employer classified the individual as an independent contractor or 715  
another classification other than public employee or any other 716  
reason. The list shall contain the name of the individual and any 717  
other information required by the system. 718

If there is doubt at the time the list is compiled or at any 719  
other time regarding whether an individual providing personal 720  
services to a public employer is a public employee, the employer 721  
shall make a written request to the public employees retirement 722  
board for a determination of whether the individual is a public 723  
employee for the purposes of this chapter. On receipt of the 724  
request, the board shall determine whether the individual is a 725  
public employee with regard to the services in question. If the 726  
board determines that the individual is not a public employee, for 727  
the purposes of this chapter the individual shall be considered an 728  
independent contractor with regard to the services in question. 729  
The board's determination is final. 730

The board shall notify the individual and the employer of its 731  
determination. The determination shall apply to services performed 732  
before, on, or after the effective date of this section for the 733  
same employer in the same capacity. 734



Sec. 145.037. (A) As used in this section and section 145.038 735  
of the Revised Code, "business entity" means a corporation, 736  
association, firm, limited liability company, partnership, sole 737  
proprietorship, or other entity engaged in business. 738

(B)(1) Except as provided in division (B)(2) of this section, 739  
an individual who provided personal services to a public employer 740  
on or before the effective date of this section but was not 741  
classified as a public employee may request from the public 742  
employees retirement board a determination of whether the 743  
individual should have been classified as a public employee for 744  
purposes of this chapter. The request shall be made on a form 745  
provided by the board. 746

(2) Division (B)(1) of this section does not apply to an 747  
individual employed by a business entity under contract with a 748  
public employer to provide personal services to the employer. 749

(C) Not later than thirty days after the effective date of 750  
this section, the board shall notify each employer of the right of 751  
an individual described in division (B)(1) of this section to seek 752  
the determination described in that division. The notice shall be 753  
accompanied by copies of the form described in division (B)(1) of 754  
this section. 755

Not later than sixty days after the effective date of this 756  
section, the employer shall send to each individual described in 757  
division (B)(1) of this section a copy of the form provided by the 758  
retirement system and written notice of the right to seek a 759  
determination of whether the individual should have been 760  
classified as a public employee. The notice shall be sent to the 761  
individual's last known address on record with the employer. 762

On receipt of a properly completed form, the board shall 763  
determine whether the individual should have been classified as a 764  
public employee. If the board determines that the individual is 765

not a public employee with regard to the services in question, for 766  
the purposes of this chapter the individual shall be considered an 767  
independent contractor with regard to the services in question. 768  
The board's determination is final. 769

The board shall notify the individual and the employer of its 770  
determination. The determination shall apply to services performed 771  
before, on, or after the effective date of this section for the 772  
same employer in the same capacity. 773

(D) Regardless of whether an individual actually receives 774  
notice under this section, the request for a determination must be 775  
made not later than one year after the effective date of this 776  
section unless the individual can demonstrate to the board's 777  
satisfaction through medical records that at the time the one-year 778  
period ended the individual was physically or mentally 779  
incapacitated and unable to request a determination. 780

**Sec. 145.038.** (A) A public employer who on or after the 781  
effective date of this section begins to receive personal services 782  
from an individual it classifies as an independent contractor or 783  
another classification other than public employee shall inform the 784  
individual of the classification and that no contributions will be 785  
made to the public employees retirement system. Not later than 786  
thirty days after the services begin, the employer shall require 787  
the individual to acknowledge, in writing on a form provided by 788  
the system, that the individual has been informed that the 789  
employer does not consider the individual a public employee and no 790  
contributions will be made to the public employees retirement 791  
system. The employer shall retain the acknowledgement and 792  
immediately transmit a copy of it to the system. 793

(B)(1) Regardless of whether the individual has made an 794  
acknowledgement under division (A) of this section and, except as 795  
provided in division (B)(2) of this section, an individual may 796

request that the public employees retirement board determine 797  
whether the individual is a public employee for purposes of this 798  
chapter. 799

(2) Division (B)(1) of this section does not apply to an 800  
individual employed by a business entity under contract with a 801  
public employer to provide personal services to the employer. 802

(C) A request for a determination must be made not later than 803  
five years after the individual begins to provide personal 804  
services to the employer, unless one of the following is the case: 805

(1) The individual demonstrates to the board's satisfaction 806  
through medical records that at the time the five-year period 807  
ended the individual was physically or mentally incapacitated and 808  
unable to request a determination; 809

(2) The employer has not obtained or has failed to retain the 810  
acknowledgement required by division (A) of this section. 811

(D) On receipt of a request under division (B)(1) of this 812  
section, the board shall determine whether the individual is a 813  
public employee for the purposes of this chapter. If the board 814  
determines that the individual is not a public employee, for the 815  
purposes of this chapter the individual shall be considered an 816  
independent contractor with regard to the services in question. 817  
The board's determination is final. 818

The board shall notify the individual and the employer of its 819  
determination. The determination shall apply to services performed 820  
before, on, or after the effective date of this section for the 821  
same employer in the same capacity. 822

(E) The board may adopt rules under section 145.09 of the 823  
Revised Code to implement this section and sections 145.036 and 824  
145.037 of the Revised Code. 825

**Sec. 145.20.** (A) Any elective official of the state of Ohio 826

or of any political subdivision thereof having employees in the 827  
public employees retirement system shall be considered as an 828  
employee of the state or such political subdivision, and may 829  
become a member of the system upon application to the public 830  
employees retirement board, with all the rights, privileges, and 831  
obligations of membership. An elective official who becomes a 832  
member of the system on or after ~~the date the public employees~~ 833  
~~retirement board first establishes a PERS defined contribution~~ 834  
~~plan~~ January 1, 2003, shall make an election pursuant to section 835  
145.19 of the Revised Code not later than one hundred eighty days 836  
after applying for membership in the system. The election is 837  
effective as of the date the official applies for membership and 838  
is irrevocable on receipt by the system. If a form evidencing an 839  
election is not received by the system not later than the last day 840  
of the one-hundred-eighty-day period, the official is deemed to 841  
have elected to participate in the PERS defined benefit plan. 842

~~(B) Service as any such elective official by any member of~~ 843  
~~the system rendered prior to January 1, 1935, shall be included as~~ 844  
~~prior service, provided the member does both of the following:~~ 845

~~(1) Completes three years of contributing service, or the~~ 846  
~~equivalent thereof, in the public employees retirement system~~ 847  
~~subsequent to the date that membership is established;~~ 848

~~(2) Participates in the PERS defined benefit plan or a PERS~~ 849  
~~defined contribution plan with definitely determinable benefits.~~ 850

~~(C)~~ Credit for service between January 1, 1935, and the date 851  
that membership is established, except service as an elective 852  
official that was subject to the tax on wages imposed by the 853  
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 854  
U.S.C.A. 3101, as amended, may be secured by the elective official 855  
provided the elective official does all of the following: 856

(1) Pays into the employees' savings fund an amount 857

determined by applying the member contribution rate in effect at 858  
the time of payment to the earnable salary of the member during 859  
all periods of service after January 1, 1935, covered by this 860  
chapter, for which contributions have not been paid, plus interest 861  
on such amount compounded annually at a rate to be determined 862  
specified by the board that is equal to one hundred per cent of 863  
the additional liability resulting from the purchase of that year 864  
or portion of a year of credit as determined by an actuary 865  
employed by the board; 866

(2) Completes one and one-half years of contributing 867  
membership in the public employees retirement system subsequent to 868  
the date membership was established; 869

(3) Participates in the PERS defined benefit plan or a PERS 870  
defined contribution plan with definitely determinable benefits. 871

A member may choose to purchase in any one payment only part 872  
of the credit the member is eligible to purchase, subject to board 873  
rules. The public employees retirement board shall determine the 874  
amount and manner of payment. In the event of death or withdrawal 875  
from service, the payment into the employees' savings fund for 876  
such service credit shall be considered as accumulated 877  
contributions of the member. 878

**Sec. 145.201.** (A) Subject to the limit described in division 879  
(C) of this section, any member who is or has been an elected 880  
official of the state or any political subdivision thereof or has 881  
been appointed by the governor with the advice and consent of the 882  
senate to serve full-time as a member of a board, commission, or 883  
other public body may at any time prior to retirement purchase 884  
additional service credit in an amount not to exceed thirty-five 885  
per cent of the service credit allowed the member for the period 886  
of service as an elected or appointed official subsequent to 887  
January 1, 1935, other than credit for military service, part-time 888

service, and service subject to the tax on wages imposed by the 889  
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 890  
U.S.C.A. 3101, as amended. 891

~~The For each year of additional service credit may be 892~~  
~~purchased by paying under this section, the member shall pay into 893~~  
~~the employees' savings fund an amount computed by multiplying by 894~~  
~~the employee contribution rate in effect at the time of purchase 895~~  
~~the member's earnable salary for the period of service upon which 896~~  
~~the purchased credit is based, by the number of years or portions 897~~  
~~thereof of additional service credit to be purchased, and by 898~~  
~~paying into the employers' accumulation fund an amount equal to 899~~  
~~the full amount paid into the employees' savings fund. If a member 900~~  
~~purchases less than the full amount of the additional service 901~~  
~~credit to which the member is entitled, the period of service upon 902~~  
~~which the purchase is computed shall be the member's earliest 903~~  
~~period of such service specified by the public employees 904~~  
~~retirement board that is equal to one hundred per cent of the 905~~  
~~additional liability resulting from the purchase of that year or 906~~  
~~portion of a year of credit as determined by an actuary employed 907~~  
~~by the board. The member shall receive full credit for such 908~~  
additional elective service in computing an allowance or benefit 909  
under section ~~145.20~~, 145.33, 145.331, 145.332, 145.34, 145.36, 910  
145.361, or 145.46 of the Revised Code, notwithstanding any other 911  
provision of this chapter. The payment to the employees' savings 912  
fund, and payments made to the employers' accumulation fund prior 913  
to the effective date of this amendment, for such additional 914  
elective service credit shall, in the event of death or withdrawal 915  
from service, be considered as accumulated contributions of the 916  
member. 917

A member of a board, commission, or other public body shall 918  
be considered to be serving full-time if full-time service is 919  
required by law or if the director of administrative services 920

determines that the duties of the position require full-time 921  
service. 922

(B) Notwithstanding division (A) of this section, a member 923  
who purchased service credit under this section prior to January 924  
1, 1980, on the basis of part-time service shall be permitted to 925  
retain the credit and shall be given full credit for it in 926  
computing an allowance or benefit under section ~~145.20~~, 145.33, 927  
145.331, 145.332, 145.34, 145.36, 145.361, or 145.46 of the 928  
Revised Code. The public employees retirement board has no 929  
authority to cancel or rescind such credit. 930

(C) A purchase made under this section shall not exceed the 931  
limits established by division (n) of section 415 of the "Internal 932  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 933  
amended. 934

(D) Subject to rules adopted by the public employees 935  
retirement board, a member who has purchased service credit under 936  
this section is entitled to be refunded all or a portion of the 937  
actual amount the member paid for the service credit if, in 938  
computing an age and service retirement allowance under ~~division~~ 939  
~~(A)(5)~~ of section ~~145.33~~ 145.332 of Revised Code, the allowance 940  
exceeds the limit established by ~~division (A)(6)~~ of that section. 941

A refund under this division cancels the equivalent amount of 942  
service credit. 943

**Sec. 145.22.** (A) The public employees retirement board shall 944  
have prepared annually by or under the supervision of an actuary 945  
an actuarial valuation of the pension assets, liabilities, and 946  
funding requirements of the public employees retirement system as 947  
established pursuant to this chapter. The actuary shall complete 948  
the valuation in accordance with actuarial standards of practice 949  
promulgated by the actuarial standards board of the American 950  
academy of actuaries and prepare a report of the valuation. The 951

report shall include all of the following: 952

(1) A summary of the benefit provisions evaluated; 953

(2) A summary of the census data and financial information 954  
used in the valuation; 955

(3) A description of the actuarial assumptions, actuarial 956  
cost method, and asset valuation method used in the valuation, 957  
including a statement of the assumed rate of payroll growth and 958  
assumed rate of growth or decline in the number of members 959  
contributing to the retirement system; 960

(4) A summary of findings that includes a statement of the 961  
actuarial accrued pension liabilities and unfunded actuarial 962  
accrued pension liabilities; 963

(5) A schedule showing the effect of any changes in the 964  
benefit provisions, actuarial assumptions, or cost methods since 965  
the last annual actuarial valuation; 966

(6) A statement of whether contributions to the retirement 967  
system are expected to be sufficient to satisfy the funding 968  
objectives established by the board. 969

The board shall submit the report to the Ohio retirement 970  
study council and the standing committees of the house of 971  
representatives and the senate with primary responsibility for 972  
retirement legislation not later than the first day of September 973  
following the year for which the valuation was made. 974

(B) At such time as the public employees retirement board 975  
determines, and at least once in each five-year period, the board 976  
shall have prepared by or under the supervision of an actuary an 977  
actuarial investigation of the mortality, service, and other 978  
experience of the members, retirants, contributors, and 979  
beneficiaries of the system to update the actuarial assumptions 980  
used in the actuarial valuation required by division (A) of this 981



section. The actuary shall prepare a report of the actuarial 982  
investigation. The report shall be prepared and any recommended 983  
changes in actuarial assumptions shall be made in accordance with 984  
the actuarial standards of practice promulgated by the actuarial 985  
standards board of the American academy of actuaries. The report 986  
shall include all of the following: 987

(1) A summary of relevant decrement and economic assumption 988  
experience observed over the period of the investigation; 989

(2) Recommended changes in actuarial assumptions to be used 990  
in subsequent actuarial valuations required by division (A) of 991  
this section; 992

(3) A measurement of the financial effect of the recommended 993  
changes in actuarial assumptions. 994

The board shall submit the report to the Ohio retirement 995  
study council and the standing committees of the house of 996  
representatives and the senate with primary responsibility for 997  
retirement legislation not later than the first day of November 998  
following the last fiscal year of the period the report covers. 999

(C) The board may at any time request the actuary to make any 1000  
studies or actuarial valuations to determine the adequacy of the 1001  
contribution rate determined under section 145.48 of the Revised 1002  
Code, and those rates may be adjusted by the board, as recommended 1003  
by the actuary, effective as of the first of any year thereafter. 1004

(D) The board shall have prepared by or under the supervision 1005  
of an actuary an actuarial analysis of any introduced legislation 1006  
expected to have a measurable financial impact on the retirement 1007  
system. The actuarial analysis shall be completed in accordance 1008  
with the actuarial standards of practice promulgated by the 1009  
actuarial standards board of the American academy of actuaries. 1010  
The actuary shall prepare a report of the actuarial analysis, 1011  
which shall include all of the following: 1012

(1) A summary of the statutory changes that are being evaluated;	1013 1014
(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	1015 1016
(3) A description of the participant group or groups included in the report;	1017 1018
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;	1019 1020 1021 1022 1023 1024 1025
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	1026 1027 1028 1029
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	1030 1031 1032 1033 1034 1035
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under sections <del>145.325</del> and 145.58 and <u>145.584</u> of the Revised Code. The report shall be made as of December 31, 1997, and the thirty-first day of December of each year thereafter. The report shall include the following:	1036 1037 1038 1039 1040 1041
(1) A description of the statutory authority for the benefits provided;	1042 1043

(2) A summary of the benefits;	1044
(3) A summary of the eligibility requirements for the benefits;	1045 1046
(4) A statement of the number of participants eligible for the benefits;	1047 1048
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	1049 1050
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	1051 1052
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	1053 1054 1055 1056 1057
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	1058 1059 1060 1061
(9) A description of any significant changes that affect the comparability of the report required under this division;	1062 1063
(10) A statement of the amount paid under division (C) of section 145.58 of the Revised Code.	1064 1065
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the thirtieth day of June following the year for which the report was made.	1066 1067 1068 1069 1070
<b>Sec. 145.28.</b> (A)(1) Except as provided in division (A)(2) of this section, a member of the public employees retirement system	1071 1072

with at least eighteen months of contributing service in the 1073  
system, the state teachers retirement system, or the school 1074  
employees retirement system who exempted self from membership in 1075  
one or more of the systems pursuant to section 145.03 or 3309.23 1076  
of the Revised Code, or former section 3307.25 or 3309.25 of the 1077  
Revised Code, or was exempt under section 3307.24 of the Revised 1078  
Code, may purchase credit for each year or portion of a year of 1079  
service for which the member was exempted. 1080

(2) A member may not purchase credit under this section for 1081  
exempted service if the service was exempted from contribution 1082  
under section 145.03 of the Revised Code and subject to the tax on 1083  
wages imposed by the "Federal Insurance Contributions Act," 68A 1084  
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 1085

~~(B) For each year or portion of a year of credit purchased 1086  
under this section, a member shall pay to the retirement system an 1087  
amount determined by multiplying the member's earnable salary for 1088  
the twelve months of contributing service preceding the month in 1089  
which the member applies to purchase the credit by a percentage 1090  
rate established by rule of the public employees retirement board 1091  
adopted under division (F) of this section. 1092~~

~~(C) Subject to board rules, a member may purchase all or part 1093  
of the credit the member is eligible to purchase under this 1094  
section in one or more payments. If the member purchases the 1095  
credit in more than one payment, compound interest at a rate 1096  
specified by rule of the board shall be charged on the balance 1097  
remaining after the first payment is made. 1098~~

~~(D) Credit shall be purchased under this section in 1099  
accordance with section 145.29 of the Revised Code. 1100~~

(C) Credit purchasable under this section shall not exceed 1101  
one year of service for any twelve-month period. If the period of 1102  
service for which credit is purchasable under this section is 1103

concurrent with a period of service that will be used to calculate 1104  
a retirement benefit from this system, the state teachers 1105  
retirement system, or school employees retirement system, the 1106  
amount of the credit shall be adjusted in accordance with rules 1107  
adopted by the public employees retirement board. 1108

A member who is also a member of the state teachers 1109  
retirement system or the school employees retirement system shall 1110  
purchase credit for any service for which the member exempted self 1111  
under section 145.03 or 3309.23 of the Revised Code, or former 1112  
section 3307.25 or 3309.25 of the Revised Code, or was exempt 1113  
under section 3307.24 of the Revised Code, from the retirement 1114  
system in which the member has the greatest number of years of 1115  
service credit. If the member receives benefits under section 1116  
145.37 of the Revised Code, the retirement system that determines 1117  
and pays the benefit shall receive from the other system or 1118  
systems the amounts paid by the member for purchase of credit for 1119  
exempt service plus interest at the actuarial assumption rate of 1120  
the system paying that amount. The interest shall be for the 1121  
period beginning on the date of the member's last payment for 1122  
purchase of the credit and ending on the date of the member's 1123  
retirement. 1124

~~(E) If a member dies or withdraws from service, any payment 1125~~  
~~made by the member under this section shall be considered as 1126~~  
~~accumulated contributions of the member. 1127~~

~~(F)~~(D) The retirement board shall adopt rules to implement 1128  
this section. 1129

**Sec. 145.29.** (A) A member of the public employees retirement 1130  
system who elects to purchase or otherwise obtain service credit 1131  
under section 145.28, 145.291, 145.292, 145.293, or 145.299 or 1132  
division (C) of section 145.47 of the Revised Code shall do both 1133  
of the following: 1134

(1) Submit an application to the public employees retirement 1135  
board in a manner or form approved by the board; 1136

(2) For each year, or portion of a year, of credit purchased 1137  
or otherwise obtained, pay to the employees' savings fund an 1138  
amount specified by the board that is equal to one hundred per 1139  
cent of the additional liability resulting from the purchase or 1140  
obtainment of that year or portion of a year of credit as 1141  
determined by an actuary employed by the board. 1142

(B) Subject to board rules, a member may choose to purchase 1143  
or otherwise obtain only part of any eligible service credit in 1144  
any one payment. 1145

**Sec. 145.291.** Any member of the public employees retirement 1146  
system who subsequent to January 1, 1935, and the date membership 1147  
was established was off the payroll either on a leave of absence 1148  
approved by the then appointing authority or because the member 1149  
resigned due to pregnancy or adoption of a child, ~~shall have the~~ 1150  
~~right to make such payment, at the contribution rate in effect at~~ 1151  
~~the time of payment, with interest on such amount compounded~~ 1152  
~~annually at a rate to be determined by the retirement board as the~~ 1153  
~~member would have made if the member had continued on the payroll~~ 1154  
~~at the earnable salary the member was receiving at the time public~~ 1155  
~~service was interrupted~~ may purchase service credit for the period 1156  
of absence or resignation, provided that subsequent to such leave 1157  
of absence or resignation the member returned to regular 1158  
contributing status in the retirement system for at least twelve 1159  
calendar months. In the case of resignation, the member must 1160  
submit evidence satisfactory to the retirement board documenting 1161  
that the resignation was due to pregnancy or adoption of a child. 1162

~~The member may choose to purchase only part of the credit in~~ 1163  
~~any one payment, subject to board rules. The payment shall entitle~~ 1164  
~~the member to receive service credit for the leave or period of~~ 1165

~~absence, Credit shall be purchased under this section in~~ 1166  
~~accordance with section 145.29 of the Revised Code, except that~~ 1167  
~~service credit purchased under this section shall not exceed one~~ 1168  
~~year. The payment, together with any regular interest, shall, in~~ 1169  
~~the event of death or withdrawal from service of the member prior~~ 1170  
~~to retirement, be considered as accumulated contributions of the~~ 1171  
~~member.~~ 1172

**Sec. ~~145.29~~ 145.292.** ~~Three years of contributing membership~~ 1173  
~~in the public employees retirement system subsequent to the date~~ 1174  
~~that membership is established entitles a member to receive prior~~ 1175  
~~service credit for services prior to January 1, 1935, in any~~ 1176  
~~capacity which comes under this chapter, provided that such member~~ 1177  
~~has not lost membership at any time by the withdrawal of the~~ 1178  
~~member's accumulated contributions. Members who have withdrawn an~~ 1179  
~~exemption shall receive the prior service credit provided for~~ 1180  
~~under the conditions of this section, only in the event such~~ 1181  
~~member has made the payments required by section 145.28 of the~~ 1182  
~~Revised Code. If the public employees retirement board determines~~ 1183  
~~that a position of any employee member in any one calendar year~~ 1184  
~~prior to January 1, 1935, was a part time position, the board may~~ 1185  
~~determine what fractional part of a year's credit shall be given.~~ 1186  
~~In determining what credit shall be allowed to regular, full-time~~ 1187  
~~employees who are paid on an hourly or per diem basis, the board~~ 1188  
~~shall allow a full day's credit to any employee toward retirement~~ 1189  
~~who is called to work and works any portion of a day. Credit for~~ 1190  
~~service between January 1, 1935, and the date of becoming a member~~ 1191  
~~of the public employees retirement system except a part-time~~ 1192  
~~employee who claimed exemption under the provisions of section~~ 1193  
~~145.03 of the Revised Code, may be secured~~ purchased by any public 1194  
~~employee for service rendered an employer~~ ~~provided such public~~ 1195  
~~employee pays into the employees' savings fund an amount equal to~~ 1196  
~~the amount the member would have paid if deductions had been taken~~ 1197

~~on the member's earnable salary at the member contribution rate in 1198~~  
~~effect at the time of such payment for service after January 1, 1199~~  
~~1935, or since the member's date of employment, plus interest on 1200~~  
~~such amount compounded annually at a rate to be determined by the 1201~~  
~~board. The member may choose to purchase only part of such credit 1202~~  
~~in any one payment, subject to board rules. Such payment shall be 1203~~  
~~refunded in the event of the death or withdrawal from service of 1204~~  
~~the member prior to retirement under the same conditions and in 1205~~  
~~the same manner as refunds are made under sections 145.40 and 1206~~  
~~145.43 of the Revised Code, from the employees' savings fund. 1207~~  
Credit shall be purchased under this section in accordance with 1208  
section 145.29 of the Revised Code. 1209

**Sec. 145.293.** (A) Service credit may be purchased under this 1210  
section ~~shall be included in the member's total service credit. 1211~~  
~~Credit may be purchased~~ for the following: 1212

(1) Service rendered in another state, and service in any 1213  
entity operated by the United States government, that, if served 1214  
in a comparable position in Ohio, would be covered by the public 1215  
employees retirement system, Ohio police and fire pension fund, 1216  
state teachers retirement system, school employees retirement 1217  
system, or state highway patrol retirement system; 1218

(2) Service for which contributions were made by the member 1219  
or on the member's behalf to a municipal retirement system in this 1220  
state, except that if the conditions specified in section 145.2910 1221  
of the Revised Code are met, service credit for this service may 1222  
be purchased only in accordance with section 145.2911 of the 1223  
Revised Code. 1224

The number of years purchased under this section shall not 1225  
exceed the lesser of five years or the member's total accumulated 1226  
number of years of Ohio service. 1227

(B) ~~For each year of service purchased, a member shall pay to 1228~~



~~the public employees retirement system for credit to the member's~~ 1229  
~~accumulated account an amount equal to the member's retirement~~ 1230  
~~contribution for full-time employment for the first year of Ohio~~ 1231  
~~service following termination of the service to be purchased. To~~ 1232  
~~this amount shall be added an amount equal to compound interest at~~ 1233  
~~a rate established by the public employees retirement board from~~ 1234  
~~the date of membership in the public employees retirement system~~ 1235  
~~to date of payment. The member may choose to purchase only part of~~ 1236  
~~such credit in any one payment, subject to board rules~~ 1237  
Credit shall be purchased under this section in accordance with section 1238  
145.29 of the Revised Code. 1239

(C) A member is ineligible to purchase under this section 1240  
credit for service for which the member has obtained credit under 1241  
former section 145.44 of the Revised Code or service that is used 1242  
in the calculation of any retirement benefit currently being paid 1243  
or payable in the future to the member under any other retirement 1244  
program except social security. At the time the credit is 1245  
purchased the member shall certify on a form furnished by the 1246  
retirement board that the member does and will conform to this 1247  
requirement. 1248

(D) Credit purchased under this section may be combined 1249  
pursuant to section 145.37 with credit purchased under sections 1250  
3307.74 and 3309.31 of the Revised Code, except that not more than 1251  
an aggregate total of five years' service credit purchased under 1252  
this section and sections 3307.74 and 3309.31 of the Revised Code 1253  
shall be used in determining retirement eligibility or calculating 1254  
benefits under section 145.37 of the Revised Code. 1255

**Sec. 145.294.** (A)(1) The public employees retirement board 1256  
may establish by rule a payroll deduction plan for payment of the 1257  
cost of restoring service credit under section 145.31 or 145.311 1258  
of the Revised Code or purchasing any service credit members of 1259

the public employees retirement system are eligible to purchase 1260  
under this chapter, or for making additional deposits under 1261  
section 145.583 or 145.62 of the Revised Code. In addition to any 1262  
other matter considered relevant by the board, the rules shall 1263  
specify all of the following: 1264

~~(1)~~(a) The types of service credit that may be paid for 1265  
through payroll deduction, including the section of the Revised 1266  
Code that authorizes the purchase of each type of service credit 1267  
for which payment may be made by payroll deduction; 1268

~~(2)~~(b) The procedure for informing the member's employer and 1269  
the system that the member wishes to purchase service credit under 1270  
this chapter or make additional deposits under section 145.583 or 1271  
145.62 of the Revised Code through payroll deduction; 1272

~~(3)~~(c) The procedure to be followed by the system and 1273  
employers to determine for each request the amount to be deducted, 1274  
the number of deductions to be made, and the interval at which 1275  
deductions will be made. The rules may provide for a minimum 1276  
amount for each deduction or a maximum number of deductions for 1277  
the purchase of any type of credit. 1278

~~(4)~~(d) The procedure to be followed by employers in 1279  
transmitting amounts deducted from the salaries of their employees 1280  
to the system; 1281

~~(5)~~(e) The procedure to be followed by the system in 1282  
crediting service credit to members who choose to purchase it 1283  
through payroll deduction. 1284

~~(B)~~(2) If the board establishes a payroll deduction plan 1285  
under this ~~section~~ division, it shall certify to the member's 1286  
employer for each member for whom deductions are to be made, the 1287  
amount of each deduction and the payrolls from which deductions 1288  
are to be made. The employer shall make the deductions as 1289  
certified and transmit the amounts deducted in accordance with the 1290

rules established by the board under this section. 1291

~~(C)~~(3) Rules adopted under this ~~section~~ division shall not 1292  
affect any right to purchase service credit conferred by any other 1293  
section of the Revised Code, including the right of a member under 1294  
any such section to purchase only part of the service credit the 1295  
member is eligible to purchase. 1296

~~(D)~~(4) No payroll deduction made pursuant to this ~~section~~ 1297  
division may exceed the amount of a member's net compensation 1298  
after all other deductions and withholdings required by law. 1299

(B) The public employees retirement board may establish by 1300  
rule a payment plan for the cost of restoring service credit under 1301  
section 145.31 or 145.311 of the Revised Code or purchasing any 1302  
service credit members of the public employees retirement system 1303  
may purchase under this chapter. The plan may provide for partial 1304  
payments and for payments by payroll deduction under division (A) 1305  
of this section. 1306

On receipt of a request from a member eligible to restore or 1307  
purchase service credit, the system shall determine and give 1308  
notice to the member of the total cost of the credit and the time 1309  
period in which the payments must be made for the credit to be 1310  
available at that cost. The system may specify the amount and 1311  
frequency of payments for credit not purchased in a single 1312  
payment. 1313

**Sec. 145.295.** (A) As used in this section and section 1314  
145.2913 of the Revised Code: 1315

(1) "Uniform retirement system" or "uniform system" means the 1316  
Ohio police and fire pension fund or state highway patrol 1317  
retirement system. 1318

(2) "Military service credit" means credit purchased or 1319  
obtained under this chapter or Chapter 742. or 5505. of the 1320

Revised Code for service in the armed forces of the United States. 1321

(B) A member of the public employees retirement system who 1322  
has contributions on deposit with, but is no longer contributing 1323  
to, a uniform retirement system shall, in computing years of 1324  
service, be given full credit for service credit earned under 1325  
Chapter 742. or 5505. of the Revised Code or for military service 1326  
credit if a transfer to the public employees retirement system is 1327  
made under this division. At the request of the member ~~7~~ a 1328  
transfer shall be made if all of the following conditions are met: 1329

(1) The member is eligible, or with the credit will be 1330  
eligible, for a retirement or disability benefit. 1331

(2) The member agrees to retire or accept a disability 1332  
benefit not later than ninety days after receiving notice from the 1333  
public employees retirement system that the credit has been 1334  
obtained; 1335

(3) For each year of service the uniform system ~~shall~~ 1336  
~~transfer~~ transfers to the public employees retirement system, ~~for~~ 1337  
~~each year of service,~~ the sum of the following: 1338

~~(1)~~ (a) An amount equal to the member's accumulated 1339  
contributions to the uniform system making the transfer and any 1340  
payments by the member for military service credit; 1341

~~(2)~~ (b) An amount equal to the lesser of the employer's 1342  
contributions to the uniform system or the amount that would have 1343  
been contributed by the employer for the service had the member 1344  
been employed by the member's current employer as a member of the 1345  
public employees retirement system at the time the credit was 1346  
earned; 1347

~~(3)~~ (c) Interest, determined as provided in division (H) of 1348  
this section, on the amounts specified in divisions (B) ~~(1)~~ (3) (a) 1349  
and ~~(2)~~ (b) of this section for the period from the last day of the 1350  
year for which the service credit in the uniform system was earned 1351

or in which the military service credit was purchased or obtained 1352  
to the date the transfer is made. 1353

(C) A member of the public employees retirement system who 1354  
has at least eighteen months of contributing service credit with 1355  
the public employees retirement system, who is a former member of 1356  
a uniform retirement system, and who has received a refund of the 1357  
member's accumulated contributions to that uniform system ~~shall,~~ 1358  
~~in computing years of service, be given full~~ may obtain credit for 1359  
service credit earned under Chapter 742. or 5505. of the Revised 1360  
Code or for military service credit if, ~~for~~ all of the following 1361  
conditions are met: 1362

(1) The member is eligible, or with the credit will be 1363  
eligible, for a retirement or disability benefit. 1364

(2) The member agrees to retire or accept a disability 1365  
benefit not later than ninety days after receiving notice from the 1366  
public employees retirement system that the credit has been 1367  
obtained. 1368

(3) For each year of service, the public employees retirement 1369  
system receives the sum of the following: 1370

~~(1)~~(a) An amount, which shall be paid by the member, equal to 1371  
the amount refunded by the uniform system to the member for that 1372  
year for accumulated contributions and payments for military 1373  
service credit, with interest at a rate established by the public 1374  
employees retirement board on that amount from the date of the 1375  
refund to the date of the payment; 1376

~~(2)~~(b) Interest, which shall be transferred by the uniform 1377  
system, on the amount refunded to the member that is attributable 1378  
to the year of service from the last day of the year for which the 1379  
service credit was earned or in which payment was made for 1380  
military service credit to the date the refund was made; 1381

~~(3)~~(c) An amount, which shall be transferred by the uniform 1382

system, equal to the lesser of the employer's contributions to the 1383  
uniform system or the amount that would have been contributed by 1384  
the employer for the service had the member been employed by the 1385  
member's current employer as a member of the public employees 1386  
retirement system at the time the credit was earned, with interest 1387  
on that amount from the last day of the year for which the service 1388  
credit was earned or in which payment was made for military 1389  
service credit to the date of the transfer. 1390

On receipt of payment from the member, the public employees 1391  
retirement system shall notify the uniform system, which, on 1392  
receipt of the notice, shall make the transfer required by this 1393  
division. Interest shall be determined as provided in division (H) 1394  
of this section. 1395

(D) A member of the public employees retirement system who 1396  
purchased credit under former division (A)(1) of this section, as 1397  
it existed before August 25, 1995, for service as a member of a 1398  
uniform retirement system may elect to have the amount the member 1399  
paid for this service credit refunded to the member under this 1400  
division if the member agrees to repurchase this service credit 1401  
pursuant to division (C) of this section. 1402

(E) Service credit purchased or otherwise obtained under this 1403  
section shall be considered the equivalent of Ohio service credit, 1404  
except that it shall not be used in determining eligibility for 1405  
any benefit provided under section 145.58 of the Revised Code. 1406

The public employees retirement system shall withdraw the 1407  
credit and refund all amounts paid or transferred under this 1408  
section if either of the following occurs: 1409

(1) The member fails to retire or accept a disability benefit 1410  
not later than ninety days after receiving notice from the public 1411  
employees retirement system that credit has been obtained. 1412

(2) The member's application for a disability benefit is 1413

denied. 1414

A member may choose to purchase only part of the credit the 1415  
member is eligible to purchase under division (C) of this section 1416  
~~in any one payment~~, subject to rules of the public employees 1417  
retirement board. A member is ineligible to purchase or otherwise 1418  
obtain credit under this section for service to be used in 1419  
calculation of any retirement benefit currently being paid or 1420  
payable to the member in the future under any other retirement 1421  
program or for service credit that may be transferred under 1422  
section 145.2913 of the Revised Code. 1423

(F) If a member of the public employees retirement system who 1424  
is not a current contributor elects to receive credit under 1425  
section 742.21 or 5505.40 of the Revised Code for service for 1426  
which the member contributed to the system or made payment for 1427  
military service credit, the system shall transfer to the Ohio 1428  
police and fire pension fund or the state highway patrol 1429  
retirement system, as applicable, the amount specified in division 1430  
(D) of section 742.21 or division (B)(2) of section 5505.40 of the 1431  
Revised Code. 1432

(G) A member of the public employees retirement system who 1433  
earned service credit in the public employees retirement system 1434  
for full-time service as a township or municipal police officer 1435  
and received service credit in the Ohio police and fire pension 1436  
fund under section 742.511 or 742.512 of the Revised Code for such 1437  
service may elect to have the credit restored as public employees 1438  
retirement system service credit by paying the public employees 1439  
retirement system an amount equal to the accumulated contributions 1440  
paid by the member to the Ohio police and fire pension fund under 1441  
section 742.511 or 742.512 of the Revised Code. When such an 1442  
election is made, the Ohio police and fire pension fund shall 1443  
transfer to the public employees retirement system the amount 1444  
previously transferred under section 742.511 or 742.512 of the 1445

Revised Code from the public employees retirement system to the 1446  
Ohio police and fire pension fund. 1447

(H) Interest charged under this section shall be calculated 1448  
separately for each year of service credit. Unless otherwise 1449  
specified in this section, it shall be calculated at the lesser of 1450  
the actuarial assumption rate for that year of the public 1451  
employees retirement system or of the uniform retirement system in 1452  
which the credit was earned. The interest shall be compounded 1453  
annually. 1454

(I) At the request of the public employees retirement system, 1455  
the uniform retirement system shall certify to the public 1456  
employees retirement system a copy of the records of the service 1457  
and contributions of a public employees retirement system member 1458  
who seeks service credit under this section. 1459

**Sec. 145.297.** (A) As used in this section, "employing unit" 1460  
means: 1461

(1) A municipal corporation, agency of a municipal 1462  
corporation designated by the legislative authority, park 1463  
district, conservancy district, sanitary district, health 1464  
district, township, department of a township designated by the 1465  
board of township trustees, metropolitan housing authority, public 1466  
library, county law library, union cemetery, joint hospital, or 1467  
other political subdivision or unit of local government. 1468

(2) With respect to state employees, any entity of the state 1469  
including any department, agency, institution of higher education, 1470  
board, bureau, commission, council, office, or administrative body 1471  
or any part of such entity that is designated by the entity as an 1472  
employing unit. 1473

(3)(a) With respect to employees of a board of alcohol, drug 1474  
addiction, and mental health services, that board. 1475



(b) With respect to employees of a county board of 1476  
developmental disabilities, that board. 1477

(c) With respect to other county employees, the county or any 1478  
county agency designated by the board of county commissioners. 1479

(4) In the case of an employee whose employing unit is in 1480  
question, the employing unit is the unit through whose payroll the 1481  
employee is paid. 1482

(B) An employing unit may establish a retirement incentive 1483  
plan for its eligible employees. In the case of a county or county 1484  
agency, decisions on whether to establish a retirement incentive 1485  
plan for any employees other than employees of a board of alcohol, 1486  
drug addiction, and mental health services or county board of 1487  
developmental disabilities and on the terms of the plan shall be 1488  
made by the board of county commissioners. In the case of a 1489  
municipal corporation or an agency of a municipal corporation, 1490  
decisions on whether to establish a retirement incentive plan and 1491  
on the terms of the plan shall be made by the legislative 1492  
authority. 1493

All terms of a retirement incentive plan shall be in writing. 1494

A retirement incentive plan shall provide for purchase by the 1495  
employing unit of service credit for eligible employees who elect 1496  
to participate in the plan and for payment by the employing unit 1497  
of the entire cost of the service credit purchased. 1498

Every retirement incentive plan shall remain in effect for at 1499  
least one year. The employing unit shall give employees at least 1500  
thirty days' notice before terminating the plan. 1501

Every retirement incentive plan shall include provisions for 1502  
the timely and impartial resolution of grievances and disputes 1503  
arising under the plan. 1504

No employing unit shall have more than one retirement 1505

incentive plan in effect at any time. 1506

(C) Any classified or unclassified employee of the employing 1507  
unit who is a member of the public employees retirement system 1508  
shall be eligible to participate in the retirement incentive plan 1509  
established by the employee's employing unit if the employee meets 1510  
the following criteria: 1511

(1) The employee is not any of the following: 1512

(a) An elected official; 1513

(b) A member of a board or commission; 1514

(c) A person elected to serve a term of fixed length; 1515

(d) A person appointed to serve a term of fixed length, other 1516  
than a person appointed and employed by the person's employing 1517  
unit. 1518

(2) The employee is or will be eligible to retire under 1519  
section ~~145.32~~ 145.33, 145.34, or 145.37, ~~or division (A) of~~ 1520  
~~section 145.33~~ of the Revised Code on or before the date of 1521  
termination of the retirement incentive plan. Service credit to be 1522  
purchased for the employee under the retirement incentive plan 1523  
shall be included in making such determination. 1524

(3) The employee agrees to retire under section ~~145.32~~ 1525  
145.33, 145.34, or 145.37, ~~or division (A) of section 145.33~~ of 1526  
the Revised Code within ninety days after receiving notice from 1527  
the public employees retirement system that service credit has 1528  
been purchased for the employee under this section. 1529

Participation in the plan shall be available to all eligible 1530  
employees except that the employing unit may limit the number of 1531  
participants in the plan to a specified percentage of its 1532  
employees who are members of the public employees retirement 1533  
system on the date the plan goes into effect. The percentage shall 1534  
not be less than five per cent of such employees. If participation 1535

is limited, employees with more total service credit have the 1536  
right to elect to participate before employees with less total 1537  
service credit. In the case of employees with the same total 1538  
service credit, employees with a greater length of service with 1539  
the employing unit have the right to elect to participate before 1540  
employees with less service with the employing unit. Employees 1541  
with less than eighteen months of service with the employing unit 1542  
have the right to elect to participate only after all other 1543  
eligible employees have been given the opportunity to elect to 1544  
participate. For the purpose of determining which employees may 1545  
participate in a plan, total service credit includes service 1546  
credit purchased by the employee under this chapter after the date 1547  
on which the plan is established. 1548

A retirement incentive plan that limits participation may 1549  
provide that an employee who does not notify the employing unit of 1550  
the employee's decision to participate in the plan within a 1551  
specified period of time will lose priority to participate in the 1552  
plan ahead of other employees with less seniority. The time given 1553  
to an employee to elect to participate ahead of other employees 1554  
shall not be less than thirty days after the employee receives 1555  
written notice that the employee may participate in the plan. 1556

(D) A retirement incentive plan shall provide for purchase of 1557  
the same amount of service credit for each participating employee, 1558  
except that the employer may not purchase more service credit for 1559  
any employee than the lesser of the following: 1560

(1) Five years of service credit; 1561

(2) An amount of service credit equal to one-fifth of the 1562  
total service credited to the participant under this chapter, 1563  
exclusive of service credit purchased under this section. 1564

For each year of service credit purchased under this section, 1565  
the employing unit shall pay an amount equal to the additional 1566

liability resulting from the purchase of that year of service 1567  
credit, as determined by an actuary employed by the public 1568  
employees retirement board. 1569

(E) Upon the election by an eligible employee to participate 1570  
in the retirement incentive plan, the employee and the employing 1571  
unit shall agree upon a date for payment or contracting for 1572  
payment in installments to the public employees retirement system 1573  
of the cost of the service credit to be purchased. The employing 1574  
unit shall submit to the public employees retirement system a 1575  
written request for a determination of the cost of the service 1576  
credit, and within forty-five days after receiving the request, 1577  
the board shall give the employing unit written notice of the 1578  
cost. 1579

The employing unit shall pay or contract to pay in 1580  
installments the cost of the service credit to be purchased to the 1581  
public employees retirement system on the date agreed to by the 1582  
employee and the employing unit. The payment shall be made in 1583  
accordance with rules adopted by the public employees retirement 1584  
board. The rules may provide for payment in installments and for 1585  
crediting the purchased credit to the employee's account upon the 1586  
employer's contracting to pay the cost in installments. The board 1587  
shall notify the member when the member is credited with service 1588  
purchased under this section. If the employee does not retire 1589  
within ninety days after receiving notice that the employee has 1590  
been credited with the purchased service credit, the system shall 1591  
refund to the employing unit the amount paid for the service 1592  
credit. 1593

No payment made to the public employees retirement system 1594  
under this section shall affect any payment required by section 1595  
145.48 of the Revised Code. 1596

(F) For the purpose of determining whether the cost of a 1597  
retirement incentive plan established by a county or county agency 1598

under this section is an allowable cost for the purpose of federal 1599  
funding for any year, the cost shall be considered abnormal or 1600  
mass severance pay only if fifteen per cent or more of the county 1601  
or county agency's employees participate in the plan in that year. 1602

Nothing in this division shall relieve a county or county 1603  
agency from seeking federal approval for any early retirement 1604  
incentive plan that uses federal dollars in accordance with 1605  
federal law. 1606

**Sec. 145.298.** (A) As used in this section: 1607

(1) "State employing unit" means an employing unit described 1608  
in division (A)(2) of section 145.297 of the Revised Code, except 1609  
that it does not mean an employing unit with fifty or fewer 1610  
employees. 1611

(2) "State institution" means a state correctional facility, 1612  
a state institution for the mentally ill, or a state institution 1613  
for the care, treatment, and training of the mentally retarded. 1614

(B)(1) Prior to ~~the effective date of this amendment~~ July 17, 1615  
2009, in the event of a proposal to close a state institution or 1616  
lay off, within a six-month period, a number of persons employed 1617  
at an institution that equals or exceeds the lesser of fifty or 1618  
ten per cent of the persons employed at the institution, the 1619  
employing unit responsible for the institution's operation shall 1620  
establish a retirement incentive plan for persons employed at the 1621  
institution. 1622

(2) On and after ~~the effective date of this amendment~~ July 1623  
17, 2009, in the event of a proposal to close a state institution 1624  
or lay off, within a six-month period, a number of persons 1625  
employed at an institution that equals or exceeds the lesser of 1626  
three hundred fifty or forty per cent of the persons employed at 1627  
the institution, the employing unit responsible for the 1628

institution's operation shall establish a retirement incentive 1629  
plan for persons employed at the institution. 1630

(C)(1) Prior to ~~the effective date of this amendment~~ July 17, 1631  
2009, in the event of a proposal, other than the proposals 1632  
described in division (B) of this section, to lay off, within a 1633  
six-month period, a number of employees of a state employing unit 1634  
that equals or exceeds the lesser of fifty or ten per cent of the 1635  
employing unit's employees, the employing unit shall establish a 1636  
retirement incentive plan for employees of the employing unit. 1637

(2) On and after ~~the effective date of this amendment~~ July 1638  
17, 2009, in the event of a proposal, other than the proposals 1639  
described in division (B) of this section, to lay off, within a 1640  
six-month period, a number of employees of a state employing unit 1641  
that equals or exceeds the lesser of three hundred fifty or forty 1642  
per cent of the employing unit's employees, the employing unit 1643  
shall establish a retirement incentive plan for employees of the 1644  
employing unit. 1645

(D)(1) A retirement incentive plan established under this 1646  
section shall be consistent with the requirements of section 1647  
145.297 of the Revised Code, except ~~as provided in division (D)(2)~~ 1648  
~~of this section and except~~ that the plan shall go into effect at 1649  
the time the layoffs or proposed closings are announced and shall 1650  
remain in effect until the date of the layoffs or closings. 1651

(2) ~~A retirement incentive plan established under this~~ 1652  
~~section due to the proposed closing of a state institution by the~~ 1653  
~~department of mental health prior to July 1, 1997, shall be~~ 1654  
~~consistent with the requirements of section 145.297 of the Revised~~ 1655  
~~Code, except as follows:~~ 1656

~~(a) The employing unit shall purchase at least three years of~~ 1657  
~~service credit for each participating employee, except that it~~ 1658  
~~shall not purchase more service credit than the amount allowed by~~ 1659

~~division (D) of section 145.297 of the Revised Code;~~ 1660

~~(b) The plan shall go into effect at the time the proposed 1661  
closing is announced and shall remain in effect at least until the 1662  
date of the closing. 1663~~

~~(3) If the employing unit already has a retirement incentive 1664  
plan in effect, the plan shall remain in effect at least until the 1665  
date of the layoffs or closings. The employing unit may revise the 1666  
existing plan to provide greater benefits, but if it revises the 1667  
plan, it shall give written notice of the changes to all employees 1668  
who have elected to participate in the original plan, and it shall 1669  
provide the greater benefits to all employees who participate in 1670  
the plan, whether their elections to participate were made before 1671  
or after the date of the revision. 1672~~

**Sec. 145.299.** (A) As used in this section, "school board 1673  
member" means a member of a city, local, exempted village, or 1674  
joint vocational school district board of education and "governing 1675  
board member" means a member of an educational service center 1676  
governing board. 1677

(B) A member of the public employees retirement system may 1678  
purchase credit for service as a school board member if all of the 1679  
following conditions are met: 1680

(1) The member is eligible to retire under this chapter or 1681  
will become eligible to retire as a result of purchasing the 1682  
credit. 1683

(2) The member agrees to retire within ninety days after 1684  
receiving notice of the additional liability under ~~division (C) of 1685  
this section 145.29 of the Revised Code.~~ 1686

(3) The retirement system receives certification of the 1687  
member's service and compensation as a school board or governing 1688  
board member from the board of education or governing board of the 1689

district or educational service center in which the member served 1690  
or, if that district or educational service center no longer 1691  
exists, the board or governing board that controls the territory, 1692  
or the largest part of the territory, of the district or 1693  
educational service center in which the member served. 1694

(C) Credit shall be purchased under this section in 1695  
accordance with section 145.29 of the Revised Code, except that 1696  
payment for the credit or portion of credit shall be paid in full 1697  
at the time of purchase. 1698

(D) The retirement system shall calculate the amount of 1699  
credit the member is eligible to purchase by dividing the 1700  
compensation received pursuant to section 3313.12 of the Revised 1701  
Code for each month served as a school board or governing board 1702  
member by the amount of compensation that, for the same month, the 1703  
retirement system considered equivalent to full-time service. 1704

(E) Credit may be purchased for service as a school board or 1705  
governing board member, other than service subject to the tax on 1706  
wages imposed by the "Federal Insurance Contributions Act," 68A 1707  
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended, between January 1, 1708  
1935, and the first day of January of the year in which the credit 1709  
is purchased. A member may purchase not more than one-twelfth of a 1710  
year's credit for each month of service as a school board or 1711  
governing board member. 1712

~~(C) On receipt of a request from a member eligible to 1713~~  
~~purchase credit under this section, the system shall obtain from 1714~~  
~~its actuary certification of the additional liability to the 1715~~  
~~system for each month of credit the member is eligible to 1716~~  
~~purchase, and shall notify the member of such additional 1717~~  
~~liability. The member may purchase in one month increments any 1718~~  
~~portion of the credit the member is eligible to purchase. For each 1719~~  
~~month of credit purchased, the member shall pay to the system an 1720~~  
~~amount equal to the additional liability resulting from the 1721~~



~~purchase. Payment shall be made in full at the time of purchase.~~ 1722

~~(D)~~(F) The public employees retirement board shall adopt 1723  
rules in accordance with section 111.15 of the Revised Code 1724  
concerning the purchase of credit under this section. In addition 1725  
to any other matters considered relevant by the retirement board, 1726  
the rules shall specify the procedure to be followed by a member 1727  
to inform the system of the member's desire to purchase credit for 1728  
service as a school board or governing board member. 1729

~~(E)~~(G) If the member does not retire within ninety days after 1730  
purchasing credit under this section, the system shall withdraw 1731  
the credit and refund the amount paid by the member. 1732

**Sec. 145.2911.** (A) If the conditions described in division 1733  
(B) of section 145.2910 of the Revised Code are met, a member of 1734  
the public employees retirement system who is not receiving a 1735  
pension or benefit from the public employees retirement system is 1736  
eligible to obtain credit for service as a member of the 1737  
Cincinnati retirement system under this section. 1738

(B) A member of the public employees retirement system who 1739  
has contributions on deposit with, but is no longer contributing 1740  
to, the Cincinnati retirement system shall, in computing years of 1741  
service credit, be given credit for service credit earned under 1742  
the Cincinnati retirement system or purchased or obtained as 1743  
military service credit if, for all of the following conditions 1744  
are met: 1745

(1) The member is eligible, or with the credit will be 1746  
eligible, for a retirement or disability benefit. 1747

(2) The member agrees to retire or accept a disability 1748  
benefit not later than ninety days after receiving notice from the 1749  
public employees retirement system that the credit has been 1750  
obtained. 1751

(3) For each year of service, the Cincinnati retirement 1752  
system transfers to the public employees retirement system the sum 1753  
of the following: 1754

~~(1)~~(a) The amount contributed by the member, or, in the case 1755  
of military service credit, paid by the member, that is 1756  
attributable to the year of service; 1757

~~(2)~~(b) An amount equal to the lesser of the employer's 1758  
contributions to the Cincinnati retirement system or the amount 1759  
that would have been contributed by the employer for the service 1760  
had the member been employed by the member's current employer as a 1761  
member of the public employees retirement system at the time the 1762  
credit was earned; 1763

~~(3)~~(c) Interest on the amounts specified in divisions 1764  
(B)~~(1)~~(3)(a) and ~~(2)~~(b) of this section from the last day of the 1765  
year for which the service credit was earned or in which payment 1766  
was made for military service credit to the date the transfer is 1767  
made. 1768

(C) A member of the public employees retirement system with 1769  
at least eighteen months of contributing service credit with the 1770  
public employees retirement system who has received a refund of 1771  
the member's contributions to the Cincinnati retirement system 1772  
~~shall, in computing years of service, be given~~ may obtain credit 1773  
for service credit earned under the Cincinnati retirement system 1774  
or purchased or obtained as military service credit if, ~~for~~ all of 1775  
the following conditions are met: 1776

(1) The member is eligible, or with the credit will be 1777  
eligible, for a retirement or disability benefit. 1778

(2) The member agrees to retire or accept a disability 1779  
benefit not later than ninety days after receiving notice from the 1780  
public employees retirement system that the credit has been 1781  
obtained. 1782

(3) For each year of service, the public employees retirement system receives the sum of the following:

~~(1)~~(a) An amount, paid by the member, equal to the sum of the following:

~~(a)~~(i) The amount refunded by the Cincinnati retirement system to the member for that year for contributions and payments for military service, with interest at a rate established by the public employees retirement board on that amount from the date of the refund to the date of payment;

~~(b)~~(ii) The amount of interest, if any, the member received when the refund was made that is attributable to the year of service.

~~(2)~~(b) An amount, transferred by the Cincinnati retirement system to the public employees retirement system, equal to the sum of the following:

~~(a)~~(i) Interest on the amount refunded to the member that is attributable to the year of service from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the refund was made;

~~(b)~~(ii) An amount equal to the lesser of the employer's contributions to the Cincinnati retirement system or the amount that would have been contributed by the employer for the service had the member been employed by the member's current employer as a member of the public employees retirement system at the time the credit was earned, with interest on that amount from the last day of the year for which the service credit was earned to the date of the transfer.

(D) The amount transferred under division (C)~~(2)~~~~(a)~~(3)(b)(i) of this section shall not include any amount of interest the Cincinnati retirement system paid to the person when it made the refund.

(E) On receipt of payment from the member under division 1814  
(C)~~(1)~~(3)(a) of this section, the public employees retirement 1815  
system shall notify the Cincinnati retirement system. On receipt 1816  
of the notice, the Cincinnati retirement system shall transfer the 1817  
amount described in division (C)~~(2)~~(3)(b) of this section. 1818

(F) Interest charged under this section shall be calculated 1819  
separately for each year of service credit. Unless otherwise 1820  
specified in this section, it shall be calculated at the lesser of 1821  
the actuarial assumption rate for that year of the public 1822  
employees retirement system or the Cincinnati retirement system. 1823  
The interest shall be compounded annually. 1824

(G) At the request of the public employees retirement system, 1825  
the Cincinnati retirement system shall certify to the public 1826  
employees retirement system a copy of the records of the service 1827  
and contributions of a member of the public employees retirement 1828  
system who seeks service credit under this section. 1829

(H) Service credit purchased or otherwise obtained under this 1830  
section shall be considered the equivalent of Ohio service credit, 1831  
except that it shall not be used in determining eligibility for 1832  
any benefit provided under section 145.58 of the Revised Code. 1833

The public employees retirement system shall withdraw the 1834  
credit and refund all amounts paid or transferred under this 1835  
section if either of the following occurs: 1836

(1) The member fails to retire or accept a disability benefit 1837  
not later than ninety days after receiving notice from the public 1838  
employees retirement system that credit has been obtained under 1839  
this section. 1840

(2) The member's application for a disability benefit is 1841  
denied. 1842

(I) A member may choose to purchase only part of the credit 1843  
the member is eligible to purchase under division (C) of this 1844

section ~~in any one payment~~, subject to rules of the public 1845  
employees retirement board. 1846

(J) A member is ineligible to purchase or otherwise obtain 1847  
credit under this section for the service to be used in 1848  
calculation of any ~~retirement~~ retirement benefit currently being 1849  
paid or payable to the member in the future. 1850

**Sec. 145.2912.** (A) If the conditions described in division 1851  
(B) of section 145.2910 of the Revised Code are met and a person 1852  
who is a member or former member of the public employees 1853  
retirement system but not a current contributor and who is not 1854  
receiving a pension or benefit from the public employees 1855  
retirement system elects to receive credit under the Cincinnati 1856  
retirement system for service for which the person contributed to 1857  
the public employees retirement system or purchased or obtained as 1858  
military service credit, the public employees retirement system 1859  
shall transfer the amounts specified in divisions ~~(B)~~(A)(3)(a) and 1860  
~~(C)~~(b) of this section to the Cincinnati retirement system. A 1861  
person may obtain credit if all of the following conditions are 1862  
met: 1863

(1) The member is eligible, or with the credit will be 1864  
eligible, for a retirement or disability benefit. 1865

(2) The member agrees to retire or accept a disability 1866  
benefit not later than ninety days after receiving notice from the 1867  
public employees retirement system that the credit has been 1868  
obtained. 1869

~~(B)~~(3)(a) If the person has contributions on deposit with the 1870  
public employees retirement system, the public employees 1871  
retirement system ~~shall~~, for each year of service credit, ~~transfer~~ 1872  
transfers to the Cincinnati retirement system the sum of the 1873  
following: 1874

~~(1)~~(i) An amount equal to the person's contributions to the public employees retirement system and payments made by the member for military service credit;

~~(2)~~(ii) An amount equal to the lesser of the employer's contributions to the public employees retirement system or the amount that would have been contributed by the employer for the service had the person been a member of the Cincinnati retirement system at the time the credit was earned;

~~(3)~~(iii) Interest on the amounts specified in divisions ~~(B)~~~~(1)~~(A)~~(3)~~(a)~~(i)~~ and ~~(2)~~(ii) of this section for the period from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the transfer was made.

~~(C)~~~~(1)~~(b) If the person has received a refund of accumulated contributions to the public employees retirement system, the public employees retirement system ~~shall~~, for each year of service credit, ~~transfer~~ transfers to the Cincinnati retirement system the sum of the following:

~~(a)~~(i) Interest on the amount refunded to the former member that is attributable to the year of service from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the refund was made;

~~(b)~~(ii) An amount equal to the lesser of the employer's contributions to the public employees retirement system or the amount that would have been contributed by the employer for the service had the person been a member of the Cincinnati retirement system at the time the credit was earned, with interest on that amount from the last day of the year for which the service credit was earned to the date of the transfer.

~~(2)~~(B) The amount transferred under division ~~(C)~~~~(1)~~(A)~~(3)~~(b)

of this section shall not include any amount of the employer's 1906  
contributions or interest on employee contributions the person 1907  
received under section 145.40 of the Revised Code. 1908

~~(3)~~(C) On receipt of notice from the Cincinnati retirement 1909  
system that the Cincinnati retirement system has received payment 1910  
from a person described in division ~~(C)~~(1)~~(A)~~(3)(b) of this 1911  
section, the public employees retirement system shall transfer the 1912  
amount described in that division. 1913

(D) Interest charged under this section shall be calculated 1914  
separately for each year of service credit. Unless otherwise 1915  
specified in this section, it shall be calculated at the lesser of 1916  
the actuarial assumption rate for that year of the public 1917  
employees retirement system or the Cincinnati retirement system. 1918  
The interest shall be compounded annually. 1919

(E) The transfer of any amount under this section cancels an 1920  
equivalent amount of service credit. 1921

(F) At the request of the Cincinnati retirement system, the 1922  
public employees retirement system shall certify to the Cincinnati 1923  
retirement system a copy of the records of the service and 1924  
contributions of a member or former member of the public employees 1925  
retirement system who elects to receive service credit under the 1926  
Cincinnati retirement system. 1927

**Sec. 145.2913.** (A) As used in this section, "transferred 1928  
service credit" means service credit purchased or obtained under 1929  
section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of 1930  
the Revised Code prior to the date a member commenced the 1931  
employment covered by the public employees retirement system for 1932  
which the member is currently contributing to the system. 1933

(B) A member of the public employees retirement system who 1934  
has contributions on deposit with, but is no longer contributing 1935

to, a uniform retirement system shall, in computing years of  
service, be given full credit for transferred service credit if a  
transfer to the public employees retirement system is made under  
this ~~section~~ division. At the request of a member a transfer shall  
be made if all of the following conditions are met:

(1) The member is eligible, or with the credit will be  
eligible, for a retirement or disability benefit.

(2) The member agrees to retire or accept a disability  
benefit not later than ninety days after receiving notice from the  
public employees retirement system that the credit has been  
obtained.

(3) For each year of service, the uniform system shall  
~~transfer~~ transfers to the public employees retirement system the  
sum of the following:

~~(1)~~ (a) An amount equal to the amounts transferred to the  
uniform system under section 742.21, 742.214, 742.375, 5505.201,  
5505.40, or 5505.41 of the Revised Code;

~~(2)~~ (b) Interest, determined as provided in division (E) of  
this section, on the amount specified in division (B) ~~(1)~~ (3)(a) of  
this section for the period from the last day of the year in which  
the transfer under section 742.21, 742.214, 742.375, 5505.201,  
5505.40, or 5505.41 of the Revised Code was made to the date a  
transfer is made under this section.

(C) A member of the public employees retirement system with  
at least eighteen months of contributing service credit with the  
public employees retirement system who has received a refund of  
contributions to a uniform retirement system shall, in computing  
years of service, be given full credit for transferred service  
credit if, ~~for~~ all of the following conditions are met:

(1) The member is eligible, or with the credit will be  
eligible, for a retirement or disability benefit.



(2) The member agrees to retire or accept a disability 1967  
benefit not later than ninety days after receiving notice from the 1968  
public employees retirement system that the credit has been 1969  
obtained. 1970

(3) For each year of service, the public employees retirement 1971  
system receives the sum of the following: 1972

~~(1)~~(a) An amount, which shall be paid by the member, equal to 1973  
the amount refunded by the uniform system to the member for that 1974  
year for transferred service credit, with interest on that amount 1975  
from the date of the refund to the date a payment is made under 1976  
this section; 1977

~~(2)~~(b) Interest, which shall be transferred by the uniform 1978  
system, on the amount refunded to the member for the period from 1979  
the last day of the year in which the transfer under section 1980  
742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the 1981  
Revised Code was made to the date the refund was made; 1982

~~(3)~~(c) If the uniform system retained any portion of the 1983  
amount transferred under section 742.21, 742.214, 742.375, 1984  
5505.201, 5505.40, or 5505.41 of the Revised Code, an amount, 1985  
which shall be transferred by the uniform system, equal to the 1986  
amount retained, with interest on that amount for the period from 1987  
the last day of the year in which the transfer under section 1988  
742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the 1989  
Revised Code was made to the date a transfer is made under this 1990  
section. 1991

On receipt of payment from the member, the public employees 1992  
retirement system shall notify the uniform system, which, on 1993  
receipt of the notice, shall make the transfer required by this 1994  
division. Interest shall be determined as provided in division (E) 1995  
of this section. 1996

(D) Service credit purchased or obtained under this section 1997

shall be considered the equivalent of Ohio service credit, except 1998  
that it shall not be used in determining eligibility for any 1999  
benefit provided under section 145.58 of the Revised Code if the 2000  
transferred service credit was earned in a retirement system other 2001  
than the public employees retirement system. A member may choose 2002  
to purchase only part of the credit the member is eligible to 2003  
purchase under division (C) of this section ~~in any one payment,~~ 2004  
subject to rules adopted by the public employees retirement board. 2005  
A member is ineligible to purchase or obtain service credit under 2006  
this section for service to be used in the calculation of any 2007  
retirement benefit currently being paid or payable to the member 2008  
in the future under any other retirement program or for service 2009  
credit that may be purchased or obtained under section 145.295 of 2010  
the Revised Code. 2011

(E) Interest charged under this section shall be calculated 2012  
separately for each year of service credit at the lesser of the 2013  
actuarial assumption rate for that year of the public employees 2014  
retirement system or of the uniform retirement system to which the 2015  
credit was transferred under section 742.21, 742.214, 742.375, 2016  
5505.201, 5505.40, or 5505.41 of the Revised Code. The interest 2017  
shall be compounded annually. 2018

(F) Any amounts transferred or paid under divisions (B) and 2019  
(C) of this section that are attributable to contributions made by 2020  
the member or to amounts paid to purchase service credit shall be 2021  
credited to the employees' savings fund created under section 2022  
145.23 of the Revised Code. Any remaining amounts shall be 2023  
credited to one or more of the funds created under that section as 2024  
determined by the board. 2025

(G) At the request of the public employees retirement system, 2026  
the uniform retirement system shall certify to the public 2027  
employees retirement system a copy of the records of the service 2028  
and contributions of a public employees retirement system member 2029

who seeks service credit under this section. The uniform 2030  
retirement system shall specify the portions of the amounts 2031  
transferred that are attributable to employee contributions, 2032  
employer contributions, and interest. 2033

(H) If a member of the public employees retirement system who 2034  
is not a current contributor elects to receive service credit 2035  
under section 742.214 or 5505.41 of the Revised Code for 2036  
transferred service credit, as defined in those sections, the 2037  
system shall transfer to the uniform retirement system, as 2038  
applicable, the amount specified in division (B) or (C) of section 2039  
742.214 or division (B) or (C) of section 5505.41 of the Revised 2040  
Code. 2041

(I) The public employees retirement system shall withdraw the 2042  
credit and refund all amounts paid or transferred under this 2043  
section if either of the following occurs: 2044

(1) The member fails to retire or accept a disability benefit 2045  
not later than ninety days after receiving notice from the public 2046  
employees retirement system that credit has been obtained under 2047  
this section. 2048

(2) The member's application for a disability benefit is 2049  
denied. 2050

(J) The board may adopt rules to implement this section. 2051

**Sec. 145.2914.** (A) The public employees retirement board may 2052  
adopt rules in accordance with section 145.09 of the Revised Code 2053  
to establish a program under which service credit earned under 2054  
~~division (A) or (B)(2)(b) of section 145.33 of the Revised Code or~~ 2055  
division (B)(1)(b) or (C)(1)(b) of section 145.332 of the Revised 2056  
Code is treated as service credit earned under division 2057  
~~(B)(2)(a)(B)(1)(a) or (C)(1)(a) of that section 145.332 of the~~ 2058  
Revised Code if the member makes payment to the public employees 2059

retirement system in accordance with the rules. 2060

(B) If the board adopts rules under division (A) of this 2061  
section, all of the following apply: 2062

(1) For each year or portion of a year of service credit 2063  
earned under ~~division (A) or (B)(2)(b) of~~ section 145.33 of the 2064  
Revised Code or division (B)(1)(b) or (C)(1)(b) of section 145.332 2065  
of the Revised Code that is to be treated as service credit earned 2066  
under division ~~(B)(2)(a)~~ (B)(1)(a) or (C)(1)(a) of ~~that~~ section 2067  
145.332 of the Revised Code, the member shall pay to the 2068  
retirement system an amount specified by the retirement board that 2069  
is not less than one hundred per cent of the additional liability 2070  
resulting from the purchase of that year, or portion of a year, of 2071  
service. 2072

(2) The number of years of service credit earned under 2073  
~~division (A) or (B)(2)(b) of~~ section 145.33 of the Revised Code or 2074  
division (B)(1)(b) or (C)(1)(b) of section 145.332 of the Revised 2075  
Code that may be treated as service credit earned under division 2076  
~~(B)(2)(a)~~ (B)(1)(a) or (C)(1)(a) of ~~that~~ section 145.332 of the 2077  
Revised Code shall not exceed five. 2078

(3) Any amounts paid under this section shall be credited to 2079  
the employees' savings fund. 2080

(4) The amounts paid by the member under this section are 2081  
subject to the limits established by division (n) of section 415 2082  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 2083  
415(n), as amended. 2084

(C) A member may make payments authorized by this section if 2085  
the member is eligible to retire under this chapter or will become 2086  
eligible to retire as a result of the payment. The member shall 2087  
agree to retire not later than ninety days after receiving notice 2088  
of the additional liability specified under division (B)(1) of 2089

this section. Payment shall be made in full for any credit earned 2090  
under ~~division (A) or (B)(2)(b) of~~ section 145.33 of the Revised 2091  
Code or division (B)(1)(b) or (C)(1)(b) of section 145.332 of the 2092  
Revised Code that is to be treated as service credit earned under 2093  
division ~~(B)(2)(a)(B)(1)(a) or (C)(1)(a)~~ of ~~that~~ section 145.332 2094  
of the Revised Code, but the member may choose to make payment for 2095  
only part of the credit for which the member is eligible. 2096

(D) If the member does not retire not later than ninety days 2097  
after making the payment authorized by this section, the system 2098  
shall refund the payment and shall not treat the credit for which 2099  
payment was made as service credit earned under division 2100  
~~(B)(2)(a)(B)(1)(a) or (C)(1)(a)~~ of section ~~145.33~~ 145.332 of the 2101  
Revised Code. 2102

(E) The board's rules may deal with any other matter 2103  
necessary to implement this section. 2104

**Sec. 145.2915.** (A) As used in this section, "workers' 2105  
compensation" means benefits paid under Chapter 4121. or 4123. of 2106  
the Revised Code. 2107

(B) A member of the public employees retirement system may 2108  
purchase service credit under this section for any period during 2109  
which the member was out of service and receiving workers' 2110  
compensation. 2111

(C) For credit purchased under this section: 2112

(1) If the member is employed by one public employer, for 2113  
each year of credit, the member shall pay to the system for credit 2114  
to the employees' savings fund an amount equal to the employee 2115  
contribution required under section 145.47 of the Revised Code 2116  
that would have been paid had the member not been out of service 2117  
based on the salary of the member before the member was out of 2118  
service. To this amount shall be added an amount equal to compound 2119

interest at a rate established by the public employees retirement 2120  
board from the first date the member was out of service to the 2121  
final date of payment. 2122

(2) If the member is employed by more than one public 2123  
employer, the member is eligible to purchase credit under this 2124  
section and make payments under division (C)(2) of this section 2125  
only for the position for which the member received workers' 2126  
compensation. For each year of credit, the member shall pay to the 2127  
system for credit to the employees' savings fund an amount equal 2128  
to the employee contribution required under section 145.47 of the 2129  
Revised Code that would have been paid had the member not been out 2130  
of service based on the salary of the member earned for the 2131  
position for which the member received workers' compensation 2132  
before the member was out of service. To this amount shall be 2133  
added an amount equal to compound interest at a rate established 2134  
by the public employees retirement board from the first date the 2135  
member was out of service to the final date of payment. 2136

(D) The member may choose to purchase only part of such 2137  
credit in any one payment, subject to board rules. 2138

(E) If a member makes a payment under division (C) of this 2139  
section, the employer to which workers' compensation benefits are 2140  
attributed shall pay to the system for credit to the employers' 2141  
accumulation fund an amount equal to the employer contribution 2142  
required under section 145.48 of the Revised Code corresponding to 2143  
that payment that would have been paid had the member not been out 2144  
of service based on the salary of the member before the member was 2145  
out of service. 2146

Compound interest at a rate established by the board from the 2147  
later of the member's date of re-employment or the effective date 2148  
of this section to the date of payment shall be added to this 2149  
amount if the employer pays all or any portion of the amount later 2150  
than the earlier of five years or a period that is three times the 2151

period during which the member was out of service and receiving 2152  
workers' compensation beginning from the later of the member's 2153  
date of re-employment or the effective date of this section. 2154

(F) The number of years purchased under this section shall 2155  
not exceed three. 2156

**Sec. 145.2916.** (A) When a member has been elected or 2157  
appointed to an office, the term of which is two or more years, 2158  
for which an annual salary is established, and in the event that 2159  
the salary of the office is increased and the member is denied the 2160  
additional salary by reason of any constitutional provision 2161  
prohibiting an increase in salary during a term of office, the 2162  
member may elect to have the amount of the member's and employer's 2163  
contributions calculated upon the basis of the increased salary 2164  
for the office. 2165

At the member's request and on notification to the public 2166  
employees retirement system, the public employees retirement board 2167  
shall compute the total additional amount the member and employer 2168  
would have contributed, or the amount by which each of the 2169  
member's and employer's contributions would have increased, had 2170  
the member received the increased salary for the office the member 2171  
holds. If the member elects to have the combined amount by which 2172  
the member's and employer's contribution would have increased 2173  
withheld from the member's salary, the member shall notify the 2174  
employer, and the employer shall make the withholding commensurate 2175  
with the period of denied salary and transmit it to the retirement 2176  
system. The payment of the amount by which the employer's 2177  
contribution would have increased shall be credited to the 2178  
employers' accumulation fund. 2179

If the payment of the increased contributions is made in 2180  
accordance with this section, the increased annual salary as 2181  
provided by law for the office for the period for which the member 2182

paid increased contributions thereon shall be used in determining 2183  
the member's earnable salary for the purpose of computing the 2184  
member's final average salary. 2185

(B) If a member dies or withdraws from service, the payment 2186  
under division (A) of this section shall be considered as 2187  
accumulated contributions of the member. 2188

**Sec. 145.30.** (A) As used in this section and section 145.301 2189  
of the Revised Code: 2190

(1) "Armed forces" of the United States includes the 2191  
following: 2192

(a) Army, navy, air force, marine corps, coast guard, 2193  
auxiliary corps as established by congress, red cross nurse 2194  
serving with the army, navy, air force, or hospital service of the 2195  
United States, army nurse corps, navy nurse corps, full-time 2196  
service with the American red cross in a combat zone, and such 2197  
other service as may be designated by congress as included 2198  
therein; 2199

(b) Personnel of the Ohio national guard and the reserve 2200  
components of any of the armed forces enumerated in division 2201  
(A)(1) of this section who are called to active duty pursuant to 2202  
an executive order issued by the president of the United States or 2203  
an act of congress; 2204

(c) Persons on whom United States merchant marine veteran 2205  
status has been conferred for service aboard oceangoing merchant 2206  
ships in service to the United States during World War II. 2207

(2) "State retirement system" means any of the following: the 2208  
Ohio police and fire pension fund, public employees retirement 2209  
system, school employees retirement system, state highway patrol 2210  
retirement system, or the state teachers retirement system. 2211

(B) Upon reemployment in the public service and completion of 2212



one year of service credit as covered by a state retirement system 2213  
or the Cincinnati retirement system, within two years after 2214  
service in the armed forces that is terminated in a manner other 2215  
than as described in section 4304 of Title 38 of the United States 2216  
Code, "Uniformed Services Employment and Reemployment Rights Act 2217  
of 1994," 108 Stat. 3149, 38 U.S.C.A. 4304, and presentation of 2218  
documentation of the service and subject to rules adopted by the 2219  
retirement board, any member of the public employees retirement 2220  
system who was a member with not less than one year of payroll 2221  
deductions before entering active duty with the armed forces and 2222  
maintained membership in the public employees retirement system as 2223  
provided by section 145.41 of the Revised Code, and who was or is 2224  
out of active service as a public employee by reason of having 2225  
become a member of the armed forces of the United States on active 2226  
duty or service shall have such service, not in excess of ten 2227  
years, ~~considered~~ included as ~~the equivalent of~~ prior military 2228  
service. Service in the armed forces as established by 2229  
documentation of the service, not in excess of ten years, shall 2230  
also be ~~considered~~ included as prior military service for a person 2231  
who was a public employee and who has acquired service credit for 2232  
five years prior to, and within the one year preceding, the date 2233  
of entering on active duty in the armed forces of the United 2234  
States if such person was reemployed in the public service within 2235  
one year after service in the armed forces that is terminated in a 2236  
manner other than as described in section 4304 of Title 38 of the 2237  
United States Code, "Uniformed Services Employment and 2238  
Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 2239  
4304, and established total service credit as defined in section 2240  
145.01 of the Revised Code of twenty years exclusive of credit for 2241  
service in the uniformed services, as defined in section 145.302 2242  
of the Revised Code. This division shall not serve to cancel any 2243  
military service credit earned or granted prior to November 1, 2244  
1965. 2245

(C) A member of the public employees retirement system is 2246  
ineligible to receive service credit under this section for any 2247  
year of military service credit used in the calculation of any 2248  
retirement benefit currently being paid to the member or payable 2249  
in the future under any other retirement program, except social 2250  
security, or used to obtain service credit pursuant to section 2251  
145.301 or 145.302 of the Revised Code. At the time such credit is 2252  
requested, the member shall certify on a form supplied by the 2253  
retirement board that the member does and will conform to this 2254  
requirement. This division does not cancel any military service 2255  
credit earned prior to March 15, 1979. 2256

**Sec. 145.32.** (A)(1)(a) A member, who has passed his sixtieth 2257  
birthday and has of the public employees retirement system is 2258  
eligible for age and service retirement under this division if, 2259  
not later than ten years after the effective date of this 2260  
amendment, the member meets one of the following requirements: 2261

(i) Has five or more years of total service credit, or has 2262  
and has attained age sixty; 2263

(ii) Has twenty-five or more years of total service credit 2264  
and has attained his fifty-fifth birthday, or has age fifty-five; 2265

(iii) Has thirty or more years of total Ohio service credit, 2266  
regardless of at any age, may file. 2267

(b) A member who on the effective date of this amendment has 2268  
twenty or more years of total service credit is eligible for age 2269  
and service retirement under this division if the member meets one 2270  
of the requirements of division (A)(1)(a) of this section, 2271  
regardless of when the member meets the requirement. 2272

(c) Service credit purchased or obtained under this chapter 2273  
shall be used in determining whether a member has the number of 2274  
years of total service credit required under division (A)(1)(a) of 2275

this section only if the purchase or obtainment is completed not 2276  
later than ten years after the effective date of this amendment. 2277

(2) A member who is not eligible for age and service 2278  
retirement under division (A)(1) of this section, or who became a 2279  
member on or after the effective date of this amendment, is 2280  
eligible under this division if the member meets one of the 2281  
following requirements: 2282

(a) Has five years or more of total service credit and has 2283  
attained age sixty-two; 2284

(b) Has twenty-five years or more of total service credit and 2285  
has attained age fifty-seven; 2286

(c) Has thirty-two years or more of total service credit and 2287  
has attained age fifty-five. 2288

(B) A member seeking to retire shall file with the public 2289  
employees retirement board an application for retirement- 2290

Service. Service retirement shall be effective on the first 2291  
day of the month immediately following the later of: 2292

~~(A)~~(1) The last day for which compensation was paid; 2293

~~(B)~~(2) The attainment of minimum age or service credit 2294  
eligibility provided under this section; 2295

(3) Ninety days prior to receipt by the board of the member's 2296  
completed application for retirement. 2297

An employer may, except as otherwise provided in the "Age 2298  
Discrimination in Employment Act of 1967," as amended, 81 Stat. 2299  
602, 29 U.S.C. 621 to 634, as of the thirtieth day of June of any 2300  
year, terminate the employment of any member who has attained the 2301  
age of seventy years. A member may at the time of ~~his~~ retirement 2302  
by written designation duly executed and filed with the public 2303  
employees retirement board designate a beneficiary to receive any 2304  
installment which may remain unpaid at the time of ~~his~~ death. 2305

Except as provided in section 145.46 of the Revised Code, after 2306  
the date of ~~his~~ retirement such nomination shall not be changed if 2307  
the member elects to receive ~~his~~ the member's retirement allowance 2308  
computed as provided in section 145.46 of the Revised Code as 2309  
"plan A," "plan C," or "plan D." 2310

**Sec. 145.323.** (A) The Except as otherwise provided in this 2311  
section, the public employees retirement board shall annually 2312  
increase each allowance, pension, or benefit payable under this 2313  
chapter by three per cent, except that no allowance, pension, or 2314  
benefit shall exceed the limit established by section 415 of the 2315  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 2316  
as amended. 2317

Until the last day of December of the fifth full calendar 2318  
year after the effective date of this amendment, the increase 2319  
shall be three per cent. For each succeeding calendar year, the 2320  
increase shall be as follows: 2321

(1) For each allowance, pension, or benefit granted not later 2322  
than the effective date of this amendment, three per cent, except 2323  
that no allowance, pension, or benefit shall exceed the limit 2324  
established by section 415 of the "Internal Revenue Code of 1986," 2325  
100 Stat. 2085, 26 U.S.C. 415, as amended; 2326

(2) For each allowance, pension, or benefit granted on or 2327  
after the effective date of this amendment, the percentage 2328  
increase in the consumer price index, not exceeding three per 2329  
cent, as determined by the United States bureau of labor 2330  
statistics (U.S. city average for urban wage earners and clerical 2331  
workers: "all items 1982-84=100") for the twelve-month period 2332  
ending on the thirtieth day of June of the immediately preceding 2333  
calendar year. If the consumer price index for that period did not 2334  
increase, no increase shall be made under division (A)(2) of this 2335  
section. No allowance, pension, or benefit shall exceed the limit 2336

established by section 415 of the "Internal Revenue Code of 1986," 2337  
100 Stat. 2085, 26 U.S.C. 415, as amended. 2338

The first increase is payable to all persons becoming 2339  
eligible after June 30, 1971, upon such persons receiving an 2340  
allowance for twelve months. The increased amount is payable for 2341  
the ensuing twelve-month period or until the next increase is 2342  
granted under this section, whichever is later. Subsequent 2343  
increases shall be determined from the date of the first increase 2344  
paid to the former member in the case of an allowance being paid a 2345  
beneficiary under an option, or from the date of the first 2346  
increase to the survivor first receiving an allowance or benefit 2347  
in the case of an allowance or benefit being paid to the 2348  
subsequent survivors of the former member. 2349

The date of the first increase under this section becomes the 2350  
anniversary date for any future increases. 2351

The allowance or benefit used in the first calculation of an 2352  
increase under this section shall remain as the base for all 2353  
future increases, unless a new base is established. 2354

(B) If payment of a portion of a benefit is made to an 2355  
alternate payee under section 145.571 of the Revised Code, 2356  
increases under this section granted while the order is in effect 2357  
shall be apportioned between the alternate payee and the benefit 2358  
recipient in the same proportion that the amount being paid to the 2359  
alternate payee bears to the amount paid to the benefit recipient. 2360

If payment of a portion of a benefit is made to one or more 2361  
beneficiaries under "plan F" under division (B)(3)(e) of section 2362  
145.46 of the Revised Code, each increase under this section 2363  
granted while the plan of payment is in effect shall be divided 2364  
among the designated beneficiaries in accordance with the portion 2365  
each beneficiary has been allocated. 2366

(C) The board shall make all rules necessary to carry out 2367

this section. 2368

**Sec. 145.33.** ~~(A)(1)~~ Except as provided in ~~division (B) or (C)~~ 2369  
~~of this~~ section 145.332 of the Revised Code, a member ~~with at~~ 2370  
~~least five years of total service credit who has attained age~~ 2371  
~~sixty, or of the public employees retirement system who has thirty~~ 2372  
~~years of total Ohio service credit, may apply~~ is eligible for age 2373  
and service retirement, ~~which~~ under division (A)(1) of section 2374  
145.32 of the Revised Code shall consist receive a retirement 2375  
allowance consisting of all of the following: 2376

~~(1)(a)~~ An annuity having a reserve equal to the amount of the 2377  
member's accumulated contributions at that time; 2378

~~(2)(b)~~ A pension equal to the annuity provided by division 2379  
(A)(1)(a) of this section, excluding amounts of the member's 2380  
accumulated contributions deposited under former division (Y) of 2381  
section 145.01 or former sections 145.02, 145.29, 145.292, and 2382  
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 2383  
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 2384  
Revised Code for the purchase of service credit; 2385

~~(3)(c)~~ An additional pension, if the member can qualify for 2386  
prior military service, equal to forty dollars multiplied by the 2387  
number of years, and fraction thereof, of such prior ~~and~~ military 2388  
service credit; 2389

~~(4)(d)~~ A basic annual pension equal to one hundred eighty 2390  
dollars if the member has ten or more years of total service 2391  
credit as of October 1, 1956, except that the basic annual pension 2392  
shall not exceed the sum of the annual benefits provided by 2393  
divisions (A)(1)(a), ~~(2)(b)~~, and ~~(3)(c)~~ of this section. 2394

~~(5)(2)~~ A member who is eligible for age and service 2395  
retirement under division (A)(2) of section 145.32 of the Revised 2396  
Code shall receive a retirement allowance consisting of all of the 2397

following: 2398

(a) An annuity having a reserve equal to the amount of the 2399  
member's accumulated contributions at that time; 2400

(b) A pension equal to the annuity under division (A)(2)(a) 2401  
of this section, excluding amounts of the member's accumulated 2402  
contributions deposited under former division (Y) of section 2403  
145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or 2404  
sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 2405  
145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised 2406  
Code for the purchase of service credit; 2407

(c) An additional pension, if the member can qualify for 2408  
prior military service, equal to forty dollars multiplied by the 2409  
number of years, and fraction thereof, of such prior military 2410  
service credit. 2411

(B)(1) When a member retires on age and service retirement, 2412  
the member's total annual single lifetime allowance, including the 2413  
allowances provided in divisions (A)(1), and (2), ~~(3), and (4)~~ of 2414  
this section, shall be not less than a base amount adjusted in 2415  
accordance with division ~~(A)(5)~~ (B)(2) of this section and 2416  
determined by multiplying the member's total service credit by ~~the~~ 2417  
~~greater of~~ the following: 2418

(a) ~~Eighty-six dollars;~~ 2419

~~(b) Two~~ If the member is eligible for age and service 2420  
retirement under division (A)(1) of section 145.32 of the Revised 2421  
Code, two and two-tenths per cent of the member's final average 2422  
salary for each of the first thirty years of service plus two and 2423  
one-half per cent of the member's final average salary for each 2424  
subsequent year of service. ~~;~~ 2425

~~The~~ (b) If the member is eligible for age and service 2426  
retirement under division (A)(2) of section 145.32 of the Revised 2427  
Code, two and two-tenths per cent of the member's final average 2428

salary for each of the first thirty-five years of service plus two 2429  
and one-half per cent of the member's final average salary for 2430  
each subsequent year of service. 2431

(2)(a) For a member for whom eligibility to retire under 2432  
division (A)(1) of section 145.32 of the Revised Code occurs not 2433  
later than five years after the effective date of this amendment, 2434  
the allowance shall be adjusted by the factors of attained age or 2435  
years of service to provide the greater amount as determined by 2436  
the following schedule: 2437

		Years of	Percentage	
Attained	or	Total Service	of	
Birthday		Credit	Base Amount	
58		25	75	2441
59		26	80	2442
60		27	85	2443
61			88	2444
		28	90	2445
62			91	2446
63			94	2447
		29	95	2448
64			97	2449
65		30 or more	100	2450

~~Members shall vest~~ (b) For a member for whom eligibility to 2451  
retire under division (A)(1) of section 145.32 of the Revised Code 2452  
occurs after the date determined under division (B)(2)(a) of this 2453  
section who has not either attained age sixty-five or earned 2454  
thirty years of total service credit, the allowance determined 2455  
under division (B)(1) of this section shall be adjusted to be the 2456  
actuarial equivalent of the member's retirement allowance had the 2457  
member retired at age sixty-five or with thirty years of total 2458  
service credit. 2459

(3) For a member eligible to retire under division (A)(1) of 2460



section 145.32 of the Revised Code, the right to a benefit shall 2461  
vest in accordance with the following schedule, based on the 2462  
member's attained age by September 1, 1976: 2463

	Percentage	
Attained	of	
Birthday	Base Amount	
66	102	2467
67	104	2468
68	106	2469
69	108	2470
70 or more	110	2471

~~(6)(4)~~ For a member eligible to retire under division (A)(2) 2472  
of section 145.32 of the Revised Code who has not either attained 2473  
age sixty-seven or attained age fifty-five and earned thirty-two 2474  
years of total service credit, the allowance determined under 2475  
division (B)(1) of this section shall be adjusted to be the 2476  
actuarial equivalent of the member's retirement allowance had the 2477  
member retired at age sixty-seven or age fifty-five with 2478  
thirty-two years of total service credit. 2479

(C) The total annual single lifetime allowance that a member 2480  
shall receive under ~~division (A)(5)~~ of this section shall not 2481  
exceed the lesser of one hundred per cent of the member's final 2482  
average salary or the limit established by section 415 of the 2483  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 2484  
as amended. 2485

~~(B)(1) For the purposes of divisions (B) to (C) of this~~ 2486  
~~section, "total service credit as a PERS law enforcement officer"~~ 2487  
~~and "total service credit as a PERS public safety officer" include~~ 2488  
~~credit for military service to the extent permitted by division~~ 2489  
~~(E)(2) of this section and credit for service as a police officer~~ 2490  
~~or state highway patrol trooper to the extent permitted by~~ 2491  
~~divisions (E)(3) and (4) of this section.~~ 2492

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

~~(a) The member has attained age forty-eight and has at least  
twenty five years of total service credit as a PERS law  
enforcement officer;~~

~~(b) The member has attained age fifty-two, and has at least  
twenty five years of total service credit as a PERS public safety  
officer or has service as a PERS public safety officer and service  
as a PERS law enforcement officer that when combined equal at  
least twenty five years of total service credit;~~

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

~~(i) A PERS law enforcement officer;~~

~~(ii) A PERS public safety officer.~~

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

~~(4) A member with at least fifteen years of total service  
credit as a PERS law enforcement officer or PERS public safety  
officer who voluntarily resigns or is discharged for any reason  
except death, dishonesty, cowardice, intemperate habits, or  
conviction of a felony may apply for an age and service retirement  
benefit, which shall consist of an annual single lifetime  
allowance equal to one and one half per cent of the member's final  
average salary multiplied by the number of years of the member's  
total service credit. The allowance shall commence on the first~~

~~day of the calendar month following the month in which the~~ 2524  
~~application is filed with the public employees retirement board on~~ 2525  
~~or after the attainment by the applicant of age fifty two.~~ 2526

~~(C)(1) A member with at least twenty five years of total~~ 2527  
~~service credit who would be eligible to retire under division~~ 2528  
~~(B)(2)(b) of this section had the member attained age fifty two~~ 2529  
~~and who voluntarily resigns or is discharged for any reason except~~ 2530  
~~death, dishonesty, cowardice, intemperate habits, or conviction of~~ 2531  
~~a felony, on or after the date of attaining forty eight years of~~ 2532  
~~age, but before the date of attaining fifty two years of age, may~~ 2533  
~~elect to receive a reduced benefit as determined by the following~~ 2534  
~~schedule:~~ 2535

<del>Attained Age</del>	<del>Reduced Benefit</del>	2536
<del>48</del>	<del>75% of the benefit payable under</del>	2537
	<del>division (B)(3) of this section</del>	2538
<del>49</del>	<del>80% of the benefit payable under</del>	2539
	<del>division (B)(3) of this section</del>	2540
<del>50</del>	<del>86% of the benefit payable under</del>	2541
	<del>division (B)(3) of this section</del>	2542
<del>51</del>	<del>93% of the benefit payable under</del>	2543
	<del>division (B)(3) of this section</del>	2544

~~(2) If a member elects to receive a reduced benefit after~~ 2545  
~~attaining age forty eight the reduced benefit is payable from the~~ 2546  
~~later of the date of the member's most recent birthday or the date~~ 2547  
~~the member becomes eligible to receive the reduced benefit.~~ 2548

~~(3) Once a member elects to receive a reduced benefit~~ 2549  
~~determined by the schedule in division (C)(1) of this section and~~ 2550  
~~has received a payment, the member may not reelect to change that~~ 2551  
~~election.~~ 2552

~~(4) If a member who has resigned or been discharged has left~~ 2553  
~~on deposit the member's accumulated contributions in the~~ 2554  
~~employees' savings fund and has not elected to receive a reduced~~ 2555

~~benefit determined by the schedule in division (C)(1) of this 2556~~  
~~section, upon attaining fifty two years of age, the member shall 2557~~  
~~be entitled to receive a benefit computed and paid under division 2558~~  
~~(B)(3) of this section. 2559~~

~~(D) A benefit paid under division (B) or (C) of this section 2560~~  
~~shall not exceed the lesser of ninety per cent of the member's 2561~~  
~~final average salary or the limit established by section 415 of 2562~~  
~~the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2563~~  
~~415, as amended. 2564~~

~~(E)(1) A member with service credit as a PERS law enforcement 2565~~  
~~officer or a PERS public safety officer and other service credit 2566~~  
~~under this chapter may elect one of the following: 2567~~

~~(a) To have all the member's service credit under this 2568~~  
~~chapter, including credit for service as a PERS law enforcement 2569~~  
~~officer or PERS public safety officer, used in calculating a 2570~~  
~~retirement allowance under division (A) of this section if the 2571~~  
~~member qualifies for an allowance under that division; 2572~~

~~(b) If the member qualifies for an allowance under division 2573~~  
~~(B)(2)(a) of this section, to have the member's service credit as 2574~~  
~~a PERS law enforcement officer used in calculating a benefit under 2575~~  
~~that division and the member's credit for all service other than 2576~~  
~~PERS law enforcement service used in calculating a benefit 2577~~  
~~consisting of a single life annuity having a reserve equal to the 2578~~  
~~amount of the member's accumulated contributions for all service 2579~~  
~~other than PERS law enforcement service and an equal amount of 2580~~  
~~employer contributions. 2581~~

~~(c) If the member qualifies for an allowance under division 2582~~  
~~(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 2583~~  
~~member's service credit as a PERS law enforcement officer or PERS 2584~~  
~~public safety officer used in calculating a benefit under the 2585~~  
~~appropriate division and the member's credit for all service other 2586~~

~~than PERS law enforcement service or service as a PERS public  
safety officer under this chapter used in calculating a benefit  
consisting of a single life annuity having a reserve equal to the  
amount of the member's accumulated contributions for all service  
other than PERS law enforcement service or PERS public safety  
officer service and an equal amount of the employer's  
contributions.~~

~~(2) Notwithstanding sections 145.01 and 145.30 of the Revised  
Code, no more than four years of military service credit granted  
under section 145.30 of the Revised Code and five years of  
military service credit purchased under section 145.301 or 145.302  
of the Revised Code shall be used in calculating service as a PERS  
law enforcement officer or PERS public safety officer or the total  
service credit of that person.~~

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

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

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

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

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

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

~~drug agent as defined in section 109.79 of the Revised Code,~~ 2618  
~~department of public safety enforcement agent who prior to June~~ 2619  
~~30, 1999, was a liquor control investigator, park officer, forest~~ 2620  
~~officer, wildlife officer, state watercraft officer, park district~~ 2621  
~~police officer, conservancy district officer, veterans' home~~ 2622  
~~police officer, special police officer for a mental health~~ 2623  
~~institution, special police officer for an institution for the~~ 2624  
~~mentally retarded and developmentally disabled, or municipal~~ 2625  
~~police officer on or after December 15, 1988;~~ 2626

~~(f) Any person who originally is employed as a state~~ 2627  
~~university law enforcement officer on or after November 6, 1996;~~ 2628

~~(g) Any person who is originally employed as a state~~ 2629  
~~university law enforcement officer by the university of Akron on~~ 2630  
~~or after September 16, 1998;~~ 2631

~~(h) Any person who originally is employed as a preserve~~ 2632  
~~officer on or after March 18, 1999;~~ 2633

~~(i) Any person who originally is employed as a natural~~ 2634  
~~resources law enforcement staff officer on or after March 18,~~ 2635  
~~1999;~~ 2636

~~(j) Any person who is originally employed as a department of~~ 2637  
~~public safety enforcement agent on or after June 30, 1999;~~ 2638

~~(k) Any person who is originally employed as a house sergeant~~ 2639  
~~at arms or assistant house sergeant at arms on or after September~~ 2640  
~~5, 2001;~~ 2641

~~(l) Any person who is originally appointed as a regional~~ 2642  
~~transit authority police officer or state highway patrol police~~ 2643  
~~officer on or after February 1, 2002;~~ 2644

~~(m) Any person who is originally employed as a municipal~~ 2645  
~~public safety director on or after September 29, 2005, but not~~ 2646  
~~later than the effective date of this amendment.~~ 2647

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

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

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

**Sec. 145.331.** (A) A recipient of a disability allowance under section 145.361 of the Revised Code who is subject to division (C)(3) of that section may make application for age and service retirement under this section. Retirement shall be effective on the first day of the first month following the last day for which the disability allowance is paid.

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

(1) The greater of the following:

(a) An allowance calculated as provided in section 145.33, 145.332, or 145.34 of the Revised Code, excluding any period during which the applicant received a disability benefit under section 145.361 of the Revised Code;

(b) An allowance calculated by multiplying the applicant's total service credit, including service credit for the last

continuous period during which the applicant received a disability 2678  
benefit under section 145.361 of the Revised Code, by two and 2679  
two-tenths per cent of the applicant's final average salary, 2680  
except that the allowance shall not exceed forty-five per cent of 2681  
the applicant's final average salary. 2682

(2) An amount equal to the additional allowance the recipient 2683  
would receive under section 145.323 of the Revised Code, plus any 2684  
other additional amount the recipient would receive under this 2685  
chapter, had the recipient retired under section 145.33, 145.332, 2686  
or 145.34 of the Revised Code effective on the effective date of 2687  
the recipient's most recent continuous period of receipt of a 2688  
disability benefit under section 145.361 of the Revised Code. 2689

(C) The allowance calculated under division (B) of this 2690  
section, exclusive of any amount added under division (B)(2) of 2691  
this section based on section 145.323 of the Revised Code, shall 2692  
be the base for all future additional allowances under section 2693  
145.323 of the Revised Code. 2694

The anniversary date for future additional allowances under 2695  
section 145.323 of the Revised Code shall be the effective date of 2696  
the recipient's most recent continuous period of receipt of a 2697  
disability benefit under section 145.361 of the Revised Code. 2698

(D) The retirement allowance determined under this section 2699  
shall be paid as provided in section 145.46 of the Revised Code. 2700

**Sec. 145.332.** (A) For the purposes of this section, "total 2701  
service credit" includes credit for military service to the extent 2702  
permitted by division (H) of this section and credit for service 2703  
as a police officer or state highway patrol trooper to the extent 2704  
permitted by division (I) of this section. 2705

(B)(1) A member of the public employees retirement system is 2706  
eligible for age and service retirement under this division if, 2707



not later than ten years after the effective date of this section, 2708  
the member meets one of the following requirements: 2709

(a) Has attained age forty-eight and has at least twenty-five 2710  
years of total service credit as a PERS law enforcement officer; 2711

(b) Has attained age fifty-two and has at least twenty-five 2712  
years of total service credit as a PERS public safety officer or 2713  
has service as a PERS public safety officer and service as a PERS 2714  
law enforcement officer that when combined equal at least 2715  
twenty-five years of total service credit; 2716

(c) Has attained age sixty-two and has at least fifteen years 2717  
of total service credit as a PERS law enforcement officer or PERS 2718  
public safety officer. 2719

(2) A member with at least twenty-five years of total service 2720  
credit who would be eligible to retire under division (B)(1)(b) of 2721  
this section had the member attained age fifty-two and who 2722  
voluntarily resigns or is discharged for any reason except death, 2723  
dishonesty, cowardice, intemperate habits, or conviction of a 2724  
felony, on or after attaining age forty-eight, but before 2725  
attaining age fifty-two, may elect to receive a reduced benefit. 2726

(a)(i) If eligibility to make the election under division 2727  
(B)(2) of this section occurs not later than five years after the 2728  
effective date of this section, the benefit shall be calculated in 2729  
accordance with the following schedule: 2730

<u>Attained Age</u>	<u>Reduced Benefit</u>	
<u>48</u>	<u>75% of the benefit payable under</u>	2732
	<u>division (D) of this section</u>	
<u>49</u>	<u>80% of the benefit payable under</u>	2733
	<u>division (D) of this section</u>	
<u>50</u>	<u>86% of the benefit payable under</u>	2734
	<u>division (D) of this section</u>	
<u>51</u>	<u>93% of the benefit payable under</u>	2735

division (D) of this section

(ii) If eligibility to make the election occurs after the 2736  
date determined under division (B)(2)(a)(i) of this section, the 2737  
benefit shall be the actuarial equivalent of the allowance 2738  
calculated under division (D) of this section adjusted for age. 2739

(b) If a member elects to receive a reduced benefit under 2740  
division (B)(2) of this section, the reduced benefit is payable 2741  
from the later of the date of the member's most recent birthday or 2742  
the date the member becomes eligible to receive the reduced 2743  
benefit. Once a member elects to receive a reduced benefit and has 2744  
received a payment, the member may not change that election. 2745

(c) If a member who is eligible to do so has not elected to 2746  
receive a reduced benefit determined by the schedule in division 2747  
(B)(2) of this section, upon attaining age fifty-two the member 2748  
shall be entitled to receive a benefit computed and paid under 2749  
division (D) of this section. 2750

(C)(1) A member who is not eligible for age and service 2751  
retirement under division (B) of this section is eligible under 2752  
this division if the member meets one of the following 2753  
requirements: 2754

(a) Has attained age fifty and has at least twenty-five years 2755  
of total service credit as a PERS law enforcement officer; 2756

(b) Has attained age fifty-four and has at least twenty-five 2757  
years of total service credit as a PERS public safety officer or 2758  
has service as a PERS public safety officer and service as a PERS 2759  
law enforcement officer that when combined equal at least 2760  
twenty-five years of total service credit; 2761

(c) Has attained age sixty-four and has at least fifteen 2762  
years of total service credit as a PERS law enforcement officer or 2763  
PERS public safety officer. 2764

(2)(a)(i) A member with at least twenty-five years of total 2765

service credit who would be eligible to retire under division 2766  
(C)(1)(a) of this section had the member attained age fifty and 2767  
who voluntarily resigns or is discharged for any reason except 2768  
death, dishonesty, cowardice, intemperate habits, or conviction of 2769  
a felony, on or after attaining age forty-eight, but before 2770  
attaining age fifty, may elect to receive a reduced benefit. The 2771  
benefit shall be the actuarial equivalent of the allowance 2772  
calculated under division (D) of this section adjusted for age. 2773

(ii) A member with at least twenty-five years of total 2774  
service credit who would be eligible to retire under division 2775  
(C)(1)(b) of this section had the member attained age fifty-four 2776  
and who voluntarily resigns or is discharged for any reason except 2777  
death, dishonesty, cowardice, intemperate habits, or conviction of 2778  
a felony, on or after attaining age fifty, but before attaining 2779  
age fifty-four, may elect to receive a reduced benefit. The 2780  
benefit shall be the actuarial equivalent of the allowance 2781  
calculated under division (D) of this section adjusted for age. 2782

(b) If a member elects to receive a reduced benefit under 2783  
division (C)(2) of this section, the reduced benefit is payable 2784  
from the later of the date of the member's most recent birthday or 2785  
the date the member becomes eligible to receive the reduced 2786  
benefit. Once a member elects to receive a reduced benefit and has 2787  
received a payment, the member may not change that election. 2788

(c) If a member who is eligible to do so has not elected to 2789  
receive a reduced benefit under division (C)(2) of this section, 2790  
upon attaining the age of eligibility under division (C)(1) of 2791  
this section the member shall be entitled to receive a benefit 2792  
computed and paid under division (D) of this section. 2793

(D) A benefit paid under division (B)(1) or (C)(1) of this 2794  
section shall consist of an annual single lifetime allowance equal 2795  
to the sum of two and one-half per cent of the member's final 2796  
average salary multiplied by the first twenty-five years of the 2797

member's total service credit plus two and one-tenth per cent of 2798  
the member's final average salary multiplied by the number of 2799  
years of the member's total service credit in excess of 2800  
twenty-five years. 2801

(E) A member with at least fifteen years of total service 2802  
credit as a PERS law enforcement officer or PERS public safety 2803  
officer who voluntarily resigns or is discharged for any reason 2804  
except death, dishonesty, cowardice, intemperate habits, or 2805  
conviction of a felony may apply for an age and service retirement 2806  
benefit, which shall consist of an annual single lifetime 2807  
allowance equal to one and one-half per cent of the member's final 2808  
average salary multiplied by the number of years of the member's 2809  
total service credit. 2810

(1) If the member will attain age fifty-two not later than 2811  
ten years after the effective date of this section, the retirement 2812  
allowance shall commence on the first day of the calendar month 2813  
following the month in which application is filed with the board 2814  
on or after the member's attainment of age fifty-two. 2815

(2) If the member will not attain age fifty-two on or before 2816  
the date determined under division (E)(1) of this section, the 2817  
retirement allowance shall commence on the first day of the 2818  
calendar month following the month in which application is filed 2819  
with the board on or after the member's attainment of age 2820  
fifty-four. 2821

(F) A benefit paid under this section shall not exceed the 2822  
lesser of ninety per cent of the member's final average salary or 2823  
the limit established by section 415 of the "Internal Revenue Code 2824  
of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 2825

(G) A member with service credit as a PERS law enforcement 2826  
officer or PERS public safety officer and other service credit 2827  
under this chapter may elect one of the following: 2828

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

(2) If the member qualifies for an allowance under division (B)(1)(a), (C)(1)(a), or (C)(2)(a)(i) of this section, to receive all of the following:

(a) A benefit under division (B)(1)(a), (C)(1)(a), or (C)(2)(a)(i) of this section for the member's service credit as a PERS law enforcement officer;

(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service;

(c) A pension equal to the annuity provided under division (G)(2)(b) of this section, excluding amounts of the member's accumulated contributions deposited under former division (Y) of section 145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised Code for the purchase of service credit;

(3) If the member qualifies for an allowance under division (B)(1)(b) or (c), (B)(2), (C)(1)(b) or (c), or (C)(2)(a)(ii) of this section, to receive all of the following:

(a) A benefit under division (B)(1)(b) or (c), (B)(2), (C)(1)(b) or (c), or (C)(2)(a)(ii) of this section for the member's service credit as a PERS law enforcement officer or PERS public safety officer;

(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service or PERS public safety

officer service; 2860

(c) A pension equal to the annuity provided under division 2861  
(G)(3)(b) of this section, excluding amounts of the member's 2862  
accumulated contributions deposited under former division (Y) of 2863  
section 145.01 or former sections 145.02, 145.29, 145.292, and 2864  
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 2865  
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 2866  
Revised Code for the purchase of service credit. 2867

(H) Notwithstanding sections 145.01 and 145.30 of the Revised 2868  
Code, not more than four years of military service credit granted 2869  
under section 145.30 of the Revised Code and five years of 2870  
military service credit purchased under section 145.301 or 145.302 2871  
of the Revised Code shall be used in calculating service as a PERS 2872  
law enforcement officer or PERS public safety officer or the total 2873  
service credit of that person. 2874

(I)(1) Only credit for the member's service as a PERS law 2875  
enforcement officer, PERS public safety officer, or service credit 2876  
obtained as a police officer or state highway patrol trooper shall 2877  
be used in computing the benefit of a member who qualifies for a 2878  
benefit under this section for the following: 2879

(a) Any person who originally is commissioned and employed as 2880  
a deputy sheriff by the sheriff of any county, or who originally 2881  
is elected sheriff, on or after January 1, 1975; 2882

(b) Any deputy sheriff who originally is employed as a 2883  
criminal bailiff or court constable on or after April 16, 1993; 2884

(c) Any person who originally is appointed as a township 2885  
constable or police officer in a township police department or 2886  
district on or after January 1, 1981; 2887

(d) Any person who originally is employed as a county 2888  
narcotics agent on or after September 26, 1984; 2889

<u>(e) Any person who originally is employed as an undercover</u>	2890
<u>drug agent as defined in section 109.79 of the Revised Code,</u>	2891
<u>department of public safety enforcement agent who prior to June</u>	2892
<u>30, 1999, was a liquor control investigator, park officer, forest</u>	2893
<u>officer, wildlife officer, state watercraft officer, park district</u>	2894
<u>police officer, conservancy district officer, veterans' home</u>	2895
<u>police officer, special police officer for a mental health</u>	2896
<u>institution, special police officer for an institution for the</u>	2897
<u>developmentally disabled, or municipal police officer on or after</u>	2898
<u>December 15, 1988;</u>	2899
<u>(f) Any person who originally is employed as a state</u>	2900
<u>university law enforcement officer on or after November 6, 1996;</u>	2901
<u>(g) Any person who is originally employed as a state</u>	2902
<u>university law enforcement officer by the university of Akron on</u>	2903
<u>or after September 16, 1998;</u>	2904
<u>(h) Any person who originally is employed as a preserve</u>	2905
<u>officer on or after March 18, 1999;</u>	2906
<u>(i) Any person who originally is employed as a natural</u>	2907
<u>resources law enforcement staff officer on or after March 18,</u>	2908
<u>1999;</u>	2909
<u>(j) Any person who is originally employed as a department of</u>	2910
<u>public safety enforcement agent on or after June 30, 1999;</u>	2911
<u>(k) Any person who is originally employed as a house sergeant</u>	2912
<u>at arms or assistant house sergeant at arms on or after September</u>	2913
<u>5, 2001;</u>	2914
<u>(l) Any person who is originally appointed as a regional</u>	2915
<u>transit authority police officer or state highway patrol police</u>	2916
<u>officer on or after February 1, 2002;</u>	2917
<u>(m) Any person who is originally employed as a municipal</u>	2918
<u>public safety director on or after September 29, 2005, but not</u>	2919

later than March 24, 2009. 2920

(2) Only credit for a member's service as a PERS public 2921  
safety officer or service credit obtained as a PERS law 2922  
enforcement officer, police officer, or state highway patrol 2923  
trooper shall be used in computing the benefit of a member who 2924  
qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), 2925  
(C)(1)(b) or (c), or (C)(2) of this section for any person who 2926  
originally is employed as a Hamilton county municipal court 2927  
bailiff on or after November 6, 1996. 2928

(J) For purposes of this section, service prior to June 30, 2929  
1999 as a food stamp trafficking agent under former section 2930  
5502.14 of the Revised Code shall be considered service as a law 2931  
enforcement officer. 2932

(K) Retirement allowances determined under this section shall 2933  
be paid as provided in section 145.46 of the Revised Code. 2934

**Sec. 145.34.** ~~Any~~ (A)(1) A member who, not later than ten 2935  
years after the effective date of this amendment, has completed 2936  
earned twenty-five or more years of total service credit and has 2937  
attained the member's fifty-fifth birthday, age fifty-five may 2938  
retire on a commuted age and service allowance. Upon retirement on 2939  
a commuted age and service allowance on or after September 30, 2940  
1963, a member shall be granted a retirement allowance consisting 2941  
of: 2942

~~(A)(a)~~ (a) An annuity having a reserve equal to the amount of the 2943  
member's accumulated contributions at that time; 2944

~~(B)(b)~~ (b) A pension equal to the annuity provided by division 2945  
(A)(1)(a) of this section, excluding amounts of the member's 2946  
accumulated contributions deposited under former division (Y) of 2947  
section 145.01 or former sections 145.02, 145.29, 145.292, and 2948  
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 2949



145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 2950  
Revised Code for the purchase of service credit; 2951

~~(C)~~(c) An additional pension, if such member can qualify for 2952  
prior military service credit, the reserve for which, based upon 2953  
regular interest and the service tables approved by the board, 2954  
shall be the present worth of the reserve required for the payment 2955  
of the prior military service pension provided by section 145.33 2956  
of the Revised Code, after either sixty years of age or thirty 2957  
years of service credit, whichever can be attained first. The 2958  
annual prior military service pension shall be determined by the 2959  
amount of such commuted reserve divided by the age and service 2960  
annuity rate for the attained age at retirement. 2961

~~(D)~~(d) The commuted value calculated as provided in division 2962  
~~(C)~~(A)(1)(c) of this section of a basic annual pension of one 2963  
hundred eighty dollars, provided the member has ten or more years 2964  
of total service credit as of October 1, 1956. 2965

~~(E)~~(2) A member who is not eligible to retire under division 2966  
(A)(1) of this section may retire under this division if the 2967  
member has earned twenty-five years or more of total service 2968  
credit and has attained age fifty-seven. A retirement allowance 2969  
under this division shall consist of both of the following: 2970

(a) An annuity having a reserve equal to the amount of the 2971  
member's accumulated contributions at that time; 2972

(b) A pension equal to the annuity under division (A)(2)(a) 2973  
of this section, excluding amounts of the member's accumulated 2974  
contributions deposited under former division (Y) of section 2975  
145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or 2976  
sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 2977  
145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised 2978  
Code for the purchase of service credit. 2979

(B) When a member retires on commuted age and service 2980

retirement, the member's single lifetime allowance shall not be 2981  
less than that provided by ~~divisions~~ division (A), ~~(B), (C), and~~ 2982  
~~(D)(1) or (2)~~ of this section and ~~division (A)(5)~~ of section 2983  
145.33 of the Revised Code and shall not exceed the limits 2984  
established by ~~division (A)(6)~~ of that section. 2985

A year of service for the purpose of commuted age and service 2986  
retirement and of applying the minimum retirement allowance as 2987  
provided in this section is defined as a complete year of 2988  
full-time employment, or the equivalent thereof. The board is the 2989  
final authority in determining the eligibility of an employee for 2990  
such form of retirement and for such minimum allowance. 2991

~~In determining eligibility only for retirement under this 2992  
section the board shall include in "total service" the years of 2993  
prior service credit granted members of the public employees 2994  
retirement system by a publicly owned utility as provided for in 2995  
section 145.48 of the Revised Code under a pension plan adopted by 2996  
the publicly owned utility. 2997~~

~~(F)(C)~~ Retirement allowances determined under this section 2998  
shall be paid as provided in section 145.46 of the Revised Code. 2999

**Sec. 145.35.** (A) As used in this section, "on-duty illness or 3000  
injury" means an illness or injury that occurred during or 3001  
resulted from performance of duties under the direct supervision 3002  
of a ~~member's appointing authority~~ public employer. 3003

(B) The public employees retirement system shall provide 3004  
disability coverage to each member who has at least five years of 3005  
total service credit and disability coverage for on-duty illness 3006  
or injury to each member who is a PERS law enforcement officer or 3007  
PERS public safety officer, regardless of length of service. 3008

The coverage shall extend only to illness or injury that 3009  
occurs before the member's contributing service terminates or, in 3010

the case of illness or injury that results from contributing 3011  
service, becomes evident not later than two years after the date 3012  
the contributing service ends. The coverage shall not extend to 3013  
disability resulting from elective cosmetic surgery other than 3014  
reconstructive surgery. 3015

Not later than October 16, 1992, the public employees 3016  
retirement board shall give each person who is a member on July 3017  
29, 1992, the opportunity to elect disability coverage either 3018  
under section 145.36 of the Revised Code or under section 145.361 3019  
of the Revised Code. The board shall mail notice of the election, 3020  
accompanied by an explanation of the coverage under each of the 3021  
Revised Code sections and a form on which the election is to be 3022  
made, to each member at the member's last known address. The board 3023  
shall also provide the explanation and form to any member on 3024  
request. 3025

Regardless of whether the member actually receives notice of 3026  
the right to make an election, a member who fails to file a valid 3027  
election under this section shall be considered to have elected 3028  
disability coverage under section 145.36 of the Revised Code. To 3029  
be valid, an election must be made on the form provided by the 3030  
retirement board, signed by the member, and filed with the board 3031  
not later than one hundred eighty days after the date the notice 3032  
was mailed, or, in the case of a form provided at the request of a 3033  
member, a date specified by rule of the retirement board. Once 3034  
made, an election is irrevocable, but if the member ceases to be a 3035  
member of the retirement system, the election is void. If a person 3036  
who makes an election under this section also makes an election 3037  
under section 3307.62 or 3309.39 of the Revised Code, the election 3038  
made for the system that pays a disability benefit to that person 3039  
shall govern the benefit. 3040

Disability coverage shall be provided under section 145.361 3041  
of the Revised Code for persons who become members after July 29, 3042

1992, and for members who elect under this division to be covered 3043  
under section 145.361 of the Revised Code. 3044

The retirement board may adopt rules governing elections made 3045  
under this division. 3046

(C) Application for a disability benefit may be made by a 3047  
member, by a person acting in the member's behalf, or by the 3048  
member's employer, provided the member has disability coverage 3049  
under section 145.36 or 145.361 of the Revised Code and is not 3050  
receiving a disability benefit under any other Ohio state or 3051  
municipal retirement program. Application must be made within two 3052  
years from the date the member's contributing service under the 3053  
PERS defined benefit plan terminated or the date the member ceased 3054  
to make contributions to the PERS defined benefit plan under 3055  
section 145.814 of the Revised Code, unless the retirement board 3056  
determines that the member's medical records demonstrate 3057  
conclusively that at the time the two-year period expired, the 3058  
member was physically or mentally incapacitated for duty and 3059  
unable to make an application. Application may not be made by or 3060  
for any person receiving age and service retirement benefits under 3061  
section 145.33, 145.331, 145.332, 145.34, or 145.37 of the Revised 3062  
Code or any person who, pursuant to section 145.40 of the Revised 3063  
Code, has been paid the accumulated contributions standing to the 3064  
credit of the person's individual account in the employees' 3065  
savings fund. The application shall be made on a form provided by 3066  
the retirement board. 3067

(D) The benefit payable to any member who is approved for a 3068  
disability benefit shall become effective on the first day of the 3069  
month immediately following the later of the following: 3070

(1) The last day for which compensation was paid; 3071

(2) The attainment of eligibility for a disability benefit. 3072

(E) Medical examination of a member who has applied for a 3073

disability benefit shall be conducted by a competent disinterested 3074  
physician or physicians selected by the board to determine whether 3075  
the member is mentally or physically incapacitated for the 3076  
performance of duty by a disabling condition either permanent or 3077  
presumed to be permanent. The disability must have occurred since 3078  
last becoming a member or have increased since last becoming a 3079  
member to such extent as to make the disability permanent or 3080  
presumed to be permanent. A disability is presumed to be permanent 3081  
if it is expected to last for a continuous period of not less than 3082  
twelve months following the filing of the application. 3083

The standard used to determine whether a member is 3084  
incapacitated for duty is that the member is mentally or 3085  
physically incapable of performing the duties of the position the 3086  
member held at the time the disabling condition began or of a 3087  
position with similar duties. 3088

If the physician or physicians determine that the member 3089  
qualifies for a disability benefit, the board concurs with the 3090  
determination, and the member agrees to medical treatment as 3091  
specified in division (F) of this section, the member shall 3092  
receive a disability benefit under section 145.36 or 145.361 of 3093  
the Revised Code. The action of the board shall be final. 3094

(F) The public employees retirement board shall adopt rules 3095  
requiring a disability benefit recipient, as a condition of 3096  
continuing to receive a disability benefit, to agree in writing to 3097  
obtain any medical treatment recommended by the board's physician 3098  
and submit medical reports regarding the treatment. If the board 3099  
determines that a disability benefit recipient is not obtaining 3100  
the medical treatment or the board does not receive a required 3101  
medical report, the disability benefit shall be suspended until 3102  
the treatment is obtained, the report is received by the board, or 3103  
the board's physician certifies that the treatment is no longer 3104  
helpful or advisable. Should the recipient's failure to obtain 3105

treatment or submit a medical report continue for one year, the 3106  
recipient's right to the disability benefit shall be terminated as 3107  
of the effective date of the original suspension. 3108

The board shall require the recipient of a disability benefit 3109  
who is described in section 145.363 of the Revised Code to comply 3110  
with that section. 3111

(G) A disability benefit that has been granted a member but 3112  
has not commenced shall not be paid if the member continues in or 3113  
returns to employment with the same employer in the same position 3114  
or in a position with duties similar to those of the position the 3115  
member held at the time the benefit was granted. 3116

(H) In the event an employer files an application for a 3117  
disability benefit as a result of a member having been separated 3118  
from service because the member is considered to be mentally or 3119  
physically incapacitated for the performance of the member's 3120  
present duty, and the physician or physicians selected by the 3121  
board reports to the board that the member is physically and 3122  
mentally capable of performing service similar to that from which 3123  
the member was separated and the board concurs in the report, the 3124  
board shall so certify to the employer and the employer shall 3125  
restore the member to the member's previous position and salary or 3126  
to a similar position and salary. 3127

**Sec. 145.36.** A member who has elected disability coverage 3128  
under this section, has not attained age sixty, and is determined 3129  
by the public employees retirement board under section 145.35 of 3130  
the Revised Code to qualify for a disability benefit shall be 3131  
retired on disability under this section. 3132

Upon disability retirement, a member shall receive an annual 3133  
amount that shall consist of: 3134

(A) An annuity having a reserve equal to the amount of the 3135

retirant's accumulated contributions; 3136

(B) A pension that shall be the difference between the 3137  
following: 3138

(1) The member's annuity and an under division (A) of this 3139  
section, excluding the portion of the pension attributable to 3140  
contributions deposited under former division (Y) of section 3141  
145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or 3142  
sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 3143  
145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised 3144  
Code for the purchase of service credit; 3145

(2) An annual amount determined by multiplying the total 3146  
service credit of the retirant, and in addition thereto the 3147  
projected number of years and fractions thereof between the 3148  
effective date of the member's disability retirement and attained 3149  
age sixty, assuming continuous service, by eighty-six dollars or 3150  
two and two-tenths per cent of the member's final average salary, 3151  
whichever is greater. 3152

Where the recipient is not receiving a disability benefit 3153  
under section 145.37 of the Revised Code and is receiving a 3154  
disability benefit from either the state teachers retirement 3155  
system or the school employees retirement system, the recipient 3156  
shall not be eligible for service credit based upon the number of 3157  
years and fractions thereof between the date of disability and 3158  
attained age sixty as provided for in this division. 3159

In no case shall disability retirement be less than thirty 3160  
per cent or more than seventy-five per cent of the member's final 3161  
average salary, except that it shall not exceed any limit to which 3162  
the retirement system is subject under section 415 of the 3163  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 3164  
as amended. 3165

A year of service for the purpose of disability retirement is 3166

a complete year of full-time employment, or the equivalent 3167  
thereof. The public employees retirement board is the final 3168  
authority in determining the eligibility of a member for 3169  
disability retirement. 3170

**Sec. 145.361.** (A) A member with disability coverage under 3171  
this section who is determined by the public employees retirement 3172  
board under section 145.35 of the Revised Code to qualify for a 3173  
disability benefit shall receive a disability allowance under this 3174  
section. The allowance shall be an annual amount equal to the 3175  
greater of the following: 3176

(1) Forty-five per cent of the member's final average salary; 3177

(2) The member's total service credit multiplied by two and 3178  
two-tenths per cent of the member's final average salary, not 3179  
exceeding sixty per cent of the member's final average salary. 3180

(B) Sufficient reserves for payment of the disability 3181  
allowance shall be transferred to the annuity and pension reserve 3182  
fund from the employers' contribution fund. The accumulated 3183  
contributions of the member shall remain in the employees' savings 3184  
fund. No part of the allowance paid under this section shall be 3185  
charged against the member's accumulated contributions. 3186

(C) A disability allowance paid under this section shall 3187  
terminate at the earliest of the following: 3188

(1) The effective date of age and service retirement under 3189  
sections 145.32 ~~and~~, 145.33, and 145.332, or section 145.34 or 3190  
145.37 of the Revised Code; 3191

(2) The date the allowance is terminated under section 3192  
145.362 of the Revised Code; 3193

(3) The later of the last day of the month in which the 3194  
recipient attains age sixty-five, or the last day of the month in 3195  
which the benefit period ends as follows: 3196



Attained Age at		3197
Effective Date of		3198
Disability Allowance	Benefit Period	3199
60 or 61	60 months	3200
62 or 63	48 months	3201
64 or 65	36 months	3202
66, 67, or 68	24 months	3203
69 or older	12 months	3204

**Sec. 145.362.** A disability benefit recipient whose benefit 3205  
effective date was before the effective date of this amendment 3206  
shall retain membership status and shall be considered on leave of 3207  
absence from employment during the first five years following the 3208  
effective date of a disability benefit, notwithstanding any 3209  
contrary provisions in this chapter. 3210

A disability benefit recipient whose benefit effective date 3211  
is on or after the effective date of this amendment shall retain 3212  
membership status and shall be considered on leave of absence from 3213  
employment during the first three years following the effective 3214  
date of a disability benefit, except that, if the member is 3215  
receiving rehabilitative services acceptable to a physician or 3216  
physicians selected by the board, the board may permit the 3217  
recipient to retain membership status and be considered on leave 3218  
of absence from employment for up to five years following the 3219  
effective date of a disability benefit. 3220

The public employees retirement board shall require any 3221  
disability benefit recipient to undergo an annual medical 3222  
examination, except that the board may waive the medical 3223  
examination if the board's physician or physicians certify that 3224  
the recipient's disability is ongoing. If any disability benefit 3225  
recipient refuses to submit to a medical examination, the 3226  
recipient's disability benefit shall be suspended until withdrawal 3227  
of the refusal. Should the refusal continue for one year, all the 3228

recipient's rights in and to the disability benefit shall be 3229  
terminated as of the effective date of the original suspension. 3230

On completion of the examination by an examining physician or 3231  
physicians selected by the board, the physician or physicians 3232  
shall report and certify to the board whether the disability 3233  
benefit recipient meets the applicable standard for termination of 3234  
a disability benefit. If the recipient's benefit effective date is 3235  
before the effective date of this amendment or, if after that 3236  
date, the recipient has been receiving the benefit for less than 3237  
three years or is receiving rehabilitative services acceptable to 3238  
the physician or physicians and considered on leave of absence, 3239  
the standard for termination is that the recipient is no longer 3240  
physically and mentally incapable of resuming the service from 3241  
which the recipient was found disabled. If the recipient's benefit 3242  
effective date is on or after the effective date of this 3243  
amendment, the recipient has been receiving the benefit for three 3244  
years or longer, and the recipient is not receiving rehabilitative 3245  
services acceptable to the physician or physicians, the standard 3246  
for termination is that the recipient is not physically or 3247  
mentally incapable of performing the duties of any position that 3248  
meets all of the following criteria: 3249

(A) Replaces not less than seventy-five per cent of the 3250  
member's final average salary, adjusted each year by the actual 3251  
average increase in the consumer price index prepared by the 3252  
United States bureau of labor statistics (U.S. city average for 3253  
urban wage earners and clerical workers: "all items 3254  
1982-1984=100"); 3255

(B) Is reasonably to be found in the member's regional job 3256  
market; 3257

(C) Is one that the member is qualified for by experience or 3258  
education. 3259

If the board concurs in the report that the disability 3260  
benefit recipient ~~is no longer incapable~~ meets the applicable 3261  
standard for termination of a disability benefit, the payment of 3262  
the disability benefit shall be terminated not later than three 3263  
months after the date of the board's concurrence or upon 3264  
employment as a public employee. If the leave of absence has not 3265  
expired, the retirement board shall certify to the disability 3266  
benefit recipient's last employer before being found disabled that 3267  
the recipient is no longer physically and mentally incapable of 3268  
resuming service that is the same or similar to that from which 3269  
the recipient was found disabled. The employer shall restore the 3270  
recipient to the recipient's previous position and salary or to a 3271  
position and salary similar thereto, unless the recipient was 3272  
dismissed or resigned in lieu of dismissal for dishonesty, 3273  
misfeasance, malfeasance, or conviction of a felony. 3274

Each disability benefit recipient shall file with the board 3275  
an annual statement of earnings, current medical information on 3276  
the recipient's condition, and any other information required in 3277  
rules adopted by the board. The board may waive the requirement 3278  
that a disability benefit recipient file an annual statement of 3279  
earnings or current medical information if the board's physician 3280  
certifies that the recipient's disability is ongoing. 3281

The board shall annually examine the information submitted by 3282  
the recipient. If a disability benefit recipient refuses to file 3283  
the statement or information, the disability benefit shall be 3284  
suspended until the statement and information are filed. If the 3285  
refusal continues for one year, the recipient's right to the 3286  
disability benefit shall be terminated as of the effective date of 3287  
the original suspension. 3288

If a disability benefit recipient is restored to service by, 3289  
or elected to an elective office with, an employer covered by this 3290  
chapter, the recipient's disability benefit shall cease. 3291

The board may terminate a disability benefit at the request 3292  
of the recipient. 3293

If disability retirement under section 145.36 of the Revised 3294  
Code is terminated for any reason, the annuity and pension 3295  
reserves at that time in the annuity and pension reserve fund 3296  
shall be transferred to the employees' savings fund and the 3297  
employers' accumulation fund, respectively. If the total 3298  
disability benefit paid is less than the amount of the accumulated 3299  
contributions of the member transferred to the annuity and pension 3300  
reserve fund at the time of the member's disability retirement, 3301  
the difference shall be transferred from the annuity and pension 3302  
reserve fund to another fund as may be required. In determining 3303  
the amount of a member's account following the termination of 3304  
disability retirement for any reason, the total amount paid shall 3305  
be charged against the member's refundable account. 3306

If a disability allowance paid under section 145.361 of the 3307  
Revised Code is terminated for any reason, the reserve on the 3308  
allowance at that time in the annuity and pension reserve fund 3309  
shall be transferred from that fund to the employers' accumulation 3310  
fund. 3311

If a former disability benefit recipient again becomes a 3312  
contributor, other than as an other system retirant under section 3313  
145.38 of the Revised Code, to this system, the state teachers 3314  
retirement system, or the school employees retirement system, and 3315  
completes an additional two years of service credit, the former 3316  
disability benefit recipient shall be entitled to full service 3317  
credit for the period as a disability benefit recipient, except 3318  
that the service credit shall not exceed five years' credit. 3319

If any employer employs any member who is receiving a 3320  
disability benefit, the employer shall file notice of employment 3321  
with the retirement board, designating the date of employment. In 3322  
case the notice is not filed, the total amount of the benefit paid 3323

during the period of employment prior to notice shall be charged 3324  
to and paid by the employer. 3325

Sec. 145.363. (A) A recipient of a disability benefit granted 3326  
under this chapter on or after the effective date of this section 3327  
shall apply for social security disability insurance benefit 3328  
payments under 42 U.S.C. 423 if the recipient meets the 3329  
requirements of divisions (a)(1)(A), (B), and (C) of that section. 3330  
The application shall be made not later than ninety days after the 3331  
recipient is granted a disability benefit under this chapter 3332  
unless the public employees retirement board determines from the 3333  
member's medical records that the member is physically or mentally 3334  
unable to make the application. The recipient shall file a copy of 3335  
the completed application with the public employees retirement 3336  
system and the system shall accept the copy as evidence of the 3337  
member's application. If a recipient fails without just cause to 3338  
apply for social security disability insurance benefit payments or 3339  
to file a copy of the application with the system, the disability 3340  
benefit under this chapter shall be suspended until application is 3341  
made and a copy of the application filed with the system. 3342

(B) Regardless of whether the recipient's disability is 3343  
ongoing, a recipient of a disability benefit under this chapter 3344  
who also receives social security disability insurance benefit 3345  
payments shall file an annual statement of earnings under section 3346  
145.362 of the Revised Code and include a copy of the social 3347  
security disability insurance benefit annual reward letter that 3348  
specifies the amount of the social security disability insurance 3349  
program benefit. 3350

(C) Except as provided in division (D) of this section, if 3351  
any year the total of a disability benefit recipient's benefit 3352  
under this chapter and social security disability insurance 3353  
benefit payments exceeds the recipient's adjusted final average 3354

salary, the annual benefit under this chapter shall be reduced so 3355  
that the annual total equals the recipient's adjusted final 3356  
average salary. 3357

The recipient's adjusted final average salary shall be 3358  
determined by annually increasing the recipient's final average 3359  
salary by the percentage increase in the consumer price index, not 3360  
exceeding three per cent, as determined by the United States 3361  
bureau of labor statistics (U.S. city average for urban wage 3362  
earners and clerical workers: "all items 1982-84=100") for the 3363  
twelve-month period ending on the thirtieth day of June of the 3364  
immediately preceding calendar year. If the consumer price index 3365  
for that period did not increase, no increase shall be made to the 3366  
recipient's adjusted final average salary for that period. No 3367  
adjustment to a benefit shall exceed the limit established by 3368  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 3369  
2085, 26 U.S.C. 415, as amended. 3370

If a disability benefit recipient receives retroactive 3371  
payments of social security disability insurance benefits, the 3372  
system may reduce future disability benefit payments under this 3373  
chapter to recoup any overpayments. 3374

(D) The reductions required by division (C) of this section 3375  
do not apply to a recipient of a disability benefit under this 3376  
chapter who has not less than five years of service credit for 3377  
periods during which the recipient had earnings from other 3378  
employment that was subject to the tax imposed by the "Federal 3379  
Insurance Contributions Act," 26 U.S.C. 3101. 3380

**Sec. 145.37.** (A) As used in this section: 3381

(1) "State retirement system" means the public employees 3382  
retirement system, school employees retirement system, or state 3383  
teachers retirement system. 3384

(2) "Total service credit" means all service credit earned in 3385  
the state retirement systems, except credit for service subject to 3386  
section 145.38 of the Revised Code. Total service credit shall not 3387  
exceed one year of credit for any twelve-month period. 3388

(3) In addition to the meaning given in division (N) of 3389  
section 145.01 of the Revised Code, "disability benefit" means 3390  
"disability benefit" as defined in sections 3307.01 and 3309.01 of 3391  
the Revised Code. 3392

(B) To coordinate and integrate membership in the state 3393  
retirement systems, the following provisions apply: 3394

(1) At the option of a member, total contributions and 3395  
service credit in all state retirement systems, including amounts 3396  
paid to restore service credit under sections 145.311, 3307.711, 3397  
and 3309.261 of the Revised Code, shall be used in determining the 3398  
eligibility and total retirement or disability benefit payable. 3399  
When total contributions and service credit are so combined, the 3400  
following provisions apply: 3401

(a) Age and service retirement or disability benefits are 3402  
effective on the first day of the month immediately following the 3403  
later of: 3404

(i) The last day for which compensation was paid; 3405

(ii) The attainment of minimum age or service credit 3406  
eligibility for benefits provided under this section. 3407

(b) In determining eligibility for a disability benefit, the 3408  
medical examiner's report to the retirement board of any state 3409  
retirement system, showing that the member's disability 3410  
incapacitates the member for the performance of duty, may be 3411  
accepted by the state retirement boards as sufficient for granting 3412  
a disability benefit. 3413

(c) The state retirement system in which the member had the 3414

greatest service credit, without adjustment, shall determine and 3415  
pay the total retirement or disability benefit. Where the member's 3416  
credit is equal in two or more state retirement systems, the 3417  
system having the largest total contributions of the member shall 3418  
determine and pay the total benefit. 3419

(d) In determining the total credit to be used in calculating 3420  
a retirement or disability benefit, ~~credit shall not be reduced~~ 3421  
~~below that certified by the system or systems transferring credit,~~ 3422  
~~except that such~~ total combined service credit shall not exceed 3423  
one year of credit for any one "year" as defined in the law of the 3424  
system making the calculation. 3425

(e) The state retirement system determining and paying a 3426  
retirement or disability benefit shall receive from the other 3427  
system or systems the sum of the following: 3428

(i) The member's refundable account at retirement or the 3429  
effective date of a disability benefit ~~plus an;~~ 3430

(ii) An amount from the employers' accumulation fund equal to 3431  
the member's refundable account less interest credited under 3432  
section 145.471, 145.472, or 3307.563 of the Revised Code, 3433  
excluding amounts of the member's accumulated contributions 3434  
deposited under former division (Y) of section 145.01 or former 3435  
sections 145.02, 145.29, 145.292, and 145.42, or sections 145.20, 3436  
145.201, 145.28, 145.291, 145.292, 145.293, 145.299, 145.2916, 3437  
145.301, 145.47, and 145.814 of the Revised Code for the purchase 3438  
of service credit. ~~If~~ 3439

If applicable, the public employees retirement system shall 3440  
pay to the retirement system determining and paying the benefit a 3441  
portion of the amount paid on behalf of the member by an employer 3442  
under section 145.483 of the Revised Code. The portion shall be 3443  
paid from the employers' accumulation fund and shall equal the 3444  
product obtained by multiplying by two the amount the member would 3445



have contributed during the period the employer failed to deduct 3446  
contributions, as described in section 145.483 of the Revised 3447  
Code. 3448

~~(i)~~(f) The annuity rates and mortality tables of the state 3449  
retirement system making the calculation and paying the benefit 3450  
shall be exclusively applicable. 3451

~~(ii)~~(g) Deposits made for the purpose of an additional 3452  
annuity, and including guaranteed interest, upon the request of 3453  
the member, shall be transferred to the state retirement system 3454  
paying the benefit. The return upon such deposits shall be that 3455  
offered by the state retirement system making the calculation and 3456  
paying the benefit. 3457

(2) A former member receiving a retirement or disability 3458  
benefit under this section, who accepts employment amenable to 3459  
coverage in any state retirement system that participated in the 3460  
former member's combined benefit, shall be subject to the 3461  
applicable provisions of law governing such re-employment. If a 3462  
former member should be paid any amount in a retirement benefit, 3463  
to which the former member is not entitled under the applicable 3464  
provisions of law governing such re-employment, such amount shall 3465  
be recovered by the state retirement system paying such benefit by 3466  
utilizing any recovery procedure available under the code 3467  
provisions of the state retirement system covering such 3468  
re-employment. 3469

(C) A PERS retirant or other system retirant, as defined in 3470  
section 145.38 of the Revised Code, is not eligible to receive any 3471  
benefit under this section for service subject to section 145.38 3472  
of the Revised Code. 3473

**Sec. 145.383.** (A) As used in this section: 3474

(1) "Compensation" has the same meaning as in section 3307.01 3475

or 3309.01 of the Revised Code, as appropriate. 3476

(2) "PERS position" means a position for which a member of 3477  
the public employees retirement system is making contributions to 3478  
the system. 3479

(3) "Other state retirement system" means the state teachers 3480  
retirement system or the school employees retirement system. 3481

(4) "State retirement system" means the public employees 3482  
retirement system, state teachers retirement system, or the school 3483  
employees retirement system. 3484

(B)(1) A member of the public employees retirement system who 3485  
holds two or more PERS positions may retire under section 145.32, 3486  
145.33, 145.331, 145.332, 145.34, 145.37, or 145.46 of the Revised 3487  
Code from the position for which the annual earnable salary at the 3488  
time of retirement is highest and continue to contribute to the 3489  
retirement system for the other PERS position or positions. 3490

(2) A member of the public employees retirement system who 3491  
also holds one or more other positions covered by the other state 3492  
retirement systems may retire under section 145.32, 145.33, 3493  
145.331, 145.332, 145.34, 145.37, or 145.46 of the Revised Code 3494  
from the PERS position and continue contributing to the other 3495  
state retirement systems if the annual earnable salary for the 3496  
PERS position at the time of retirement is greater than annual 3497  
compensation for the position, or any of the positions, covered by 3498  
the other state retirement systems. 3499

(3) A member of the public employees retirement system who 3500  
holds two or more PERS positions and at least one other position 3501  
covered by one of the other state retirement systems may retire 3502  
under section 145.32, 145.33, 145.331, 145.332, 145.34, 145.37, or 3503  
145.46 of the Revised Code from one of the PERS positions and 3504  
continue contributing to the public employees retirement system 3505  
and the other state retirement system if the annual earnable 3506

salary for the PERS position from which the member is retiring is, 3507  
at the time of retirement, greater than the annual compensation or 3508  
earnable salary for any of the positions for which the member is 3509  
continuing to make contributions. 3510

(4) A member of the public employees retirement system who 3511  
has retired as provided in division (B)(2) or (3) of section 3512  
3307.351 or division (B)(2) or (3) of section 3309.343 of the 3513  
Revised Code may continue to contribute to the public employees 3514  
retirement system for a PERS position if the member held the 3515  
position at the time of retirement from the other state retirement 3516  
system. 3517

(5) A member who contributes to the public employees 3518  
retirement system in accordance with division (B)(1), (3), or (4) 3519  
of this section shall contribute in accordance with section 145.47 3520  
of the Revised Code. The member's employer shall contribute as 3521  
provided in section 145.48 of the Revised Code. Neither the member 3522  
nor the member's survivors are eligible for any benefits based on 3523  
those contributions other than those provided under section 3524  
145.384, 3307.352, or 3309.344 of the Revised Code. 3525

(C)(1) In determining retirement eligibility and the annual 3526  
retirement allowance of a member who retires as provided in 3527  
division (B)(1), (2), or (3) of this section, the following shall 3528  
be used to the date of retirement: 3529

(a) The member's earnable salary and compensation for all 3530  
positions covered by a state retirement system; 3531

(b) Total service credit in any state retirement system, 3532  
except that the credit shall not exceed one year of credit for any 3533  
period of twelve months; 3534

(c) The member's accumulated contributions. 3535

(2) A member who retires as provided in division (B)(1), (2), 3536  
or (3) of this section is a retirant for all purposes of this 3537

chapter, except that the member is not subject to section 145.38 3538  
of the Revised Code for a position or positions for which 3539  
contributions continue under those divisions or division (B)(4) of 3540  
this section. 3541

(D) A retired member receiving a benefit under section 3542  
145.384 of the Revised Code based on employment subject to this 3543  
section is not a member of the public employees retirement system 3544  
and does not have any rights, privileges, or obligations of 3545  
membership. The retired member is a PERS retirant for purposes of 3546  
section 145.38 of the Revised Code. 3547

(E) The public employees retirement board may adopt rules to 3548  
carry out this section. 3549

**Sec. 145.39.** Whenever the limits established by section 415 3550  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 3551  
U.S.C.A. 415, as amended, are raised, the public employees 3552  
retirement board shall increase the amount of the pension, 3553  
benefit, or allowance of any person whose pension, benefit, or 3554  
allowance payable under section 145.323, 145.33, 145.331, 145.332, 3555  
145.34, 145.36, or 145.361 of the Revised Code was limited by the 3556  
application of section 415. The amount of the increased pension, 3557  
benefit, or allowance shall not exceed the lesser of the amount 3558  
the person would have received if the limits established by 3559  
section 415 had not been applied or the amount the person is 3560  
eligible to receive subject to the new limits established by 3561  
section 415. 3562

**Sec. 145.40.** (A)(1) Subject to the provisions of section 3563  
145.57 of the Revised Code and except as provided in section 3564  
145.402 of the Revised Code and division (B) of this section, if a 3565  
member elects to become exempt from contribution to the public 3566  
employees retirement system pursuant to section 145.03 of the 3567

Revised Code or ceases to be a public employee for any cause other 3568  
than death, retirement, receipt of a disability benefit, or 3569  
current employment in a position in which the member has elected 3570  
to participate in an alternative retirement plan under section 3571  
3305.05 or 3305.051 of the Revised Code, upon application the 3572  
public employees retirement board shall pay the member the 3573  
member's accumulated contributions, plus any applicable amount 3574  
calculated under section 145.401 of the Revised Code, provided 3575  
that both the following apply: 3576

(a) Three months have elapsed since the member's service 3577  
subject to this chapter, other than service exempted from 3578  
contribution pursuant to section 145.03 of the Revised Code, was 3579  
terminated; 3580

(b) The member has not returned to service subject to this 3581  
chapter, other than service exempted from contribution pursuant to 3582  
section 145.03 of the Revised Code, during that three-month 3583  
period. 3584

The payment of such accumulated contributions shall cancel 3585  
the total service credit of such member in the public employees 3586  
retirement system. 3587

(2) A member described in division (A)(1) of this section who 3588  
is married at the time of application for payment and is eligible 3589  
for age and service retirement under section 145.32, 145.33, 3590  
145.331, 145.332, or 145.34 of the Revised Code or would be 3591  
eligible for age and service retirement under any of those 3592  
sections but for a forfeiture ordered under division (A) or (B) of 3593  
section 2929.192 of the Revised Code shall submit with the 3594  
application a written statement by the member's spouse attesting 3595  
that the spouse consents to the payment of the member's 3596  
accumulated contributions. Consent shall be valid only if it is 3597  
signed and witnessed by a notary public. 3598

The board may waive the requirement of consent if the spouse  
is incapacitated or cannot be located, or for any other reason  
specified by the board. Consent or waiver is effective only with  
regard to the spouse who is the subject of the consent or waiver.

(B) This division applies to any member who is employed in a  
position in which the member has made an election under section  
3305.05 or 3305.051 of the Revised Code and due to the election  
ceases to be a public employee for purposes of that position.

Subject to section 145.57 of the Revised Code, the public  
employees retirement system shall do the following:

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

(2) If a member has accumulated contributions, in addition to  
those subject to division (B)(1) of this section, standing to the  
credit of the member's individual account and is not otherwise  
employed in a position in which the member is considered a public  
employee for the purposes of that position, pay, to the provider  
the member selected pursuant to section 3305.05 or 3305.051 of the  
Revised Code, the member's accumulated contributions. The payment  
shall be made on the member's application.

(C) Payment of a member's accumulated contributions under  
division (B) of this section cancels the member's total service  
credit in the public employees retirement system. A member whose  
accumulated contributions are paid to a provider pursuant to  
division (B) of this section is forever barred from claiming or  
purchasing service credit under the public employees retirement  
system for the period of employment attributable to those  
contributions.

Sec. 145.401. (A) As used in this section: 3630

(1) "Eligible contributions" means amounts contributed under 3631  
section 145.47 of the Revised Code, amounts received from a member 3632  
or transferred under division (C) of section 145.20 of the Revised 3633  
Code as that section existed prior to the effective date of this 3634  
amendment or former section 145.44 or section ~~145.20~~, 145.295, 3635  
145.2911, 145.2915, 145.2916, or 145.302, ~~or 145.44~~ of the Revised 3636  
Code, and any interest credited under section 145.471 or 145.472 3637  
of the Revised Code. "Eligible contributions" does not include 3638  
contributions that were used in the payment of a disability 3639  
benefit under section 145.36 of the Revised Code or, as provided 3640  
in rules adopted by the board, were refunded to a member because 3641  
the system was not authorized to accept the contributions. 3642

(2) "Service credit" means service credit earned for periods 3643  
for which contributions were made under section 145.47 of the 3644  
Revised Code and, if applicable, periods for which service credit 3645  
was purchased or transferred under division (C) of section 145.20 3646  
of the Revised Code as that section existed prior to the effective 3647  
date of this amendment or former section 145.44 or section ~~145.20~~, 3648  
145.295, ~~145.2911, 145.2915, 145.2916, or 145.302, or 145.44~~ of 3649  
the Revised Code. 3650

(B) If a member has, or at the time of death had, at least 3651  
five years of service credit, the public employees retirement 3652  
board shall include the amount specified in division (B)(1) or (2) 3653  
of this section in the amount payable under section 145.40 of the 3654  
Revised Code to the member, or under division (B) of section 3655  
145.43 of the Revised Code to a beneficiary or beneficiaries of 3656  
the member, unless at the time of death the member was a 3657  
disability benefit recipient. The amount specified in division 3658  
(B)(1) or (2) of this section shall be paid from the employers' 3659  
accumulation fund. 3660

(1) If the member has, or had at the time of death, at least 3661  
five but less than ten years of service credit, the amount 3662  
included shall be equal to thirty-three per cent of the member's 3663  
eligible contributions. 3664

(2) If the member has, or had at the time of death, at least 3665  
ten years of service credit, the amount included shall be equal to 3666  
sixty-seven per cent of the member's eligible contributions. 3667

**Sec. 145.41.** Membership shall cease upon refund of 3668  
accumulated contributions, death, or retirement except as provided 3669  
in section 145.362 of the Revised Code. A member who separates 3670  
from service for any reason other than death or retirement or who 3671  
otherwise ceases to be a public employee for any reason other than 3672  
death or retirement may leave the member's accumulated 3673  
contributions on deposit with the public employees retirement 3674  
board and, for the purposes of the public employees retirement 3675  
system, be considered on a membership leave of absence. The 3676  
member's membership rights shall continue until the member has 3677  
withdrawn the member's accumulated contributions, retired on a 3678  
retirement allowance as provided in section 145.33, 145.331, 3679  
145.332, or 145.34 of the Revised Code, or died. The account of 3680  
such a member shall remain in the employees' savings fund, except 3681  
that the account of a member who has less than five calendar years 3682  
of contributing service credit or is a member of the state 3683  
teachers retirement system or the school employees retirement 3684  
system may be transferred to the income fund if by the end of the 3685  
fifth calendar year following the calendar year in which the last 3686  
contribution was received the member has not died, claimed a 3687  
refund of contributions, or requested the retirement board to 3688  
continue the member's membership on a leave of absence basis. In 3689  
case such a member later requests a refund, the member's account 3690  
shall be restored to the employees' savings account and refunded 3691  
therefrom. Members on such leaves of absence shall retain all 3692



rights, obligations, and privileges of membership in the public 3693  
employees retirement system. A "contributor," as defined in 3694  
division (F) of section 145.01 of the Revised Code, who formerly 3695  
lost membership through termination of membership leave of absence 3696  
and who has not withdrawn the contributor's account shall be 3697  
reinstated as a member with all the rights, privileges, and 3698  
obligations of membership in the system. In no case shall a member 3699  
on leave of absence as provided in this section add to the 3700  
member's total number of years of service credit by reason of such 3701  
leave of absence, unless such member ~~was receiving benefits from~~ 3702  
~~the state insurance fund and by reason of such benefits qualified~~ 3703  
~~for additional service credit as provided in division (H) of~~ 3704  
~~section 145.01 of the Revised Code, or was~~ is eligible to and does 3705  
make a payment as provided in section 145.291 of the Revised Code. 3706

**Sec. 145.44.** Members of the public employees retirement 3707  
system who, prior to the date membership was established in said 3708  
system, were employed by the state or any of the several local 3709  
authorities mentioned in section 145.01 of the Revised Code, which 3710  
state or local authority has a local retirement system established 3711  
under the laws of this state for its employees, shall be permitted 3712  
to pay into the employees' savings fund of the public employees 3713  
retirement system the amount, with interest as determined by the 3714  
public employees retirement board, said members would have paid 3715  
through regular salary deductions had they been members of the 3716  
public employees retirement system continuously since January 1, 3717  
1935. 3718

In case a given member did not enter the employ of the 3719  
governmental unit having its own retirement system until a date 3720  
subsequent to January 1, 1935, the payment shall be computed on 3721  
the earnable salary earned from the date of appointment to the 3722  
date membership was established in the public employees retirement 3723  
system, provided such members have not received and are not 3724

eligible for benefits from the retirement system of said state or 3725  
local governmental unit. By such payment such member shall become 3726  
eligible for the benefits provided in division (A)(1)(a) of 3727  
section 145.33, section 145.331, division (A)(1)(a) of section 3728  
145.34, section 145.36, or section 145.361 of the Revised Code, 3729  
and such member shall not become eligible for the other benefits 3730  
provided by the remaining divisions of those sections until after 3731  
such governmental unit has paid into the public employees 3732  
retirement system fund the full liability, as determined by the 3733  
actuary engaged by the board to cover such services and payments. 3734  
If the governmental unit has not paid the full liability, the 3735  
retirement system shall refund the amount paid by the member under 3736  
this section. "Full liability" as used in this section means an 3737  
amount which, when added to the payment made by the member, will 3738  
provide the remaining portion of the pension reserve on such 3739  
service. 3740

**Sec. 145.45.** Except as provided in division (C)(1) of this 3741  
section, in lieu of accepting the payment of the accumulated 3742  
account of a member who dies before service retirement, a 3743  
beneficiary, as determined in this section or section 145.43 of 3744  
the Revised Code, may elect to forfeit the accumulated 3745  
contributions and to substitute certain other benefits under 3746  
division (A) or (B) of this section. 3747

(A)(1) If a deceased member was eligible for a service 3748  
retirement benefit as provided in section 145.33, 145.331, 3749  
145.332, or 145.34 of the Revised Code, a surviving spouse or 3750  
other sole dependent beneficiary may elect to receive a monthly 3751  
benefit computed as the joint-survivor benefit designated as "plan 3752  
D" in section 145.46 of the Revised Code, which the member would 3753  
have received had the member retired on the last day of the month 3754  
of death and had the member at that time selected such 3755  
joint-survivor plan. Payment shall begin with the month subsequent 3756

to the member's death, except that a surviving spouse who is less 3757  
than sixty-five years old may defer receipt of such benefit. Upon 3758  
receipt, the benefit shall be calculated based upon the spouse's 3759  
age at the time of first payment, and shall accrue regular 3760  
interest during the time of deferral. 3761

(2) Beginning on a date selected by the public employees 3762  
retirement board, which shall be not later than July 1, 2004, a 3763  
surviving spouse or other sole dependent beneficiary may elect, in 3764  
lieu of a monthly payment under division (A)(1) of this section, a 3765  
plan of payment consisting of both of the following: 3766

(a) A lump sum in an amount the surviving spouse or other 3767  
sole dependent beneficiary designates that constitutes a portion 3768  
of the allowance that would be payable under division (A)(1) of 3769  
this section; 3770

(b) The remainder of that allowance in monthly payments. 3771

The total amount paid as a lump sum and a monthly benefit 3772  
shall be the actuarial equivalent of the amount that would have 3773  
been paid had the lump sum not been selected. 3774

The lump sum amount designated by the surviving spouse or 3775  
other sole dependent beneficiary under division (A)(2)(a) of this 3776  
section shall be not less than six times and not more than 3777  
thirty-six times the monthly amount that would be payable to the 3778  
surviving spouse or other sole dependent beneficiary under 3779  
division (A)(1) of this section and shall not result in a monthly 3780  
payment that is less than fifty per cent of that monthly amount. 3781

(B) If a deceased member had, except as provided in division 3782  
(B)(7) of this section, at least one and one-half years of 3783  
contributing service credit, with, except as provided in division 3784  
(B)(7) of this section, at least one-quarter year of contributing 3785  
service credit within the two and one-half years prior to the date 3786  
of death, or was receiving at the time of death a disability 3787

benefit as provided in section 145.36, 145.361, or 145.37 of the Revised Code, qualified survivors who elect to receive monthly benefits shall receive the greater of the benefits provided in division (B)(1)(a) or (b) and (4) of this section as allocated in accordance with division (B)(5) of this section.

(1)(a) Number	Or	
of Qualified	Monthly	
survivors	Annual Benefit as a Per	Benefit
affecting	Cent of Decedent's Final	shall not be
the benefit	Average Salary	less than
1	25%	\$250
2	40	400
3	50	500
4	55	500
5 or more	60	500
(b) Years of	Annual Benefit as a Per Cent	
Service	of Member's Final Average	
	Salary	
20	29%	
21	33	
22	37	
23	41	
24	45	
25	48	
26	51	
27	54	
28	57	
29 or more	60	

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

(a) A qualified spouse is the surviving spouse of the deceased member, who is age sixty-two, or regardless of age meets

one of the following qualifications: 3820

(i) Except as provided in division (B)(7) of this section, 3821  
the deceased member had ten or more years of Ohio service credit. 3822

(ii) The spouse is caring for a qualified child. 3823

(iii) The spouse is adjudged physically or mentally 3824  
incompetent. 3825

A spouse of a member who died prior to August 27, 1970, whose 3826  
eligibility was determined at the member's death, and who is 3827  
physically or mentally incompetent on or after August 20, 1976, 3828  
shall be paid the monthly benefit which that person would 3829  
otherwise receive when qualified by age. 3830

(b) A qualified child is any child of the deceased member who 3831  
has never been married and to whom one of the following applies: 3832

(i) Is under age eighteen, or under age twenty-two if the 3833  
child is attending an institution of learning or training pursuant 3834  
to a program designed to complete in each school year the 3835  
equivalent of at least two-thirds of the full-time curriculum 3836  
requirements of such institution and as further determined by 3837  
board policy; 3838

(ii) Regardless of age, is adjudged physically or mentally 3839  
incompetent at the time of the member's death. 3840

(c) A qualified parent is a dependent parent aged sixty-five 3841  
or older or regardless of age if physically or mentally 3842  
incompetent, a dependent parent whose eligibility was determined 3843  
by the member's death prior to August 20, 1976, and who is 3844  
physically or mentally incompetent on or after August 20, 1976, 3845  
shall be paid the monthly benefit for which that person would 3846  
otherwise qualify. 3847

(3) "Physically or mentally incompetent" as used in this 3848  
section may be determined by a court of jurisdiction, or by a 3849

physician appointed by the retirement board. Incapability of 3850  
making a living because of a physically or mentally disabling 3851  
condition shall meet the qualifications of this division. 3852

(4) Benefits to a qualified survivor shall terminate upon 3853  
ceasing to meet eligibility requirements as provided in this 3854  
division, a first marriage, abandonment, adoption, or during 3855  
active military service. Benefits to a deceased member's surviving 3856  
spouse that were terminated under a former version of this section 3857  
that required termination due to remarriage and were not resumed 3858  
prior to September 16, 1998, shall resume on the first day of the 3859  
month immediately following receipt by the board of an application 3860  
on a form provided by the board. 3861

Upon the death of any subsequent spouse who was a member of 3862  
the public employees retirement system, state teachers retirement 3863  
system, or school employees retirement system, the surviving 3864  
spouse of such member may elect to continue receiving benefits 3865  
under this division, or to receive survivor's benefits, based upon 3866  
the subsequent spouse's membership in one or more of the systems, 3867  
for which such surviving spouse is eligible under this section or 3868  
section 3307.66 or 3309.45 of the Revised Code. If the surviving 3869  
spouse elects to continue receiving benefits under this division, 3870  
such election shall not preclude the payment of benefits under 3871  
this division to any other qualified survivor. 3872

Benefits shall begin or resume on the first day of the month 3873  
following the attainment of eligibility and shall terminate on the 3874  
first day of the month following loss of eligibility. 3875

(5)(a) If a benefit is payable under division (B)(1)(a) of 3876  
this section, benefits to a qualified spouse shall be paid in the 3877  
amount determined for the first qualifying survivor in division 3878  
(B)(1)(a) of this section. All other qualifying survivors shall 3879  
share equally in the benefit or remaining portion thereof. 3880

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

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

(7) The following restrictions do not apply if the deceased member was contributing toward benefits under ~~division (B) or (C)~~ of section ~~145.33~~ 145.332 of the Revised Code at the time of death:

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

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

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

(C)(1) Regardless of whether the member is survived by a spouse or designated beneficiary, if the public employees retirement system receives notice that a deceased member described

in division (A) or (B) of this section has one or more qualified 3912  
children, all persons who are qualified survivors under division 3913  
(B) of this section shall receive monthly benefits as provided in 3914  
division (B) of this section. 3915

If, after determining the monthly benefits to be paid under 3916  
division (B) of this section, the system receives notice that 3917  
there is a qualified survivor who was not considered when the 3918  
determination was made, the system shall, notwithstanding section 3919  
145.561 of the Revised Code, recalculate the monthly benefits with 3920  
that qualified survivor included, even if the benefits to 3921  
qualified survivors already receiving benefits are reduced as a 3922  
result. The benefits shall be calculated as if the qualified 3923  
survivor who is the subject of the notice became eligible on the 3924  
date the notice was received and shall be paid to qualified 3925  
survivors effective on the first day of the first month following 3926  
the system's receipt of the notice. 3927

If the retirement system did not receive notice that a 3928  
deceased member has one or more qualified children prior to making 3929  
payment under section 145.43 of the Revised Code to a beneficiary 3930  
as determined by the retirement system, the payment is a full 3931  
discharge and release of the system from any future claims under 3932  
this section or section 145.43 of the Revised Code. 3933

(2) If benefits under division (C)(1) of this section to all 3934  
persons, or to all persons other than a surviving spouse or other 3935  
sole beneficiary, terminate, there are no children under the age 3936  
of twenty-two years, and the surviving spouse or beneficiary 3937  
qualifies for benefits under division (A) of this section, the 3938  
surviving spouse or beneficiary may elect to receive benefits 3939  
under division (A) of this section. The benefits shall be 3940  
effective on the first day of the month immediately following the 3941  
termination. 3942

(D) The final average salary used in the calculation of a 3943



benefit payable pursuant to division (A) or (B) of this section to 3944  
a survivor or beneficiary of a disability benefit recipient shall 3945  
be adjusted for each year between the disability benefit's 3946  
effective date and the recipient's date of death by the lesser of 3947  
three per cent or the actual average percentage increase in the 3948  
consumer price index prepared by the United States bureau of labor 3949  
statistics (U.S. city average for urban wage earners and clerical 3950  
workers: "all items 1982-84=100"). 3951

(E) If the survivor benefits due and paid under this section 3952  
are in a total amount less than the member's accumulated account 3953  
that was transferred from the public employees' savings fund to 3954  
the survivors' benefit fund, then the difference between the total 3955  
amount of the benefits paid shall be paid to the beneficiary under 3956  
section 145.43 of the Revised Code. 3957

**Sec. 145.452.** ~~Upon the death of a member prior to receipt of~~ 3958  
~~service retirement~~ The surviving spouse of a member who dies on or 3959  
after the effective date of this amendment shall have the right to 3960  
continue to purchase any service credit the member initiated 3961  
before death. A purchase shall be considered to have been 3962  
initiated before the member's death if the member made one or more 3963  
payments for the purchase before the member's death. 3964

Until one year after the effective date of this amendment, 3965  
the surviving spouse or ~~dependents~~ qualified survivor of the 3966  
~~deceased~~ a member who died before the effective date of this 3967  
amendment shall have the right to purchase any service credit the 3968  
member, had the member not died, would have been eligible to 3969  
purchase under this chapter ~~upon the same terms and conditions~~ 3970  
~~that the deceased member could have purchased such service credit~~ 3971  
~~had the member not died. Any~~ 3972

Any service credit purchased under this section shall be 3973  
applied under the provisions of this chapter in the same manner as 3974

it would have been applied had it been purchased by the deceased 3975  
member during the deceased member's lifetime. 3976

**Sec. 145.462.** As used in this section, "benefit" means any 3977  
allowance, pension, or other benefit to which an individual is 3978  
entitled and that ~~he~~ the individual receives pursuant to section 3979  
145.32, 145.33, 145.332, 145.34, 145.36, 145.37, 145.45, or 145.46 3980  
of the Revised Code. 3981

The annual amount of each benefit which was payable prior to 3982  
February 1, 1984, shall, after the adjustment required by section 3983  
145.323 of the Revised Code, be increased by five per cent. 3984

**Sec. 145.47.** (A) Each public employee who is a contributor to 3985  
the public employees retirement system shall contribute eight per 3986  
cent of the contributor's earnable salary to the employees' 3987  
savings fund, except that the public employees retirement board 3988  
may raise the contribution rate to a rate not greater than ten per 3989  
cent of the employee's earnable salary. 3990

(B) The head of each state department, institution, board, 3991  
and commission, and the fiscal officer of each local authority 3992  
subject to this chapter, shall deduct from the earnable salary of 3993  
each contributor on every payroll of such contributor for each 3994  
payroll period subsequent to the date of coverage, an amount equal 3995  
to the applicable per cent of the contributor's earnable salary. 3996  
The head of each state department and the fiscal officer of each 3997  
local authority subject to this chapter shall transmit promptly to 3998  
the system a report of contributions at such intervals and in such 3999  
form as the system shall require, showing thereon all deductions 4000  
for the system made from the earnable salary of each contributor 4001  
employed, together with warrants, checks, or electronic payments 4002  
covering the total of such deductions. A penalty shall be added 4003  
when such report, together with warrants, checks, or electronic 4004

payments to cover the total amount due from the earnable salary of 4005  
all amenable employees of such employer, is filed thirty or more 4006  
days after the last day of such reporting period. The system, 4007  
after making a record of all receipts under this division, shall 4008  
deposit the receipts with the treasurer of state for use as 4009  
provided by this chapter. 4010

(C) Unless the board adopts a rule under division (D) of this 4011  
section, the penalty described in division (B) of this section for 4012  
failing to timely transmit a report, pay the total amount due, or 4013  
both is as follows: 4014

(1) At least one but not more than ten days past due, an 4015  
amount equal to one per cent of the total amount due; 4016

(2) At least eleven but not more than thirty days past due, 4017  
an amount equal to two and one-half per cent of the total amount 4018  
due; 4019

(3) Thirty-one or more days past due, an amount equal to five 4020  
per cent of the total amount due. 4021

The penalty described in this division shall be added to and 4022  
collected on the next succeeding regular employer billing. 4023  
Interest at a rate set by the retirement board shall be charged on 4024  
the amount of the penalty in case such penalty is not paid within 4025  
thirty days after it is added to the regular employer billing. 4026

(D) The board may adopt rules to establish penalties in 4027  
amounts that do not exceed the amounts specified in divisions 4028  
(C)(1) to (3) of this section. 4029

(E) In addition to the periodical reports of deduction 4030  
required by this section, the fiscal officer of each local 4031  
authority subject to this chapter shall submit to the system at 4032  
least once each year a complete listing of all noncontributing 4033  
appointive employees. Where an employer fails to transmit 4034  
contributions to the system, the system may make a determination 4035

of the employees' liability for contributions and certify to the 4036  
employer the amounts due for collection in the same manner as 4037  
payments due the employers' accumulation fund. Any amounts so 4038  
collected shall be held in trust pending receipt of a report of 4039  
contributions for such public employees for the period involved as 4040  
provided by law and, thereafter, the amount in trust shall be 4041  
transferred to the employees' savings fund to the credit of the 4042  
employees. Any amount remaining after the transfer to the 4043  
employees' savings fund shall be transferred to the employers' 4044  
accumulation fund as a credit of such employer. 4045

(F) The fiscal officer of each local authority subject to 4046  
this chapter shall require each new contributor to submit to the 4047  
system a detailed report of all the contributor's previous service 4048  
as a public employee along with such other facts as the board 4049  
requires for the proper operation of the system. 4050

(G) Any member who, because of the member's own illness, 4051  
injury, or other reason which may be approved by the member's 4052  
employer is prevented from making the member's contribution to the 4053  
system for any payroll period, may ~~pay such deductions as a back~~ 4054  
~~payment~~ purchase service credit for the period of absence within 4055  
one year. Credit shall be purchased under this division in 4056  
accordance with section 145.29 of the Revised Code. 4057

**Sec. 145.48.** (A) Each employer shall pay to the public 4058  
employees retirement system an amount that shall be a certain per 4059  
cent of the earnable salary of all contributors to be known as the 4060  
"employer contribution," except that the public employees 4061  
retirement board may raise the employer contribution to a rate not 4062  
to exceed fourteen per cent of the earnable salaries of all 4063  
contributors. 4064

(B)(1) On the basis of regular interest and of such mortality 4065  
and other tables as are adopted by the public employees retirement 4066

board, the actuary for the board shall determine the liabilities 4067  
and employer rates of contribution as follows: 4068

(a) The percentage of earnable salary that, when added to the 4069  
per cent of earnable salary contributed by each member, will cover 4070  
the costs of benefits to be paid to members for each year of 4071  
service rendered; 4072

(b) The percentage of earnable salary that, if paid over a 4073  
period of future years, will discharge fully the system's unfunded 4074  
actuarial accrued pension liability; 4075

(c) The percentage of earnable salary designated by the board 4076  
to pay benefits authorized under section 145.58 of the Revised 4077  
Code. 4078

(2) If recognized assets exceed the liabilities for service 4079  
previously rendered, on approval of the board, a percentage of 4080  
earnable salary may be deducted from the employer rates of 4081  
contribution that, if deducted annually over a period of future 4082  
years, will eliminate the excess. 4083

~~(C) Any publicly owned utility that became subject to this 4084  
chapter subsequent to July 1, 1938, shall assume before January 1, 4085  
1967, the obligation to pay those of its employees entitled to any 4086  
prior service credit a pension for such service that is in an 4087  
amount at least equal to the pension provided for other public 4088  
employees under this chapter. No employers' contributions for 4089  
prior service credit shall be required of such publicly owned 4090  
utility. The public employees retirement system has no obligation 4091  
to pay a prior service pension to any such employees of a publicly 4092  
owned utility, nor is it obligated to grant any service credit for 4093  
service with such utility prior to May 1, 1942, or prior to the 4094  
date such utility became subject to this chapter, whichever is the 4095  
later date. 4096~~

**Sec. 145.483.** Upon a finding that an employer failed to 4097  
deduct contributions pursuant to section 145.47 of the Revised 4098  
Code during a period of employment for which such contributions 4099  
were required, a statement of delinquent contributions shall be 4100  
prepared showing the amount the contributor and employer would 4101  
have contributed had regular payroll deductions been taken. Simple 4102  
interest from the end of each calendar year at a rate ~~set by the~~ 4103  
~~public employees retirement board~~ equal to the assumed actuarial 4104  
rate of interest at the time the statement is prepared shall be 4105  
included. If delinquent contribution statements are ~~not~~ paid ~~not~~ 4106  
later than thirty days after the end of the month in which they 4107  
become an obligation of the employer, any balance remaining shall 4108  
be collected with penalties and interest pursuant to section 4109  
145.51 of the Revised Code. 4110

Any amount paid under this section by an employer shall be 4111  
credited in accordance with section 145.23 of the Revised Code. 4112

**Sec. 145.49.** (A) Notwithstanding section 145.47 of the 4113  
Revised Code: 4114

(1) The public employees retirement system shall be 4115  
authorized to calculate the employee contribution rates separately 4116  
for those public employees contributing toward benefits as PERS 4117  
public safety officers under section ~~145.33~~ 145.332 of the Revised 4118  
Code. 4119

(2) Each public employee contributing toward benefits as PERS 4120  
law enforcement officers under section ~~145.33~~ 145.332 of the 4121  
Revised Code shall contribute to the employees' savings fund the 4122  
rate determined under division (A)(1) of this section plus an 4123  
additional percentage specified by the public employees retirement 4124  
board, which shall initially be one per cent of the employee's 4125  
earnable salary and shall not be increased to more than two per 4126

cent of the employee's earnable salary. 4127

(B) Notwithstanding section 145.48 of the Revised Code, the 4128  
public employees retirement system shall be authorized to 4129  
calculate the employer contribution rates separately for those 4130  
public employees contributing toward benefits as PERS public 4131  
safety officers under section ~~145.33~~ 145.332 of the Revised Code 4132  
or as PERS law enforcement officers under that section, except 4133  
that the employer contribution rate shall not exceed eighteen and 4134  
one-tenth per cent of the earnable salaries of those employees. 4135

**Sec. 145.51.** (A) Each employer described in division (D) of 4136  
section 145.01 of the Revised Code shall pay into the employers' 4137  
accumulation fund, in monthly installments, an amount certified by 4138  
the public employees retirement board, which equals the employer 4139  
obligation as described in section 145.12 or 145.69 of the Revised 4140  
Code. In addition, the board shall add to the employer billing 4141  
next succeeding the amount, with interest, to be paid by the 4142  
employer to provide the member with contributing service credit 4143  
for the service prior to the date of initial contribution to the 4144  
system for which the member has made additional payments, except 4145  
payments made pursuant to former section 145.29 or sections 145.28 4146  
and ~~145.29~~ 145.292 of the Revised Code. 4147

(B) Except as provided in section 145.52 of the Revised Code, 4148  
all employer obligations described in division (A) of this section 4149  
must be received by the public employees retirement system not 4150  
later than the thirtieth day after the last day of the calendar 4151  
month for which related member contributions are withheld. 4152

(C) Unless the board adopts a rule under division (F) of this 4153  
section establishing a different interest rate or penalty, 4154  
interest and penalties for failing to pay the employer obligation 4155  
when due under division (B) of this section shall be as follows: 4156

(1) Interest, compounded annually and charged monthly, for 4157

each day after the due date that the employer obligation remains 4158  
unpaid in an amount equal to six per cent per annum of the past 4159  
due amount of the employer obligation and any penalties imposed 4160  
under this section; 4161

(2) The penalty for failing to pay the employer obligation 4162  
when due under division (B) is as follows: 4163

(a) At least eleven but not more than thirty days past due, 4164  
an amount equal to one per cent of the past due obligation; 4165

(b) At least thirty-one but not more than sixty days past 4166  
due, an additional amount equal to one and one-half per cent of 4167  
the past due obligation; 4168

(c) Sixty-one or more days past due, an additional amount 4169  
equal to two and one-half per cent of the past due obligation. 4170

(D) The aggregate of all payments by employers under this 4171  
section shall be sufficient, when combined with the amount in the 4172  
employers' accumulation fund, to provide amounts payable under 4173  
this chapter out of the fund, and if not, the additional amount so 4174  
required shall be collected by means of an increased rate per 4175  
cent, which shall be certified to such employers by the board. 4176

(E) Upon certification by the board to the director of budget 4177  
and management, or to the county auditor, of an amount due from an 4178  
employer within any county who is subject to this chapter, by 4179  
reason of such employer's delinquency in making payments into the 4180  
employers' accumulation fund for past billings, such amount shall 4181  
be withheld from such employer from any funds subject to the 4182  
control of the director or the county auditor to such employer and 4183  
shall be paid to the public employees retirement system. 4184

(F) The board may adopt rules to do any of the following: 4185

(1) Establish interest at a rate that does not exceed the 4186  
annual rate described in division (C)(1) of this section; 4187



(2) Establish penalties in amounts that do not exceed the 4188  
amounts described in division (C)(2) of this section; 4189

(3) Permit the board to lengthen the periods of time or enter 4190  
into repayment agreements for employers to comply with divisions 4191  
(B) and (C) of this section. 4192

**Sec. 145.54.** The public employees retirement board shall 4193  
estimate annually the amount required to defray the expenses of 4194  
the administration of the public employees retirement system in 4195  
the ensuing year. If in the judgment of the board, as evidenced by 4196  
a resolution of that board in its minutes, the amount in the 4197  
income fund exceeds the amount necessary to cover the ordinary 4198  
requirements of that fund, the board may transfer to the expense 4199  
fund such excess amount not exceeding the entire amount required 4200  
to cover the expenses as estimated for the year. ~~The~~ If the amount 4201  
in the expense fund, including any amount transferred from the 4202  
income fund, is not sufficient to defray the expenses of 4203  
administration of the system in the ensuing year, the board may 4204  
~~then apportion~~ transfer any remaining amount required for the 4205  
expense fund ~~for the year then current among contributors. The~~ 4206  
~~amount so apportioned in any year shall not exceed three dollars~~ 4207  
~~per contributor~~ to that fund from the employer's accumulation 4208  
fund. 4209

**Sec. 145.56.** The right of an individual to a pension, an 4210  
annuity, or a retirement allowance itself, the right of an 4211  
individual to any optional benefit, any other right accrued or 4212  
accruing to any individual, under this chapter, or under any 4213  
municipal retirement system established subject to this chapter 4214  
under the laws of this state or any charter, the various funds 4215  
created by this chapter, or under such municipal retirement 4216  
system, and all moneys, investments, and income from moneys or 4217  
investments are exempt from any state tax, except the tax imposed 4218

by section 5747.02 of the Revised Code and are exempt from any 4219  
county, municipal, or other local tax, except taxes imposed 4220  
pursuant to section 5748.02 or 5748.08 of the Revised Code and, 4221  
except as provided in sections 145.57, 145.572, 145.573, 3105.171, 4222  
3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 4223  
of the Revised Code, shall not be subject to execution, 4224  
garnishment, attachment, the operation of bankruptcy or insolvency 4225  
laws, or other process of law whatsoever, and shall be 4226  
unassignable except as specifically provided in this chapter and 4227  
sections 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 4228  
3123., and 3125. of the Revised Code. 4229

**Sec. 145.561.** The (A) Except as provided in division (B) of 4230  
this section and section 145.363 or 145.573 of the Revised Code, 4231  
the granting of a retirement allowance, annuity, pension, or other 4232  
benefit to any person pursuant to action of the public employees 4233  
retirement board vests a right in such person, so long as ~~he~~ the 4234  
person remains the recipient of any benefit of the funds 4235  
established by section 145.23 of the Revised Code, to receive such 4236  
retirement allowance, annuity, pension, or other benefit at the 4237  
rate fixed at the time of granting such retirement allowance, 4238  
annuity, pension, or other benefit. Such right shall also be 4239  
vested with equal effect in the recipient of a grant heretofore 4240  
made from any of the funds named in section 145.23 of the Revised 4241  
Code. 4242

(B) This section does not apply to an increase made under 4243  
section 145.323 of the Revised Code on or after the effective date 4244  
of this amendment. 4245

**Sec. 145.563.** If the Notwithstanding section 145.561 of the 4246  
Revised Code, if any person who is a member, former member, 4247  
contributor, former contributor, retirant, beneficiary, or 4248  
alternate payee, as defined in section 3105.80 of the Revised 4249

Code, is paid any benefit or payment by the public employees 4250  
retirement system, including any payment made to a third party on 4251  
the person's behalf, to which the person is not entitled, the 4252  
benefit or payment shall be repaid to the retirement system by the 4253  
person or third party. If the person or third party fails to make 4254  
the repayment, the retirement system shall withhold the amount or 4255  
a portion of the amount due from any benefit or payment due the 4256  
person or the person's beneficiary under this chapter, or may 4257  
collect the amount in any other manner provided by law. 4258

**Sec. 145.573.** Notwithstanding any other provision of this 4259  
chapter, any right of a member of the public employees retirement 4260  
system to a disability benefit is subject to a forfeiture order 4261  
issued under section 2929.193 of the Revised Code. 4262

If the retirement system receives notice under section 4263  
2901.431 of the Revised Code that felony charges have been filed 4264  
against a member, the retirement system shall not grant the member 4265  
a disability benefit unless it determines that the member's 4266  
disability was not caused by commission of the felony. If the 4267  
member has disability coverage under this chapter or was granted a 4268  
disability benefit after the date on which the felony was 4269  
committed, the retirement system shall notify the prosecutor who 4270  
sent the notice under section 2901.431 of the Revised Code that 4271  
the member may be subject to an order of forfeiture under section 4272  
2929.193 of the Revised Code. 4273

On receipt under section 2929.193 of the Revised Code of a 4274  
journal entry showing an order of forfeiture of any right a member 4275  
may have to a disability benefit, the retirement system shall 4276  
comply with the order. If a disability benefit was granted prior 4277  
to receipt of the order, the retirement system shall terminate the 4278  
benefit. Any disability benefit paid to the member prior to its 4279  
termination may be recovered in accordance with section 145.563 of 4280

the Revised Code. 4281

Neither this section nor section 2929.193 of the Revised Code 4282  
precludes a member from withdrawing the member's accumulated 4283  
contributions in accordance with section 145.40 of the Revised 4284  
Code if the member is not subject to section 145.572 of the 4285  
Revised Code. 4286

**Sec. 145.58.** (A) As used in this section, "ineligible 4287  
individual" means all of the following: 4288

(1) A former member receiving benefits pursuant to section 4289  
145.32, 145.33, 145.331, 145.332, 145.34, or 145.46 of the Revised 4290  
Code for whom eligibility is established more than five years 4291  
after June 13, 1981, and who, at the time of establishing 4292  
eligibility, has accrued less than ten years' service credit, 4293  
exclusive of credit obtained pursuant to section 145.297 or 4294  
145.298 of the Revised Code, credit obtained under section 145.37, 4295  
145.295, 145.2911, or 145.2913 of the Revised Code for service 4296  
under another retirement system, credit obtained after January 29, 4297  
1981, pursuant to section 145.293 or 145.301 of the Revised Code, 4298  
and credit obtained after May 4, 1992, pursuant to section 145.28 4299  
of the Revised Code; 4300

(2) The spouse of the former member; 4301

(3) The beneficiary of the former member receiving benefits 4302  
pursuant to section 145.46 of the Revised Code. 4303

(B) The public employees retirement board may enter into 4304  
agreements with insurance companies, health insuring corporations, 4305  
or government agencies authorized to do business in the state for 4306  
issuance of a policy or contract of health, medical, hospital, or 4307  
surgical benefits, or any combination thereof, for those 4308  
individuals receiving age and service retirement or a disability 4309  
or survivor benefit subscribing to the plan, or for PERS retirants 4310

employed under section 145.38 of the Revised Code, for coverage of 4311  
benefits in accordance with division ~~(D)~~(C)(2) of section 145.38 4312  
of the Revised Code. Notwithstanding any other provision of this 4313  
chapter, the policy or contract may also include coverage for any 4314  
eligible individual's spouse and dependent children and for any of 4315  
the individual's sponsored dependents as the board determines 4316  
appropriate. If all or any portion of the policy or contract 4317  
premium is to be paid by any individual receiving age and service 4318  
retirement or a disability or survivor benefit, the individual 4319  
shall, by written authorization, instruct the board to deduct the 4320  
premium agreed to be paid by the individual to the company, 4321  
corporation, or agency. Service credit obtained under section 4322  
145.295, 145.2911, 145.2913, or 145.37 of the Revised Code for 4323  
service under another retirement system shall not be used in 4324  
determining the amount of the premium. 4325

The board may contract for coverage on the basis of part or 4326  
all of the cost of the coverage to be paid from appropriate funds 4327  
of the public employees retirement system. The cost paid from the 4328  
funds of the system shall be included in the employer's 4329  
contribution rate provided by sections 145.48 and 145.51 of the 4330  
Revised Code. The board may by rule provide coverage to ineligible 4331  
individuals if the coverage is provided at no cost to the 4332  
retirement system. The board shall not pay or reimburse the cost 4333  
for coverage under this section or section ~~145.325~~ 145.584 of the 4334  
Revised Code for any ineligible individual. 4335

The board may provide for self-insurance of risk or level of 4336  
risk as set forth in the contract with the companies, 4337  
corporations, or agencies, and may provide through the 4338  
self-insurance method specific benefits as authorized by rules of 4339  
the board. 4340

(C) The board shall, beginning the month following receipt of 4341  
satisfactory evidence of the payment for coverage, pay monthly to 4342

each recipient of service retirement, or a disability or survivor 4343  
benefit under the public employees retirement system who is 4344  
eligible for medical insurance coverage under part B of Title 4345  
XVIII of "The Social Security Act," 79 Stat. 301 (1965), 42 4346  
U.S.C.A. 1395j, as amended, an amount determined by the board for 4347  
such coverage that is not less than ninety-six dollars and forty 4348  
cents, except that the board shall make no such payment to any 4349  
ineligible individual or pay an amount that exceeds the amount 4350  
paid by the recipient for the coverage. 4351

At the request of the board, the recipient shall certify to 4352  
the retirement system the amount paid by the recipient for 4353  
coverage described in this division. 4354

(D) The board shall establish by rule requirements for the 4355  
coordination of any coverage, payment, or benefit provided under 4356  
this section or section ~~145.325~~ 145.584 of the Revised Code with 4357  
any similar coverage, payment, or benefit made available to the 4358  
same individual by the Ohio police and fire pension fund, state 4359  
teachers retirement system, school employees retirement system, or 4360  
state highway patrol retirement system. 4361

(E) The board shall make all other necessary rules pursuant 4362  
to the purpose and intent of this section. 4363

**Sec. ~~145.325~~ 145.584.** (A) Except as otherwise provided in 4364  
division (B) of this section, the board of the public employees 4365  
retirement system shall make available to each retirant or 4366  
disability benefit recipient receiving a monthly allowance or 4367  
benefit on or after January 1, 1968, who has attained the age of 4368  
sixty-five years, and who is not eligible to receive hospital 4369  
insurance benefits under the federal old age, survivors, and 4370  
disability insurance program, hospital insurance coverage 4371  
substantially equivalent to the federal hospital insurance 4372  
benefits, Social Security Amendments of 1965, 79 Stat. 291, 42 4373

U.S.C.A. 1395c, as amended. This coverage shall also be made 4374  
available to the spouse, widow, or widower of such retirant or 4375  
disability benefit recipient provided such spouse, widow, or 4376  
widower has attained age sixty-five and is not eligible to receive 4377  
hospital insurance benefits under the federal old age, survivors, 4378  
and disability insurance program. The widow or widower of a 4379  
retirant or disability benefit recipient shall be eligible for 4380  
such coverage only if he or she is the recipient of a monthly 4381  
allowance or benefit from this system. One-half of the cost of the 4382  
premium for the spouse shall be paid from the appropriate funds of 4383  
the public employees retirement system and one-half by the 4384  
recipient of the allowance or benefit. 4385

The cost of such coverage, paid from the funds of the system, 4386  
shall be included in the employer's rate provided by section 4387  
145.48 of the Revised Code. The retirement board is authorized to 4388  
make all necessary rules pursuant to the purpose and intent of 4389  
this section, and shall contract for such coverage as provided in 4390  
section 145.58 of the Revised Code. 4391

(B) The board need not make the hospital insurance coverage 4392  
described in division (A) of this section available to any person 4393  
for whom it is prohibited by section 145.58 of the Revised Code 4394  
from paying or reimbursing the premium cost of such insurance. 4395

**Sec. 145.82.** (A) Except as provided in divisions (B) and (C) 4396  
of this section, sections 145.201 to 145.70 of the Revised Code do 4397  
not apply to a PERS defined contribution plan, except that a PERS 4398  
defined contribution plan may incorporate provisions of those 4399  
sections as specified in the plan document. 4400

(B) The following sections of Chapter 145. of the Revised 4401  
Code apply to a PERS defined contribution plan: 145.22, 145.221, 4402  
145.23, 145.25, 145.26, 145.27, 145.296, 145.38, ~~145.382, 145.383,~~ 4403  
145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 4404

145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 4405  
145.573, 145.69, and 145.70 of the Revised Code. 4406

(C) A PERS defined contribution plan that includes definitely 4407  
determinable benefits may incorporate by reference all or part of 4408  
sections 145.201 to 145.79 of the Revised Code to allow a member 4409  
participating in the plan to purchase service credit or to be 4410  
eligible for any of the following: 4411

(1) Retirement, disability, survivor, or death benefits; 4412

(2) Health or long-term care insurance or any other type of 4413  
health care benefit; 4414

(3) Additional increases under section 145.323 of the Revised 4415  
Code; 4416

(4) A refund of contributions made by or on behalf of a 4417  
member. 4418

With respect to the benefits described in division (C)(1) of 4419  
this section, the public employees retirement board may establish 4420  
eligibility requirements and benefit formulas or amounts that 4421  
differ from those of members participating in the PERS defined 4422  
benefit plan. With respect to the purchase of service credit by a 4423  
member participating in a PERS defined contribution plan, the 4424  
board may reduce the cost of the service credit to reflect the 4425  
different benefit formula established for the member. 4426

**Sec. 145.87.** For each member participating in a PERS defined 4427  
contribution plan, the public employees retirement system ~~shall~~ 4428  
may transfer to the employers' accumulation fund a portion of the 4429  
employer contribution required under section 145.48 of the Revised 4430  
Code. ~~The~~ If the public employees retirement board elects to make 4431  
a transfer under this section, the portion transferred shall equal 4432  
not exceed the percentage of earnable salary of members for whom 4433  
the contributions are being made that is determined by an actuary 4434



appointed by the ~~public employees retirement~~ board to be necessary 4435  
to mitigate any negative financial impact on the system of 4436  
members' participation in a plan. 4437

The board ~~shall have prepared annually~~ may have prepared, at 4438  
intervals determined by the board, an actuarial study to determine 4439  
whether ~~the percentage transferred~~ a transfer under this section 4440  
~~should be changed~~ is necessary to reflect a change in the level of 4441  
negative financial impact resulting from members' participation in 4442  
a plan. The percentage transferred, if any, shall be increased or 4443  
decreased to reflect the amount needed to mitigate the negative 4444  
financial impact, if any, on the system, as determined by the 4445  
study. A change in the percentage transferred shall take effect on 4446  
the first day of the year following the date the conclusions of 4447  
the study are reported to the board. 4448

~~The~~ If a transfer under this section is made, the system 4449  
shall make the transfer ~~required under this section~~ until the 4450  
unfunded actuarial accrued liability for all benefits, except 4451  
health care benefits provided under section ~~145.325 or~~ 145.58 or 4452  
145.584 of the Revised Code and benefit increases to members and 4453  
former members participating in the PERS defined benefit plan 4454  
granted after September 21, 2000, is fully amortized, as 4455  
determined by the annual actuarial valuation prepared under 4456  
section 145.22 of the Revised Code. 4457

**Sec. 145.92.** If a member participating in a PERS defined 4458  
contribution plan is married at the time benefits under the plan 4459  
are to commence, unless the spouse consents to another plan of 4460  
payment or the spouse's consent is waived, the member's ~~retirement~~ 4461  
~~allowance~~ benefit under the plan shall be paid in a lesser amount 4462  
payable for life and one-half of ~~the allowance~~ that amount 4463  
continuing after death to the surviving spouse for the life of the 4464  
spouse. 4465

Consent is valid only if it is evidenced by a written 4466  
document signed by the spouse and the signature is witnessed by a 4467  
notary public. A plan may waive the requirement of consent if the 4468  
spouse is incapacitated or cannot be located or for any other 4469  
reason specified by the plan or in rules adopted by the public 4470  
employees retirement board. 4471

A plan shall waive the requirement of consent if a plan of 4472  
payment that provides for payment in a specified portion of the 4473  
retirement allowance continuing after the member's death to a 4474  
former spouse is required by a court order issued under section 4475  
3105.171 or 3105.65 of the Revised Code or laws of another state 4476  
regarding division of marital property prior to the effective date 4477  
of the member's retirement. If a court order requires this plan of 4478  
payment, the member shall be required to annuitize the member's 4479  
accumulated amounts in accordance with the order. If the member is 4480  
married, the plan of payment selected by the member also shall 4481  
provide for payment to the member's current spouse, unless the 4482  
current spouse consents in writing to not being designated a 4483  
beneficiary under the plan of payment or the current spouse's 4484  
consent is waived by reason other than the court order. 4485

Consent or waiver is effective only with regard to the spouse 4486  
who is the subject of the consent or waiver. 4487

**Sec. 145.95.** (A) Subject to division (B) of this section and 4488  
sections 145.38, 145.56, 145.57, ~~and 145.572,~~ and 145.573 of the 4489  
Revised Code, the right of a member participating in a PERS 4490  
defined contribution plan to any payment or benefit accruing from 4491  
contributions made by or on behalf of the member under sections 4492  
145.85 and 145.86 of the Revised Code shall vest in accordance 4493  
with this section. 4494

A member's right to any payment or benefit that is based on 4495  
the member's contributions is nonforfeitable. 4496

A member's right to any payment or benefit that is based on 4497  
contributions by the member's employer is nonforfeitable as 4498  
specified by the plan selected by the member. 4499

(B) This section does not apply to an increase made under 4500  
section 145.323 of the Revised Code on or after the effective date 4501  
of this amendment. 4502

**Sec. 145.97.** Each PERS defined contribution plan shall permit 4503  
a member participating in the plan to do all of the following: 4504  
4505

(A) Maintain on deposit with the public employees retirement 4506  
system, or the entity administering the plan pursuant to a 4507  
contract with the public employees retirement board, any amounts 4508  
that have accumulated on behalf of the member; 4509

(B) If the member has withdrawn the amounts described in 4510  
division (A) of this section, returns to employment covered under 4511  
this chapter, and is participating in a plan that includes 4512  
definitely determinable benefits, pay to the system the amounts 4513  
withdrawn in accordance with rules adopted under section ~~145.31~~ 4514  
145.80 of the Revised Code; 4515

(C) Make additional deposits as permitted by the "Internal 4516  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 4517

**Sec. 742.01.** As used in this chapter: 4518

(A)(1) "Police department" means the police department of a 4519  
municipal corporation. 4520

(2) "Member of a police department" means any of the 4521  
following: 4522

(a) Any person who receives an original appointment as a 4523  
full-time regular police officer in a police department from a 4524  
duly established civil service eligible list or pursuant to 4525

section 124.411 of the Revised Code, or who is described in 4526  
section 742.511 of the Revised Code, or who transfers from the 4527  
public employees retirement system to the Ohio police and fire 4528  
pension fund pursuant to section 742.513 of the Revised Code, or 4529  
who is appointed pursuant to section 737.15 or 737.16 of the 4530  
Revised Code as a full-time regular police officer and is paid 4531  
solely out of public funds of the employing municipal corporation; 4532

(b) Any person who, on October 1, 1965, was contributing four 4533  
per cent of the person's annual salary to a police relief and 4534  
pension fund established under former section 741.32 of the 4535  
Revised Code; 4536

(c) Any person who commences employment on or after September 4537  
16, 1998, as a full-time police officer with a police department 4538  
in a position in which the person is required to satisfactorily 4539  
complete a peace officer training course in compliance with 4540  
section 109.77 of the Revised Code. 4541

(B)(1) "Fire department" means a fire department of the state 4542  
or an instrumentality of the state or of a municipal corporation, 4543  
township, joint fire district, or other political subdivision. 4544

(2) "Member of a fire department" means all of the following: 4545

(a) Any person who commences employment after November 8, 4546  
1990, as a full-time firefighter with a fire department, in a 4547  
position in which the person is required to satisfactorily 4548  
complete or have satisfactorily completed a firefighter training 4549  
course approved under former section 3303.07 or section 4765.55 or 4550  
conducted under section 3737.33 of the Revised Code; 4551

(b) Any person who has elected under section 742.515 of the 4552  
Revised Code to be transferred from the public employees 4553  
retirement system to the Ohio police and fire pension fund; 4554

(c) Any full-time firefighter who, on November 8, 1990, is a 4555  
member of the Ohio police and fire pension fund. 4556

(C) "Employee" means any person who is a member of a police 4557  
department or a member of a fire department. 4558

(D) "Employer" means the government entity by which an 4559  
employee is employed and paid. 4560

(E) "Member of the fund" means any person, except an other 4561  
system retirant as defined in section 742.26 of the Revised Code, 4562  
who is contributing a percentage of the person's annual salary to 4563  
the Ohio police and fire pension fund or who is receiving a 4564  
disability benefit or pension from the fund as a result of service 4565  
in a police or fire department. A person, other than an other 4566  
system retirant, who is contributing a percentage of the person's 4567  
annual salary to the fund and is dismissed, resigns, or is granted 4568  
a leave of absence from a police or fire department shall be 4569  
considered a "member of the fund" for a period of twelve months 4570  
after the first day of the dismissal, resignation, or leave of 4571  
absence, provided the sum deducted from the person's salary and 4572  
credited to the person's account in the fund remains on deposit in 4573  
the fund. 4574

(F) "Year," for the purpose of determining benefits, means 4575  
any twelve consecutive calendar months of active service as a 4576  
member of the fund, or, in the case of a member whose salary is 4577  
paid weekly or biweekly, fifty-two consecutive weeks of active 4578  
service as a member. 4579

(G) "Average annual salary" means the highest average annual 4580  
salary of a member of the fund during any ~~three~~ of the number of 4581  
years of contributions specified in section 742.37 or 742.39 of 4582  
the Revised Code, as appropriate, and determined by dividing the 4583  
member's total salary as an employee during ~~the~~ those years by 4584  
~~three~~ that number. 4585

(H) "Normal service pension benefit" means the pension 4586  
benefit payable to a member of the fund under division (C)(1) of 4587

section 742.37 of the Revised Code upon ~~attaining age forty eight~~ 4588  
attainment of the applicable age listed in that section. 4589

(I) "Retirement allowance" means the total pension benefit or 4590  
disability benefit to which a member of the fund may be entitled 4591  
under division (C) of section 742.37 or section 742.39 of the 4592  
Revised Code. 4593

(J) "Fiduciary" means a person who does any of the following: 4594

(1) Exercises any discretionary authority or control with 4595  
respect to the management of the system, or with respect to the 4596  
management or disposition of its assets; 4597

(2) Renders investment advice for a fee, direct or indirect, 4598  
with respect to money or property of the system; 4599

(3) Has any discretionary authority or responsibility in the 4600  
administration of the system. 4601

(K) "Terminal pay" means the following payments made by an 4602  
employer to an employee ~~on~~ in contemplation of termination of 4603  
employment regardless of whether the payments are made before or 4604  
after termination: 4605

(1) Payments for accrued but unused leave, including sick 4606  
leave, vacation, personal leave, and compensatory time; 4607

(2) Payments deferred more than one year compensating the 4608  
employee for holidays worked or for longevity; 4609

(3) Payments for overtime worked that are not included ~~either~~ 4610  
in the payroll for the period in which the overtime is worked or 4611  
~~for the next subsequent payroll~~ for any period ending not later 4612  
than sixty days after the overtime is worked; 4613

(4) Other payments that are not compensation for services 4614  
rendered in the last pay period in which services were rendered 4615  
and are designated as terminal pay by rule of the board of 4616  
trustees of the Ohio police and fire pension fund. The board shall 4617

not designate as terminal pay payments deferred one year or less 4618  
compensating an employee for holidays worked or for longevity. 4619

(L)(1) Except as otherwise provided in this division, 4620  
"salary" means all compensation, wages, and other earnings paid to 4621  
an employee by reason of employment, but without regard to whether 4622  
compensation, wages, or other earnings are treated as deferred 4623  
income for federal income tax purposes. "Salary" includes payments 4624  
for overtime that are made not later than the payroll following 4625  
the payroll period in which the overtime is worked. 4626

(2) "Salary" does not include any of the following: 4627

(a) Compensation for services outside the scope of an 4628  
employee's regular employment; 4629

(b) Reimbursement of expenses; 4630

(c) Terminal pay; 4631

(d) Payments for accrued but unused sick leave or personal 4632  
leave, or vacation pay covering periods for which salary, 4633  
compensation, or benefits are paid; 4634

(e) Payments made under division (B), (C), or (E) of section 4635  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 4636  
No. 3 of the 119th general assembly, Section 3 of Amended 4637  
Substitute Senate Bill No. 164 of the 124th general assembly, or 4638  
Amended Substitute House Bill No. 405 of the 124th general 4639  
assembly; 4640

(f) Payments made to or on behalf of an employee that are in 4641  
excess of the annual compensation that may be taken into account 4642  
by the fund under division (a)(17) of section 401 of the "Internal 4643  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as 4644  
amended. 4645

(3) The board shall determine by rule whether any 4646  
compensation, wages, or earnings not enumerated in this division 4647

is salary, and its decision shall be final. 4648

(M) "Actuary" means an individual who satisfies all of the 4649  
following requirements: 4650

(1) Is a member of the American academy of actuaries; 4651

(2) Is an associate or fellow of the society of actuaries; 4652

(3) Has a minimum of five years' experience in providing 4653  
actuarial services to public retirement plans. 4654

**Sec. 742.31.** Each employee shall contribute an amount equal 4655  
to ~~ten per cent~~ a percentage of the employee's salary to the Ohio 4656  
police and fire pension fund. ~~The~~ according to the following 4657  
schedule: 4658

(A) For salary earned on or before the last day of the 4659  
employer's payroll period ending not later than thirty-one days 4660  
after the effective date of this section, ten per cent; 4661

(B) For salary earned after the day described in division (A) 4662  
of this section but on or before the last day of the employer's 4663  
last payroll period ending in December 2011, ten and one-half per 4664  
cent; 4665

(C) For salary earned after the last day of the employer's 4666  
last payroll period ending in December 2011, but on or before the 4667  
last day of the employer's last payroll period ending in December 4668  
2012, eleven per cent; 4669

(D) For salary earned after the last day of the employer's 4670  
last payroll period ending in December 2012, but on or before the 4671  
last day of the employer's last payroll period ending in December 4672  
2013, eleven and one-half per cent; 4673

(E) For salary earned after the last day of the employer's 4674  
last payroll period ending in December 2013, twelve per cent. 4675

The amount shall be deducted by the employer from the 4676



employee's salary as defined in division (L) of section 742.01 of 4677  
the Revised Code for each payroll period, irrespective of whether 4678  
the minimum compensation provided by law for the employee is 4679  
reduced thereby. Every employee shall be deemed to consent to the 4680  
deductions, and payment to the employee less the deductions is a 4681  
complete discharge and acquittance of all claims and demands for 4682  
the services rendered by the employee during the period covered by 4683  
such payment. 4684

**Sec. 742.33.** (A) Each employer shall pay ~~quarterly~~ monthly, 4685  
on such dates as the board of trustees of the Ohio police and fire 4686  
pension fund requires, from its general fund, or from a levy 4687  
imposed pursuant to division (J) or (W) of section 5705.19 of the 4688  
Revised Code, to the fund an amount known as the "police officer 4689  
employers' contribution," which shall be nineteen and one-half per 4690  
cent of the salaries as defined in division (L) of section 742.01 4691  
of the Revised Code of the members of the police department of the 4692  
employer. 4693

(B) The taxing authority of each municipal corporation in 4694  
which there was a police relief and pension fund on October 1, 4695  
1965, shall annually, in the manner provided for making other 4696  
municipal levies and in addition to all other levies authorized by 4697  
law, levy a tax of three-tenths of one mill upon all the real and 4698  
personal property as listed for taxation in the municipal 4699  
corporation for the purpose of paying the police officer 4700  
employers' contribution and the municipal corporation's accrued 4701  
liability for its former police relief and pension fund and 4702  
interest thereon, and of defraying the current operating expenses 4703  
of the municipal corporation. The annual revenues derived from the 4704  
tax shall be used in the following order: 4705

(1) First, to pay the current police officer employers' 4706  
contribution and any interest related thereto; 4707

(2) Second, to pay any accrued liability chargeable to the 4708  
municipal corporation during the current calendar year for its 4709  
former police relief and pension fund and any interest related 4710  
thereto; 4711

(3) Third, to defray the current operating expenses of the 4712  
municipal corporation. 4713

**Sec. 742.34.** (A) Each employer shall pay ~~quarterly~~ monthly, 4714  
on such dates as the board of trustees of the Ohio police and fire 4715  
pension fund requires, from its general fund, or from a levy 4716  
imposed pursuant to division (I) or (W) of section 5705.19 of the 4717  
Revised Code, to the fund an amount known as the "firefighter 4718  
employers' contribution," which shall be twenty-four per cent of 4719  
the salaries as defined in division (L) of section 742.01 of the 4720  
Revised Code of the members of the fire department of the 4721  
employer. 4722

(B) The taxing authority of each municipal corporation in 4723  
which there was a firemen's relief and pension fund on October 1, 4724  
1965, shall annually, in the manner provided for making other 4725  
municipal levies and in addition to all other levies authorized by 4726  
law, levy a tax of three-tenths of one mill upon all the real and 4727  
personal property as listed for taxation in the municipal 4728  
corporation for the purpose of paying the firefighter employers' 4729  
contribution and the municipal corporation's accrued liability for 4730  
its former firemen's relief and pension fund and interest thereon, 4731  
and of defraying the current operating expenses of the municipal 4732  
corporation. The annual revenues derived from the tax shall be 4733  
used in the following order: 4734

(1) First, to pay the current firefighter employers' 4735  
contribution and any interest related thereto; 4736

(2) Second, to pay any accrued liability chargeable to the 4737  
municipal corporation during the current calendar year for its 4738

former firemen's relief and pension fund and any interest related 4739  
thereto; 4740

(3) Third, to defray the current operating expenses of the 4741  
municipal corporation. 4742

**Sec. 742.35.** ~~As used in this section, "calendar quarter"~~ 4743  
~~means the three month period ending on the last day of March,~~ 4744  
~~June, September, or December.~~ 4745

Each employer shall pay its ~~annual~~ police officer employers' 4746  
contribution and firefighter employers' contribution in ~~four equal~~ 4747  
monthly installments ~~promptly~~ as provided in sections 742.33 and 4748  
742.34 of the Revised Code. ~~If an employer fails to make a payment~~ 4749  
~~on or before the date that is sixty days after the last day of the~~ 4750  
~~calendar quarter~~ The employer shall pay each installment not later 4751  
than the thirtieth day after the last day of the month for which 4752  
the police officer or firefighter employee contributions were 4753  
withheld. If an employer fails to make the required installment by 4754  
the date it is due, a penalty determined under section 742.352 of 4755  
the Revised Code shall be assessed against the employer. In 4756  
addition, interest on past due accounts and penalties may be 4757  
charged at a rate determined by the board from the date the 4758  
installment is due to the date of payment. 4759

Upon certification by the board to the county auditor of an 4760  
amount due from any employer within the county who is subject to 4761  
this chapter, by reason of such employer's delinquency in making 4762  
employer contribution payments to the fund ~~for past months,~~ such 4763  
amount shall be withheld from such employer from any funds in the 4764  
hands of the county treasurer for distribution to such employer. 4765  
Upon receipt of such certification, the county auditor shall draw 4766  
a warrant against such funds in favor of the fund for the amount. 4767

**Sec. 742.37.** The board of trustees of the Ohio police and 4768

fire pension fund shall adopt rules for the management of the fund 4769  
and for the disbursement of benefits and pensions as set forth in 4770  
this section and section 742.39 of the Revised Code. Any payment 4771  
of a benefit or pension under this section is subject to the 4772  
provisions of section 742.461 of the Revised Code. Notwithstanding 4773  
any other provision of this section, no pension or benefit paid or 4774  
determined under division (B) or (C) of this section or section 4775  
742.39 of the Revised Code shall exceed the limit established by 4776  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 4777  
2085, 26 U.S.C.A. 415, as amended. 4778

(A) Persons who were receiving benefit or pension payments 4779  
from a police relief and pension fund established under former 4780  
section 741.32 of the Revised Code, or from a firemen's relief and 4781  
pension fund established under former section 521.02 or 741.02 of 4782  
the Revised Code, at the time the assets of the fund were 4783  
transferred to the Ohio police and fire pension fund, known at 4784  
that time as the police and firemen's disability and pension fund, 4785  
shall receive benefit and pension payments from the Ohio police 4786  
and fire pension fund in the same amount and subject to the same 4787  
conditions as such payments were being made from the former fund 4788  
on the date of the transfer. 4789

(B) A member of the fund who, pursuant to law, elected to 4790  
receive benefits and pensions from a police relief and pension 4791  
fund established under former section 741.32 of the Revised Code, 4792  
or from a firemen's relief and pension fund established under 4793  
former section 741.02 of the Revised Code, in accordance with the 4794  
rules of the fund governing the granting of benefits or pensions 4795  
therefrom in force on April 1, 1947, shall receive benefits and 4796  
pensions from the Ohio police and fire pension fund in accordance 4797  
with such rules; provided, that any member of the fund who is not 4798  
receiving a benefit or pension from the fund on August 12, 1975, 4799  
may, upon application for a benefit or pension to be received on 4800

or after August 12, 1975, elect to receive a benefit or pension in  
accordance with division (C) of this section.

(C) Members of the fund who have not elected to receive  
benefits and pensions from a police relief and pension fund or a  
firemen's relief and pension fund in accordance with the rules of  
the fund in force on April 1, 1947, shall receive pensions and  
benefits in accordance with the following provisions:

(1) A member of the fund who has ~~completed~~ twenty-five years  
of ~~active service in a police or fire department~~ credit and has  
attained ~~forty-eight years of~~ the requisite age may, ~~at the~~  
~~member's election, elect to retire from the police or fire~~  
~~department. Upon~~ The requisite age is forty-eight for a member  
whose membership began before January 1, 2011, and fifty-two for a  
member whose membership began on or after that date.

Upon notifying the board in writing of the election, the  
member shall receive an annual pension, payable in twelve monthly  
installments, in an amount equal to a percentage of the member's  
average annual salary. ~~The~~ If, as of January 1, 2011, the member  
had fifteen or more years of service credit, the average annual  
salary shall be determined using three years of contributions. If,  
as of that date, the member had less than fifteen years of service  
credit, the average annual salary shall be determined using five  
years of contributions.

The percentage shall be the sum of two and one-half per cent  
for each of the first twenty years ~~the member was in the active of~~  
~~service of the department~~ credit, plus two per cent for each of  
the twenty-first to twenty-fifth years ~~the member was in the~~  
~~active of~~ service of the department credit, plus one and one-half  
per cent for each year in excess of twenty-five years ~~the member~~  
~~was in the active of~~ service of the department credit. The annual  
pension shall not exceed seventy-two per cent of the member's  
average annual salary.

A member who ~~completed~~ has twenty-five years of ~~active~~ 4833  
service credit, has resigned or been discharged, and has left the 4834  
sum deducted from the member's salary on deposit in the pension 4835  
fund shall, upon attaining ~~forty-eight years of the requisite age,~~ 4836  
be entitled to receive a normal service pension benefit computed 4837  
and paid under division (C)(1) of this section. 4838

While participating in the deferred retirement option plan 4839  
established under section 742.43 of the Revised Code, a member 4840  
shall not be considered to have elected retirement under division 4841  
(C)(1) of this section. On notifying the board under division 4842  
(B)(1) of section 742.444 of the Revised Code of the member's 4843  
election to terminate active service, a member described in 4844  
division (B) of that section shall receive an annual pension under 4845  
division (C)(1) of this section calculated in accordance with 4846  
section 742.442 of the Revised Code and rules that shall be 4847  
adopted by the board of trustees of the Ohio police and fire 4848  
pension fund. 4849

(2) A member of the fund who has ~~served~~ fifteen or more years 4850  
~~as an active member of a police or fire department~~ service credit 4851  
and who voluntarily resigns or is discharged from the department 4852  
for any reason other than dishonesty, cowardice, intemperate 4853  
habits, or conviction of a felony, shall receive an annual 4854  
pension, payable in twelve monthly installments, in an amount 4855  
equal to one and one-half per cent of the member's average annual 4856  
salary multiplied by the number of full years of the member was in 4857  
~~the active member's service of the department credit. The~~ If, as 4858  
of January 1, 2011, the member had fifteen or more years of 4859  
service credit, the average annual salary shall be determined 4860  
using three years of contributions. If, as of that date, the 4861  
member had less than fifteen years of service credit, the average 4862  
annual salary shall be determined using five years of 4863  
contributions. 4864

If a member's membership began before January 1, 2011, the 4865  
pension payments shall not commence until the member has attained 4866  
the age of forty-eight years and until twenty-five years have 4867  
elapsed from the date on which the member became a full-time 4868  
regular police officer or firefighter ~~in the department~~. Pension 4869  
payments shall not commence for a member whose membership began on 4870  
or after January 1, 2011, until the member has attained the age of 4871  
fifty-two years and until twenty-five years have elapsed from the 4872  
date on which the member became a full-time regular police officer 4873  
or firefighter. 4874

(3) A member of the fund who has ~~completed~~ fifteen or more 4875  
years of ~~active service in a police or fire department~~ credit and 4876  
who has attained sixty-two years of age, may retire from the 4877  
department and, upon notifying the board in writing of the 4878  
election to retire, shall receive an annual pension, payable in 4879  
twelve monthly installments, in an amount equal to a percentage of 4880  
the member's average annual salary. If, as of January 1, 2011, the 4881  
member had fifteen or more years of service credit, the average 4882  
annual salary shall be determined using three years of 4883  
contributions. If, as of that date, the member had less than 4884  
fifteen years of service credit, the average annual salary shall 4885  
be determined using five years of contributions. The percentage 4886  
shall be the sum of two and one-half per cent for each of the 4887  
first twenty years ~~the member was in the active of service of the~~ 4888  
~~department credit~~, plus two per cent for each of the twenty-first 4889  
to twenty-fifth years ~~the member was in the active of service of~~ 4890  
~~the department credit~~, plus one and one-half per cent for each 4891  
year in excess of twenty-five years ~~the member was in the active~~ 4892  
~~of service of the department credit~~. The annual pension shall not 4893  
exceed seventy-two per cent of the member's average annual salary. 4894

(4) A member of the fund whose membership began on or after 4895  
January 1, 2011, and who has twenty-five years of service credit 4896

and has attained forty-eight years of age may elect to retire. 4897  
Upon notifying the board in writing of the election, the member 4898  
shall receive an annual pension, payable in twelve monthly 4899  
installments, in an amount determined under division (C)(1) of 4900  
this section except that the amount shall be reduced to be the 4901  
actuarial equivalent, as determined by the fund's actuary, of the 4902  
amount payable had the member retired at fifty-two years of age. 4903

(5) With the exception of those persons who may make 4904  
application for benefits as provided in section 742.26 of the 4905  
Revised Code, no person receiving a pension or other benefit under 4906  
division (C) of this section on or after July 24, 1986, shall be 4907  
entitled to apply for any new, changed, or different benefit. 4908

If a member covered by division (C) of this section or 4909  
section 742.38 of the Revised Code dies prior to the time the 4910  
member has received a payment and leaves a surviving spouse or 4911  
dependent child, the surviving spouse or dependent child shall 4912  
receive a pension under division (D) or (E) of this section. 4913

(D)(1) Except as provided in division (D)(2) of this section, 4914  
a surviving spouse of a deceased member of the fund or a surviving 4915  
spouse described in division (D)(4) of this section shall receive 4916  
a monthly pension as follows: 4917

(a) For the period beginning July 1, 1999, and ending June 4918  
30, 2000, five hundred fifty dollars; 4919

(b) For the period beginning July 1, 2000, and ending June 4920  
30, 2002, five hundred fifty dollars plus an amount determined by 4921  
multiplying five hundred fifty dollars by the average percentage 4922  
change in the consumer price index, not exceeding three per cent, 4923  
as was annually determined by the board under ~~former~~ section 4924  
742.3716 of the Revised Code as that section existed on January 4925  
31, 2002; 4926

(c) For the period beginning July 1, 2002, and the period 4927



beginning the first day of July of each year thereafter and 4928  
continuing for the following twelve months, an amount equal to the 4929  
monthly amount paid during the prior twelve-month period plus 4930  
sixteen dollars and fifty cents. 4931

(2) A surviving spouse of a deceased member of the fund shall 4932  
receive a monthly pension of four hundred ten dollars if the 4933  
surviving spouse is eligible for a benefit under division (B) or 4934  
(D) of section 742.63 of the Revised Code. If the surviving spouse 4935  
ceases to be eligible for a benefit under division (B) or (D) of 4936  
section 742.63 of the Revised Code, the pension shall be 4937  
increased, effective the first day of the first month following 4938  
the day on which the surviving spouse ceases to be eligible for 4939  
the benefit, to the amount it would be under division (D)(1) of 4940  
this section had the spouse never been eligible for a benefit 4941  
under division (B) or (D) of section 742.63 of the Revised Code. 4942

(3) A pension paid under this division shall continue during 4943  
the natural life of the surviving spouse. Benefits to a deceased 4944  
member's surviving spouse that were terminated under a former 4945  
version of this section that required termination due to 4946  
remarriage and were not resumed prior to September 16, 1998, shall 4947  
resume on the first day of the month immediately following receipt 4948  
by the board of an application on a form provided by the board. 4949

(4) A surviving spouse of a deceased member of or contributor 4950  
to a fund established under former Chapter 521. or 741. of the 4951  
Revised Code whose benefit or pension was terminated or not paid 4952  
due to remarriage shall receive a monthly pension under division 4953  
(D)(1) of this section. 4954

The pension shall commence on the first day of the month 4955  
immediately following receipt by the board of a completed 4956  
application on a form provided by the board and evidence 4957  
acceptable to the board that at the time of death the deceased 4958  
spouse was a member of or contributor to a police or firemen's 4959

relief and pension fund established under former Chapter 521. or 4960  
741. of the Revised Code and that the surviving spouse's benefits 4961  
were terminated or not granted due to remarriage. 4962

(E)(1) Each surviving child of a deceased member of the fund 4963  
shall receive a monthly pension until the child attains the age of 4964  
eighteen years, or marries, whichever event occurs first. A 4965  
pension under this division, however, shall continue to be payable 4966  
to a child under age twenty-two who is a student in and attending 4967  
an institution of learning or training pursuant to a program 4968  
designed to complete in each school year the equivalent of at 4969  
least two-thirds of the full-time curriculum requirements of the 4970  
institution, as determined by the board. If any surviving child, 4971  
regardless of age at the time of the member's death, because of 4972  
physical or mental disability, is totally dependent upon the 4973  
deceased member for support at the time of death, the child shall 4974  
receive a monthly pension under this division during the child's 4975  
natural life or until the child has recovered from the disability. 4976

(2) An eligible surviving child shall receive a monthly 4977  
pension as follows: 4978

(a) For the period beginning July 1, 2001, and ending June 4979  
30, 2002, a monthly pension of one hundred fifty dollars plus the 4980  
cost of living increase ~~provided for in~~ that was determined under 4981  
former section 742.3720 of the Revised Code; 4982

(b) For the period beginning July 1, 2002, and ending June 4983  
30, 2003, one hundred sixty-three dollars and fifty cents; 4984

(c) For the period beginning July 1, 2003, and the period 4985  
beginning the first day of each July thereafter and continuing for 4986  
the following twelve months, an amount equal to the monthly amount 4987  
paid during the prior twelve-month period plus four dollars and 4988  
fifty cents. 4989

(F)(1) If a deceased member of the fund leaves no surviving 4990

spouse or surviving children, but leaves one or two parents 4991  
dependent upon the deceased member for support, each parent shall 4992  
be paid a monthly pension. The pensions provided for in this 4993  
division shall be paid during the natural life of the surviving 4994  
parents, or until dependency ceases, or until remarriage, 4995  
whichever event occurs first. 4996

(2) Each eligible surviving parent shall be paid a monthly 4997  
pension as follows: 4998

(a) For the period ending June 30, 2002, one hundred six 4999  
dollars for each parent or two hundred twelve dollars for a sole 5000  
dependent parent; 5001

(b) For the period beginning July 1, 2002, and ending June 5002  
30, 2003, one hundred nine dollars for each parent or two hundred 5003  
eighteen dollars for a sole dependent parent; 5004

(c) For the period beginning July 1, 2003, and the first day 5005  
of each July thereafter and continuing for the following twelve 5006  
months, an amount equal to the monthly amount paid during the 5007  
prior twelve-month period plus three dollars for each parent or 5008  
six dollars for a sole dependent parent. 5009

(G)(1) Subject to the provisions of section 742.461 of the 5010  
Revised Code, a member of the fund who voluntarily resigns or is 5011  
removed from active service in a police or fire department is 5012  
entitled to receive an amount equal to the sums deducted from the 5013  
member's salary and credited to the member's account in the fund, 5014  
except that a member receiving a disability benefit or service 5015  
pension is not entitled to receive any return of contributions to 5016  
the fund. 5017

(2) A member described in division (G)(1) of this section who 5018  
is married at the time of application for payment and would be 5019  
eligible for age and service retirement under this section or 5020  
section 742.39 of the Revised Code but for a forfeiture ordered 5021

under division (A) or (B) of section 2929.192 of the Revised Code 5022  
shall submit with the application a written statement by the 5023  
member's spouse attesting that the spouse consents to the payment 5024  
of the member's accumulated contributions. Consent shall be valid 5025  
only if it is signed and witnessed by a notary public. The board 5026  
may waive the requirement of consent if the spouse is 5027  
incapacitated or cannot be located, or for any other reason 5028  
specified by the board. Consent or waiver is effective only with 5029  
regard to the spouse who is the subject of the consent or waiver. 5030

(H) On and after January 1, 1970, all pensions shall be 5031  
increased in accordance with the following provisions: 5032

(1) A member of the fund who retired prior to January 1, 5033  
1967, has attained age sixty-five on January 1, 1970, and was 5034  
receiving a pension on December 31, 1969, pursuant to division (B) 5035  
or (C)(1) of this section or former division (C)(2), (3), (4), or 5036  
(5) of this section, shall have the pension increased by ten per 5037  
cent. 5038

(2) The monthly pension payable to eligible surviving spouses 5039  
under division (D) of this section shall be increased by forty 5040  
dollars for each surviving spouse receiving a pension on December 5041  
31, 1969. 5042

(3) The monthly pension payable to each eligible child under 5043  
division (E) of this section shall be increased by ten dollars for 5044  
each child receiving a pension on December 31, 1969. 5045

(4) The monthly pension payable to each eligible dependent 5046  
parent under division (F) of this section shall be increased by 5047  
thirty dollars for each parent receiving a pension on December 31, 5048  
1969. 5049

(5) A member of the fund, including a survivor of a member, 5050  
who is receiving a pension in accordance with the rules governing 5051  
the granting of pensions and benefits in force on April 1, 1947, 5052

that provide an increase in the original pension from time to time 5053  
pursuant to changes in the salaries of active members, shall not 5054  
be eligible for the benefits provided in this division. 5055

(I) On and after January 1, 1977, a member of the fund who 5056  
was receiving a pension or benefit on December 31, 1973, under 5057  
division (A), (B), (C)(1), or former division (C)(2) or (7) of 5058  
this section shall have the pension or benefit increased as 5059  
follows: 5060

(1) If the member's annual pension or benefit is less than 5061  
two thousand seven hundred dollars, it shall be increased to three 5062  
thousand dollars. 5063

(2) If the member's annual pension or benefit is two thousand 5064  
seven hundred dollars or more, it shall be increased by three 5065  
hundred dollars. 5066

The following shall not be eligible to receive increased 5067  
pensions or benefits as provided in this division: 5068

(a) A member of the fund who is receiving a pension or 5069  
benefit in accordance with the rules in force on April 1, 1947, 5070  
governing the granting of pensions and benefits, which provide an 5071  
increase in the original pension or benefit from time to time 5072  
pursuant to changes in the salaries of active members; 5073

(b) A member of the fund who is receiving a pension or 5074  
benefit under division (A) or (B) of this section, based on funded 5075  
volunteer or funded part-time service, or off-duty disability, or 5076  
partial on-duty disability, or early vested service; 5077

(c) A member of the fund who is receiving a pension under 5078  
division (C)(1) of this section, based on funded volunteer or 5079  
funded part-time service. 5080

(J) On and after July 1, 1977, a member of the fund who was 5081  
receiving an annual pension or benefit on December 31, 1973, 5082

pursuant to division (B) of this section, based upon partial 5083  
disability, off-duty disability, or early vested service, or 5084  
pursuant to former division (C)(3), (5), or (6) of this section, 5085  
shall have such annual pension or benefit increased by three 5086  
hundred dollars. 5087

The following are not eligible to receive the increase 5088  
provided by this division: 5089

(1) A member of the fund who is receiving a pension or 5090  
benefit in accordance with the rules in force on April 1, 1947, 5091  
governing the granting of pensions and benefits, which provide an 5092  
increase in the original pension or benefit from time to time 5093  
pursuant to changes in the salaries of active members; 5094

(2) A member of the fund who is receiving a pension or 5095  
benefit under division (B) or (C)(2) of this section or former 5096  
division (C)(3), (5), or (6) of this section based on volunteer or 5097  
part-time service. 5098

(K)(1) Except as otherwise provided in this division, every 5099  
person who on July 24, 1986, is receiving an age and service or 5100  
disability pension, allowance, or benefit pursuant to this chapter 5101  
in an amount less than thirteen thousand dollars a year that is 5102  
based upon an award made effective prior to February 28, 1984, 5103  
shall receive an increase of six hundred dollars a year or the 5104  
amount necessary to increase the pension or benefit to four 5105  
thousand two hundred dollars after all adjustments required by 5106  
this section, whichever is greater. 5107

(2) Division (K)(1) of this section does not apply to the 5108  
following: 5109

(a) A member of the fund who is receiving a pension or 5110  
benefit in accordance with rules in force on April 1, 1947, that 5111  
govern the granting of pensions and benefits and that provide an 5112  
increase in the original pension or benefit from time to time 5113

pursuant to changes in the salaries of active members; 5114

(b) A member of the fund who is receiving a pension or 5115  
benefit based on funded volunteer or funded part-time service. 5116

(L) On and after July 24, 1986: 5117

(1) The pension of each person receiving a pension under 5118  
division (D) of this section on July 24, 1986, shall be increased 5119  
to three hundred ten dollars per month. 5120

(2) The pension of each person receiving a pension under 5121  
division (E) of this section on July 24, 1986, shall be increased 5122  
to ninety-three dollars per month. 5123

**Sec. 742.3716.** (A)(1) As used in this section: 5124

(a) "Eligible person" means a person who meets all of the 5125  
following conditions: 5126

(i) Has been receiving a pension or benefit under this 5127  
chapter for one year or more based on an award made on or after 5128  
July 24, 1986; 5129

(ii) Has not made the election provided for in division (B) 5130  
of this section and is not the spouse or survivor of a member who 5131  
has made the election provided for in division (B) of this 5132  
section; 5133

(iii) ~~Is not the spouse or survivor of a person who has made~~ 5134  
~~the election provided for in division (B) of this section;~~ 5135

~~(iv) Is~~ Has attained age fifty-five and is receiving a 5136  
benefit in accordance with division (A), (B), or (C) of section 5137  
742.37, division (C)(2), (3), (4), or (5) of ~~former~~ section 742.37 5138  
as that section existed on September 15, 1998, section 742.3711, 5139  
or section 742.39 of the Revised Code. 5140

(b) "Recalculated average annual salary" means the highest 5141  
average annual compensation of a member of the Ohio police and 5142

fire pension fund during any three years of contributions, 5143  
including amounts included in terminal pay attributable to such 5144  
three years, determined by dividing the member's total earnings as 5145  
an employee during such years by three. 5146

(2) In the case of a member participating in the deferred 5147  
retirement option plan established under section 742.43 of the 5148  
Revised Code or a member described in division (B) of section 5149  
742.444 of the Revised Code, the period of one year or more 5150  
described in division (A)(1)(a)(i) of this section begins on the 5151  
effective date of the member's election under section 742.44 of 5152  
the Revised Code. 5153

(B)(1) Notwithstanding section 742.37 or 742.39 of the 5154  
Revised Code, a member of the fund who is not receiving a pension 5155  
or benefit under this chapter and who on January 1, 1989, has 5156  
~~completed~~ fifteen or more years of ~~active service in a police or~~ 5157  
~~fire department~~ credit under this chapter may elect to have any 5158  
future benefit or pension paid to the member or the member's 5159  
spouse or survivors under this chapter calculated on the basis of 5160  
the member's recalculated average annual salary rather than the 5161  
member's average annual salary as determined under section 742.37 5162  
or 742.39 of the Revised Code. The election shall be made by the 5163  
member prior to or at the time of making an election under section 5164  
742.3711 of the Revised Code. This division does not apply to a 5165  
member of the fund who elected to participate in the deferred 5166  
retirement option plan established under section 742.43 of the 5167  
Revised Code unless the member's participation has terminated 5168  
pursuant to division (C) of section 742.444 or to section 742.445 5169  
of the Revised Code. 5170

(2) If the member eligible to make the election under 5171  
division (B)(1) of this section dies prior to making the election 5172  
and at the time of death is eligible to retire and receive a 5173  
pension or benefit under division (C)(1) or (3) of section 742.37 5174



of the Revised Code, the person entitled to receive a benefit 5175  
under section 742.3714 of the Revised Code may make the election 5176  
provided for in division (B)(1) of this section. 5177

(3) The election under division (B)(1) or (2) of this section 5178  
shall be made on forms provided by the trustees of the fund. Once 5179  
received by the fund, the election shall be irrevocable and shall 5180  
bind the member and any other person who receives a pension or 5181  
benefit based on the member's service. No person who receives a 5182  
pension or benefit calculated in accordance with division (B) of 5183  
this section is eligible to receive a cost-of-living allowance 5184  
under this section. If the person making the election receives a 5185  
benefit under section 742.3714 of the Revised Code, that person is 5186  
not eligible to receive a cost-of-living allowance under section 5187  
742.3711 of the Revised Code. 5188

(C)(1) The board of trustees of the Ohio police and fire 5189  
pension fund shall annually increase all benefits payable to 5190  
eligible persons by three per cent, except that no benefit shall 5191  
exceed the limit established by section 415 of the "Internal 5192  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 5193  
amended. 5194

The first increase is payable to all eligible persons who on 5195  
July 1, 1988, have been receiving a pension or benefit for twelve 5196  
months or longer. The increase is payable for the ensuing 5197  
twelve-month period or until the next increase is granted under 5198  
this section, whichever is later. 5199

The date of the first increase paid under this section shall 5200  
be the anniversary date for future increases. The pension or 5201  
benefit used in the first calculation of an increase under this 5202  
section shall remain as the base for all future increases paid 5203  
under this section, unless a new base is established by law. In 5204  
the case of a member who has elected to participate in the 5205  
deferred retirement option plan established under section 742.43 5206

of the Revised Code or a member described in division (B) of 5207  
section 742.444 of the Revised Code, the pension amount used in 5208  
the first calculation of an increase under this section shall be 5209  
the amount calculated under section 742.442 of the Revised Code 5210  
unless the member's participation has terminated pursuant to 5211  
division (C) of section 742.444 or to section 742.445 of the 5212  
Revised Code. 5213

(2) Increases paid in years subsequent to the year of the 5214  
first increase paid under this section shall be paid to all 5215  
eligible persons who, on the date that the increase is authorized 5216  
by the board, have been receiving a pension or benefit for twelve 5217  
months. 5218

~~(E)~~(D) If payment of a portion of a benefit is made to an 5219  
alternate payee under section 742.462 of the Revised Code, 5220  
increases under this section granted while the order is in effect 5221  
shall be apportioned between the alternate payee and the benefit 5222  
recipient in the same proportion that the amount being paid to the 5223  
alternate payee bears to the amount paid to the benefit recipient. 5224

If payment of a portion of a retirement allowance is made to 5225  
one or more beneficiaries under "option 4" under division (A)(4) 5226  
of section 742.3711 of the Revised Code, each increase under this 5227  
section granted while the plan of payment is in effect shall be 5228  
divided among the designated beneficiaries in accordance with the 5229  
portion each beneficiary has been allocated. 5230

**Sec. 742.38.** (A)(1) The board of trustees of the Ohio police 5231  
and fire pension fund shall adopt rules establishing minimum 5232  
medical testing and diagnostic standards or procedures to be 5233  
incorporated into physical examinations administered by physicians 5234  
to prospective members of the fund. The standards or procedures 5235  
shall include diagnosis and evaluation of the existence of any 5236  
heart disease, cardiovascular disease, or respiratory disease. The 5237

rules shall specify the form of the physician's report and the 5238  
information to be included in it. 5239

The board shall notify all employers of the establishment of 5240  
the minimum standards or procedures and shall include with the 5241  
notice a copy of the standards or procedures. The board shall 5242  
notify all employers of any changes made to the standards or 5243  
procedures. Once the standards or procedures take effect, 5244  
employers shall cause each prospective member of the fund to 5245  
submit to a physical examination that incorporates the standards 5246  
or procedures. 5247

(2) Division (A)(2) of this section applies to an employee 5248  
who becomes a member of the fund on or after the date the minimum 5249  
standards or procedures described in division (A)(1) of this 5250  
section take effect. For each employee described in division 5251  
(A)(2) of this section, the employer shall forward to the board a 5252  
copy of the physician's report of a physical examination that 5253  
incorporates the standards or procedures described in division 5254  
(A)(1) of this section. If an employer fails to forward the report 5255  
in the form required by the board on or before the date that is 5256  
sixty days after the employee becomes a member of the fund, the 5257  
board shall assess against the employer a penalty determined under 5258  
section 742.353 of the Revised Code. 5259

(B) Application for a disability benefit may be made by a 5260  
member of the fund or, if the member is incapacitated as defined 5261  
in rules adopted by the board, by a person acting on the member's 5262  
behalf. Not later than fourteen days after receiving an 5263  
application for a disability benefit from a member or a person 5264  
acting on behalf of a member, the board shall notify the member's 5265  
employer that an application has been filed. The notice shall 5266  
state the member's position or rank. Not later than twenty-eight 5267  
days after receiving the notice or filing an application on behalf 5268  
of a member, the employer shall forward to the board a statement 5269

certifying the member's job description and any other information 5270  
required by the board to process the application. 5271

If the member applying for a disability benefit becomes a 5272  
member of the fund prior to the date the minimum standards or 5273  
procedures described in division (A)(1) of this section take 5274  
effect, the board may request from the member's employer a copy of 5275  
the physician's report of the member's physical examination taken 5276  
on entry into the police or fire department or, if the employer 5277  
does not have a copy of the report, a written statement certifying 5278  
that the employer does not have a copy of the report. If an 5279  
employer fails to forward the report or statement in the form 5280  
required by the board on or before the date that is twenty-eight 5281  
days after the date of the request, the board shall assess against 5282  
the employer a penalty determined under section 742.353 of the 5283  
Revised Code. The board shall maintain the information submitted 5284  
under this division and division (A)(2) of this section in the 5285  
member's file. 5286

(C) For purposes of determining under division (D) of this 5287  
section whether a member of the fund is disabled, the board shall 5288  
adopt rules establishing objective criteria under which the board 5289  
shall make the determination. The rules shall include standards 5290  
that provide for all of the following: 5291

(1) Evaluating a member's illness or injury on which an 5292  
application for disability benefits is based; 5293

(2) Defining the occupational duties of a police officer or 5294  
firefighter; 5295

(3) Providing for the board to assign competent and 5296  
disinterested physicians and vocational evaluators to conduct 5297  
examinations of a member; 5298

(4) Requiring a written report for each disability 5299  
application that includes a summary of findings, medical opinions, 5300

including an opinion on whether the illness or injury upon which 5301  
the member's application for disability benefits is based was 5302  
caused or induced by the actual performance of the member's 5303  
official duties, and any recommendations or comments based on the 5304  
medical opinions; 5305

(5) Providing for the board to consider the member's 5306  
potential for retraining or reemployment. 5307

(D) This division does not apply to members of the fund who 5308  
have elected to receive benefits and pensions in accordance with 5309  
division (A) or (B) of section 742.37 of the Revised Code or from 5310  
a police relief and pension fund or a firemen's relief and pension 5311  
fund in accordance with the rules of that fund in force on April 5312  
1, 1947. 5313

(1) As used in division (D)(1) of this section: 5314

(a) "Totally disabled" means a member of the fund is unable 5315  
to perform the duties of any gainful occupation for which the 5316  
member is reasonably fitted by training, experience, and 5317  
accomplishments. Absolute helplessness is not a prerequisite of 5318  
being totally disabled. 5319

(b) "Permanently disabled" means a condition of disability 5320  
from which there is no present indication of recovery. 5321

A member of the fund who is permanently and totally disabled 5322  
as the result of the performance of the member's official duties 5323  
as a member of a police or fire department shall be paid annual 5324  
disability benefits in accordance with division (A) of section 5325  
742.39 of the Revised Code. In determining whether a member of the 5326  
fund is permanently and totally disabled, the board shall consider 5327  
standards adopted under division (C) of this section applicable to 5328  
the determination. 5329

(2) A member of the fund who is partially disabled as the 5330  
result of the performance of the member's official duties as a 5331

member of a police or fire department shall, if the disability 5332  
prevents the member from performing those duties and impairs the 5333  
member's earning capacity, receive annual disability benefits in 5334  
accordance with division (B) of section 742.39 of the Revised 5335  
Code. In determining whether a member of the fund is partially 5336  
disabled, the board shall consider standards adopted under 5337  
division (C) of this section applicable to the determination. 5338

(3) A member of the fund who is disabled as a result of heart 5339  
disease or any cardiovascular or respiratory disease of a chronic 5340  
nature, which disease or any evidence of which disease was not 5341  
revealed by the physical examination passed by the member on entry 5342  
into the department, is presumed to have incurred the disease 5343  
while performing the member's official duties, unless the contrary 5344  
is shown by competent evidence. 5345

(4) A member of the fund who has ~~completed~~ five or more years 5346  
of ~~active service in a police or fire department~~ credit and has 5347  
incurred a disability not caused or induced by the actual 5348  
performance of the member's official duties as a member of the 5349  
department, or by the member's own negligence, shall if the 5350  
disability prevents the member from performing those duties and 5351  
impairs the member's earning capacity, receive annual disability 5352  
benefits in accordance with division (C) of section 742.39 of the 5353  
Revised Code. In determining whether a member of the fund is 5354  
disabled, the board shall consider standards adopted under 5355  
division (C) of this section applicable to the determination. 5356

(5) The board shall notify a member of its final action 5357  
awarding a disability benefit to the member within thirty days of 5358  
the final action. The notice shall be sent by certified mail, 5359  
return receipt requested. Not later than ninety days after receipt 5360  
of notice from the board, the member shall elect, on a form 5361  
provided by the board, either to accept or waive the disability 5362  
benefit award. If the member elects to waive the disability 5363

benefit award or fails to make an election within the time period, 5364  
the award is rescinded. A member who later seeks a disability 5365  
benefit award shall be required to make a new application, which 5366  
shall be dealt with in accordance with the procedures used for 5367  
original disability benefit applications. 5368

A person is not eligible to apply for or receive disability 5369  
benefits under this division, section 742.39 of the Revised Code, 5370  
or division (C)(2), (3), (4), or (5) of former section 742.37 of 5371  
the Revised Code unless the person is a member of the fund on the 5372  
date on which the application for disability benefits is submitted 5373  
to the fund. 5374

With the exception of persons who may make application for 5375  
increased benefits as provided in division (D)(2) or (4) of this 5376  
section or division (C)(3) or (5) of former section 742.37 of the 5377  
Revised Code on or after July 24, 1986, or persons who may make 5378  
application for benefits as provided in section 742.26 of the 5379  
Revised Code, no person receiving a pension or benefit under this 5380  
section or division (C) of former section 742.37 of the Revised 5381  
Code may apply for any new, changed, or different benefit. 5382

**Sec. 742.39.** (A) A member of the Ohio police and fire pension 5383  
fund determined to be eligible for a disability benefit under 5384  
division (D)(1) of section 742.38 of the Revised Code shall be 5385  
paid annual disability benefits, payable in twelve monthly 5386  
installments, in an amount equal to seventy-two per cent of the 5387  
member's average annual salary. If, as of January 1, 2011, the 5388  
member had fifteen or more years of service credit, the average 5389  
annual salary shall be determined using three years of 5390  
contributions. If, as of that date, the member had less than 5391  
fifteen years of service credit, the average annual salary shall 5392  
be determined using five years of contributions. 5393

(B) A member of the fund determined to be eligible for a 5394

disability benefit under division (D)(2) of section 742.38 of the Revised Code shall be paid annual disability benefits, payable in twelve monthly installments. If the member has fewer than twenty-five years of ~~active service in a police or fire department~~ credit, the benefit shall be in an amount fixed by the board of trustees of the Ohio police and fire pension fund. The board may increase or decrease the benefit whenever the board determines that the impairment of the member's earning capacity warrants an increase or decrease based on the standards adopted under division (C) of section 742.38 of the Revised Code applicable to the determination, but in no event shall the benefit exceed sixty per cent of the member's average annual salary.

A member who has ~~completed~~ twenty-five or more years of ~~active service in the department~~ credit shall receive annual disability benefits, payable in twelve monthly installments, in an amount equal to a percentage of the member's average annual salary. The percentage shall be the sum of two and one-half per cent for each of the first twenty years ~~the member was in the~~ active of service of the department credit, plus two per cent for each of the twenty-first to twenty-fifth years ~~the member was in the~~ active of service of the department credit, plus one and one-half per cent for each year in excess of twenty-five years ~~the member was in the active of service of the department credit~~. The annual disability benefit shall not exceed seventy-two per cent of the member's average annual salary.

In calculating a benefit under this division, a member's average annual salary shall be determined using three years of contributions if, as of January 1, 2011, the member had fifteen or more years of service credit. If, as of that date, the member had less than fifteen years of service credit, the average annual salary shall be determined using five years of contributions.

(C) A member of the fund determined to be eligible for a



disability benefit under division (D)(4) of section 742.38 of the Revised Code shall be paid annual disability benefits, payable in twelve monthly installments, in an amount to be fixed by the board. The board may increase or decrease the benefits whenever the board determines that the impairment of the member's earning capacity warrants an increase or decrease based on the standards adopted under division (C) of section 742.38 of the Revised Code applicable to the determination, but in no event shall a benefit paid to the member exceed sixty per cent of the member's average annual salary.

(D) Each of the following persons who on July 1, 1999, is receiving annual benefits of less than six thousand six hundred dollars shall have the benefits increased to that amount effective July 1, 1999:

(1) A person receiving annual benefits described in division (A) of this section;

(2) A person receiving annual benefits described in division (C) of this section based on an award made prior to September 16, 1998.

(E) Benefits payable under this section continue until death unless adjusted under division (D)(5) of section 742.38 of the Revised Code or adjusted or terminated under division (C)(3) of section 742.40 of the Revised Code.

**Sec. 742.44.** Except as provided in section 742.14 of the Revised Code, at any time prior to filing an application for retirement under division (C)(1) of section 742.37 of the Revised Code, a member who has attained age fifty-two and is eligible to retire under that division may elect to participate in the deferred retirement option plan established under section 742.43 of the Revised Code.

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

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

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

**Sec. 742.444.** (A) A member's participation in the deferred retirement option plan ceases on the occurrence of the earliest of the following:

(1) Termination of the member's active service in a police or fire department;

(2) The last day of the eight-year period that begins on the effective date of the member's election to participate in the plan;

(3) Acceptance by the member of a disability benefit awarded 5487  
by the board of trustees of the Ohio police and fire pension fund, 5488  
unless the acceptance is revoked by the member in accordance with 5489  
rules adopted by the board; 5490

(4) The member's death. 5491

(B) If a member terminates active service in a police or fire 5492  
department not later than eight years after the effective date of 5493  
the member's election to participate in the plan, all of the 5494  
following apply: 5495

(1) The member shall notify the Ohio police and fire pension 5496  
fund of the date of termination on a form prescribed by the fund. 5497  
The member is not eligible to make another election under section 5498  
742.44 of the Revised Code. 5499

(2) If the member's termination of active service occurs on 5500  
or after the date that is the first day of the ~~fourth~~ sixth year 5501  
after the effective date of the election to participate in the 5502  
plan, the entire amount that has accrued to the member's benefit 5503  
under the deferred retirement option plan shall be distributed to 5504  
the member pursuant to the member's selection under division 5505  
(B)(3) of this section. If the termination of active service 5506  
occurs before the date that is ~~four~~ six years after the effective 5507  
date of the election to participate, the member shall forfeit the 5508  
total amount of the interest credited under division (C) of 5509  
section 742.443 of the Revised Code. 5510

(3) The member shall select one of the following as the 5511  
method of distribution of the amount to be distributed to the 5512  
member: 5513

(a) A single payment; 5514

(b) Periodic payments as determined by the board. 5515

The fund shall retain amounts accrued to the benefit of a 5516

member under the plan until a form specifying the method of 5517  
distribution selected is filed with the fund by the member or an 5518  
authorized representative of the member. 5519

The board shall afford a member who selects periodic payments 5520  
the opportunity at least once during each calendar year to change 5521  
the member's selection. 5522

(4) Distribution of the amount accrued to a member's benefit 5523  
under the deferred retirement option plan shall not commence until 5524  
the date that is the first day of the ~~fourth~~ sixth year after the 5525  
effective date of the election. 5526

(5) The member shall select a plan of payment under section 5527  
742.3711 of the Revised Code for the pension payable to the member 5528  
under division (C) of section 742.37 of the Revised Code, unless 5529  
the member selected a plan of payment at the time of electing to 5530  
participate in the plan. The pension shall commence not later than 5531  
the first day of the second month following the date the employee 5532  
ceases to participate in the plan. 5533

(C) If, at the end of the eight-year period that begins on 5534  
the effective date of a member's election to participate in the 5535  
plan, the member has failed to terminate active service in a 5536  
police or fire department, all of the following apply: 5537

(1) No further amounts shall accrue to the member's benefit, 5538  
and the member shall forfeit all amounts that have accrued to the 5539  
member's benefit under section 742.443 of the Revised Code. The 5540  
amounts forfeited shall be treated as if the member had continued 5541  
in the active service of a police or fire department and not 5542  
elected to participate in the plan. 5543

(2) The member shall be granted service credit for the period 5544  
the member was participating in the plan, and when the member's 5545  
pension is calculated under section 742.37 of the Revised Code, 5546  
the calculation shall be made as though the member had never 5547

participated in the plan. 5548

(3) Further contributions, and service credit for those 5549  
contributions, shall be credited as provided in sections 742.31 5550  
through 742.34 of the Revised Code. 5551

**Sec. 742.63.** The board of trustees of the Ohio police and 5552  
fire pension fund shall adopt rules for the management of the Ohio 5553  
public safety officers death benefit fund and for disbursements of 5554  
benefits as set forth in this section. 5555

(A) As used in this section: 5556

(1) "Member" means all of the following: 5557

(a) A member of the Ohio police and fire pension fund, 5558  
including a member of the fund who has elected to participate in 5559  
the deferred retirement option plan established under section 5560  
742.43 of the Revised Code or a member of or contributor to a 5561  
police or firemen's relief and pension fund established under 5562  
former Chapter 521. or 741. of the Revised Code; 5563

(b) A member of the state highway patrol retirement system, 5564  
including a member who is participating in the deferred retirement 5565  
option plan established under section 5505.50 of the Revised Code; 5566

(c) A member of the public employees retirement system who at 5567  
the time of the member's death was one of the following: 5568

(i) A county sheriff or deputy sheriff; 5569

(ii) A full-time regular police officer in a municipal 5570  
corporation or township; 5571

(iii) A full-time regular firefighter employed by the state, 5572  
an instrumentality of the state, a municipal corporation, a 5573  
township, a joint fire district, or another political subdivision; 5574

(iv) A full-time park district ranger or patrol trooper; 5575

(v) A full-time law enforcement officer of the department of 5576

natural resources; 5577

(vi) A full-time department of public safety enforcement 5578  
agent; 5579

(vii) A full-time law enforcement officer of parks, waterway 5580  
lands, or reservoir lands under the control of a municipal 5581  
corporation; 5582

(viii) A full-time law enforcement officer of a conservancy 5583  
district; 5584

(ix) A correction officer at an institution under the control 5585  
of a county, a group of counties, a municipal corporation, or the 5586  
department of rehabilitation and correction; 5587

(x) A state university law enforcement officer; 5588

(xi) An investigator, as defined in section 109.541 of the 5589  
Revised Code, or an investigator commissioned as a special agent 5590  
of the bureau of criminal identification and investigation. 5591

(xii) A drug agent, as defined in section 145.01 of the 5592  
Revised Code. 5593

(d) A member of a retirement system operated by a municipal 5594  
corporation who at the time of death was a full-time law 5595  
enforcement officer of parks, waterway lands, or reservoir lands 5596  
under the control of the municipal corporation. 5597

(2) Notwithstanding section 742.01 of the Revised Code, "fire 5598  
or police department" includes a fire department of the state or 5599  
an instrumentality of the state or of a municipal corporation, 5600  
township, joint fire district, or other political subdivision, the 5601  
state highway patrol, a county sheriff's office, the security 5602  
force of an institution under the control of the department of 5603  
rehabilitation and correction, the security force of a jail or 5604  
workhouse under the control of a county, group of counties, or 5605  
municipal corporation, the security force of a metropolitan, 5606

county, or township park district, the security force of lands 5607  
under the control of the department of natural resources, 5608  
department of public safety enforcement agents, the security force 5609  
of parks, waterway lands, or reservoir lands under the control of 5610  
a municipal corporation, the security force of a conservancy 5611  
district, the police department of a township or municipal 5612  
corporation, and the police force of a state university. 5613

(3) "Firefighter or police officer" includes a state highway 5614  
patrol trooper, a county sheriff or deputy sheriff, a correction 5615  
officer at an institution under the control of a county, a group 5616  
of counties, a municipal corporation, or the department of 5617  
rehabilitation and correction, a police officer employed by a 5618  
township or municipal corporation, a firefighter employed by the 5619  
state, an instrumentality of the state, a municipal corporation, a 5620  
township, a joint fire district, or another political subdivision, 5621  
a full-time park district ranger or patrol trooper, a full-time 5622  
law enforcement officer of the department of natural resources, a 5623  
full-time department of public safety enforcement agent, a 5624  
full-time law enforcement officer of parks, waterway lands, or 5625  
reservoir lands under the control of a municipal corporation, a 5626  
full-time law enforcement officer of a conservancy district, and a 5627  
state university law enforcement officer. 5628

(4) "Correction officer" includes, in addition to any 5629  
correction officer, any correction corporal, sergeant, lieutenant, 5630  
or captain, and the equivalents of all such persons. 5631

(5) "A park district ranger or patrol trooper" means a peace 5632  
officer commissioned to make arrests, execute warrants, and 5633  
preserve the peace upon lands under the control of a board of park 5634  
commissioners of a metropolitan, county, or township park 5635  
district. 5636

(6) "Metropolitan, county, or township park district" means a 5637  
park district created under the authority of Chapter 511. or 1545. 5638

of the Revised Code. 5639

(7) "Conservancy district" means a conservancy district 5640  
created under the authority of Chapter 6101. of the Revised Code. 5641

(8) "Law enforcement officer" means an officer commissioned 5642  
to make arrests, execute warrants, and preserve the peace upon 5643  
lands under the control of the governmental entity granting the 5644  
commission. 5645

(9) "Department of natural resources law enforcement officer" 5646  
includes a forest officer designated pursuant to section 1503.29 5647  
of the Revised Code, a preserve officer designated pursuant to 5648  
section 1517.10 of the Revised Code, a wildlife officer designated 5649  
pursuant to section 1531.13 of the Revised Code, a park officer 5650  
designated pursuant to section 1541.10 of the Revised Code, and a 5651  
state watercraft officer designated pursuant to section 1547.521 5652  
of the Revised Code. 5653

(10) "Retirement eligibility date" means the last day of the 5654  
month in which a deceased member would have first become eligible, 5655  
had the member lived, for the retirement pension provided under 5656  
section 145.33, section 145.332, Chapter 521. or 741., division 5657  
(C)(1) of section 742.37, or division (A)(1) of section 5505.17 of 5658  
the Revised Code or provided by a retirement system operated by a 5659  
municipal corporation. 5660

(11) "Death benefit amount" means an amount equal to the full 5661  
monthly salary received by a deceased member prior to death, minus 5662  
an amount equal to the benefit received under section 145.45, 5663  
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 5664  
received from a retirement system operated by a municipal 5665  
corporation, plus any increases in salary that would have been 5666  
granted the deceased member. 5667

(12) "Killed in the line of duty" means either of the 5668  
following: 5669



(a) Death in the line of duty; 5670

(b) Death from injury sustained in the line of duty, 5671  
including heart attack or other fatal injury or illness caused 5672  
while in the line of duty. 5673

(B) A spouse of a deceased member shall receive a death 5674  
benefit each month equal to the full death benefit amount, 5675  
provided that the deceased member was a firefighter or police 5676  
officer killed in the line of duty and there are no surviving 5677  
children eligible for a benefit under this section. The spouse 5678  
shall receive this benefit during the spouse's natural life until 5679  
the deceased member's retirement eligibility date, on which date 5680  
the benefit provided under this division shall terminate. 5681

(C)(1) If a member killed in the line of duty as a 5682  
firefighter or police officer is survived only by a child or 5683  
children, the child or children shall receive a benefit each month 5684  
equal to the full death benefit amount. If there is more than one 5685  
surviving child, the benefit shall be divided equally among these 5686  
children. 5687

(2) If the death benefit paid under this division is divided 5688  
among two or more surviving children and any of the children 5689  
become ineligible to continue receiving a portion of the benefit 5690  
as provided in division (H) of this section, the full death 5691  
benefit amount shall be paid to the remaining eligible child or 5692  
divided among the eligible children so that the benefit paid to 5693  
the remaining eligible child or children equals the full death 5694  
benefit amount. 5695

(3) Notwithstanding divisions (C)(1) and (2) of this section, 5696  
all death benefits paid under this division shall terminate on the 5697  
deceased member's retirement eligibility date. 5698

(D) If a member killed in the line of duty as a firefighter 5699  
or police officer is survived by both a spouse and a child or 5700

children, the monthly benefit provided shall be as follows: 5701

(1)(a) If there is a surviving spouse and one surviving 5702  
child, the spouse shall receive an amount each month equal to 5703  
one-half of the full death benefit amount and the child shall 5704  
receive an amount equal to one-half of the full death benefit 5705  
amount. 5706

(b) If the surviving spouse dies or the child becomes 5707  
ineligible as provided in division (H) of this section, the 5708  
surviving spouse or child remaining eligible shall receive the 5709  
full death benefit amount. 5710

(2)(a) If there is a surviving spouse and more than one 5711  
child, the spouse shall receive an amount each month equal to 5712  
one-third of the full death benefit amount and the children shall 5713  
receive an amount, equally divided among them, equal to two-thirds 5714  
of the full death benefit amount. 5715

(b) If a spouse and more than one child each are receiving a 5716  
death benefit under division (D)(2)(a) of this section and the 5717  
spouse dies, the children shall receive an amount each month, 5718  
equally divided among them, equal to the full death benefit 5719  
amount. 5720

(c) If a spouse and more than one child each are receiving a 5721  
benefit under division (D)(2)(a) of this section and any of the 5722  
children becomes ineligible to receive a benefit as provided in 5723  
division (H) of this section, the spouse and remaining eligible 5724  
child or children shall receive a death benefit as follows: 5725

(i) If there are two or more remaining eligible children, the 5726  
spouse shall receive an amount each month equal to one-third of 5727  
the full death benefit amount and the children shall receive an 5728  
amount each month, equally divided among them, equal to two-thirds 5729  
of the full death benefit amount; 5730

(ii) If there is one remaining eligible child, the spouse 5731

shall receive an amount each month equal to one-half of the full 5732  
death benefit amount, and the child shall receive an amount each 5733  
month equal to one-half of the full death benefit amount. 5734

(d) If a spouse and more than one child each are receiving a 5735  
benefit under division (D)(2)(a) of this section and all of the 5736  
children become ineligible to receive a benefit as provided in 5737  
division (H) of this section, the spouse shall receive the full 5738  
death benefit amount. 5739

(3) Notwithstanding divisions (D)(1) and (2) of this section, 5740  
death benefits paid under this division to a surviving spouse 5741  
shall terminate on the member's retirement eligibility date. Death 5742  
benefits paid to a surviving child or children shall terminate on 5743  
the deceased member's retirement eligibility date unless earlier 5744  
terminated pursuant to division (H) of this section. 5745

(E) If a member, on or after January 1, 1980, is killed in 5746  
the line of duty as a firefighter or police officer and is 5747  
survived by only a parent or parents dependent upon the member for 5748  
support, the parent or parents shall receive an amount each month 5749  
equal to the full death benefit amount. If there is more than one 5750  
surviving parent dependent upon the deceased member for support, 5751  
the death benefit amount shall be divided equally among the 5752  
surviving parents. On the death of one of the surviving parents, 5753  
the full death benefit amount shall be paid to the other parent. 5754

(F)(1) The following shall receive a monthly death benefit 5755  
under this division: 5756

(a) A surviving spouse whose benefits are terminated in 5757  
accordance with division (B) or (D)(3) of this section on the 5758  
deceased member's retirement eligibility date, or who would 5759  
qualify for a benefit under division (B) or (D) of this section 5760  
except that the deceased member reached the member's retirement 5761  
eligibility date prior to the member's death; 5762

(b) A qualified surviving spouse of a deceased member of or 5763  
contributor to a police or firemen's relief and pension fund 5764  
established under former Chapter 521. or 741. of the Revised Code 5765  
who was a firefighter or police officer killed in the line of 5766  
duty. 5767

(2) The monthly death benefit shall be one-half of an amount 5768  
equal to the monthly salary received by the deceased member prior 5769  
to the member's death, plus any salary increases the deceased 5770  
member would have received prior to the member's retirement 5771  
eligibility date. The benefit shall terminate on the surviving 5772  
spouse's death. A death benefit payable under this division shall 5773  
be reduced by an amount equal to any allowance or benefit payable 5774  
to the surviving spouse under section 742.3714 of the Revised 5775  
Code. 5776

(3) A benefit granted to a surviving spouse under division 5777  
(F)(1)(b) of this section shall commence on the first day of the 5778  
month immediately following receipt by the board of a completed 5779  
application on a form provided by the board and any evidence the 5780  
board may require to establish that the deceased spouse was killed 5781  
in the line of duty. 5782

(G)(1) If there is not a surviving spouse eligible to receive 5783  
a death benefit under division (F) of this section or the 5784  
surviving spouse receiving a death benefit under that division 5785  
dies, a surviving child or children whose benefits under division 5786  
(C) or (D) of this section are or have been terminated pursuant to 5787  
division (C)(3) or (D)(3) of this section or who would qualify for 5788  
a benefit under division (C) or (D) of this section except that 5789  
the deceased member reached the member's retirement eligibility 5790  
date prior to the member's death shall receive a monthly death 5791  
benefit under this division. The monthly death benefit shall be 5792  
one-half of an amount equal to the monthly salary received by the 5793  
deceased member prior to the member's death, plus any salary 5794

increases the member would have received prior to the member's 5795  
retirement eligibility date. If there is more than one surviving 5796  
child, the benefit shall be divided equally among the surviving 5797  
children. 5798

(2) If two or more surviving children each are receiving a 5799  
benefit under this division and any of those children becomes 5800  
ineligible to continue receiving a benefit as provided in division 5801  
(H) of this section, the remaining eligible child or children 5802  
shall receive an amount equal to one-half of the monthly salary 5803  
received by the deceased member prior to death, plus any salary 5804  
increases the deceased member would have received prior to the 5805  
retirement eligibility date. If there is more than one remaining 5806  
eligible child, the benefit shall be divided equally among the 5807  
eligible children. 5808

(3) A death benefit, or portion of a death benefit, payable 5809  
to a surviving child under this division shall be reduced by an 5810  
amount equal to any allowance or benefit payable to that child 5811  
under section 742.3714 of the Revised Code, but the reduction in 5812  
that child's benefit shall not affect the amount payable to any 5813  
other surviving child entitled to a portion of the death benefit. 5814

(H) A death benefit paid to a surviving child under division 5815  
(C), (D), or (G) of this section shall terminate on the death of 5816  
the child or, unless one of the following is the case, when the 5817  
child reaches age eighteen: 5818

(1) The child, because of physical or mental disability, is 5819  
unable to provide the child's own support, in which case the death 5820  
benefit shall terminate when the disability is removed; 5821

(2) The child is unmarried, under age twenty-two, and a 5822  
student in and attending an institution of learning or training 5823  
pursuant to a program designed to complete in each school year the 5824  
equivalent of at least two-thirds of the full-time curriculum 5825

requirements of the institution, as determined by the trustees of 5826  
the fund. 5827

(I) Acceptance of any death benefit under this section does 5828  
not prohibit a spouse or child from receiving other benefits 5829  
provided under the Ohio police and fire pension fund, the state 5830  
highway patrol retirement system, the public employees retirement 5831  
system, or a retirement system operated by a municipal 5832  
corporation. 5833

(J) No person shall receive a benefit under this section if 5834  
any of the following occur: 5835

(1) The person fails to exercise the right to a monthly 5836  
survivor benefit under division (A) or (B) of section 145.45, 5837  
division (D), (E), or (F) of section 742.37, or division (A)(3), 5838  
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 5839  
survivor benefit from a retirement system operated by a municipal 5840  
corporation; or to a retirement allowance under section 742.3714 5841  
of the Revised Code. 5842

(2) The member's accumulated contributions under this chapter 5843  
or Chapter 145. or 5505. of the Revised Code are refunded unless 5844  
the member had been a member of the public employees retirement 5845  
system and had fewer than eighteen months of total service credit 5846  
at the time of death. 5847

(3) In the case of a full-time park district ranger or patrol 5848  
trooper, a full-time law enforcement officer of the department of 5849  
natural resources, a full-time law enforcement officer of parks, 5850  
waterway lands, or reservoir lands under the control of a 5851  
municipal corporation, a full-time law enforcement officer of a 5852  
conservancy district, a correction officer at an institution under 5853  
the control of a county, group of counties, or municipal 5854  
corporation, or a member of a retirement system operated by a 5855  
municipal corporation who at the time of the member's death was a 5856

full-time law enforcement officer of parks, waterway lands, or 5857  
reservoir lands under the control of the municipal corporation, 5858  
the member died prior to April 9, 1981, in the case of a benefit 5859  
under division (B), (C), or (D) of this section, or prior to 5860  
January 1, 1980, in the case of a benefit under division (E) of 5861  
this section. 5862

(4) In the case of a full-time department of public safety 5863  
enforcement agent who prior to June 30, 1999, was a liquor control 5864  
investigator of the department of public safety, the member died 5865  
prior to December 23, 1986; 5866

(5) In the case of a full-time department of public safety 5867  
enforcement agent other than an enforcement agent who, prior to 5868  
June 30, 1999, was a liquor control investigator, the member died 5869  
prior to June 30, 1999. 5870

(K) A surviving spouse whose benefit was terminated prior to 5871  
June 30, 1999, due to remarriage shall receive a benefit under 5872  
division (B), (D), or (F) of this section beginning on the first 5873  
day of the month following receipt by the board of an application 5874  
on a form provided by the board. The benefit amount shall be 5875  
determined as of that date. 5876

(1) If the benefit will begin prior to the deceased member's 5877  
retirement eligibility date, it shall be paid under division (B) 5878  
or (D) of this section and shall terminate as provided in those 5879  
divisions. A benefit paid to a surviving spouse under division (D) 5880  
of this section shall be determined in accordance with that 5881  
division, even if benefits paid to surviving children are reduced 5882  
as a result. 5883

(2) If the benefit will begin on or after the deceased 5884  
member's retirement eligibility date, it shall be paid under 5885  
division (F) of this section and shall terminate as provided in 5886  
that division. A benefit paid to a surviving spouse under division 5887

(F) of this section shall be determined in accordance with that 5888  
division, even if benefits paid to surviving children are 5889  
terminated as a result. 5890

**Sec. 2329.66.** (A) Every person who is domiciled in this state 5891  
may hold property exempt from execution, garnishment, attachment, 5892  
or sale to satisfy a judgment or order, as follows: 5893

(1)(a) In the case of a judgment or order regarding money 5894  
owed for health care services rendered or health care supplies 5895  
provided to the person or a dependent of the person, one parcel or 5896  
item of real or personal property that the person or a dependent 5897  
of the person uses as a residence. Division (A)(1)(a) of this 5898  
section does not preclude, affect, or invalidate the creation 5899  
under this chapter of a judgment lien upon the exempted property 5900  
but only delays the enforcement of the lien until the property is 5901  
sold or otherwise transferred by the owner or in accordance with 5902  
other applicable laws to a person or entity other than the 5903  
surviving spouse or surviving minor children of the judgment 5904  
debtor. Every person who is domiciled in this state may hold 5905  
exempt from a judgment lien created pursuant to division (A)(1)(a) 5906  
of this section the person's interest, not to exceed twenty 5907  
thousand two hundred dollars, in the exempted property. 5908

(b) In the case of all other judgments and orders, the 5909  
person's interest, not to exceed twenty thousand two hundred 5910  
dollars, in one parcel or item of real or personal property that 5911  
the person or a dependent of the person uses as a residence. 5912

(2) The person's interest, not to exceed three thousand two 5913  
hundred twenty-five dollars, in one motor vehicle; 5914

(3) The person's interest, not to exceed four hundred 5915  
dollars, in cash on hand, money due and payable, money to become 5916  
due within ninety days, tax refunds, and money on deposit with a 5917  
bank, savings and loan association, credit union, public utility, 5918



landlord, or other person, other than personal earnings. 5919

(4)(a) The person's interest, not to exceed five hundred 5920  
twenty-five dollars in any particular item or ten thousand seven 5921  
hundred seventy-five dollars in aggregate value, in household 5922  
furnishings, household goods, wearing apparel, appliances, books, 5923  
animals, crops, musical instruments, firearms, and hunting and 5924  
fishing equipment that are held primarily for the personal, 5925  
family, or household use of the person; 5926

(b) The person's aggregate interest in one or more items of 5927  
jewelry, not to exceed one thousand three hundred fifty dollars, 5928  
held primarily for the personal, family, or household use of the 5929  
person or any of the person's dependents. 5930

(5) The person's interest, not to exceed an aggregate of two 5931  
thousand twenty-five dollars, in all implements, professional 5932  
books, or tools of the person's profession, trade, or business, 5933  
including agriculture; 5934

(6)(a) The person's interest in a beneficiary fund set apart, 5935  
appropriated, or paid by a benevolent association or society, as 5936  
exempted by section 2329.63 of the Revised Code; 5937

(b) The person's interest in contracts of life or endowment 5938  
insurance or annuities, as exempted by section 3911.10 of the 5939  
Revised Code; 5940

(c) The person's interest in a policy of group insurance or 5941  
the proceeds of a policy of group insurance, as exempted by 5942  
section 3917.05 of the Revised Code; 5943

(d) The person's interest in money, benefits, charity, 5944  
relief, or aid to be paid, provided, or rendered by a fraternal 5945  
benefit society, as exempted by section 3921.18 of the Revised 5946  
Code; 5947

(e) The person's interest in the portion of benefits under 5948

policies of sickness and accident insurance and in lump sum 5949  
payments for dismemberment and other losses insured under those 5950  
policies, as exempted by section 3923.19 of the Revised Code. 5951

(7) The person's professionally prescribed or medically 5952  
necessary health aids; 5953

(8) The person's interest in a burial lot, including, but not 5954  
limited to, exemptions under section 517.09 or 1721.07 of the 5955  
Revised Code; 5956

(9) The person's interest in the following: 5957

(a) Moneys paid or payable for living maintenance or rights, 5958  
as exempted by section 3304.19 of the Revised Code; 5959

(b) Workers' compensation, as exempted by section 4123.67 of 5960  
the Revised Code; 5961

(c) Unemployment compensation benefits, as exempted by 5962  
section 4141.32 of the Revised Code; 5963

(d) Cash assistance payments under the Ohio works first 5964  
program, as exempted by section 5107.75 of the Revised Code; 5965

(e) Benefits and services under the prevention, retention, 5966  
and contingency program, as exempted by section 5108.08 of the 5967  
Revised Code; 5968

(f) Disability financial assistance payments, as exempted by 5969  
section 5115.06 of the Revised Code; 5970

(g) Payments under section 24 or 32 of the "Internal Revenue 5971  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 5972

(10)(a) Except in cases in which the person was convicted of 5973  
or pleaded guilty to a violation of section 2921.41 of the Revised 5974  
Code and in which an order for the withholding of restitution from 5975  
payments was issued under division (C)(2)(b) of that section, in 5976  
cases in which an order for withholding was issued under section 5977  
2907.15 of the Revised Code, ~~and~~ in cases in which an order for 5978

forfeiture was issued under division (A) or (B) of section 5979  
2929.192 of the Revised Code, and in cases in which an order was 5980  
issued under 2929.193 of the Revised Code, and only to the extent 5981  
provided in the order, and except as provided in sections 5982  
3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 5983  
of the Revised Code, the person's right to a pension, benefit, 5984  
annuity, retirement allowance, or accumulated contributions, the 5985  
person's right to a participant account in any deferred 5986  
compensation program offered by the Ohio public employees deferred 5987  
compensation board, a government unit, or a municipal corporation, 5988  
or the person's other accrued or accruing rights, as exempted by 5989  
section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5990  
5505.22 of the Revised Code, and the person's right to benefits 5991  
from the Ohio public safety officers death benefit fund; 5992

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 5993  
3121.03, and 3123.06 of the Revised Code, the person's right to 5994  
receive a payment under any pension, annuity, or similar plan or 5995  
contract, not including a payment from a stock bonus or 5996  
profit-sharing plan or a payment included in division (A)(6)(b) or 5997  
(10)(a) of this section, on account of illness, disability, death, 5998  
age, or length of service, to the extent reasonably necessary for 5999  
the support of the person and any of the person's dependents, 6000  
except if all the following apply: 6001

(i) The plan or contract was established by or under the 6002  
auspices of an insider that employed the person at the time the 6003  
person's rights under the plan or contract arose. 6004

(ii) The payment is on account of age or length of service. 6005

(iii) The plan or contract is not qualified under the 6006  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 6007  
amended. 6008

(c) Except for any portion of the assets that were deposited 6009

for the purpose of evading the payment of any debt and except as 6010  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 6011  
3123.06 of the Revised Code, the person's right in the assets held 6012  
in, or to receive any payment under, any individual retirement 6013  
account, individual retirement annuity, "Roth IRA," or education 6014  
individual retirement account that provides benefits by reason of 6015  
illness, disability, death, or age, to the extent that the assets, 6016  
payments, or benefits described in division (A)(10)(c) of this 6017  
section are attributable to any of the following: 6018

(i) Contributions of the person that were less than or equal 6019  
to the applicable limits on deductible contributions to an 6020  
individual retirement account or individual retirement annuity in 6021  
the year that the contributions were made, whether or not the 6022  
person was eligible to deduct the contributions on the person's 6023  
federal tax return for the year in which the contributions were 6024  
made; 6025

(ii) Contributions of the person that were less than or equal 6026  
to the applicable limits on contributions to a Roth IRA or 6027  
education individual retirement account in the year that the 6028  
contributions were made; 6029

(iii) Contributions of the person that are within the 6030  
applicable limits on rollover contributions under subsections 219, 6031  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 6032  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 6033  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6034

(d) Except for any portion of the assets that were deposited 6035  
for the purpose of evading the payment of any debt and except as 6036  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 6037  
3123.06 of the Revised Code, the person's right in the assets held 6038  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 6039  
that provides benefits by reason of illness, disability, death, or 6040  
age, to the extent reasonably necessary for the support of the 6041

person and any of the person's dependents. 6042

(11) The person's right to receive spousal support, child 6043  
support, an allowance, or other maintenance to the extent 6044  
reasonably necessary for the support of the person and any of the 6045  
person's dependents; 6046

(12) The person's right to receive, or moneys received during 6047  
the preceding twelve calendar months from, any of the following: 6048

(a) An award of reparations under sections 2743.51 to 2743.72 6049  
of the Revised Code, to the extent exempted by division (D) of 6050  
section 2743.66 of the Revised Code; 6051

(b) A payment on account of the wrongful death of an 6052  
individual of whom the person was a dependent on the date of the 6053  
individual's death, to the extent reasonably necessary for the 6054  
support of the person and any of the person's dependents; 6055

(c) Except in cases in which the person who receives the 6056  
payment is an inmate, as defined in section 2969.21 of the Revised 6057  
Code, and in which the payment resulted from a civil action or 6058  
appeal against a government entity or employee, as defined in 6059  
section 2969.21 of the Revised Code, a payment, not to exceed 6060  
twenty thousand two hundred dollars, on account of personal bodily 6061  
injury, not including pain and suffering or compensation for 6062  
actual pecuniary loss, of the person or an individual for whom the 6063  
person is a dependent; 6064

(d) A payment in compensation for loss of future earnings of 6065  
the person or an individual of whom the person is or was a 6066  
dependent, to the extent reasonably necessary for the support of 6067  
the debtor and any of the debtor's dependents. 6068

(13) Except as provided in sections 3119.80, 3119.81, 6069  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 6070  
earnings of the person owed to the person for services in an 6071  
amount equal to the greater of the following amounts: 6072

(a) If paid weekly, thirty times the current federal minimum 6073  
hourly wage; if paid biweekly, sixty times the current federal 6074  
minimum hourly wage; if paid semimonthly, sixty-five times the 6075  
current federal minimum hourly wage; or if paid monthly, one 6076  
hundred thirty times the current federal minimum hourly wage that 6077  
is in effect at the time the earnings are payable, as prescribed 6078  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 6079  
U.S.C. 206(a)(1), as amended; 6080

(b) Seventy-five per cent of the disposable earnings owed to 6081  
the person. 6082

(14) The person's right in specific partnership property, as 6083  
exempted by ~~division (B)(3) of section 1775.24 of the Revised Code~~ 6084  
~~or~~ the person's rights in a partnership pursuant to section 6085  
1776.50 of the Revised Code, except as otherwise set forth in 6086  
section 1776.50 of the Revised Code; 6087

(15) A seal and official register of a notary public, as 6088  
exempted by section 147.04 of the Revised Code; 6089

(16) The person's interest in a tuition unit or a payment 6090  
under section 3334.09 of the Revised Code pursuant to a tuition 6091  
payment contract, as exempted by section 3334.15 of the Revised 6092  
Code; 6093

(17) Any other property that is specifically exempted from 6094  
execution, attachment, garnishment, or sale by federal statutes 6095  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 6096  
U.S.C.A. 101, as amended; 6097

(18) The person's aggregate interest in any property, not to 6098  
exceed one thousand seventy-five dollars, except that division 6099  
(A)(18) of this section applies only in bankruptcy proceedings. 6100

(B) On April 1, 2010, and on the first day of April in each 6101  
third calendar year after 2010, each dollar amount set forth in 6102  
this section shall be adjusted, when determining the amount that 6103

is exempt from execution, garnishment, attachment, or sale 6104  
pursuant to this section, to reflect the change in the consumer 6105  
price index for all urban consumers, as published by the United 6106  
States department of labor, or, if that index is no longer 6107  
published, a generally available comparable index, for the 6108  
three-year period ending on the thirty-first day of December of 6109  
the preceding year. Any adjustments required by this division 6110  
shall be rounded to the nearest twenty-five dollars. 6111

(C) As used in this section: 6112

(1) "Disposable earnings" means net earnings after the 6113  
garnishee has made deductions required by law, excluding the 6114  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 6115  
3121.03, or 3123.06 of the Revised Code. 6116

(2) "Insider" means: 6117

(a) If the person who claims an exemption is an individual, a 6118  
relative of the individual, a relative of a general partner of the 6119  
individual, a partnership in which the individual is a general 6120  
partner, a general partner of the individual, or a corporation of 6121  
which the individual is a director, officer, or in control; 6122

(b) If the person who claims an exemption is a corporation, a 6123  
director or officer of the corporation; a person in control of the 6124  
corporation; a partnership in which the corporation is a general 6125  
partner; a general partner of the corporation; or a relative of a 6126  
general partner, director, officer, or person in control of the 6127  
corporation; 6128

(c) If the person who claims an exemption is a partnership, a 6129  
general partner in the partnership; a general partner of the 6130  
partnership; a person in control of the partnership; a partnership 6131  
in which the partnership is a general partner; or a relative in, a 6132  
general partner of, or a person in control of the partnership; 6133

(d) An entity or person to which or whom any of the following 6134

applies: 6135

(i) The entity directly or indirectly owns, controls, or 6136  
holds with power to vote, twenty per cent or more of the 6137  
outstanding voting securities of the person who claims an 6138  
exemption, unless the entity holds the securities in a fiduciary 6139  
or agency capacity without sole discretionary power to vote the 6140  
securities or holds the securities solely to secure to debt and 6141  
the entity has not in fact exercised the power to vote. 6142

(ii) The entity is a corporation, twenty per cent or more of 6143  
whose outstanding voting securities are directly or indirectly 6144  
owned, controlled, or held with power to vote, by the person who 6145  
claims an exemption or by an entity to which division (C)(2)(d)(i) 6146  
of this section applies. 6147

(iii) A person whose business is operated under a lease or 6148  
operating agreement by the person who claims an exemption, or a 6149  
person substantially all of whose business is operated under an 6150  
operating agreement with the person who claims an exemption. 6151

(iv) The entity operates the business or all or substantially 6152  
all of the property of the person who claims an exemption under a 6153  
lease or operating agreement. 6154

(e) An insider, as otherwise defined in this section, of a 6155  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 6156  
(iv) of this section applies, as if the person or entity were a 6157  
person who claims an exemption; 6158

(f) A managing agent of the person who claims an exemption. 6159

(3) "Participant account" has the same meaning as in section 6160  
148.01 of the Revised Code. 6161

(4) "Government unit" has the same meaning as in section 6162  
148.06 of the Revised Code. 6163

(D) For purposes of this section, "interest" shall be 6164



determined as follows: 6165

(1) In bankruptcy proceedings, as of the date a petition is 6166  
filed with the bankruptcy court commencing a case under Title 11 6167  
of the United States Code; 6168

(2) In all cases other than bankruptcy proceedings, as of the 6169  
date of an appraisal, if necessary under section 2329.68 of the 6170  
Revised Code, or the issuance of a writ of execution. 6171

An interest, as determined under division (D)(1) or (2) of 6172  
this section, shall not include the amount of any lien otherwise 6173  
valid pursuant to section 2329.661 of the Revised Code. 6174

Sec. 2901.431. On the filing of charges against a person who 6175  
is a member of the public employees retirement system alleging 6176  
that the person committed a felony on or after the effective date 6177  
of this section, the prosecutor assigned to the case shall send 6178  
written notice to the retirement system that the charges have been 6179  
filed. The notice shall specifically identify the person. 6180

For purposes of this section, a violation or offense that 6181  
includes as an element a course of conduct or the occurrence of 6182  
multiple acts is committed on or after the effective date of this 6183  
section if the course of conduct continues, one or more of 6184  
multiple acts occurs, or the person's accountability for the 6185  
course of conduct or one or more of the multiple acts continues on 6186  
or after that date. 6187

Sec. 2929.193. (A) This section applies to members of the 6188  
public employees retirement system except that in any circumstance 6189  
in which section 2929.192 of the Revised Code applies this section 6190  
does not apply. 6191

(B) If an offender is being sentenced for a felony offense 6192  
that was the cause of a physical or mental disability in the 6193  
offender and was committed on or after the effective date of this 6194

section while the offender was a member of the public employees 6195  
retirement system, in addition to any sanction it imposes under 6196  
section 2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the 6197  
Revised Code but subject to division (C) of this section, the 6198  
court shall order forfeiture of any right of the offender to a 6199  
disability benefit from the retirement system that is based on the 6200  
disability caused by commission of the felony. The forfeiture 6201  
shall be ordered regardless of whether a disability benefit has 6202  
been requested or granted. A forfeiture ordered under this section 6203  
is part of, and shall be included in, the offender's sentence. 6204

(C) Before sentencing in a case in which the sentencing court 6205  
is required to order forfeiture under division (B) of this 6206  
section, the offender may request a hearing regarding the 6207  
forfeiture by delivering a written request for a hearing to the 6208  
court. If there is a timely request, the court shall schedule the 6209  
hearing to be conducted before sentencing. Not later than ten days 6210  
prior to the scheduled date of the hearing, the court shall give 6211  
notice of the hearing date to the offender, the prosecutor who 6212  
handled the case, and the retirement system. The hearing shall be 6213  
limited to determination of whether the offender's disability 6214  
resulted from commission of the offense. If a disability benefit 6215  
has already been granted, the retirement system shall submit to 6216  
the court documentation of the evidence on which the benefit was 6217  
granted. 6218

(D) If the offender does not make a timely request for a 6219  
hearing or if a hearing is held and the court determines that the 6220  
disability resulted from commission of the offense, the court 6221  
shall order the forfeiture of any right the offender may have to a 6222  
disability benefit from the retirement system that is based on the 6223  
disability caused by commission of the felony. If the disability 6224  
benefit has already been granted, the court shall order 6225  
termination of the benefit. Any disability benefit paid to the 6226

offender prior to its termination may be recovered in accordance 6227  
with section 145.563 of the Revised Code. 6228

(E) The court shall send a copy of the journal entry imposing 6229  
sentence on the offender to the retirement system. 6230

(F) For purposes of this section, any violation or offense 6231  
that includes as an element a course of conduct or the occurrence 6232  
of multiple acts is committed on or after the effective date of 6233  
this section if the course of conduct continues, one or more of 6234  
multiple acts occurs, or the offender's accountability for the 6235  
course of conduct or for one or more of the multiple acts 6236  
continues on or after the effective date of this section. 6237

**Sec. 3305.06.** (A) Each electing employee shall contribute an 6238  
amount, which shall be a certain percentage of the employee's 6239  
compensation, to the provider of the investment option the 6240  
employee has selected. This percentage shall be the percentage the 6241  
electing employee would have otherwise been required to contribute 6242  
to the state retirement system that applies to the employee's 6243  
position, except that the percentage shall not be less than three 6244  
per cent. Employee contributions under this division may be 6245  
treated as employer contributions in accordance with Internal 6246  
Revenue Code 414(h). 6247

(B) Each public institution of higher education employing an 6248  
electing employee shall contribute a percentage of the employee's 6249  
compensation to the provider of the investment option the employee 6250  
has selected. This percentage shall be equal to the percentage 6251  
that the public institution of higher education would otherwise 6252  
contribute on behalf of that employee to the state retirement 6253  
system that would otherwise cover that employee's position, less 6254  
the percentage contributed by the public institution of higher 6255  
education under division (D) of this section. 6256

(C)(1) In no event shall the amount contributed by the 6257

electing employee pursuant to division (A) of this section and on 6258  
the electing employee's behalf pursuant to division (B) of this 6259  
section be less than the amount necessary to qualify the plan as a 6260  
state retirement system pursuant to Internal Revenue Code 6261  
3121(B)(7) and the regulations adopted thereunder. 6262

(2) The full amount of the electing employee's contribution 6263  
under division (A) of this section and the full amount of the 6264  
employer's contribution made on behalf of that employee under 6265  
division (B) of this section shall be paid to the appropriate 6266  
provider for application to the electing employee's investment 6267  
option. 6268

(D) Each public institution of higher education employing an 6269  
electing employee shall contribute on behalf of that employee to 6270  
the state retirement system that otherwise applies to the electing 6271  
employee's position a percentage of the electing employee's 6272  
compensation to mitigate any negative financial impact of the 6273  
alternative retirement program on the state retirement system. The 6274  
percentage shall be six per cent, except that the percentage may 6275  
be adjusted by the Ohio retirement study council to reflect the 6276  
determinations made by actuarial studies conducted under section 6277  
171.07 of the Revised Code. Any adjustment shall become effective 6278  
on the first day of the second month following submission of the 6279  
actuarial study to the board of regents under section 171.07 of 6280  
the Revised Code. 6281

Contributions on behalf of an electing employee shall 6282  
continue in accordance with this division until the occurrence of 6283  
the following: 6284

(1) If the electing employee would be subject to Chapter 145. 6285  
of the Revised Code had the employee not made an election pursuant 6286  
to section 3305.05 or 3305.051 of the Revised Code, until the 6287  
unfunded actuarial accrued liability for all benefits, except 6288  
health care benefits provided under section ~~145.325~~ or 145.58 or 6289

145.584 of the Revised Code and benefit increases provided after 6290  
March 31, 1997, is fully amortized, as determined by the annual 6291  
actuarial valuation prepared under section 145.22 of the Revised 6292  
Code; 6293

(2) If the electing employee would be subject to Chapter 6294  
3307. of the Revised Code had the employee not made an election 6295  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 6296  
the unfunded actuarial accrued liability for all benefits, except 6297  
health care benefits provided under section 3307.39 or 3307.61 of 6298  
the Revised Code and benefit increases provided after March 31, 6299  
1997, is fully amortized, as determined by the annual actuarial 6300  
valuation prepared under section 3307.51 of the Revised Code; 6301

(3) If the electing employee would be subject to Chapter 6302  
3309. of the Revised Code had the employee not made an election 6303  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 6304  
the unfunded actuarial accrued liability for all benefits, except 6305  
health care benefits provided under section 3309.375 or 3309.69 of 6306  
the Revised Code and benefit increases provided after March 31, 6307  
1997, is fully amortized, as determined by the annual actuarial 6308  
valuation prepared under section 3309.21 of the Revised Code. 6309

**Sec. 3307.26.** (A) Each teacher shall contribute ~~eight a~~ 6310  
~~certain~~ per cent of the teacher's earned compensation, ~~except that~~ 6311  
~~the state teachers retirement board may raise the contribution~~ 6312  
~~rate to a rate not greater than ten per cent of the teacher's~~ 6313  
~~earned compensation. For as follows:~~ 6314

(1) For compensation earned not later than June 30, 2011, ten 6315  
per cent; 6316

(2) For compensation earned not earlier than July 1, 2011, 6317  
but not later than June 30, 2012, not greater than ten and 6318  
one-half per cent; 6319

(3) For compensation earned not earlier than July 1, 2012, 6320  
but not later than June 30, 2013, not greater than eleven per 6321  
cent; 6322

(4) For compensation earned not earlier than July 1, 2013, 6323  
but not later than June 30, 2014, not greater than eleven and 6324  
one-half per cent; 6325

(5) For compensation earned not earlier than July 1, 2014, 6326  
but not later than June 30, 2015, not greater than twelve per 6327  
cent; 6328

(6) For compensation earned on or after July 1, 2015, not 6329  
greater than twelve and one-half per cent. 6330

(B) For teachers participating in the plan described in 6331  
sections 3307.50 to 3307.79 of the Revised Code, contributions 6332  
shall be deposited in the teachers' savings fund. For teachers 6333  
participating in a plan established under section 3307.81 of the 6334  
Revised Code, contributions shall be deposited in the defined 6335  
contribution fund. Contributions made pursuant to this section 6336  
shall not exceed the limits established by section 415 of the 6337  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 6338  
as amended. 6339

(C) The contribution for all teachers shall be deducted by 6340  
the employer on each payroll in an amount equal to the applicable 6341  
per cent of the teachers' paid compensation for such payroll 6342  
period or other period as the board may approve. All contributions 6343  
on paid compensation for teachers participating in plans 6344  
established under section 3307.81 of the Revised Code shall be 6345  
remitted at intervals required by the state teachers retirement 6346  
system under section 3307.86 of the Revised Code. All 6347  
contributions on earned compensation for teachers participating in 6348  
the plan described in sections 3307.50 to 3307.79 of the Revised 6349  
Code shall be remitted to the state teachers retirement system by 6350

the thirtieth day of June of each year. Each school district shall 6351  
encumber sufficient moneys by the thirtieth day of June of each 6352  
year to account for the difference, if any, that may exist between 6353  
contributions that would be withheld based upon compensation 6354  
earned by a teacher during the year ending the thirtieth day of 6355  
June and the contributions withheld based upon compensation paid 6356  
to the teacher for the year. Deductions from payroll for 6357  
contributions under this section, on an annual basis, shall not 6358  
exceed eight per cent or other percentage established by the board 6359  
authorized by this section. 6360

(D) At retirement under the plan described in sections 6361  
3307.50 to 3307.79 of the Revised Code, or upon a member's death 6362  
prior to retirement under that plan, if contributions have been 6363  
made after September 1, 1959, in excess of the contributions 6364  
normally required to provide the retirement or survivor benefit, 6365  
the excess contributions may be refunded to the member, to the 6366  
member's beneficiary, or to the member's estate in a lump sum, or 6367  
may be used to provide additional income. 6368

(E) The board may determine with regard to any member 6369  
participating in the plan described in sections 3307.50 to 3307.79 6370  
of the Revised Code whether the limits established by division 6371  
~~(C)~~(D) of section 3307.58 of the Revised Code have resulted in 6372  
exclusion from use in the calculation of benefits under section 6373  
3307.58, 3307.59, or 3307.60 of the Revised Code of any 6374  
compensation on which contributions have been made under this 6375  
section. The board may adopt rules in accordance with section 6376  
111.15 of the Revised Code providing for the disposition of 6377  
contributions attributable to such compensation and may dispose of 6378  
the contributions in accordance with those rules. Any disposition 6379  
of contributions made by the board in accordance with the rules 6380  
shall be final. 6381

(F) The deductions under this section shall be made even 6382

though the minimum compensation provided by law for any teacher 6383  
shall be reduced thereby. Every teacher shall be deemed to consent 6384  
to the deductions made. Payment less the deductions shall be a 6385  
complete discharge and acquittance of all claims and demands for 6386  
the services rendered by the person during the period covered by 6387  
the payment. 6388

(G) Additional deposits may be made to a member's account in 6389  
the teachers' savings fund or defined contribution fund, subject 6390  
to rules of the board. At retirement, the amount deposited with 6391  
interest may be used to provide additional annuity income. The 6392  
additional deposits may be refunded to the member before 6393  
retirement, and shall be refunded if the member withdraws the 6394  
member's refundable account. The deposits may be refunded to the 6395  
beneficiary or estate if the member dies before retirement. 6396

**Sec. 3307.501.** (A) As used in this section, "percentage 6397  
increase" means the percentage that an increase in compensation is 6398  
of the compensation paid prior to the increase. 6399

(B) Notwithstanding division (L) of section 3307.01 of the 6400  
Revised Code, for the purpose of determining final average salary 6401  
under this section, "compensation" has the same meaning as in that 6402  
division, except that it does not include any amount resulting 6403  
from a percentage increase paid to a member during the member's 6404  
two highest years of compensation that exceeds the greater of the 6405  
following: 6406

(1) The highest percentage increase in compensation paid to 6407  
the member during any of the three years immediately preceding the 6408  
member's two highest years of compensation and any subsequent 6409  
partial year of compensation used in calculating the member's 6410  
final average salary; 6411

(2) A percentage increase paid to the member as part of an 6412  
increase generally applicable to members employed by the employer. 6413



An increase shall be considered generally applicable if it is paid 6414  
to members employed by a school district board of education in 6415  
positions requiring a license issued under section 3319.22 of the 6416  
Revised Code in accordance with uniform criteria applicable to all 6417  
such members or if paid to members employed by an employer other 6418  
than a school district board of education in accordance with 6419  
uniform criteria applicable to all such members. 6420

(C) The state teachers retirement board shall determine the 6421  
final average salary of a member by dividing the sum of the 6422  
member's annual compensation for the ~~three~~ five highest years of 6423  
compensation for which the member made contributions plus any 6424  
amount determined under division (E) of this section by ~~three~~ 6425  
five, except that if the member has a partial year of contributing 6426  
service in the year the member's employment terminates and the 6427  
compensation for the partial year is at a rate higher than the 6428  
rate of compensation for any one of the member's highest ~~three~~ 6429  
five years of compensation, the board shall substitute the 6430  
compensation for the partial year for the compensation for the 6431  
same portion of the lowest of the member's ~~three~~ five highest 6432  
years of compensation. If a member has less than ~~three~~ five years 6433  
of contributing membership, the member's final average salary 6434  
shall be the member's total compensation for the period of 6435  
contributing membership plus any amount determined under division 6436  
(E) of this section divided by the total years, including any 6437  
portion of a year, of contributing service. 6438

For the purpose of calculating benefits payable to a member 6439  
qualifying for service credit under division (I) of section 6440  
3307.01 of the Revised Code, the board shall calculate the 6441  
member's final average salary by dividing the member's total 6442  
compensation as a teacher covered under this chapter plus any 6443  
amount determined under division (E) of this section by the total 6444  
number of years, including any portion of a year, of contributing 6445

membership during that period. If contributions were made for less 6446  
than twelve months, the member's final average salary is the total 6447  
amount of compensation paid to the member during all periods of 6448  
contributions under this chapter. 6449

(D) Contributions made by a member and an employer on amounts 6450  
that, pursuant to division (B) of this section, are not 6451  
compensation or are not included, pursuant to division (E) of this 6452  
section, for the purpose of determining final average salary shall 6453  
be treated as additional deposits to the member's account under 6454  
section 3307.26 of the Revised Code and used to provide additional 6455  
annuity income. 6456

(E) The state teachers retirement board shall adopt rules 6457  
establishing criteria and procedures for administering this 6458  
division. 6459

The board shall notify each applicant for retirement of any 6460  
amount excluded from the applicant's compensation in accordance 6461  
with division (B) of this section and of the procedures 6462  
established by the board for requesting a hearing on this 6463  
exclusion. 6464

Any applicant for retirement who has had any amount excluded 6465  
from the applicant's compensation in accordance with division (B) 6466  
of this section may request a hearing on this exclusion. Upon 6467  
receiving such a request, the board shall determine in accordance 6468  
with its criteria and procedures whether, for good cause as 6469  
determined by the board, all or any portion of any amount excluded 6470  
from the applicant's compensation in accordance with division (B) 6471  
of this section, up to a maximum of seventy-five hundred dollars, 6472  
is to be included in the determination of final average salary 6473  
under division (C) of this section. Any determination of the board 6474  
under this division shall be final. 6475

**Sec. 3307.58.** Any member participating in the plan described 6476

in sections 3307.50 to 3307.79 of the Revised Code who has five 6477  
years of service credit and has attained age sixty, or who has 6478  
~~twenty-five~~ thirty years of service credit and has attained age 6479  
fifty-five, or who has ~~thirty~~ thirty-five years of service credit 6480  
at any age shall be granted service retirement after filing with 6481  
the state teachers retirement board a completed application on a 6482  
form approved by the board. 6483

(A) Service retirement shall be effective on the first day of 6484  
the month next following the later of: 6485

(1) The last day for which compensation was paid; or 6486

(2) The attainment of minimum age or service credit 6487  
eligibility for benefits provided under this section. 6488

Except as provided in division ~~(E)~~(F) of this section, the 6489  
service retirement benefit shall be the greater of the benefits 6490  
provided in divisions (B) and ~~(D)~~(E) of this section. 6491

(B) ~~Subject to any adjustment made under (1) Except as~~ 6492  
~~provided in~~ division ~~(C)~~ (B)(2) of this section, the annual single 6493  
lifetime benefit of a member shall be the greater of the amounts 6494  
determined by the member's Ohio service credit multiplied by one 6495  
of the following: 6496

~~(1)(a)~~ Eighty-six dollars; 6497

~~(2)(a) The sum of the following amounts:~~ 6498

~~(i) For each of the first thirty years of Ohio service~~ 6499  
~~credit, two~~ (b) Two and two-tenths per cent of the member's final 6500  
average salary ~~or, subject to the limitation described in division~~ 6501  
~~(B)(2)(b) of this section, for each of the first thirty years of~~ 6502  
Ohio service credit plus two and five-tenths per cent of the 6503  
member's final average salary ~~if the member has thirty-five or~~ 6504  
~~more years of service credit under section 3307.53, 3307.57,~~ 6505  
~~3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.77, or~~ 6506

~~3307.771 of the Revised Code, division (A)(2) or (B) of former  
section 3307.513 of the Revised Code, former section 3307.514 of  
the Revised Code, section 3307.72 of the Revised Code earned after  
July 1, 1978, or any combination of service credit under those  
sections;~~

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

<del>Year</del>	<del>Per</del>	<del>Year</del>	<del>Per</del>	
<del>of</del>	<del>Cent</del>	<del>of</del>	<del>Cent</del>	
<del>Service</del>	<del>for that</del>	<del>Service</del>	<del>for that</del>	
<del>Credit</del>	<del>Year</del>	<del>Credit</del>	<del>Year</del>	
<del>30.01—31.00</del>	<del>2.5%</del>	<del>35.01—36.00</del>	<del>3.0%</del>	
<del>31.01—32.00</del>	<del>2.6</del>	<del>36.01—37.00</del>	<del>3.1</del>	
<del>32.01—33.00</del>	<del>2.7</del>	<del>37.01—38.00</del>	<del>3.2</del>	
<del>33.01—34.00</del>	<del>2.8</del>	<del>38.01—39.00</del>	<del>3.3</del>	
<del>34.01—35.00</del>	<del>2.9</del>			

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

~~(b) For purposes of division (B)(2)(a) of this section, a  
percentage of final average salary in excess of two and two-tenths~~

~~per cent shall be applied to service credit under section 3307.57~~ 6539  
~~of the Revised Code only if the service credit was established~~ 6540  
~~under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02,~~ 6541  
~~3309.021, 3309.022, or 3309.47 of the Revised Code or restored~~ 6542  
~~under section 145.31 or 3309.26 of the Revised Code for each~~ 6543  
~~subsequent year of Ohio service credit.~~ 6544

(2) A member's annual single lifetime benefit shall be 6545  
reduced by a percentage determined by the board's actuary for each 6546  
year the member retires before attaining the earliest of the 6547  
following: earned at least thirty-five years of Ohio service 6548  
credit, attained at least age sixty and earned at least thirty 6549  
years of Ohio service credit, or attained at least age sixty-five 6550  
and earned at least five years of Ohio service credit. The board's 6551  
actuary may use an actuarially based average percentage reduction 6552  
for purposes of division (B)(2) of this section. 6553

~~(C) The annual single lifetime benefit of a member determined~~ 6554  
~~under division (B) of this section shall be adjusted by the~~ 6555  
~~greater per cent shown in the following schedule opposite the~~ 6556  
~~member's attained age or Ohio service credit.~~ 6557

		<del>Years of</del>	<del>Per Cent</del>	
<del>Attained</del>	<del>or</del>	<del>Ohio Service</del>	<del>of Base</del>	
<del>Age</del>		<del>Credit</del>	<del>Amount</del>	
58		25	75%	6561
59		26	80	6562
60		27	85	6563
61			88	6564
		28	90	6565
62			91	6566
63			94	6567
		29	95	6568
64			97	6569
65		30 or more	100	6570

~~Members shall vest the right to a benefit in accordance with~~ 6571  
~~the following schedule, based on the member's attained age by~~ 6572  
~~September 1, 1976:~~ 6573

<del>Attained</del>	<del>Per Cent</del>	
<del>Age</del>	<del>of Base</del>	
<del>Amount</del>		
<del>66</del>	<del>102%</del>	6577
<del>67</del>	<del>104</del>	6578
<del>68</del>	<del>106</del>	6579
<del>69</del>	<del>108</del>	6580
<del>70 or more</del>	<del>110</del>	6581

The Notwithstanding divisions (A) and (B) of this section, on 6582  
application, a member who, on July 1, 2015, has five or more years 6583  
of Ohio service credit and has attained age sixty, has twenty-five 6584  
or more years of Ohio service credit and has attained age 6585  
fifty-five, or has thirty or more years of Ohio service credit 6586  
shall be granted service retirement according to former section 6587  
3307.58 of the Revised Code as in effect on that date. The 6588  
member's benefit shall be the greater of the amount calculated 6589  
under this section or the benefit the member would have been 6590  
eligible for under the law in effect on July 1, 2015. 6591

(D) The annual single lifetime benefit determined under 6592  
division (B) or (C) of this section shall not exceed the lesser of 6593  
one hundred per cent of the final average salary or the limit 6594  
established by section 415 of the "Internal Revenue Code of 1986," 6595  
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 6596

~~(D)~~(E) The annual single lifetime benefit of a member shall 6597  
not exceed the lesser of the sum of the following amounts or the 6598  
limit established by section 415 of the "Internal Revenue Code of 6599  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended: 6600

(1) An annuity with a reserve equal to the member's 6601  
accumulated contributions; 6602

(2) A pension equal to the amount in division ~~(D)~~(E)(1) of  
this section;

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

(4) An additional basic annual pension of one hundred eighty  
dollars, provided the member had ten or more years of Ohio service  
credit as of October 1, 1956, except that the additional basic  
annual pension shall not exceed the sum of the annual benefits  
provided by divisions ~~(D)~~(E)(1), (2), and (3) of this section.

~~(E)~~(F) Benefits determined under this section shall be paid  
as provided in section 3307.60 of the Revised Code.

**Sec. 3307.67.** (A) The state teachers retirement board shall  
annually increase each allowance or benefit payable under sections  
3307.50 to 3307.79 of the Revised Code ~~by three per cent, except~~  
~~that no~~ as follows:

(1) Two per cent for each allowance or benefit that begins  
not later than July 31, 2011, or is preceded by a disability  
allowance granted prior to that date under section 3307.631 of the  
Revised Code that has been terminated under division (C)(1) or (3)  
of that section;

(2) One and one-half per cent for each allowance or benefit  
that begins on or after August 1, 2011.

(B) No allowance or benefit shall exceed the limit  
established by section 415 of the "Internal Revenue Code of 1986,"  
100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(C) The first increase is payable to all persons becoming  
eligible after June 30, 1971, upon such persons receiving an  
allowance or benefit for twelve months. The increased amount is

payable for the ensuing twelve-month period or until the next  
increase is granted under this section, whichever is later.  
Subsequent increases shall be determined from the date of the  
first increase paid to the former member in the case of an  
allowance being paid a beneficiary under an option, or from the  
date of the first increase to the survivor first receiving an  
allowance or benefit in the case of an allowance or benefit being  
paid to the subsequent survivors of the former member.

The date of the first increase under this section becomes the  
anniversary date for any future increases.

The allowance or benefit used in the first calculation of an  
increase under this section shall remain as the base for all  
future increases, unless a new base is established.

~~(B)~~(D) If payment of a portion of a benefit is made to an  
alternate payee under section 3307.371 of the Revised Code,  
increases under this section granted while the order is in effect  
shall be apportioned between the alternate payee and the benefit  
recipient in the same proportion that the amount being paid to the  
alternate payee bears to the amount paid to the benefit recipient.

If payment of a portion of a benefit is made to one or more  
beneficiaries under "option 4" under division (A)(4) of section  
3307.60 of the Revised Code, each increase under this section  
granted while the plan of payment is in effect shall be divided  
among the designated beneficiaries in accordance with the portion  
each beneficiary has been allocated.

~~(C)~~(E) The board shall make all rules necessary to carry out  
this section.

**Sec. 3309.26.** The membership of any person in the school  
employees retirement system shall terminate if the person  
withdraws the person's accumulated contributions, retires on a



retirement allowance as provided in sections 3309.36, ~~3309.38~~, and 3309.381 of the Revised Code, or dies, unless otherwise provided in Chapter 3309. of the Revised Code.

A former member with an account in the employees' savings fund who formerly lost membership shall be reinstated as a member with all the rights, privileges, and obligations as provided in Chapter 3309. of the Revised Code.

Except as provided in this section, a member or former member of the school employees retirement system with at least one and one-half years of contributing service credit in this system, the public employees retirement system, the state teachers retirement system, the Ohio police and fire pension fund, or the state highway patrol retirement system, subsequent to the withdrawal of contributions and cancellation of service credit in this system may restore such service credit by redepositing in the employees' savings fund the amount withdrawn with interest at a rate to be determined by the board, compounded annually, from the first of the month of withdrawal to and including the month of redeposit. A member may choose to purchase only part of such credit in any one payment, subject to board rules. The total payment to restore cancelled service credit, plus any interest credited thereto, shall be considered as accumulated contributions of the member. If a former member is eligible to buy the service credit as a member of the Ohio police and fire pension fund, the state highway patrol retirement system, or the city of Cincinnati retirement system, the former member is ineligible to restore that service credit under this section.

**Sec. 3309.312.** (A) Not later than ninety days after September 16, 1998, a member who, on September 16, 1998, is employed full time pursuant to section 3345.04 of the Revised Code by the university of Akron as a state university law enforcement officer

may elect to transfer to the public employees retirement system in 6694  
accordance with this section. An election shall be made by giving 6695  
notice to the school employees retirement system on a form 6696  
provided by the school employees retirement board and shall be 6697  
irrevocable. 6698

(B) When a member makes the election described in this 6699  
section, the school employees retirement system shall notify the 6700  
public employees retirement system. The school employees 6701  
retirement system shall transfer all of the member's service 6702  
credit to the public employees retirement system and shall certify 6703  
to the public employees retirement system a copy of the member's 6704  
records of service and contributions. For each year or portion of 6705  
a year of credit, the school employees retirement system shall 6706  
transfer to the public employees retirement system all of the 6707  
following: 6708

(1) An amount equal to the accumulated contributions standing 6709  
to the member's credit; 6710

(2) An amount equal to the total employer contributions paid 6711  
on behalf of the member; 6712

(3) Any amount paid by the member or employer to the school 6713  
employees retirement system for the purchase of service credit. 6714

At the request of the public employees retirement system, the 6715  
employer of a member who makes an election under this section 6716  
shall certify to the public employees retirement system the 6717  
member's salary. 6718

(C) A member who elects to transfer to the public employees 6719  
retirement system under this section shall make contributions and 6720  
receive benefits in accordance with ~~divisions (B) to (F) of~~ 6721  
section ~~145.33~~ 145.332 of the Revised Code. 6722

(D) A member who fails to make an election in accordance with 6723

this section shall remain a member of the school employees 6724  
retirement system. 6725

**Sec. 3309.33.** (A) An employer may establish a retirement 6726  
incentive plan for its employees who are members of the school 6727  
employees retirement system. The plan shall provide for purchase 6728  
by the employer of service credit for eligible employees who 6729  
choose to participate in the plan and for payment by the employer 6730  
of the entire cost of such service credit. A plan established 6731  
under this section shall remain in effect until terminated by the 6732  
employer, except that, once established, the plan must remain in 6733  
effect for at least one year. 6734

(B) ~~To~~ An employee who is a member of the school employees 6735  
retirement system shall be eligible to participate in a retirement 6736  
incentive plan, ~~an employee must meet the following requirements:~~ 6737

~~(1) Either of the following:~~ 6738

~~(a) If the employee became a member of the retirement system~~ 6739  
~~before the effective date of this amendment, the member has~~ 6740  
~~attained fifty years of age;~~ 6741

~~(b) If the employee became a member of the retirement system~~ 6742  
~~on or after the effective date of this amendment, established by~~ 6743  
the employer if the employee has attained ~~fifty five~~ fifty-seven 6744  
years of age; 6745

~~(2) The employee~~ and agrees to retire and retires under 6746  
section 3309.36 of the Revised Code effective within ninety days 6747  
after receiving notice from the school employees retirement system 6748  
that service credit has been purchased for the employee under this 6749  
section. 6750

(C) Participation in the plan shall be available to all 6751  
eligible employees except that the employer may limit the number 6752  
of persons for whom it purchases credit in any calendar year to a 6753

specified percentage of its employees who are members of the 6754  
school employees retirement system on the first day of January of 6755  
that year. The percentage shall not be less than five per cent of 6756  
such employees. If participation is limited, employees with a 6757  
greater length of service with the employer have the right to 6758  
elect to have credit purchased before employees with a lesser 6759  
length of service with the employer. 6760

(D) The amount of service credit purchased for any 6761  
participant shall be uniformly determined but shall not exceed the 6762  
lesser of the following: 6763

(1) Five years of service credit; 6764

(2) An amount of service credit equal to one-fifth of the 6765  
total service credited to the participant under Chapter 3309. of 6766  
the Revised Code. 6767

For each year of service credit purchased under this section, 6768  
the employer shall pay an amount specified by the school employees 6769  
retirement board equal to the additional liability resulting from 6770  
the purchase of that year of service credit as determined by an 6771  
actuary employed by the board. Payments shall be made in 6772  
accordance with rules adopted by the board, and the board shall 6773  
notify each member when the member is credited with service 6774  
purchased under this section. 6775

No payment made to the school employees retirement system 6776  
under this section shall affect any payment required by section 6777  
3309.49 of the Revised Code. 6778

**Sec. 3309.34.** (A)~~(1)~~ A member of the school employees 6779  
retirement system ~~whose membership began before the effective date~~ 6780  
~~of this amendment~~ is eligible for service retirement ~~if the member~~ 6781  
~~has at least five years of total service credit and has attained~~ 6782  
~~sixty years of age, or if the member has at least thirty years of~~ 6783

~~total service credit at any age. A member whose membership began~~ 6784  
~~before the effective date of this amendment is eligible for~~ 6785  
~~commuted service retirement if the member has at least twenty-five~~ 6786  
~~years of total service credit and has attained fifty-five years of~~ 6787  
~~age.~~ 6788

~~(2) A member whose membership began on or after the effective~~ 6789  
~~date of this amendment is eligible for service retirement~~ if the 6790  
member meets one of the following requirements: 6791

~~(a)(1)~~ Has earned at least ten years of total service credit 6792  
and has attained sixty-two years of age; 6793

~~(b)(2)~~ Has earned at least twenty-five years of total service 6794  
credit and has attained sixty years of age; 6795

~~(c)(3)~~ Has earned at least thirty years of total service 6796  
credit and has attained ~~fifty-five~~ fifty-seven years of age. 6797

(B) A member may retire by filing an application for 6798  
retirement with the school employees retirement board on a form 6799  
provided by the board. The board shall not retire the member 6800  
sooner than the first day of the month next following the later 6801  
of: 6802

(1) The last day of employment for which compensation was 6803  
paid; 6804

(2) The attainment of minimum age and service credit 6805  
eligibility for service or commuted service retirement. 6806

(C) At least once every ten years, the board shall direct its 6807  
actuary to evaluate the retirement eligibility requirements of 6808  
this section. 6809

**Sec. 3309.341.** (A) As used in this section and section 6810  
3309.344 of the Revised Code: 6811

(1) "SERS retirant" means any person who is receiving a 6812

retirement allowance from the school employees retirement system 6813  
under section 3309.36, ~~3309.38~~, or 3309.381 or former section 6814  
3309.38 of the Revised Code or any benefit paid under a plan 6815  
established under section 3309.81 of the Revised Code. 6816

(2) "Other system retirant" means a member or former member 6817  
of the public employees retirement system, Ohio police and fire 6818  
pension fund, state teachers retirement system, state highway 6819  
patrol retirement system, or Cincinnati retirement system who is 6820  
receiving age and service or commuted age and service retirement, 6821  
or a disability benefit from a system of which the retirant is a 6822  
member or former member. 6823

(B)(1) Subject to this section and section 3309.345 of the 6824  
Revised Code, an SERS retirant or other system retirant may be 6825  
employed by a public employer. If so employed, the SERS retirant 6826  
or other system retirant shall contribute to the school employees 6827  
retirement system in accordance with section 3309.47 of the 6828  
Revised Code, and the employer shall make contributions in 6829  
accordance with section 3309.49 of the Revised Code. 6830

(2) An employer that employs an SERS retirant or other system 6831  
retirant shall notify the retirement board of the employment not 6832  
later than the end of the month in which the employment commences. 6833  
On receipt of notice from an employer that a person who is an 6834  
other system retirant has been employed, the school employees 6835  
retirement system shall notify the state retirement system of 6836  
which the other system retirant was a member of such employment. 6837

(C) An SERS retirant or other system retirant who has 6838  
received a retirement allowance or disability benefit for less 6839  
than two months when employment subject to this section commences 6840  
shall forfeit the retirement allowance or disability benefit for 6841  
any month the SERS retirant or other system retirant is employed 6842  
prior to the expiration of the two-month period. Service and 6843  
contributions for that period shall not be included in the 6844

calculation of any benefits payable to the SERS retirant or other 6845  
system retirant, and those contributions shall be refunded on 6846  
death or termination of the employment. Contributions made on 6847  
compensation earned after the expiration of such period shall be 6848  
used in the calculation of the benefit or payment due under 6849  
section 3309.344 of the Revised Code. 6850

(D) On receipt of notice from the Ohio police and fire 6851  
pension fund, public employees retirement system, or state 6852  
teachers retirement system of the re-employment of an SERS 6853  
retirant, the school employees retirement system shall not pay, or 6854  
if paid shall recover, the amount to be forfeited by the SERS 6855  
retirant in accordance with section 145.38, 742.26, or 3307.35 of 6856  
the Revised Code. 6857

(E) An SERS retirant or other system retirant subject to this 6858  
section is not a member of the school employees retirement system; 6859  
does not have any of the rights, privileges, or obligations of 6860  
membership, except as specified in this section; and is not 6861  
eligible to receive health, medical, hospital, or surgical 6862  
benefits under section 3309.69 of the Revised Code for employment 6863  
subject to this section. 6864

(F) If the disability benefit of an other system retirant 6865  
employed under this section is terminated, the retirant shall 6866  
become a member of the school employees retirement system, 6867  
effective on the first day of the month next following the 6868  
termination, with all the rights, privileges, and obligations of 6869  
membership. If the retirant, after the termination of the 6870  
disability benefit, earns two years of service credit under this 6871  
retirement system or under the public employees retirement system, 6872  
Ohio police and fire pension fund, state teachers retirement 6873  
system, or state highway patrol retirement system, the retirant's 6874  
prior contributions as an other system retirant under this section 6875  
shall be included in the retirant's total service credit as a 6876

school employees retirement system member, and the retirant shall 6877  
forfeit all rights and benefits of this section. Not more than one 6878  
year of credit may be given for any period of twelve months. 6879

(G) This section does not affect the receipt of benefits by 6880  
or eligibility for benefits of any person who on August 29, 1976, 6881  
was receiving a disability benefit or service retirement pension 6882  
or allowance from a state or municipal retirement system in Ohio 6883  
and was a member of any other state or municipal retirement system 6884  
of this state. 6885

(H) The school employees retirement board may adopt rules to 6886  
carry out this section. 6887

**Sec. 3309.343.** (A) As used in this section: 6888

(1) In addition to the meaning in section 3309.01 of the 6889  
Revised Code, when appropriate "compensation" has the same meaning 6890  
as in section 3307.01 of the Revised Code. 6891

(2) "Earnable salary" has the same meaning as in section 6892  
145.01 of the Revised Code. 6893

(3) "SERS position" means a position for which a member of 6894  
the school employees retirement system is making contributions to 6895  
the system. 6896

(4) "Other state retirement system" means the public 6897  
employees retirement system or the state teachers retirement 6898  
system. 6899

(5) "State retirement system" means the public employees 6900  
retirement system, state teachers retirement system, or the school 6901  
employees retirement system. 6902

(B)(1) A member of the school employees retirement system who 6903  
holds two or more SERS positions may retire under section 3309.35, 6904  
3309.36, ~~3309.38~~, or 3309.46 of the Revised Code from the position 6905  
for which the annual compensation at the time of retirement is 6906



highest and continue to contribute to the retirement system for 6907  
the other SERS position or positions. 6908

(2) A member of the school employees retirement system who 6909  
also holds one or more other positions covered by the other state 6910  
retirement systems may retire under section 3309.35, 3309.36, 6911  
~~3309.38~~, or 3309.46 of the Revised Code from the SERS position and 6912  
continue contributing to the other state retirement systems if the 6913  
annual compensation for the SERS position at the time of 6914  
retirement is greater than annual compensation or earnable salary 6915  
for the position, or any of the positions, covered by the other 6916  
state retirement systems. 6917

(3) A member of the school employees retirement system who 6918  
holds two or more SERS positions and at least one other position 6919  
covered by one of the other state retirement systems may retire 6920  
under section 3309.35, 3309.36, ~~3309.38~~, or 3309.46 of the Revised 6921  
Code from one of the SERS positions and continue contributing to 6922  
the school employees retirement system and the other state 6923  
retirement system if the annual compensation for the SERS position 6924  
from which the member is retiring is, at the time of retirement, 6925  
greater than the annual compensation or earnable salary for any of 6926  
the positions for which the member is continuing to make 6927  
contributions. 6928

(4) A member of the school employees retirement system who 6929  
has retired as provided in division (B)(2) or (3) of section 6930  
145.383 or division (B)(2) or (3) of section 3307.351 of the 6931  
Revised Code may continue to contribute to the school employees 6932  
retirement system for an SERS position if the member held the 6933  
position at the time of retirement from the other state retirement 6934  
system. 6935

(5) A member who contributes to the school employees 6936  
retirement system in accordance with division (B)(1), (3), or (4) 6937  
of this section shall contribute in accordance with section 6938

3309.47 of the Revised Code. The member's employer shall 6939  
contribute as provided in section 3309.49 of the Revised Code. 6940  
Neither the member nor the member's survivors are eligible for any 6941  
benefits based on those contributions other than those provided 6942  
under section 145.384, 3307.352, or 3309.344 of the Revised Code. 6943

(C)(1) In determining retirement eligibility and the annual 6944  
retirement allowance of a member who retires as provided in 6945  
division (B)(1), (2), or (3) of this section, the following shall 6946  
be used to the date of retirement: 6947

(a) The member's earnable salary and compensation for all 6948  
positions covered by a state retirement system; 6949

(b) Total service credit in any state retirement system, 6950  
except that the credit shall not exceed one year of credit for any 6951  
period of twelve months; 6952

(c) The member's accumulated contributions. 6953

(2) A member who retires as provided in division (B)(1), (2), 6954  
or (3) of this section is a retirant for all purposes of this 6955  
chapter, except that the member is not subject to section 3309.341 6956  
of the Revised Code for a position or positions for which 6957  
contributions continue under those divisions or division (B)(4) of 6958  
this section. 6959

(D) A retired member receiving a benefit under section 6960  
3309.344 of the Revised Code based on employment subject to this 6961  
section is not a member of the school employees retirement system 6962  
and does not have any rights, privileges, or obligations of 6963  
membership. The retired member is an SERS retirant for purposes of 6964  
section 3309.341 of the Revised Code. 6965

(E) The school employees retirement board may adopt rules to 6966  
carry out this section. 6967

**Sec. 3309.353.** As used in this section, "benefit" means any 6968

allowance, pension, or other benefit to which an individual is 6969  
entitled and that ~~he~~ the individual receives pursuant to section 6970  
3309.36, ~~3309.38~~, 3309.40, 3309.45, or 3309.46 or former section 6971  
3309.38 of the Revised Code. 6972

The annual amount of each benefit for which eligibility was 6973  
established prior to February 1, 1983, shall, after the adjustment 6974  
required by section 3309.374 of the Revised Code, be increased by 6975  
five per cent. 6976

**Sec. 3309.354.** As used in this section, "benefit" means any 6977  
allowance, pension, or other benefit to which an individual is 6978  
entitled and that he receives pursuant to section 3309.35, 6979  
3309.36, ~~3309.38~~, 3309.40, 3309.45, or 3309.46 or former section 6980  
3309.38 of the Revised Code. 6981

Effective the first day of the month following ~~the effective~~ 6982  
~~date of this section~~ September 9, 1988, the annual amount of 6983  
benefits shall be increased as follows: 6984

(A) The annual amount of each benefit for which eligibility 6985  
was established prior to February 1, 1983, shall, after all 6986  
adjustments required by this chapter, be increased by two per 6987  
cent; 6988

(B) The annual amount of each benefit for which eligibility 6989  
was established on or after February 1, 1983, but prior to ~~the~~ 6990  
~~effective date of this section~~ September 9, 1988, shall, after all 6991  
adjustments required by this chapter, be increased by five per 6992  
cent. 6993

**Sec. 3309.36.** (A)~~(1)~~ A member of the school employees 6994  
retirement system ~~whose membership began before the effective date~~ 6995  
~~of this amendment~~ who retires on service retirement shall be 6996  
granted a retirement allowance consisting of the lesser of the sum 6997  
of the following amounts or the limit established by section 415 6998

of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 6999  
415, as amended: 7000

~~(a)(1)~~ An annuity having a reserve equal to the amount of the 7001  
employee's accumulated contributions at that time; 7002

~~(b)(2)~~ A pension of equivalent amount; 7003

~~(c) An additional pension of forty dollars multiplied by the 7004  
number of years of such prior service credit; 7005~~

~~(d)(3)~~ For members who have ten or more years of service 7006  
credit accumulated prior to October 1, 1956, a basic annual 7007  
pension equal to one hundred eighty dollars, except that such 7008  
basic annual pension shall not exceed the sum of the total annual 7009  
benefits provided by divisions (A)(1), and (2), ~~and (3)~~ of this 7010  
section. 7011

~~(2) A member whose membership began on or after the effective 7012  
date of this amendment who retires on service retirement shall be 7013  
granted a retirement allowance consisting of the lesser of the sum 7014  
of the following amounts or the limit established by section 415 7015  
of the "Internal Revenue Code of 1986": 7016~~

~~(a) An annuity having a reserve equal to the amount of the 7017  
employee's accumulated contributions at that time; 7018~~

~~(b) A pension of equivalent amount. 7019~~

(B)(1) When a member retires on service retirement, the 7020  
member's allowance when computed as an annual single lifetime 7021  
allowance as provided in ~~divisions~~ division (A)(1) ~~and (2)~~ of this 7022  
section ~~and section 3309.38 of the Revised Code~~, based upon 7023  
attained age ~~sixty-five~~ sixty-seven or thirty years of total 7024  
service credit, shall be not less than the greater of the amounts 7025  
determined by multiplying the member's total service credit by the 7026  
following: 7027

(a) Eighty-six dollars; 7028

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

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

	Years of	Per Cent	
Attained	or Ohio Service	of	
Age	Credit	Base Amount	
58	25	75%	
59	26	80	
60	27	85	
61		88	
	28	90	
62		91	
63		94	
	29	95	
64		97	
65	30 or more	100	

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

	Per Cent	
Attained	of	
Age	Base Amount	
66	102	
67	104	

<del>68</del>	<del>106</del>	7061
<del>69</del>	<del>108</del>	7062
<del>70 or more</del>	<del>110</del>	7063

~~(3) For a member whose membership began on or after the~~ 7064  
~~effective date of this amendment, the~~ 7065  
 The annual single lifetime 7065  
 allowance determined under division (B)(1) of this section shall 7066  
 be adjusted to be the actuarial equivalent of the member's 7067  
 retirement allowance, as determined by the retirement board's 7068  
 actuary, had the member retired at age ~~sixty-five~~ sixty-seven or 7069  
 with thirty years of service credit, except that the retirement 7070  
 allowance shall not be less than the following: 7071

	Per Cent	7072
Years of Service	of	7073
Credit	Base Amount	7074
25	75%	7075
26	80	7076
27	85	7077
28	90	7078
29	95	7079

~~(4)~~(3) The annual single lifetime allowance which a retirant 7080  
 shall receive under this division shall not exceed the lesser of 7081  
 one hundred per cent of the member's final average salary or the 7082  
 limit established by section 415 of the "Internal Revenue Code of 7083  
 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 7084

(C) Retirement allowances determined under this section shall 7085  
 be paid as provided in section 3309.46 of the Revised Code. 7086

(D) At least once every ten years, the school employees 7087  
 retirement board shall direct its actuary to evaluate the 7088  
 actuarial equivalents in division (B)~~(3)~~(2) of this section to 7089  
 determine their appropriateness. The board may adjust the 7090  
 actuarial equivalents in accordance with the actuary's 7091  
 recommendations. 7092

**Sec. 3309.362.** As used in this section, "benefit" means any allowance, pension, or other benefit to which an individual is entitled and that ~~he~~ the individual receives under section 3309.35, 3309.36, ~~3309.38~~, 3309.40, 3309.45, or 3309.46 or former section 3309.38 of the Revised Code.

Effective July 1, 1981:

(A) The annual amount of each benefit for which eligibility was established prior to January 1, 1977, shall, after the adjustment required by section 3309.374 of the Revised Code, be increased by six per cent or six hundred dollars, whichever is less.

(B) The annual amount of each benefit for which eligibility was established on or after January 1, 1977, but prior to January 1, 1980, shall, after the adjustment required by section 3309.374 of the Revised Code, be increased by four per cent or four hundred dollars, whichever is less.

**Sec. 3309.371.** On and after October 1, 1957, all persons in receipt of, or who are or become eligible to receive, a monthly allowance, pension, or other benefit effective prior to June 29, 1955, which is payable or becomes payable pursuant to sections 3309.36 to ~~3309.38~~ 3309.3712, 3309.40, and 3309.65 and former section 3309.38 of the Revised Code, or an allowance payable at any time under an option elected by a member and effective prior to that date, shall be paid an increased allowance, pension, or benefit as follows:

(A) An amount determined by increasing the original allowance, pension, or benefit by the following percentages as determined by the calendar year in which the allowance, pension, or benefit became effective:

Calendar Year

Per Cent

Effective	of Increase	7123
1937 - 1939	100	7124
1940	94	7125
1941	89	7126
1942	77	7127
1943	70	7128
1944	68	7129
1945	66	7130
1946	55	7131
1947	35	7132
1948	23	7133
1949	25	7134
1950	23	7135
1951	8	7136
1952	4	7137
1953	3	7138
1954	2	7139
Prior to June 29, 1955	2	7140

(B) If the amount of any such allowance, pension, or other benefit is increased by division (A) of this section to an amount less than one hundred ten per cent of the present amount payable immediately prior to October 1, 1957, such present amount shall be increased by ten per cent.

(C) On and after August 1, 1959, the monthly allowance, pension, or other benefit effective prior to June 29, 1955, (exclusive of any amount receivable monthly by reason of a voluntary deposit made for additional annuity), together with the supplemental allowance payable pursuant to divisions (A) and (B) of this section, shall be increased by twelve per cent.

**Sec. 3309.373.** (A) On and after July 1, 1968, all allowances, pensions, or other benefits, which are payable or become payable and for which eligibility is established prior to July 1, 1968,



pursuant to sections 3309.35, 3309.36, ~~3309.38~~, 3309.40, 3309.45,  
and 3309.46 and former section 3309.38 of the Revised Code shall  
be increased by the percentages as determined by the effective  
date of the allowance, pension, or benefit as follows:

Effective Date of Benefit	Percentage of	
Calendar Year	Increase	
1937 through 1955	24.3	
1956	22.5	
1957	18.4	
1958	15.2	
1959	14.3	
1960	12.5	
1961	11.3	
1962	10.1	
1963	8.7	
1964	7.3	
1965	5.6	
1966	2.6	
1967	2.0	
January 1, 1968 through June 30, 1968	2.0	

(B)(1) All increases as determined by applying the  
percentages in the table in division (A) of this section shall be  
reduced by the dollar amount of the increases granted in 1965  
pursuant to section 3309.372 of the Revised Code, except that no  
allowance, pension, or benefit shall be reduced below the amount  
due June 30, 1968 and no allowance granted under this section  
shall be less than a total annual sum of thirty-six dollars.

(2) The allowances increased by division (A) of this section  
shall exclude any monthly amount payable by reason of any  
voluntary deposits made under section 3309.47 of the Revised Code.

(3) The increases provided by this section shall be granted 7186  
notwithstanding the final average salary limitation in sections 7187  
3309.36, 3309.40, and 3309.45 of the Revised Code. 7188

(4) The cost of the increases provided by this section shall 7189  
be included in the employer contribution rate provided by section 7190  
3309.49 of the Revised Code. Such employer's contribution rate 7191  
shall not be increased until July 1, 1969 or later to reflect the 7192  
increased costs created by this section. 7193

**Sec. 3309.376.** On and after December 31, 1971, all persons 7194  
who retired and were eligible to receive a pension that was 7195  
payable prior to July 1, 1968, pursuant to section 3309.36~~7~~ 7196  
~~3309.38~~, or 3309.40 or former section 3309.38 of the Revised Code, 7197  
or in the event of the death of such persons, the person 7198  
designated by the deceased to receive payments under section 7199  
3309.46 of the Revised Code, shall receive an additional monthly 7200  
payment of two dollars for each year between the member's 7201  
effective date of retirement or disability and December 31, 1971, 7202  
or an additional fifty dollars, whichever is less. 7203

**Sec. 3309.379.** (A) On and after the first day of the month 7204  
following the effective date of this section, each person eligible 7205  
to receive an allowance, pension, or benefit, pursuant to sections 7206  
3309.35, 3309.36, ~~3309.38~~, 3309.40, division (A) of section 7207  
3309.45, and section 3309.46 and former section 3309.38 of the 7208  
Revised Code, that was based upon an award made effective before 7209  
June 30, 1955, shall have the allowance, pension, or benefit 7210  
payable as of September 30, 1974, recalculated by the school 7211  
employees retirement board so that each such person shall receive 7212  
an annual single lifetime allowance, pension, or benefit or its 7213  
actuarial equivalent of not less than one hundred forty dollars 7214  
for each year of the member's total service credit, except that 7215  
service credit exceeding thirty-two years shall not be used in the 7216

recalculation, and a final average salary limitation shall not be applied. 7217  
7218

If the amount of the allowance, pension, or benefit 7219  
recalculated under this division is less than the amount that is 7220  
payable on the effective date of this section, then the greater 7221  
allowance, pension, or benefit shall be continued. 7222

(B) On and after the first day of the month following the 7223  
effective date of this section, each person receiving an 7224  
allowance, pension, or benefit, pursuant to sections 3309.35, 7225  
3309.36, ~~3309.38~~, 3309.40, division (A) of section 3309.45, and 7226  
section 3309.46 and former section 3309.38 of the Revised Code, 7227  
that was first effective on and after June 30, 1955, through June 7228  
30, 1971, shall be paid an increased allowance, pension, or 7229  
benefit as follows: 7230

Effective Date of the Member's		Per Cent of Increase:	
Allowance, Pension, or Benefit:			7231
June 30, 1955 through June 29, 1959	33		7232
June 30, 1959, through October 31, 1965	21		7233
November 1, 1965, through June 30, 1968	14		7234
July 1, 1968, through June 30, 1971	5		7235

The increase shall be applied to the allowance, pension, or 7237  
benefit payable on the effective date of this section. 7238

(C) On and after the first day of the month following the 7239  
effective date of this section, each person receiving or qualified 7240  
to receive an allowance, pension, or benefit, pursuant to division 7241  
(B) of section 3309.45 of the Revised Code, that was effective on 7242  
and after June 14, 1951, through August 26, 1970, shall receive an 7243  
increase in such allowance, pension, or benefit in the amount of 7244  
twenty per cent. 7245

**Sec. 3309.3710.** (A) Effective July 1, 1981, each person 7246  
eligible to receive an allowance, pension, or benefit pursuant to 7247

sections 3309.35, 3309.36, ~~3309.38~~, 3309.40, division (A) of 7248  
section 3309.45, and section 3309.46 and former section 3309.38 of 7249  
the Revised Code that was based upon an award made effective 7250  
before July 1, 1974, shall have the person's monthly allowance, 7251  
pension, or benefit increased by five per cent, except that the 7252  
twelve-month sum of such increases shall not exceed five per cent 7253  
of the first five thousand dollars of the annual allowance, 7254  
pension, or benefit. 7255

(B) Effective July 1, 1981, each person receiving or 7256  
qualified to receive a benefit, pursuant to division (B) of 7257  
section 3309.45 of the Revised Code, that was effective on and 7258  
after June 14, 1951, through August 26, 1970, shall receive an 7259  
increase in such benefit of five per cent. 7260

(C) The increases provided in divisions (A) and (B) of this 7261  
section shall be applied to the benefit payable on and after July 7262  
1, 1981. 7263

(D) The increase in the monthly allowance, pension, or 7264  
benefit provided in divisions (A) and (B) of this section shall be 7265  
included in the calculation of additional benefits to recipients 7266  
under section 3309.374 of the Revised Code. 7267

(E) The benefits provided in divisions (A) and (B) of this 7268  
section are a continuation of those first provided in Am. Sub. 7269  
H.B. 204 as passed by the 113th general assembly. 7270

**Sec. 3309.3711.** Whenever the limits established by section 7271  
415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 7272  
U.S.C.A. 415, as amended, are raised, the school employees 7273  
retirement board shall increase the amount of the pension, 7274  
benefit, or allowance of any person whose pension, benefit, or 7275  
allowance payable under section 3309.36, 3309.374, ~~3309.38~~, 7276  
3309.381, 3309.40, or 3309.401 or former section 3309.38 of the 7277  
Revised Code was limited by the application of section 415. The 7278

amount of the increased pension, benefit, or allowance shall not 7279  
exceed the lesser of the amount the person would have received if 7280  
the limits established by section 415 had not been applied or the 7281  
amount the person is eligible to receive subject to the new limits 7282  
established by section 415. 7283

**Sec. 3309.39.** (A) The school employees retirement system 7284  
shall provide disability coverage to each member who has at least 7285  
five years of total service credit. 7286

Not later than October 16, 1992, the school employees 7287  
retirement board shall give each person who is a member on July 7288  
29, 1992, the opportunity to elect disability coverage either 7289  
under section 3309.40 of the Revised Code or under section 7290  
3309.401 of the Revised Code. The board shall mail notice of the 7291  
election, accompanied by an explanation of the coverage under each 7292  
of the Revised Code sections and a form on which the election is 7293  
to be made, to each member at the member's last known address. The 7294  
board shall also provide the explanation and form to any member at 7295  
the member's request. 7296

Regardless of whether the member actually receives notice of 7297  
the right to make an election, a member who fails to file a valid 7298  
election under this section shall be considered to have elected 7299  
disability coverage under section 3309.40 of the Revised Code. To 7300  
be valid, an election must be made on the form provided by the 7301  
retirement board, signed by the member, and filed with the board 7302  
not later than one hundred eighty days after the date the notice 7303  
was mailed, or, in the case of a form provided at the request of a 7304  
member, a date specified by rule of the retirement board. Once 7305  
made, an election is irrevocable, but if the member ceases to be a 7306  
member of the retirement system, the election is void. If a person 7307  
who makes an election under this section also makes an election 7308  
under section 145.35 or 3307.62 of the Revised Code, the election 7309

made for the system that pays a disability benefit to that person 7310  
shall govern the benefit. 7311

Disability coverage shall be provided under section 3309.401 7312  
of the Revised Code for persons who become members after July 29, 7313  
1992, and for members who elect under this division to be covered 7314  
under section 3309.401 of the Revised Code. 7315

The retirement board may adopt rules governing elections made 7316  
under this division. 7317

(B) Application for a disability benefit may be made by a 7318  
member, by a person acting in the member's behalf, or by the 7319  
member's employer, provided the member has at least five years of 7320  
total service credit and has disability coverage under section 7321  
3309.40 or 3309.401 of the Revised Code. The application for a 7322  
disability benefit shall be made on a form provided by the 7323  
retirement board. The benefit payable to any member who is 7324  
approved for a disability benefit shall become effective on the 7325  
first day of the month next following the later of the following: 7326

(1) The last day for which compensation was paid; 7327

(2) The date on which the member was first incapacitated by 7328  
the disabling condition. 7329

(C) Medical examination of a member who has applied for a 7330  
disability benefit shall be conducted by a competent disinterested 7331  
physician or physicians selected by the retirement board to 7332  
determine whether the member is mentally or physically 7333  
incapacitated for the performance of the member's last assigned 7334  
primary duty as an employee by a disabling condition either 7335  
permanent or presumed to be permanent for twelve continuous months 7336  
following the filing of an application. Such disability must have 7337  
occurred since last becoming a member or have increased since last 7338  
becoming a member to such extent as to make the disability 7339  
permanent or presumed to be permanent for twelve continuous months 7340

following the filing of an application. 7341

(D) Application for a disability benefit must be made within 7342  
two years from the date the member's contributing service 7343  
terminated, unless the retirement board determines that the 7344  
member's medical records demonstrate conclusively that at the time 7345  
the two-year period expired, the member was physically or mentally 7346  
incapacitated for duty as an employee and unable to make 7347  
application. Application may not be made by any person receiving a 7348  
service retirement allowance or commuted service retirement 7349  
allowance under section 3309.36, ~~3309.38~~, or 3309.381 or former 7350  
section 3309.38 of the Revised Code or any person who, pursuant to 7351  
section 3309.42 of the Revised Code, has been paid the accumulated 7352  
contributions standing to the credit of the person's individual 7353  
account in the employees' savings fund. 7354

(E) If the physician or physicians determine that the member 7355  
qualifies for a disability benefit, the retirement board concurs 7356  
with the determination, and the member agrees to medical treatment 7357  
as specified in division (F) of this section, the member shall 7358  
receive a disability benefit under section 3309.40 or 3309.401 of 7359  
the Revised Code. The action of the board shall be final. At the 7360  
time the board decides it concurs with the determination of the 7361  
physician or physicians, the board shall determine the date on 7362  
which the member was first incapacitated by the disabling 7363  
condition. 7364

(F) The school employees retirement board shall adopt rules 7365  
requiring a disability benefit recipient, as a condition of 7366  
continuing to receive a disability benefit, to agree in writing to 7367  
obtain any medical treatment recommended by the board's physician 7368  
and submit medical reports regarding the treatment. If the board 7369  
determines that a disability benefit recipient is not obtaining 7370  
the medical treatment or the board does not receive a required 7371  
medical report, the disability benefit shall be suspended until 7372

the treatment is obtained, the report is received by the board, or 7373  
the board's physician certifies that the treatment is no longer 7374  
helpful or advisable. Should the recipient's failure to obtain 7375  
treatment or submit a medical report continue for one year, the 7376  
recipient's right to the disability benefit shall be terminated as 7377  
of the effective date of the original suspension. 7378

(G) In the event an employer files an application for a 7379  
disability benefit as a result of a member having been separated 7380  
from service because the member is considered to be mentally or 7381  
physically incapacitated for the performance of the member's last 7382  
assigned primary duty as an employee, and the physician or 7383  
physicians selected by the board report to the board that the 7384  
member is physically and mentally capable of performing service 7385  
similar to that from which the member was separated, and the board 7386  
concurs in such report, then the board shall so certify to the 7387  
employer and the employer shall restore the member to the member's 7388  
previous position and salary or to a similar position and salary. 7389

**Sec. 3309.401.** (A) A member with disability coverage under 7390  
this section who is determined by the school employees retirement 7391  
board under section 3309.39 of the Revised Code to qualify for a 7392  
disability benefit shall receive a disability allowance under this 7393  
section. The allowance shall be an annual amount equal to the 7394  
greater of the following: 7395

(1) Forty-five per cent of the member's final average salary; 7396

(2) The member's total service credit multiplied by two and 7397  
two-tenths per cent of the member's final average salary, not 7398  
exceeding sixty per cent of the member's final average salary. 7399

(B) Sufficient reserves for payment of the disability 7400  
allowance shall be transferred to the annuity and pension reserve 7401  
fund from the employers' accumulation fund. The accumulated 7402  
contributions of the member shall remain in the employees' savings 7403



fund. No part of the allowance paid under this section shall be charged against the member's accumulated contributions.

(C) A disability allowance paid under this section shall terminate at the earliest of the following:

(1) The effective date of service retirement under section 3309.35, or 3309.36, ~~or 3309.38~~ of the Revised Code;

(2) The date the allowance is terminated under section 3309.41 of the Revised Code;

(3) The later of the last day of the month in which the recipient attains age sixty-five, or the last day of the month in which the benefit period ends as follows:

Attained Age at Effective Date		7415
of Disability Allowance	Benefit Period	7416
60 or 61	60 months	7417
62 or 63	48 months	7418
64 or 65	36 months	7419
66, 67, or 68	24 months	7420
69 or older	12 months	7421

**Sec. 3309.45.** Except as provided in division (C)(1) of this section, in lieu of accepting the payment of the accumulated account of a member who dies before service retirement, the beneficiary, as determined in section 3309.44 of the Revised Code, may elect to forfeit the accumulated account and to substitute certain other benefits either under division (A) or (B) of this section.

(A)(1) If a deceased member was eligible for a service retirement allowance as provided in section 3309.36, ~~3309.38~~, or 3309.381 of the Revised Code, a surviving spouse or other sole dependent beneficiary may elect to receive a monthly benefit computed as the joint-survivor allowance designated as "plan D" in

section 3309.46 of the Revised Code, which the member would have 7434  
received had the member retired on the last day of the month of 7435  
death and had the member at that time selected such joint-survivor 7436  
plan. Payment shall begin with the month subsequent to the 7437  
member's death. 7438

(2) Beginning on a date selected by the school employees 7439  
retirement board, which shall be not later than July 1, 2004, a 7440  
surviving spouse or other sole dependent beneficiary may elect, in 7441  
lieu of a monthly payment under division (A)(1) of this section, a 7442  
plan of payment consisting of both of the following: 7443

(a) A lump sum in an amount the surviving spouse or other 7444  
sole dependent beneficiary designates that constitutes a portion 7445  
of the allowance that would be payable under division (A)(1) of 7446  
this section; 7447

(b) The remainder of that allowance in monthly payments. 7448

The total amount paid as a lump sum and a monthly benefit 7449  
shall be the actuarial equivalent of the amount that would have 7450  
been paid had the lump sum not been selected. 7451

The lump sum amount designated by the surviving spouse or 7452  
other sole dependent beneficiary under division (A)(2)(a) of this 7453  
section shall be not less than six times and not more than 7454  
thirty-six times the monthly amount that would be payable to the 7455  
surviving spouse or other sole dependent beneficiary under 7456  
division (A)(1) of this section and shall not result in a monthly 7457  
benefit that is less than fifty per cent of that monthly amount. 7458

(B) If the deceased member had completed at least one and 7459  
one-half years of credit for Ohio service, with at least 7460  
one-quarter year of Ohio contributing service credit within the 7461  
two and one-half years prior to the date of death, or was 7462  
receiving at the time of death a disability benefit as provided in 7463  
section 3309.40 or 3309.401 of the Revised Code, qualified 7464

survivors who elect to receive monthly benefits shall receive the  
greater of the benefits provided in division (B)(1)(a) or (b) as  
allocated in accordance with division (B)(5) of this section.

(1)(a) Number	Or	
of Qualified	Monthly	
survivors	Benefit	
affecting	shall not be	
the benefit	less than	
1	25%	\$96
2	40	186
3	50	236
4	55	236
5 or more	60	236

(b) Years of Service	Annual Benefit as a Per Cent of	
	Member's Final Average Salary	
20	29%	
21	33	
22	37	
23	41	
24	45	
25	48	
26	51	
27	54	
28	57	
29 or more	60	

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

(a) A qualified spouse is the surviving spouse of the  
deceased member who is age sixty-two, or regardless of age if the  
deceased member had ten or more years of Ohio service credit, or  
regardless of age if caring for a surviving child, or regardless  
of age if adjudged physically or mentally incompetent.

(b) A qualified child is any child of the deceased member who 7496  
has never been married and to whom one of the following applies: 7497

(i) Is under age eighteen, or under age twenty-two if the 7498  
child is attending an institution of learning or training pursuant 7499  
to a program designed to complete in each school year the 7500  
equivalent of at least two-thirds of the full-time curriculum 7501  
requirements of such institution and as further determined by 7502  
board policy; 7503

(ii) Regardless of age, is adjudged physically or mentally 7504  
incompetent if the incompetence existed prior to the member's 7505  
death and prior to the child attaining age eighteen, or age 7506  
twenty-two if attending an institution described in division 7507  
(B)(2)(b)(i) of this section. 7508

(c) A qualified parent is a dependent parent aged sixty-five 7509  
or older. 7510

(3) "Physically or mentally incompetent" as used in this 7511  
section may be determined by a court of jurisdiction, or by a 7512  
physician appointed by the retirement board. Incapability of 7513  
earning a living because of a physically or mentally disabling 7514  
condition shall meet the qualifications of this division. 7515

(4) Benefits to a qualified survivor shall terminate upon a 7516  
first marriage, abandonment, adoption, or during active military 7517  
service. Benefits to a deceased member's surviving spouse that 7518  
were terminated under a former version of this section that 7519  
required termination due to remarriage and were not resumed prior 7520  
to September 16, 1998, shall resume on the first day of the month 7521  
immediately following receipt by the board of an application on a 7522  
form provided by the board. 7523

Upon the death of any subsequent spouse who was a member of 7524  
the public employees retirement system, state teachers retirement 7525  
system, or school employees retirement system, the surviving 7526

spouse of such member may elect to continue receiving benefits 7527  
under this division, or to receive survivor's benefits, based upon 7528  
the subsequent spouse's membership in one or more of the systems, 7529  
for which such surviving spouse is eligible under this section or 7530  
section 145.45 or 3307.66 of the Revised Code. If the surviving 7531  
spouse elects to continue receiving benefits under this division, 7532  
such election shall not preclude the payment of benefits under 7533  
this division to any other qualified survivor. 7534

Benefits shall begin or resume on the first day of the month 7535  
following the attainment of eligibility and shall terminate on the 7536  
first day of the month following loss of eligibility. 7537

(5)(a) If a benefit is payable under division (B)(1)(a) of 7538  
this section, benefits to a qualified spouse shall be paid in the 7539  
amount determined for the first qualifying survivor in division 7540  
(B)(1)(a) of this section, but shall not be less than one hundred 7541  
six dollars per month if the deceased member had ten or more years 7542  
of Ohio service credit. All other qualifying survivors shall share 7543  
equally in the benefit or remaining portion thereof. 7544

(b) All qualifying survivors shall share equally in a benefit 7545  
payable under division (B)(1)(b) of this section, except that if 7546  
there is a surviving spouse, the surviving spouse shall receive no 7547  
less than the greater of the amount determined for the first 7548  
qualifying survivor in division (B)(1)(a) of this section or one 7549  
hundred six dollars per month. 7550

(6) The beneficiary of a member who is also a member of the 7551  
public employees retirement system, or of the state teachers 7552  
retirement system, must forfeit the member's accumulated 7553  
contributions in those systems, if the beneficiary takes a 7554  
survivor benefit. Such benefit shall be exclusively governed by 7555  
section 3309.35 of the Revised Code. 7556

(C)(1) Regardless of whether the member is survived by a 7557

spouse or designated beneficiary, if the school employees 7558  
retirement system receives notice that a deceased member described 7559  
in division (A) or (B) of this section has one or more qualified 7560  
children, all persons who are qualified survivors under division 7561  
(B) of this section shall receive monthly benefits as provided in 7562  
division (B) of this section. 7563

If, after determining the monthly benefits to be paid under 7564  
division (B) of this section, the system receives notice that 7565  
there is a qualified survivor who was not considered when the 7566  
determination was made, the system shall, notwithstanding section 7567  
3309.661 of the Revised Code, recalculate the monthly benefits 7568  
with that qualified survivor included, even if the benefits to 7569  
qualified survivors already receiving benefits are reduced as a 7570  
result. The benefits shall be calculated as if the qualified 7571  
survivor who is the subject of the notice became eligible on the 7572  
date the notice was received and shall be paid to qualified 7573  
survivors effective on the first day of the first month following 7574  
the system's receipt of the notice. 7575

If the retirement system did not receive notice that a 7576  
deceased member has one or more qualified children prior to making 7577  
payment under section 3309.44 of the Revised Code to a beneficiary 7578  
as determined by the retirement system, the payment is a full 7579  
discharge and release of the system from any future claims under 7580  
this section or section 3309.44 of the Revised Code. 7581

(2) If benefits under division (C)(1) of this section to all 7582  
persons, or to all persons other than a surviving spouse or other 7583  
sole beneficiary, terminate, there are no children under the age 7584  
of twenty-two years, and the surviving spouse or beneficiary 7585  
qualifies for benefits under division (A) of this section, the 7586  
surviving spouse or beneficiary may elect to receive benefits 7587  
under division (A) of this section. Benefits shall be effective on 7588  
the first day of the month following receipt by the board of an 7589

application for benefits under division (A) of this section. 7590

(D) The final average salary used in the calculation of a 7591  
benefit payable pursuant to division (A) or (B) of this section to 7592  
a survivor or beneficiary of a disability benefit recipient shall 7593  
be adjusted for each year between the disability benefit's 7594  
effective date and the recipient's date of death by the lesser of 7595  
three per cent or the actual average percentage increase in the 7596  
consumer price index prepared by the United States bureau of labor 7597  
statistics (U.S. City Average for Urban Wage Earners and Clerical 7598  
Workers: "All Items 1982-84=100"). 7599

(E) If the survivor benefits due and paid under this section 7600  
are in a total amount less than the member's accumulated account 7601  
that was transferred from the employees' savings fund, the state 7602  
teachers retirement fund, and the public employees retirement fund 7603  
to the survivors' benefit fund, then the difference between the 7604  
total amount of the benefits paid shall be paid to the beneficiary 7605  
under section 3309.44 of the Revised Code. 7606

**Sec. 3309.46.** (A) The retirement allowance calculated under 7607  
section 3309.36, ~~3309.38~~, or 3309.381 of the Revised Code shall be 7608  
paid as provided in this section. If the member is eligible to 7609  
elect a plan of payment under this section, the election shall be 7610  
made on the application for retirement. A plan of payment elected 7611  
under this section shall be effective only if it is certified by 7612  
the actuary engaged by the school employees retirement board to be 7613  
the actuarial equivalent of the member's retirement allowance and 7614  
is approved by the retirement board. 7615

(B)(1)(a) Except as provided in divisions (B)(1)(b) and (c) 7616  
of this section, a member who retires under section 3309.36, ~~3309.38~~, 7617  
~~3309.38~~, or 3309.381 of the Revised Code shall receive a 7618  
retirement allowance under "plan A," which shall consist of the 7619  
actuarial equivalent of the member's retirement allowance 7620

determined under section 3309.36, ~~3309.38~~, or 3309.381 of the Revised Code in a lesser amount payable for life and one-half of such allowance continuing after death to the member's surviving spouse for the life of the spouse.

(b) A member may receive a retirement allowance under a plan of payment other than "plan A" if either of the following is the case:

(i) The member is not married or either the member's spouse consents in writing to the member's election to a plan of payment other than "plan A" or the board waives the requirement that the spouse consent;

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

(c) If a member is subject to division (B)(1)(b)(ii) of this section and the board has received a copy of the order described in that division, the board shall accept the member's election of a plan of payment under this section only if the member complies with both of the following:

(i) The member elects a plan of payment that is in accordance with the order described in division (B)(1)(b)(ii) of this section.

(ii) If the member is married, the member elects "plan F" and designates the member's current spouse as a beneficiary under that plan unless that spouse consents in writing to not being designated a beneficiary under any plan of payment or the board waives the requirement that the current spouse consent.

(2) An application for retirement shall include an



explanation of all of the following: 7652

(a) That, if the member is married, unless the spouse 7653  
consents to another plan of payment or there is a court order 7654  
dividing marital property issued under section 3105.171 or 3105.65 7655  
of the Revised Code or the laws of another state regarding the 7656  
division of marital property that provides for payment in a 7657  
specified amount, the member's retirement allowance will be paid 7658  
under "plan A," which consists of the actuarial equivalent of the 7659  
member's retirement allowance in a lesser amount payable for life 7660  
and one-half of the allowance continuing after death to the 7661  
surviving spouse for the life of the spouse; 7662

(b) A description of the alternative plans of payment, 7663  
including all plans described in divisions (B)(3) and (4) of this 7664  
section, available with the consent of the spouse; 7665

(c) That the spouse may consent to another plan of payment 7666  
and the procedure for giving consent; 7667

(d) That consent is irrevocable once notice of consent is 7668  
filed with the board. 7669

Consent shall be valid only if it is in writing, signed by 7670  
the spouse, and witnessed by an employee of the school employees 7671  
retirement system or a notary public. The board may waive the 7672  
requirement of consent if the spouse is incapacitated or cannot be 7673  
located or for any other reason specified by the board. Consent or 7674  
waiver is effective only with regard to the spouse who is the 7675  
subject of the consent or waiver. 7676

(3)~~(a)~~ A member eligible to elect to receive a retirement 7677  
allowance under a plan of payment other than "plan A" shall 7678  
receive the retirement allowance under the plan described in 7679  
division (B)(4) of this section or one of the following plans: 7680

(a) "Plan B," which shall consist of an allowance determined 7681  
under section 3309.36, ~~3309.38~~, or 3309.381 of the Revised Code; 7682

(b) "Plan C," which shall consist of the actuarial equivalent 7683  
of the member's retirement allowance determined under section 7684  
3309.36, ~~3309.38~~, or 3309.381 of the Revised Code in a lesser 7685  
amount payable for life and one-half or some other portion of the 7686  
allowance continuing after death to the member's sole surviving 7687  
beneficiary designated at the time of the member's retirement, 7688  
provided that the amount payable to the beneficiary does not 7689  
exceed the amount payable to the member; 7690

(c) "Plan D," which shall consist of the actuarial equivalent 7691  
of the member's retirement allowance determined under section 7692  
3309.36, ~~3309.38~~, or 3309.381 of the Revised Code in a lesser 7693  
amount payable for life and continuing after death to a surviving 7694  
designated beneficiary designated at the time of the member's 7695  
retirement; 7696

(d) "Plan E," which shall consist of the actuarial equivalent 7697  
of the member's retirement allowance determined under section 7698  
3309.36, ~~3309.38~~, or 3309.381 of the Revised Code in a lesser 7699  
amount payable for a certain period from the member's retirement 7700  
date as elected by the member and approved by the retirement 7701  
board, and on the member's death before the expiration of that 7702  
certain period, the member's lesser retirement allowance continued 7703  
for the remainder of that period to, and in such order, the 7704  
beneficiaries as the member has nominated by written designation 7705  
and filed with the retirement board. 7706

Monthly benefits shall not be paid to joint beneficiaries, 7707  
but they may receive the present value of any remaining payments 7708  
in a lump sum settlement. If all beneficiaries die before the 7709  
expiration of the certain period, the present value of all such 7710  
payments yet remaining in such period shall be paid to the estate 7711  
of the beneficiary last receiving. 7712

(e) "Plan F," which shall consist of the actuarial equivalent 7713  
of the member's retirement allowance determined under section 7714

3309.36, ~~3309.38~~, or 3309.381 of the Revised Code in a lesser 7715  
amount payable to the member for life and some portion of the 7716  
lesser amount continuing after death to two, three, or four 7717  
surviving beneficiaries designated at the time of the member's 7718  
retirement. The portion of the lesser amount that continues after 7719  
the member's death shall be allocated among the beneficiaries at 7720  
the time of the member's retirement. If the member elects this 7721  
plan as required by a court order issued under section 3105.171 or 7722  
3105.65 of the Revised Code or the laws of another state regarding 7723  
the division of marital property and compliance with the court 7724  
order requires the allocation of a portion less than ten per cent 7725  
to any person, the member shall allocate a portion less than ten 7726  
per cent to that beneficiary in accordance with that order. In all 7727  
other circumstances, no portion allocated under this plan of 7728  
payment shall be less than ten per cent. The total of the portions 7729  
allocated shall not exceed one hundred per cent of the member's 7730  
lesser allowance. 7731

(4)(a) Beginning on a date selected by the board, which shall 7732  
be not later than July 1, 2004, a member may elect, in lieu of a 7733  
plan of payment under division (B)(1) or (3) of this section, a 7734  
plan consisting of both a lump sum in an amount the member 7735  
designates that constitutes a portion of the retirement allowance 7736  
payable under a plan described in division (B)(1) or (3) of this 7737  
section and the remainder of the allowance payable under that plan 7738  
in monthly payments. 7739

The total amount paid as a lump sum and a monthly benefit 7740  
shall be the actuarial equivalent of the amount that would have 7741  
been paid had the lump sum not been selected. 7742

(b) The lump sum amount designated by the member shall be not 7743  
less than six times and not more than thirty-six times the monthly 7744  
amount that would be payable to the member under the plan of 7745  
payment elected under this section had the lump sum not been 7746

elected and shall not result in a monthly benefit that is less 7747  
than fifty per cent of that amount. 7748

(5) An election under division (B)(3) or (4) of this section 7749  
shall be made at the time the member makes application for 7750  
retirement. 7751

(6) A member eligible to elect to receive a retirement 7752  
allowance under a plan of payment other than "plan A" because the 7753  
member is unmarried who fails to make an election on retirement 7754  
shall receive a retirement allowance under "plan B." 7755

(C) Until the first payment of any retirement allowance is 7756  
made, as provided in sections 3309.36, ~~3309.38~~, or 3309.381 of the 7757  
Revised Code, a member may change the member's election of a 7758  
payment plan if the election is made in accordance with and is 7759  
consistent with division (B) of this section. 7760

(D) If the retirement allowances due and paid under the above 7761  
provisions of this section are in a total amount less than (1) the 7762  
accumulated contributions, (2) the deposits for additional credit 7763  
as provided by section 3309.31 of the Revised Code, (3) the 7764  
deposits for additional annuities as provided by section 3309.47 7765  
of the Revised Code, (4) the deposits for repurchase of service 7766  
credit as provided by section 3309.26 of the Revised Code, (5) the 7767  
accumulated contributions provided by section 3309.65 of the 7768  
Revised Code, (6) the deposits for purchase of military service 7769  
credit provided by section 3309.021 or 3309.022 of the Revised 7770  
Code, and (7) the deposits for the purchase of service credit 7771  
provided by section 3309.73 of the Revised Code, standing to the 7772  
credit of the member at the time of retirement, then the 7773  
difference between the total amount of the allowances paid and the 7774  
accumulated contributions and other deposits shall be paid to the 7775  
beneficiary provided under division (D) of section 3309.44 of the 7776  
Revised Code. 7777

(E)(1) The death of a spouse or any other designated 7778  
beneficiary following the member's retirement shall cancel the 7779  
portion of the plan of payment providing continuing lifetime 7780  
benefits to the deceased spouse or deceased designated 7781  
beneficiary. The retirant shall receive the actuarial equivalent 7782  
of the retirant's single lifetime retirement allowance as 7783  
determined by the board based on the number of remaining 7784  
beneficiaries, with no change in the amount payable to any 7785  
remaining beneficiary. 7786

(2) On divorce, annulment, or marriage dissolution, a 7787  
retirant receiving a retirement allowance under a plan of payment 7788  
that provides for continuation of all or part of the allowance 7789  
after death for the lifetime of the retirant's surviving spouse 7790  
may elect to cancel the portion of the plan providing continuing 7791  
lifetime benefits to that spouse. The retirant shall receive the 7792  
actuarial equivalent of the retirant's single lifetime retirement 7793  
allowance as determined by the retirement board based on the 7794  
number of remaining beneficiaries, with no change in the amount 7795  
payable to any remaining beneficiary. In the case of a member who 7796  
retires on or after July 24, 1990, the election may be made only 7797  
with the written consent of the spouse or pursuant to an order of 7798  
the court with jurisdiction over the termination of the marriage. 7799  
The election shall be made on a form provided by the board and 7800  
shall be effective the month following its receipt by the board. 7801

(3)(a) Following marriage or remarriage, both of the 7802  
following apply: 7803

(i) A retirant who is receiving a benefit pursuant to "plan 7804  
B" may elect a new plan of payment under division (B)(1), (3)(b), 7805  
or (3)(c) of this section based on the actuarial equivalent of the 7806  
retirant's single lifetime retirement allowance as determined by 7807  
the board. 7808

(ii) A retirant who is receiving a benefit pursuant to a plan 7809

of payment providing for payment to a former spouse pursuant to a 7810  
court order described in division (B)(1)(b)(ii) of this section 7811  
may elect a new plan of payment under division (B)(3)(e) of this 7812  
section based on the actuarial equivalent of the retirant's single 7813  
lifetime retirement allowance as determined by the board if the 7814  
new plan of payment elected does not reduce the payment to the 7815  
former spouse. 7816

(b) If the marriage or remarriage occurs on or after ~~the~~ 7817  
~~effective date of this amendment~~ June 6, 2005, the election must 7818  
be made not later than one year after the date of the marriage or 7819  
remarriage. 7820

The plan elected under division (E)(3) of this section shall 7821  
become effective on the date of receipt by the board of an 7822  
application on a form approved by the board, but any change in the 7823  
amount of the retirement allowance shall commence on the first day 7824  
of the month following the effective date of the plan. 7825

**Sec. 3309.69.** (A) As used in this section, "ineligible 7826  
individual" means all of the following: 7827

(1) A former member receiving benefits pursuant to section 7828  
3309.34, 3309.35, 3309.36, ~~3309.38~~, or 3309.381 or former section 7829  
3309.38 of the Revised Code for whom eligibility is established 7830  
more than five years after June 13, 1981, and who, at the time of 7831  
establishing eligibility, has accrued less than ten years of 7832  
service credit, exclusive of credit obtained after January 29, 7833  
1981, pursuant to sections 3309.021, 3309.301, 3309.31, and 7834  
3309.33 of the Revised Code; 7835

(2) The spouse of the former member; 7836

(3) The beneficiary of the former member receiving benefits 7837  
pursuant to section 3309.46 of the Revised Code. 7838

(B) The school employees retirement board may enter into an 7839

agreement with insurance companies, health insuring corporations, 7840  
or government agencies authorized to do business in the state for 7841  
issuance of a policy or contract of health, medical, hospital, or 7842  
surgical benefits, or any combination thereof, for those 7843  
individuals receiving service retirement or a disability or 7844  
survivor benefit subscribing to the plan and their eligible 7845  
dependents. 7846

If all or any portion of the policy or contract premium is to 7847  
be paid by any individual receiving service retirement or a 7848  
disability or survivor benefit, the person shall, by written 7849  
authorization, instruct the board to deduct the premiums agreed to 7850  
be paid by the individual to the companies, corporations, or 7851  
agencies. 7852

The board may contract for coverage on the basis of part or 7853  
all of the cost of the coverage to be paid from appropriate funds 7854  
of the school employees retirement system. The cost paid from the 7855  
funds of the system shall be included in the employer's 7856  
contribution rate provided by sections 3309.49 and 3309.491 of the 7857  
Revised Code. The board shall not pay or reimburse the cost for 7858  
health care under this section or section 3309.375 of the Revised 7859  
Code for any ineligible individual. 7860

The board may provide for self-insurance of risk or level of 7861  
risk as set forth in the contract with the companies, 7862  
corporations, or agencies, and may provide through the 7863  
self-insurance method specific benefits as authorized by the rules 7864  
of the board. 7865

(C) The board shall, beginning the month following receipt of 7866  
satisfactory evidence of the payment for coverage, make a monthly 7867  
payment to each recipient of service retirement, or a disability 7868  
or survivor benefit under the school employees retirement system 7869  
who is eligible for insurance coverage under part B of "The Social 7870  
Security Amendments of 1965," 79 Stat. 301, 42 U.S.C.A. 1395j, as 7871

amended, except that the board shall make no such payment to any 7872  
ineligible individual. Effective on the first day of the month 7873  
after April 9, 2001, the amount of the payment shall be the lesser 7874  
of an amount equal to the basic premium for such coverage, or an 7875  
amount equal to the basic premium in effect on January 1, 1999. 7876

(D) The board shall establish by rule requirements for the 7877  
coordination of any coverage, payment, or benefit provided under 7878  
this section or section 3309.375 of the Revised Code with any 7879  
similar coverage, payment, or benefit made available to the same 7880  
individual by the public employees retirement system, Ohio police 7881  
and fire pension fund, state teachers retirement system, or state 7882  
highway patrol retirement system. 7883

(E) The board shall make all other necessary rules pursuant 7884  
to the purpose and intent of this section. 7885

**Sec. 3375.411.** A board of library trustees of a free public 7886  
library, appointed pursuant to the provisions of sections 3375.06, 7887  
3375.08, 3375.12, 3375.15, and 3375.22 of the Revised Code, which 7888  
has not less than seventy-five full-time employees, and which, 7889  
prior to September 16, 1943, was providing for retirement of the 7890  
employees of such library with annuities, insurance, or other 7891  
provisions, under authority granted by former section 7889 of the 7892  
General Code, may provide such retirement, insurance, or other 7893  
provisions in the same manner authorized by former section 7889 of 7894  
the General Code, as follows: the library board of such library 7895  
which has appropriated and paid the board's portion provided in 7896  
such system or plan, may continue to appropriate and pay the 7897  
board's portion provided in such system or plan out of the funds 7898  
received to the credit of such board by taxation or otherwise. 7899  
Each employee of such library who is to be included in a system of 7900  
retirement shall contribute to the retirement fund not less than 7901  
four per cent per annum of the employee's salary from the time of 7902



eligibility to join the retirement system to the time of 7903  
retirement. If a group insurance plan is installed by any library, 7904  
not less than fifty per cent of the cost of such insurance shall 7905  
be borne by the employees included in such plan. 7906

Provided, any employee whose employment by said library began 7907  
on or after September 16, 1943, may exempt self from inclusion in 7908  
such retirement system, or withdraw from such retirement system. 7909  
Upon such exemption or withdrawal, such person shall become a 7910  
member of the public employees retirement system in accordance 7911  
with former section 145.02 and sections ~~145.02~~, 145.03, and 145.28 7912  
of the Revised Code, respectively. All employees appointed for the 7913  
first time on and after January 1, 1956, shall, for retirement 7914  
purposes, be eligible only for membership in the public employees 7915  
retirement system as provided in Chapter 145. of the Revised Code. 7916

A library board which provides for the retirement of its 7917  
employees with annuities, insurance, or other provisions under the 7918  
authority granted by this section may, pursuant to a board 7919  
resolution adopted within thirty days after the effective date of 7920  
this section, terminate such retirement plan. Upon the effective 7921  
date of such termination, which is specified in the resolution, 7922  
each employee covered by such retirement plan shall become a 7923  
member of the public employees retirement system. 7924

**Sec. 5505.01.** As used in this chapter: 7925

(A) "Employee" means any qualified employee in the uniform 7926  
division of the state highway patrol, any qualified employee in 7927  
the radio division hired prior to November 2, 1989, and any state 7928  
highway patrol cadet attending training school pursuant to section 7929  
5503.05 of the Revised Code whose attendance at the school begins 7930  
on or after June 30, 1991. "Employee" includes the superintendent 7931  
of the state highway patrol. In all cases of doubt, the state 7932  
highway patrol retirement board shall determine whether any person 7933

is an employee as defined in this division, and the decision of 7934  
the board is final. 7935

(B) "Prior service" means all service rendered as an employee 7936  
of the state highway patrol prior to September 5, 1941, to the 7937  
extent credited by the board, provided that in no case shall prior 7938  
service include service rendered prior to November 15, 1933. 7939

(C) "Total service" means all service rendered by an employee 7940  
to the extent credited by the board. Total service includes all of 7941  
the following: 7942

(1) Contributing service rendered by the employee since last 7943  
becoming a member of the state highway patrol retirement system; 7944

(2) All prior service credit; 7945

(3) Restored service credit as provided in this chapter; 7946

(4) Military service credit purchased under division (D) of 7947  
section 5505.16 or section 5505.25 of the Revised Code; 7948

(5) Credit granted under division (C) of section 5505.17 or 7949  
section 5505.201, 5505.40, or 5505.402 of the Revised Code; 7950

(6) Credit for any period, not to exceed three years, during 7951  
which the member was out of service and receiving benefits under 7952  
Chapters 4121. and 4123. of the Revised Code. 7953

(D) "Beneficiary" means any person, except a retirant, who is 7954  
in receipt of a pension or other benefit payable from funds of the 7955  
retirement system. 7956

(E) "Regular interest" means interest compounded at rates 7957  
designated from time to time by the retirement board. 7958

(F) "Plan" means the provisions of this chapter. 7959

(G) "Retirement system" or "system" means the state highway 7960  
patrol retirement system created and established in the plan. 7961

(H) "Contributing service" means all service rendered by a 7962

member since September 4, 1941, for which deductions were made 7963  
from the member's salary under the plan. 7964

(I) "Retirement board" or "board" means the state highway 7965  
patrol retirement board provided for in the plan. 7966

(J) Except as provided in section 5505.18 of the Revised 7967  
Code, "member" means any employee included in the membership of 7968  
the retirement system, whether or not rendering contributing 7969  
service. 7970

(K) "Retirant" means any member who retires with a pension 7971  
payable from the retirement system. 7972

(L) "Accumulated contributions" means the sum of the 7973  
following credited to a member's individual account in the 7974  
employees' savings fund: 7975

(1) All amounts deducted from the salary of the member; 7976

(2) All amounts paid by the member to purchase state highway 7977  
patrol retirement system service credit pursuant to this chapter 7978  
or other state law. 7979

(M)(1) Except as provided in division (M)(2) of this section, 7980  
"final average salary" means the average of the highest salary 7981  
paid a member during any ~~three~~ five consecutive or nonconsecutive 7982  
years. 7983

If a member has less than ~~three~~ five years of contributing 7984  
service, the member's final average salary shall be the average of 7985  
the annual rates of salary paid to the member during the member's 7986  
total years of contributing service. 7987

(2) If a member is credited with service under division 7988  
(C)(6) of this section or division (D) of section 5505.16 of the 7989  
Revised Code, the member's final average salary shall be the 7990  
average of the highest salary that was paid to the member or would 7991  
have been paid to the member, had the member been rendering 7992

contributing service, during any ~~three~~ five consecutive or 7993  
nonconsecutive years. If that member has less than ~~three~~ five 7994  
years of total service, the member's final average salary shall be 7995  
the average of the annual rates of salary that were paid to the 7996  
member or would have been paid to the member during the member's 7997  
years of total service. 7998

(N) "Pension" means an annual amount payable by the 7999  
retirement system throughout the life of a person or as otherwise 8000  
provided in the plan. 8001

(O) "Pension reserve" means the present value of any pension, 8002  
or benefit in lieu of any pension, computed upon the basis of 8003  
mortality and other tables of experience and interest the board 8004  
shall from time to time adopt. 8005

(P) "Deferred pension" means a pension for which an eligible 8006  
member of the system has made application and which is payable as 8007  
provided in division (A) or (B) of section 5505.16 of the Revised 8008  
Code. 8009

(Q) "Retirement" means termination as an employee of the 8010  
state highway patrol, with application having been made to the 8011  
system for a pension or a deferred pension. 8012

(R) "Fiduciary" means any of the following: 8013

(1) A person who exercises any discretionary authority or 8014  
control with respect to the management of the system, or with 8015  
respect to the management or disposition of its assets; 8016

(2) A person who renders investment advice for a fee, direct 8017  
or indirect, with respect to money or property of the system; 8018

(3) A person who has any discretionary authority or 8019  
responsibility in the administration of the system. 8020

(S)(1) Except as otherwise provided in this division, 8021  
"salary" means all compensation, wages, and other earnings paid to 8022

a member by reason of employment but without regard to whether any 8023  
of the compensation, wages, or other earnings are treated as 8024  
deferred income for federal income tax purposes. Salary includes 8025  
all of the following: 8026

(a) Payments for shift differential, hazard duty, 8027  
professional achievement, and longevity; 8028

(b) Payments for occupational injury leave, personal leave, 8029  
sick leave, bereavement leave, administrative leave, and vacation 8030  
leave used by the member; 8031

(c) Payments made under a disability leave program sponsored 8032  
by the state for which the state is required by section 5505.151 8033  
of the Revised Code to make periodic employer and employee 8034  
contributions to the retirement system. 8035

(2) "Salary" does not include any of the following: 8036

(a) Payments resulting from the conversion of accrued but 8037  
unused sick leave, personal leave, compensatory time, and vacation 8038  
leave; 8039

(b) Payments made by the state to provide life insurance, 8040  
sickness, accident, endowment, health, medical, hospital, dental, 8041  
or surgical coverage, or other insurance for the member or the 8042  
member's family, or amounts paid by the state to the member in 8043  
lieu of providing that insurance; 8044

(c) Payments for overtime work; 8045

(d) Incidental benefits, including lodging, food, laundry, 8046  
parking, or services furnished by the state, use of property or 8047  
equipment of the state, and reimbursement for job-related expenses 8048  
authorized by the state including moving and travel expenses and 8049  
expenses related to professional development; 8050

(e) Payments made to or on behalf of a member that are in 8051  
excess of the annual compensation that may be taken into account 8052

by the retirement system under division (a)(17) of section 401 of 8053  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 8054  
401 (a)(17), as amended; 8055

(f) Payments made under division (B), (C), or (E) of section 8056  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 8057  
No. 3 of the 119th general assembly, Section 3 of Amended 8058  
Substitute Senate Bill No. 164 of the 124th general assembly, or 8059  
Amended Substitute House Bill No. 405 of the 124th general 8060  
assembly. 8061

(3) The retirement board shall determine by rule whether any 8062  
compensation, wages, or earnings not enumerated in this division 8063  
are salary, and its decision shall be final. 8064

(T) "Actuary" means an individual who satisfies all of the 8065  
following requirements: 8066

(1) Is a member of the American academy of actuaries; 8067

(2) Is an associate or fellow of the society of actuaries; 8068

(3) Has a minimum of five years' experience in providing 8069  
actuarial services to public retirement plans. 8070

**Sec. 5505.03.** (A) The funds created by this section are the 8071  
"employees' savings fund," "employer's accumulation fund," 8072  
"pension reserve fund," "survivors' benefit fund," "income fund," 8073  
and "expense fund." When reference is made to any of such funds, 8074  
such reference is made to each as a separate legal entity; 8075  
provided that the moneys in the funds may be intermingled for 8076  
deposit and investment purposes. 8077

(B) The employees' savings fund is the fund in which shall be 8078  
accumulated the contributions deducted from the salaries of 8079  
members, except as provided in division (B)(1)(b) of section 8080  
5505.54 of the Revised Code. Any refunds of accumulated 8081  
contributions, as provided in the plan, shall be paid from such 8082

fund. Upon a member's retirement, ~~his~~ the accumulated 8083  
contributions standing to ~~his~~ the member's credit in the fund 8084  
shall be transferred to the pension reserve fund if ~~his~~ the 8085  
member's retirement occurs on or after January 1, 1966, or to the 8086  
employer's accumulation fund if ~~his~~ the member's retirement 8087  
occurred prior to January 1, 1966. If a pension is payable on 8088  
account of the death of a member, ~~his~~ the accumulated 8089  
contributions standing to ~~his~~ the member's credit in the 8090  
employees' savings fund shall be transferred to the survivors' 8091  
benefit fund if ~~his~~ the member's death occurs after January 1, 8092  
1966, or to the employer's accumulation fund if ~~his~~ the member's 8093  
death occurs prior to January 1, 1966. 8094

(C)(1) The employer's accumulation fund is the fund in which 8095  
shall be accumulated the state's contribution to the state highway 8096  
patrol retirement system and the amounts contributed under 8097  
division (B)(1)(b) of section 5505.54 of the Revised Code. Upon a 8098  
member's retirement after January 1, 1966, the difference between 8099  
~~his~~ the member's pension reserve and ~~his~~ the member's accumulated 8100  
contributions shall be transferred to the pension reserve fund. If 8101  
a pension is payable on account of a member's death occurring 8102  
after January 1, 1966, the difference between the pension reserve 8103  
for that pension and ~~his~~ the member's accumulated contributions 8104  
shall be transferred to the survivors' benefit fund. 8105

(2) All pensions allowed and payable prior to January 1, 8106  
1966, shall be continued according to the provisions of the plan 8107  
in force the day preceding January 1, 1966, unless otherwise 8108  
provided for in this chapter and shall be paid from the employer's 8109  
accumulation fund. 8110

(D) The pension reserve fund is the fund from which shall be 8111  
paid all pensions on account of members who retire on or after 8112  
January 1, 1966. If a disability retirant returns to the employ of 8113  
the state highway patrol, ~~his~~ the disability retirant's pension 8114

reserve at that time shall be transferred to the employees' 8115  
savings fund and the employer's accumulation fund in the same 8116  
proportion as the pension reserve was originally transferred to 8117  
the pension reserve fund. 8118

(E) The survivors' benefit fund is the fund from which shall 8119  
be paid all pensions, payable under section 5505.17 of the Revised 8120  
Code, on account of members who die on or after January 1, 1966. 8121

(F)(1) The income fund is the fund to which shall be credited 8122  
all interest, dividends, distributions, and other income derived 8123  
from deposits and investments of moneys of the retirement system, 8124  
all gifts and bequests to the system, all transfers from the 8125  
employees' savings fund because of lack of claimant, and any other 8126  
moneys the disposition of which is not otherwise provided for in 8127  
the plan. 8128

(2) If the balance in the income fund exceeds the 8129  
requirements of the fund, the state highway patrol retirement 8130  
board may transfer amounts from the income fund to meet special 8131  
requirements of the various other funds of the retirement system. 8132

(G) The expense fund is the fund from which the expense of 8133  
the administration of this chapter shall be paid, exclusive of 8134  
amounts payable as retirement allowances and as other benefits. 8135  
The state highway patrol retirement board shall estimate annually 8136  
the amount to be provided in the expense fund and such amount 8137  
shall be transferred from the income fund. If such amount is 8138  
insufficient during any year, the board is authorized to transfer 8139  
the amount of such insufficiency from the income fund. 8140

**Sec. 5505.15.** (A)(1) A member of the state highway patrol 8141  
retirement system shall contribute ~~ten~~ eleven per cent of the 8142  
member's annual salary to the state highway patrol retirement 8143  
fund. The amount shall be deducted by the employer from the 8144  
employee's salary for each payroll period. 8145



(2) The total contributions arising from deductions made 8146  
prior to January 1, 1966, from the salaries of members in the 8147  
employ of the state highway patrol and standing to the credit of 8148  
their individual accounts in the retirement fund shall be 8149  
transferred and credited to their respective individual accounts 8150  
in the employees' savings fund. 8151

(B) The state shall annually pay into the employer 8152  
accumulation fund, in monthly or less frequent installments as the 8153  
state highway patrol retirement board requires, the employer 8154  
contribution. The employer contribution shall be an amount equal 8155  
to twenty-six and one-half per cent of the total salaries paid 8156  
contributing members. If a member severs connection with the 8157  
patrol or is dismissed, the employer contribution shall remain in 8158  
the retirement system. 8159

The rate percentage of the employer contribution shall be 8160  
certified by the board to the director of budget and management 8161  
and shall not be lower than nine per cent of the total salaries 8162  
paid contributing members and shall not exceed three times the 8163  
rate percentage being deducted from the annual salaries of 8164  
contributing members. The board shall prepare and submit to the 8165  
director, on or before the first day of November of each 8166  
even-numbered year, an estimate of the amounts necessary to pay 8167  
the state's obligations accruing during the biennium beginning the 8168  
first day of July of the following year. Such amounts shall be 8169  
included in the budget and allocated as certified by the board. 8170

**Sec. 5505.174.** (A) ~~The following persons are eligible to~~ 8171  
~~receive an increase under this section:~~ 8172

~~(1)~~ Persons ~~fifty-three~~ sixty years old or older who have 8173  
been receiving pensions pursuant to division (B) of section 8174  
5505.16, section 5505.162, division (A)(1), (3), (4), (5), (6), or 8175  
(7) of section 5505.17, or division (B) of section 5505.18 of the 8176

Revised Code for not less than twelve months+ are eligible to 8177  
receive an increase under this section 8178

~~(2) Persons who have been receiving pensions pursuant to~~ 8179  
~~division (B) of section 5505.18 of the Revised Code for not less~~ 8180  
~~than sixty months regardless of age;~~ 8181

~~(3) Persons who have been receiving pensions pursuant to~~ 8182  
~~section 5505.162 or division (A)(3), (4), (5), (6), or (7) of~~ 8183  
~~section 5505.17 of the Revised Code for not less than twelve~~ 8184  
~~months regardless of age.~~ 8185

(B)(1) The state highway patrol retirement board shall 8186  
annually increase each benefit pensions payable to eligible 8187  
persons under this chapter ~~by three per cent, except that no~~ 8188  
~~benefit shall exceed the limit established by section 415 of the~~ 8189  
~~"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415,~~ 8190  
~~as amended.~~ 8191

~~The first increase is payable to all persons becoming~~ 8192  
~~eligible on or after November 18, 1981. The increase is payable~~ 8193  
~~for each ensuing twelve month period or until the next increase is~~ 8194  
~~granted under this section, whichever is later in accordance with~~ 8195  
~~the following:~~ 8196

(a) For each person sixty-five years of age or older who is 8197  
receiving a pension not greater than one hundred eighty-five per 8198  
cent of the federal poverty level for a family of two persons, as 8199  
revised annually by the United States department of health and 8200  
human services in accordance with section 673(2) of the "Omnibus 8201  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 8202  
amended, the board shall increase the pension by three per cent. 8203

(b) For persons other than those described in division 8204  
(B)(1)(a) of this section, the board shall increase the pension by 8205  
two per cent, except that for any calendar year in which the 8206  
actuarial valuation required by section 5505.12 of the Revised 8207

Code demonstrates that a period of less than thirty years is 8208  
required to amortize the state highway patrol retirement system's 8209  
unfunded actuarial accrued pension liabilities, the board may 8210  
increase the pension by not more than three per cent. 8211

(2) No increase under this section shall exceed the limit 8212  
established by section 415 of the "Internal Revenue Code of 1986," 8213  
100 Stat. 2085, 26 U.S.C. 415, as amended. 8214

(3) The date of the first increase paid under this section 8215  
shall be the anniversary date for future increases. The pension 8216  
used in the first calculation of an increase under this section 8217  
shall remain as the base for all future increases paid under this 8218  
section, unless a new base is established. 8219

~~Increases paid in years subsequent to the year of the first~~ 8220  
~~increase paid under this section shall be paid to all persons who,~~ 8221  
~~on the date that the increase is authorized by the board, are~~ 8222  
~~eligible as provided in this section.~~ 8223

(C) If payment of a portion of a benefit is made to an 8224  
alternate payee under section 5505.261 of the Revised Code, 8225  
increases under this section granted while the order is in effect 8226  
shall be apportioned between the alternate payee and the eligible 8227  
person in the same proportion that the amount being paid to the 8228  
alternate payee bears to the amount paid to the eligible person. 8229

If payment of a portion of a benefit is made to one or more 8230  
beneficiaries under "option 4" under division (A)(4) of section 8231  
5505.162 of the Revised Code, each increase under this section 8232  
granted while the plan of payment is in effect shall be divided 8233  
among the designated beneficiaries in accordance with the portion 8234  
each beneficiary has been allocated. 8235

(D) The board shall adopt, and may amend or rescind, any rule 8236  
necessary to carry out this section. 8237

**Sec. 5505.54.** (A) During the period beginning on the 8238  
effective date of an election to participate in the deferred 8239  
retirement option plan and ending on the date participation 8240  
ceases, a member's monthly pension amount determined under section 8241  
5505.53 of the Revised Code shall accrue to the member's benefit. 8242  
To this amount shall be added any benefit increases the member 8243  
would be eligible for under section 5505.174 of the Revised Code 8244  
had the member, on the effective date of the member's election, 8245  
retired under section 5505.16 of the Revised Code. 8246

(B)(1) The ~~amounts~~ eleven per cent of the member's annual 8247  
salary contributed under division (A) of section 5505.15 of the 8248  
Revised Code by a member participating in the deferred retirement 8249  
option plan shall ~~accrue to the member's benefit~~ be credited as 8250  
follows: 8251

(a) Ten per cent of the member's annual salary shall accrue 8252  
to the member's benefit. 8253

(b) One per cent of the member's annual salary shall be 8254  
credited to the employer's accumulation fund. 8255

(2) The state highway patrol retirement system shall credit 8256  
to the employer's accumulation fund the amounts contributed by the 8257  
state under section 5505.15 of the Revised Code on behalf of a 8258  
member participating in the deferred retirement option plan. 8259

(C) During the period beginning on the election's effective 8260  
date and ending on the date the member ceases participation in the 8261  
plan, the amounts described in divisions (A) and (B)(1)(a) of this 8262  
section shall earn interest at an annual rate established by the 8263  
state highway patrol retirement board and compounded annually 8264  
using a method established by rule adopted under section 5505.50 8265  
of the Revised Code. 8266

**Section 2.** That existing sections 145.01, 145.20, 145.201, 8267

145.22, 145.28, 145.29, 145.291, 145.293, 145.294, 145.295, 8268  
145.297, 145.298, 145.299, 145.2911, 145.2912, 145.2913, 145.2914, 8269  
145.30, 145.32, 145.323, 145.33, 145.331, 145.34, 145.35, 145.36, 8270  
145.361, 145.362, 145.37, 145.383, 145.39, 145.40, 145.401, 8271  
145.41, 145.44, 145.45, 145.452, 145.462, 145.47, 145.48, 145.483, 8272  
145.49, 145.51, 145.54, 145.56, 145.561, 145.563, 145.58, 145.82, 8273  
145.87, 145.92, 145.95, 145.97, 742.01, 742.31, 742.33, 742.34, 8274  
742.35, 742.37, 742.3716, 742.38, 742.39, 742.44, 742.444, 742.63, 8275  
2329.66, 3305.06, 3307.26, 3307.501, 3307.58, 3307.67, 3309.26, 8276  
3309.312, 3309.33, 3309.34, 3309.341, 3309.343, 3309.353, 8277  
3309.354, 3309.36, 3309.362, 3309.371, 3309.373, 3309.376, 8278  
3309.379, 3309.3710, 3309.3711, 3309.39, 3309.401, 3309.45, 8279  
3309.46, 3309.69, 3375.411, 5505.01, 5505.03, 5505.15, 5505.174, 8280  
and 5505.54 and sections 145.02, 145.292, 145.321, 145.322, 8281  
145.324, 145.326, 145.327, 145.328, 145.329, 145.3210, 145.3211, 8282  
145.3212, 145.3213, 145.332, 145.42, 145.44, and 3309.38 of the 8283  
Revised Code are hereby repealed. 8284

**Section 3.** Notwithstanding the times specified in the 8285  
amendments to section 145.87 of the Revised Code made by this act, 8286  
if the Public Employees Retirement Board determines from an 8287  
actuarial study that a decrease in the percentage transferred 8288  
under that section is warranted, the Board may decrease the 8289  
percentage transferred not later than one hundred twenty days 8290  
after the effective date of this section. The decrease shall take 8291  
effect on the first day of the second month following the Board's 8292  
action. 8293

**Section 4.** (A) The amendments by this act regarding the 8294  
purchase or obtainment of service credit from the Public Employees 8295  
Retirement System apply to any purchase or obtainment of service 8296  
credit a member of the retirement system initiated not later than 8297  
six months after the effective date of this section. A purchase or 8298

obtainment of service credit shall be considered to have been 8299  
initiated not later than six months after the effective date of 8300  
this section if the member made one or more payments before that 8301  
date. 8302

(B) Any purchase or obtainment of service credit under 8303  
Chapter 145. of the Revised Code shall continue at the total cost 8304  
of that credit immediately before the period ending six months 8305  
after the effective date of this section if the retirement system 8306  
receives from the member one or more payments not later than six 8307  
months after the effective date of this section. The total cost 8308  
shall continue unchanged unless the requirements of section 8309  
145.294 of the Revised Code, and any applicable rules adopted 8310  
pursuant to that section, are not met. 8311

**Section 5.** (A) The amendments by this act of sections 742.33, 8312  
742.34, and 742.35 of the Revised Code regarding the frequency of 8313  
employer payments to the Ohio Police and Fire Pension Fund apply 8314  
to police officer employers' contributions and firefighter 8315  
employers' contributions due the Fund for employee payrolls paid 8316  
on or after the ninety-first day after the effective date of this 8317  
section. 8318

(B) Police officer employers' contributions and firefighter 8319  
employers' contributions due the Fund for employee payrolls paid 8320  
before the ninety-first day after the effective date of this 8321  
section shall be paid to the Fund not later than the date the 8322  
contributions would have been due under section 742.33 or 742.34 8323  
of the Revised Code, as those sections existed immediately prior 8324  
to the effective date of this section. 8325

(C) Any applicable penalty determined under section 742.352 8326  
of the Revised Code shall be assessed against an employer if the 8327  
employer fails to make a payment on or before the date the payment 8328  
is due. 8329

**Section 6.** The amendment by this act of section 3307.67 of the Revised Code takes effect July 1, 2011.

**Section 7.** The amendments by this act of sections 3307.501 and 3307.58 of the Revised Code take effect August 1, 2015.

**Section 8.** The amendments by this act of sections 3309.26, 3309.33, 3309.34, 3309.341, 3309.343, 3309.353, 3309.354, 3309.36, 3309.362, 3309.371, 3309.373, 3309.376, 3309.379, 3309.3710, 3309.3711, 3309.39, 3309.401, 3309.45, 3309.46, and 3309.69 of the Revised Code take effect August 1, 2015.

**Section 9.** The amendments by this act of section 5505.01 of the Revised Code take effect January 1, 2015.

**Section 10.** Section 2329.66 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 332, Sub. S.B. 3, and Sub. S.B. 281 of the 127th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.