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Sub. S. B. No. 343

Senators Niehaus, Kearney

Cosponsors: Senators Bacon, Coley, Eklund, Hite, Jones, Lehner,

Schiavoni, Seitz, Smith, Tavares

Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Blair,

Blessing, Boose, Boyce, Boyd, Bubp, Buchy, Budish, DeVitis, Driehaus,

Duffey, Fedor, Fende, Foley, Garland, Goyal, Grossman, Hackett, Hagan, C.,

Hagan, R., Heard, Henne, Hill, Letson, Lynch, Martin, McGregor, Milkovich,

Murray, Newbold, Pillich, Ramos, Roegner, Ruhl, Sears, Slaby, M., Smith,

Stebelton, Thompson, Wachtmann, Winburn, Yuko Speaker Batchelder

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A B I L L

To amend sections 101.92, 101.93, 145.01, 145.04,	1
145.041, 145.05, 145.057, 145.06, 145.09, 145.19,	2
145.191, 145.192, 145.193, 145.20, 145.201,	3
145.22, 145.23, 145.27, 145.28, 145.29, 145.291,	4
145.293, 145.294, 145.295, 145.297, 145.298,	5
145.299, 145.2911, 145.2912, 145.2913, 145.2914,	6
145.30, 145.301, 145.31, 145.32, 145.323, 145.325,	7
145.33, 145.331, 145.35, 145.36, 145.361, 145.362,	8
145.37, 145.38, 145.383, 145.384, 145.39, 145.40,	9
145.401, 145.41, 145.43, 145.45, 145.452, 145.46,	10
145.47, 145.473, 145.48, 145.483, 145.49, 145.51,	11
145.54, 145.56, 145.561, 145.563, 145.58, 145.62,	12
145.63, 145.64, 145.813, 145.814, 145.82, 145.83,	13
145.87, 145.88, 145.92, 145.95, 145.97, 742.63,	14
2329.66, 2921.13, 3105.80, 3305.06, 3309.312, and	15
3375.411; to amend, for the purpose of adopting	16

new section numbers as indicated in parentheses, 17
sections 145.29 (145.292) and 145.325 (145.584); 18
to enact new sections 145.29 and 145.332 and 19
sections 145.016, 145.017, 145.036, 145.037, 20
145.038, 145.101, 145.194, 145.195, 145.2915, 21
145.2916, 145.333, 145.363, 145.431, 145.574, 22
2901.431, and 2929.194; and to repeal sections 23
145.02, 145.292, 145.321, 145.322, 145.324, 24
145.326, 145.327, 145.328, 145.329, 145.3210, 25
145.3211, 145.3212, 145.3213, 145.332, 145.34, 26
145.42, 145.44, 145.461, and 145.462 of the 27
Revised Code to revise the law governing the 28
Public Employees Retirement System. 29

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

Section 1. That sections 101.92, 101.93, 145.01, 145.04, 30
145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 31
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 32
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 33
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 34
145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 35
145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 36
145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 37
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 38
145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 39
145.83, 145.87, 145.88, 145.92, 145.95, 145.97, 742.63, 2329.66, 40
2921.13, 3105.80, 3305.06, 3309.312, and 3375.411 be amended; 41
sections 145.29 (145.292) and 145.325 (145.584) be amended for the 42
purpose of adopting new section numbers as indicated in 43
parentheses; and new sections 145.29 and 145.332 and sections 44
145.016, 145.017, 145.036, 145.037, 145.038, 145.101, 145.194, 45
145.195, 145.2915, 145.2916, 145.333, 145.363, 145.431, 145.574, 46

2901.431, and 2929.194 of the Revised Code be enacted to read as follows:

Sec. 101.92. (A) Each retirement system lobbyist and each employer shall file with the joint legislative ethics committee, within ten days following the engagement of a retirement system lobbyist, an initial registration statement showing all of the following:

(1) The name, business address, and occupation of the retirement system lobbyist;

(2) The name and business address of the employer or of the real party in interest on whose behalf the retirement system lobbyist is acting, if it is different from the employer. For the purposes of division (A) of this section, where a trade association or other charitable or fraternal organization that is exempt from federal income taxation under subsection 501(c) of the federal Internal Revenue Code is the employer, the statement need not list the names and addresses of every member of the association or organization, so long as the association or organization itself is listed.

(3) A brief description of the retirement system decision to which the engagement relates;

(4) The name of the retirement system or systems to which the engagement relates.

(B) In addition to the initial registration statement required by division (A) of this section, each retirement system lobbyist and employer shall file with the joint committee, not later than the last day of January, May, and September of each year, an updated registration statement that confirms the continuing existence of each engagement described in an initial registration statement and that lists the specific retirement

system decisions that the lobbyist sought to influence under the 77
engagement during the period covered by the updated statement, and 78
with it any statement of expenditures required to be filed by 79
section 101.93 of the Revised Code and any details of financial 80
transactions required to be filed by section 101.94 of the Revised 81
Code. 82

(C) If a retirement system lobbyist is engaged by more than 83
one employer, the lobbyist shall file a separate initial and 84
updated registration statement for each engagement. If an employer 85
engages more than one retirement system lobbyist, the employer 86
need file only one updated registration statement under division 87
(B) of this section, which shall contain the information required 88
by division (B) of this section regarding all of the retirement 89
system lobbyists engaged by the employer. 90

(D)(1) A change in any information required by division 91
(A)(1), (2), or (B) of this section shall be reflected in the next 92
updated registration statement filed under division (B) of this 93
section. 94

(2) Within thirty days following the termination of an 95
engagement, the retirement system lobbyist who was employed under 96
the engagement shall send written notification of the termination 97
to the joint committee. 98

(E) A registration fee of twenty-five dollars shall be 99
charged for filing an initial registration statement. All money 100
collected from registration fees under this division and late 101
filing fees under division (G) of this section shall be deposited 102
into the state treasury to the credit of the joint legislative 103
ethics committee fund created under section 101.34 of the Revised 104
Code. 105

(F) Upon registration pursuant to this section, a retirement 106
system lobbyist shall be issued a card by the joint committee 107

showing that the lobbyist is registered. The registration card and 108
the retirement system lobbyist's registration shall be valid from 109
the date of their issuance until the thirty-first day of January 110
of the year following the year in which the initial registration 111
was filed. 112

(G) The executive director of the joint committee shall be 113
responsible for reviewing each registration statement filed with 114
the joint committee under this section and for determining whether 115
the statement contains all of the required information. If the 116
joint committee determines that the registration statement does 117
not contain all of the required information or that a retirement 118
system lobbyist or employer has failed to file a registration 119
statement, the joint committee shall send written notification by 120
certified mail to the person who filed the registration statement 121
regarding the deficiency in the statement or to the person who 122
failed to file the registration statement regarding the failure. 123
Any person so notified by the joint committee shall, not later 124
than fifteen days after receiving the notice, file a registration 125
statement or an amended registration statement that contains all 126
of the required information. If any person who receives a notice 127
under this division fails to file a registration statement or such 128
an amended registration statement within this fifteen-day period, 129
the joint committee shall assess a late filing fee equal to twelve 130
dollars and fifty cents per day, up to a maximum fee of one 131
hundred dollars, upon that person. The joint committee may waive 132
the late filing fee for good cause shown. 133

(H) On or before the fifteenth day of March of each year, the 134
joint committee shall, in the manner and form that it determines, 135
publish a report containing statistical information on the 136
registration statements filed with it under this section during 137
the preceding year. 138

(I) If an employer who engages a retirement system lobbyist 139

is the recipient of a contract, grant, lease, or other financial 140
arrangement pursuant to which funds of the state or of a 141
retirement system are distributed or allocated, the ~~executive~~ 142
~~agency or any aggrieved party~~ retirement system may consider the 143
failure of the employer or the retirement system lobbyist to 144
comply with this section as a breach of a material condition of 145
the contract, grant, lease, or other financial arrangement. 146

(J) Retirement system officials may require certification 147
from any person seeking the award of a contract, grant, lease, or 148
financial arrangement that the person and the person's employer 149
are in compliance with this section. 150

Sec. 101.93. (A) Each retirement system lobbyist and each 151
employer shall file with the joint legislative ethics committee, 152
with the updated registration statement required by division (B) 153
of section ~~121.62~~ 101.92 of the Revised Code, a statement of 154
expenditures as specified in divisions (B) and (C) of this 155
section. A retirement system lobbyist shall file a separate 156
statement of expenditures under this section for each employer 157
that engages the retirement system lobbyist. 158

(B)(1) In addition to the information required by divisions 159
(B)(2) and (3) of this section, a statement filed by a retirement 160
system lobbyist shall show the total amount of expenditures made 161
during the reporting period covered by the statement by the 162
retirement system lobbyist. 163

(2) If, during a reporting period covered by a statement, an 164
employer or any retirement system lobbyist the employer engaged 165
made, either separately or in combination with each other, 166
expenditures to, at the request of, for the benefit of, or on 167
behalf of a member of a board of a state retirement system, a 168
state retirement system investment official, or an employee of a 169
state retirement system whose position involves substantial and 170

material exercise of discretion in the investment of retirement 171
system funds the employer or retirement system lobbyist also shall 172
state the name of the member, official, or employee to whom, at 173
whose request, for whose benefit, or on whose behalf the 174
expenditures were made, the total amount of the expenditures made, 175
a brief description of the expenditures made, the approximate date 176
the expenditures were made, the retirement system decision, if 177
any, sought to be influenced, and the identity of the client on 178
whose behalf the expenditure was made. 179

As used in division (B)(2) of this section, "expenditures" 180
does not include expenditures made by a retirement system lobbyist 181
as payment for meals and other food and beverages. 182

(3) If, during a reporting period covered by a statement, a 183
retirement system lobbyist made expenditures as payment for meals 184
and other food and beverages, that, when added to the amount of 185
previous payments made for meals and other food and beverages by 186
that retirement system lobbyist during that same calendar year, 187
exceeded a total of fifty dollars to, at the request of, for the 188
benefit of, or on behalf of a member of a board of a state 189
retirement system, a state retirement system investment official, 190
or an employee of a state retirement system whose position 191
involves substantial and material exercise of discretion in the 192
investment of retirement system funds, the retirement system 193
lobbyist shall also state regarding those expenditures the name of 194
the member, official, or employee to whom, at whose request, for 195
whose benefit, or on whose behalf the expenditures were made, the 196
total amount of the expenditures made, a brief description of the 197
expenditures made, the approximate date the expenditures were 198
made, the retirement system decision, if any, sought to be 199
influenced, and the identity of the client on whose behalf the 200
expenditure was made. 201

(C) In addition to the information required by divisions 202

(B)(2) and (3) of this section, a statement filed by an employer 203
shall show the total amount of expenditures made by the employer 204
filing the statement during the period covered by the statement. 205
As used in this section, "expenditures" does not include the 206
expenses of maintaining office facilities, or the compensation 207
paid to retirement system lobbyists engaged to influence 208
retirement system decisions or conduct retirement system lobbying 209
activity. 210

No employer shall be required to show any expenditure on a 211
statement filed under this division if the expenditure is reported 212
on a statement filed under division (B)(1), (2), or (3) of this 213
section by a retirement system lobbyist engaged by the employer. 214

(D) Any statement required to be filed under this section 215
shall be filed at the times specified in section ~~121.62~~ 101.92 of 216
the Revised Code. Each statement shall cover expenditures made 217
during the four-calendar-month period that ended on the last day 218
of the month immediately preceding the month in which the 219
statement is required to be filed. 220

(E) If it is impractical or impossible for a retirement 221
system lobbyist or employer to determine exact dollar amounts or 222
values of expenditures, reporting of good faith estimates, based 223
on reasonable accounting procedures, constitutes compliance with 224
this division. 225

(F) Retirement system lobbyists and employers shall retain 226
receipts or maintain records for all expenditures that are 227
required to be reported pursuant to this section. These receipts 228
or records shall be maintained for a period ending on the 229
thirty-first day of December of the second calendar year after the 230
year in which the expenditure was made. 231

(G)(1) At least ten days before the date on which the 232
statement is filed, each employer or retirement system lobbyist 233

who is required to file an expenditure statement under division 234
(B)(2) or (3) of this section shall deliver a copy of the 235
statement, or the portion showing the expenditure, to the member, 236
official, or employee who is listed in the statement as having 237
received the expenditure or on whose behalf it was made. 238

(2) If, during a reporting period covered by an expenditure 239
statement filed under division (B)(2) of this section, an employer 240
or any retirement system lobbyist the employer engaged made, 241
either separately or in combination with each other, either 242
directly or indirectly, expenditures for food and beverages 243
purchased for consumption on the premises in which the food and 244
beverages were sold to, at the request of, for the benefit ~~or~~ of, 245
or on behalf of any of the members, officials, or employees 246
described in division (B)(2) of this section, the employer or 247
retirement system lobbyist shall deliver to the member, official, 248
or employee a statement that contains all of the nondisputed 249
information prescribed in division (B)(2) of this section with 250
respect to the expenditures described in division (G)(2) of this 251
section. The statement of expenditures made under division (G)(2) 252
of this section shall be delivered to the member, official, or 253
employee to whom, at whose request, for whose benefit, or on whose 254
behalf those expenditures were made on the same day in which a 255
copy of the expenditure statement or of a portion showing the 256
expenditure is delivered to the member, official, or employee 257
under division (G)(1) of this section. An employer is not required 258
to show any expenditure on a statement delivered under division 259
(G)(2) of this section if the expenditure is shown on a statement 260
delivered under division (G)(2) of this section by a retirement 261
system lobbyist engaged by the employer. 262

Sec. 145.01. As used in this chapter: 263

(A) "Public employee" means: 264

(1) Any person holding an office, not elective, under the	265
state or any county, township, municipal corporation, park	266
district, conservancy district, sanitary district, health	267
district, metropolitan housing authority, state retirement board,	268
Ohio historical society, public library, county law library, union	269
cemetery, joint hospital, institutional commissary, state	270
university, or board, bureau, commission, council, committee,	271
authority, or administrative body as the same are, or have been,	272
created by action of the general assembly or by the legislative	273
authority of any of the units of local government named in	274
division (A)(1) of this section, or employed and paid in whole or	275
in part by the state or any of the authorities named in division	276
(A)(1) of this section in any capacity not covered by section	277
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.	278
(2) A person who is a member of the public employees	279
retirement system and who continues to perform the same or similar	280
duties under the direction of a contractor who has contracted to	281
take over what before the date of the contract was a publicly	282
operated function. The governmental unit with which the contract	283
has been made shall be deemed the employer for the purposes of	284
administering this chapter.	285
(3) Any person who is an employee of a public employer,	286
notwithstanding that the person's compensation for that employment	287
is derived from funds of a person or entity other than the	288
employer. Credit for such service shall be included as total	289
service credit, provided that the employee makes the payments	290
required by this chapter, and the employer makes the payments	291
required by sections 145.48 and 145.51 of the Revised Code.	292
(4) A person who elects in accordance with section 145.015 of	293
the Revised Code to remain a contributing member of the public	294
employees retirement system.	295
(5) A person who is an employee of the legal rights service	296

on September 30, 2012, and continues to be employed by the 297
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 298
153 of the 129th general assembly. The nonprofit entity is the 299
employer for the purpose of this chapter. 300

In all cases of doubt, the public employees retirement board 301
shall determine under section 145.036, 145.037, or 145.038 of the 302
Revised Code whether any person is a public employee, and its 303
decision is final. 304

(B) "Member" means any public employee, other than a public 305
employee excluded or exempted from membership in the retirement 306
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 307
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 308
retirant who becomes a member under division (C) of section 145.38 309
of the Revised Code. "Member" also includes a disability benefit 310
recipient. 311

(C) "Head of the department" means the elective or appointive 312
head of the several executive, judicial, and administrative 313
departments, institutions, boards, and commissions of the state 314
and local government as the same are created and defined by the 315
laws of this state or, in case of a charter government, by that 316
charter. 317

(D) "Employer" or "public employer" means the state or any 318
county, township, municipal corporation, park district, 319
conservancy district, sanitary district, health district, 320
metropolitan housing authority, state retirement board, Ohio 321
historical society, public library, county law library, union 322
cemetery, joint hospital, institutional commissary, state medical 323
university, state university, or board, bureau, commission, 324
council, committee, authority, or administrative body as the same 325
are, or have been, created by action of the general assembly or by 326
the legislative authority of any of the units of local government 327
named in this division not covered by section 742.01, 3307.01, 328

3309.01, or 5505.01 of the Revised Code. In addition, "employer" 329
means the employer of any public employee. 330

~~(E) "Prior service" means all service as a public employee 331
rendered before January 1, 1935, and all service as an employee of 332
any employer who comes within the state teachers retirement system 333
or of the school employees retirement system or of any other 334
retirement system established under the laws of this state 335
rendered prior to January 1, 1935, provided that if the employee 336
claiming the service was employed in any capacity covered by that 337
other system after that other system was established, credit for 338
the service may be allowed by the public employees retirement 339
system only when the employee has made payment, to be computed on 340
the salary earned from the date of appointment to the date 341
membership was established in the public employees retirement 342
system, at the rate in effect at the time of payment, and the 343
employer has made payment of the corresponding full liability as 344
provided by section 145.44 of the Revised Code. "Prior military 345
service" also means all service credited for active duty with the 346
armed forces of the United States as provided in section 145.30 of 347
the Revised Code. 348~~

~~If an employee who has been granted prior service credit by 349
the public employees retirement system for service rendered prior 350
to January 1, 1935, as an employee of a board of education 351
establishes, before retirement, one year or more of contributing 352
service in the state teachers retirement system or school 353
employees retirement system, then the prior service ceases to be 354
the liability of this system. 355~~

~~If the board determines that a position of any member in any 356
calendar year prior to January 1, 1935, was a part time position, 357
the board shall determine what fractional part of a year's credit 358
shall be allowed by the following formula: 359~~

~~(1) When the member has been either elected or appointed to 360~~

~~an office the term of which was two or more years and for which an
annual salary is established, the fractional part of the year's
credit shall be computed as follows:~~

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

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

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

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

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

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

(H)(1) "Total service credit," except as provided in section
145.37 of the Revised Code, means all service credited to a member

of the retirement system since last becoming a member, including 392
restored service credit as provided by section 145.31 of the 393
Revised Code; credit purchased under sections 145.293 and 145.299 394
of the Revised Code; ~~all the member's prior service credit;~~ all 395
the member's military service credit computed as provided in this 396
chapter; all service credit established pursuant to section 397
145.297 of the Revised Code; and any other service credited under 398
this chapter. ~~In addition, "total service credit" includes any 399
period, not in excess of three years, during which a member was 400
out of service and receiving benefits under Chapters 4121. and 401
4123. of the Revised Code.~~ For the exclusive purpose of satisfying 402
the service credit requirement and of determining eligibility for 403
benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 404
145.36, and 145.361 of the Revised Code, "five or more years of 405
total service credit" means sixty or more calendar months of 406
contributing service in this system. 407

(2) "One and one-half years of contributing service credit," 408
as used in division (B) of section 145.45 of the Revised Code, 409
also means eighteen or more calendar months of employment by a 410
municipal corporation that formerly operated its own retirement 411
plan for its employees or a part of its employees, provided that 412
all employees of that municipal retirement plan who have eighteen 413
or more months of such employment, upon establishing membership in 414
the public employees retirement system, shall make a payment of 415
the contributions they would have paid had they been members of 416
this system for the eighteen months of employment preceding the 417
date membership was established. When that payment has been made 418
by all such employee members, a corresponding payment shall be 419
paid into the employers' accumulation fund by that municipal 420
corporation as the employer of the employees. 421

(3) Where a member also is a member of the state teachers 422
retirement system or the school employees retirement system, or 423

both, except in cases of retirement on a combined basis pursuant 424
to section 145.37 of the Revised Code or as provided in section 425
145.383 of the Revised Code, service credit for any period shall 426
be credited on the basis of the ratio that contributions to the 427
public employees retirement system bear to total contributions in 428
all state retirement systems. 429

(4) Not more than one year of credit may be given for any 430
period of twelve months. 431

(5) "Ohio service credit" means credit for service that was 432
rendered to the state or any of its political subdivisions or any 433
employer. 434

(I) "Regular interest" means interest at any rates for the 435
respective funds and accounts as the public employees retirement 436
board may determine from time to time. 437

(J) "Accumulated contributions" means the sum of all amounts 438
credited to a contributor's individual account in the employees' 439
savings fund together with any interest credited to the 440
contributor's account under section 145.471 or 145.472 of the 441
Revised Code. 442

(K)(1) "Final average salary" means ~~the quotient obtained by~~ 443
~~dividing by three the sum greater of the three full following:~~ 444

(a) The sum of the member's earnable salaries for the 445
appropriate number of calendar years of contributing service, 446
determined under section 145.017 of the Revised Code, in which the 447
member's earnable salary was highest, ~~except that if the member~~ 448
~~has a partial year of contributing service in the year the~~ 449
~~member's employment terminates and the member's earnable salary~~ 450
~~for the partial year is higher than for any comparable period in~~ 451
~~the three years, the member's earnable salary for the partial year~~ 452
~~shall be substituted for the member's earnable salary for the~~ 453
~~comparable period during the three years in which the member's~~ 454

~~earnable salary was lowest divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service;~~

~~(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months.~~

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

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

~~(L) "Annuity" means payments for life derived from~~

contributions made by a contributor and paid from the annuity and 487
pension reserve fund as provided in this chapter. All annuities 488
shall be paid in twelve equal monthly installments. 489

(M) "Annuity reserve" means the present value, computed upon 490
the basis of the mortality and other tables adopted by the board, 491
of all payments to be made on account of any annuity, or benefit 492
in lieu of any annuity, granted to a retirant as provided in this 493
chapter. 494

(N)(1) "Disability retirement" means retirement as provided 495
in section 145.36 of the Revised Code. 496

(2) "Disability allowance" means an allowance paid on account 497
of disability under section 145.361 of the Revised Code. 498

(3) "Disability benefit" means a benefit paid as disability 499
retirement under section 145.36 of the Revised Code, as a 500
disability allowance under section 145.361 of the Revised Code, or 501
as a disability benefit under section 145.37 of the Revised Code. 502

(4) "Disability benefit recipient" means a member who is 503
receiving a disability benefit. 504

(O) "Age and service retirement" means retirement as provided 505
in sections 145.32, 145.33, 145.331, ~~145.34~~, 145.332, 145.37, and 506
145.46 and former section 145.34 of the Revised Code. 507

(P) "Pensions" means annual payments for life derived from 508
contributions made by the employer that at the time of retirement 509
are credited into the annuity and pension reserve fund from the 510
employers' accumulation fund and paid from the annuity and pension 511
reserve fund as provided in this chapter. All pensions shall be 512
paid in twelve equal monthly installments. 513

(Q) "Retirement allowance" means the pension plus that 514
portion of the benefit derived from contributions made by the 515
member. 516

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

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

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

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

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

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

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

(2) "Earnable salary" does not include any of the following:	548
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	549 550 551 552
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	553 554 555 556 557
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	558 559 560 561
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	562 563 564
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	565 566 567 568
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	569 570 571 572 573
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general	574 575 576 577 578

assembly; 579

(h) Anything of value received by the contributor that is 580
based on or attributable to retirement or an agreement to retire, 581
except that payments made on or before January 1, 1989, that are 582
based on or attributable to an agreement to retire shall be 583
included in earnable salary if both of the following apply: 584

(i) The payments are made in accordance with contract 585
provisions that were in effect prior to January 1, 1986; 586

(ii) The employer pays the retirement system an amount 587
specified by the retirement board equal to the additional 588
liability resulting from the payments. 589

(i) The portion of any amount included in section 145.2916 of 590
the Revised Code that represents employer contributions. 591

(3) The retirement board shall determine by rule whether any 592
compensation not enumerated in division (R) of this section is 593
earnable salary, and its decision shall be final. 594

(S) "Pension reserve" means the present value, computed upon 595
the basis of the mortality and other tables adopted by the board, 596
of all payments to be made on account of any retirement allowance 597
or benefit in lieu of any retirement allowance, granted to a 598
member or beneficiary under this chapter. 599

(T)~~(1)~~ "Contributing service" means ~~all~~ both of the 600
following: 601

(1) All service credited to a member of the system since 602
January 1, 1935, for which contributions are made as required by 603
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 604
year subsequent to 1934, credit for any service shall be allowed 605
~~by the following formula:~~ 606

~~(a) For each month for which the member's earnable salary is~~ 607
~~two hundred fifty dollars or more, allow one month's credit.~~ 608

~~(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.~~

(2) Service credit received by election of the member under section 145.814 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, ~~145.34~~, 145.332, and 145.46 and former section 145.34 of the Revised Code.

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

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an

employer or the date of the employee's death, whichever occurs 640
first. 641

~~(Y) When a member has been elected or appointed to an office, 642
the term of which is two or more years, for which an annual salary 643
is established, and in the event that the salary of the office is 644
increased and the member is denied the additional salary by reason 645
of any constitutional provision prohibiting an increase in salary 646
during a term of office, the member may elect to have the amount 647
of the member's contributions calculated upon the basis of the 648
increased salary for the office. At the member's request, the 649
board shall compute the total additional amount the member would 650
have contributed, or the amount by which each of the member's 651
contributions would have increased, had the member received the 652
increased salary for the office the member holds. If the member 653
elects to have the amount by which the member's contribution would 654
have increased withheld from the member's salary, the member shall 655
notify the employer, and the employer shall make the withholding 656
and transmit it to the retirement system. A member who has not 657
elected to have that amount withheld may elect at any time to make 658
a payment to the retirement system equal to the additional amount 659
the member's contribution would have increased, plus interest on 660
that contribution, compounded annually at a rate established by 661
the board and computed from the date on which the last 662
contribution would have been withheld from the member's salary to 663
the date of payment. A member may make a payment for part of the 664
period for which the increased contribution was not withheld, in 665
which case the interest shall be computed from the date the last 666
contribution would have been withheld for the period for which the 667
payment is made. Upon the payment of the increased contributions 668
as provided in this division, the increased annual salary as 669
provided by law for the office for the period for which the member 670
paid increased contributions thereon shall be used in determining 671
the member's earnable salary for the purpose of computing the 672~~

~~member's final average salary.~~ 673

~~(Z)~~ "Five years of service credit," for the exclusive purpose 674
of satisfying the service credit requirements and of determining 675
eligibility ~~for benefits~~ under section 145.33 or 145.332 of the 676
Revised Code, means employment covered under this chapter or under 677
a former retirement plan operated, recognized, or endorsed by the 678
employer prior to coverage under this chapter or under a 679
combination of the coverage. 680

~~(AA)~~(Z) "Deputy sheriff" means any person who is commissioned 681
and employed as a full-time peace officer by the sheriff of any 682
county, and has been so employed since on or before December 31, 683
1965; any person who is or has been commissioned and employed as a 684
peace officer by the sheriff of any county since January 1, 1966, 685
and who has received a certificate attesting to the person's 686
satisfactory completion of the peace officer training school as 687
required by section 109.77 of the Revised Code; or any person 688
deputized by the sheriff of any county and employed pursuant to 689
section 2301.12 of the Revised Code as a criminal bailiff or court 690
constable who has received a certificate attesting to the person's 691
satisfactory completion of the peace officer training school as 692
required by section 109.77 of the Revised Code. 693

~~(BB)~~(AA) "Township constable or police officer in a township 694
police department or district" means any person who is 695
commissioned and employed as a full-time peace officer pursuant to 696
Chapter 505. or 509. of the Revised Code, who has received a 697
certificate attesting to the person's satisfactory completion of 698
the peace officer training school as required by section 109.77 of 699
the Revised Code. 700

~~(CC)~~(BB) "Drug agent" means any person who is either of the 701
following: 702

(1) Employed full time as a narcotics agent by a county 703

narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

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

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

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

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

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

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

~~(II)~~(HH) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife

officer under section 1531.13 of the Revised Code and is in 735
compliance with section 109.77 of the Revised Code. 736

~~(JJ)~~(II) "State watercraft officer" means a full-time 737
employee of the department of natural resources who is designated 738
a state watercraft officer under section 1547.521 of the Revised 739
Code and is in compliance with section 109.77 of the Revised Code. 740

~~(KK)~~(JJ) "Park district police officer" means a full-time 741
employee of a park district who is designated pursuant to section 742
511.232 or 1545.13 of the Revised Code and is in compliance with 743
section 109.77 of the Revised Code. 744

~~(LL)~~(KK) "Conservancy district officer" means a full-time 745
employee of a conservancy district who is designated pursuant to 746
section 6101.75 of the Revised Code and is in compliance with 747
section 109.77 of the Revised Code. 748

~~(MM)~~(LL) "Municipal police officer" means a member of the 749
organized police department of a municipal corporation who is 750
employed full time, is in compliance with section 109.77 of the 751
Revised Code, and is not a member of the Ohio police and fire 752
pension fund. 753

~~(NN)~~(MM) "Veterans' home police officer" means any person who 754
is employed at a veterans' home as a police officer pursuant to 755
section 5907.02 of the Revised Code and is in compliance with 756
section 109.77 of the Revised Code. 757

~~(OO)~~(NN) "Special police officer for a mental health 758
institution" means any person who is designated as such pursuant 759
to section 5119.14 of the Revised Code and is in compliance with 760
section 109.77 of the Revised Code. 761

~~(PP)~~(OO) "Special police officer for an institution for the 762
~~mentally retarded and~~ developmentally disabled" means any person 763
who is designated as such pursuant to section 5123.13 of the 764
Revised Code and is in compliance with section 109.77 of the 765

Revised Code. 766

~~(QQ)~~(PP) "State university law enforcement officer" means any 767
person who is employed full time as a state university law 768
enforcement officer pursuant to section 3345.04 of the Revised 769
Code and who is in compliance with section 109.77 of the Revised 770
Code. 771

~~(RR)~~(OO) "House sergeant at arms" means any person appointed 772
by the speaker of the house of representatives under division 773
(B)(1) of section 101.311 of the Revised Code who has arrest 774
authority under division (E)(1) of that section. 775

~~(SS)~~(RR) "Assistant house sergeant at arms" means any person 776
appointed by the house sergeant at arms under division (C)(1) of 777
section 101.311 of the Revised Code. 778

~~(TT)~~(SS) "Regional transit authority police officer" means a 779
person who is employed full time as a regional transit authority 780
police officer under division (Y) of section 306.35 of the Revised 781
Code and is in compliance with section 109.77 of the Revised Code. 782

~~(UU)~~(TT) "State highway patrol police officer" means a 783
special police officer employed full time and designated by the 784
superintendent of the state highway patrol pursuant to section 785
5503.09 of the Revised Code or a person serving full time as a 786
special police officer pursuant to that section on a permanent 787
basis on October 21, 1997, who is in compliance with section 788
109.77 of the Revised Code. 789

~~(VV)~~(UU) "Municipal public safety director" means a person 790
who serves full time as the public safety director of a municipal 791
corporation with the duty of directing the activities of the 792
municipal corporation's police department and fire department. 793

~~(WW)~~(VV) Notwithstanding section 2901.01 of the Revised Code, 794
"PERS law enforcement officer" means a sheriff or any of the 795
following whose primary duties are to preserve the peace, protect 796

life and property, and enforce the laws of this state: a deputy 797
sheriff, township constable or police officer in a township police 798
department or district, drug agent, department of public safety 799
enforcement agent, natural resources law enforcement staff 800
officer, park officer, forest officer, preserve officer, wildlife 801
officer, state watercraft officer, park district police officer, 802
conservancy district officer, veterans' home police officer, 803
special police officer for a mental health institution, special 804
police officer for an institution for the ~~mentally retarded and~~ 805
developmentally disabled, state university law enforcement 806
officer, municipal police officer, house sergeant at arms, 807
assistant house sergeant at arms, regional transit authority 808
police officer, or state highway patrol police officer. PERS law 809
enforcement officer also includes a person serving as a municipal 810
public safety director at any time during the period from 811
September 29, 2005, to March 24, 2009, if the duties of that 812
service were to preserve the peace, protect life and property, and 813
enforce the laws of this state. 814

~~(XX)~~(WW) "Hamilton county municipal court bailiff" means a 815
person appointed by the clerk of courts of the Hamilton county 816
municipal court under division (A)(3) of section 1901.32 of the 817
Revised Code who is employed full time as a bailiff or deputy 818
bailiff, who has received a certificate attesting to the person's 819
satisfactory completion of the peace officer basic training 820
described in division (D)(1) of section 109.77 of the Revised 821
Code. 822

~~(YY)~~(XX) "PERS public safety officer" means a Hamilton county 823
municipal court bailiff, or any of the following whose primary 824
duties are other than to preserve the peace, protect life and 825
property, and enforce the laws of this state: a deputy sheriff, 826
township constable or police officer in a township police 827
department or district, drug agent, department of public safety 828

enforcement agent, natural resources law enforcement staff 829
officer, park officer, forest officer, preserve officer, wildlife 830
officer, state watercraft officer, park district police officer, 831
conservancy district officer, veterans' home police officer, 832
special police officer for a mental health institution, special 833
police officer for an institution for the mentally retarded and 834
developmentally disabled, state university law enforcement 835
officer, municipal police officer, house sergeant at arms, 836
assistant house sergeant at arms, regional transit authority 837
police officer, or state highway patrol police officer. "PERS 838
public safety officer" also includes a person serving as a 839
municipal public safety director at any time during the period 840
from September 29, 2005, to March 24, 2009, if the duties of that 841
service were other than to preserve the peace, protect life and 842
property, and enforce the laws of this state. 843

~~(ZZ)~~(YY) "Fiduciary" means a person who does any of the 844
following: 845

(1) Exercises any discretionary authority or control with 846
respect to the management of the system or with respect to the 847
management or disposition of its assets; 848

(2) Renders investment advice for a fee, direct or indirect, 849
with respect to money or property of the system; 850

(3) Has any discretionary authority or responsibility in the 851
administration of the system. 852

~~(AAA)~~(ZZ) "Actuary" means an individual who satisfies all of 853
the following requirements: 854

(1) Is a member of the American academy of actuaries; 855

(2) Is an associate or fellow of the society of actuaries; 856

(3) Has a minimum of five years' experience in providing 857
actuarial services to public retirement plans. 858

~~(BBB)~~(AAA) "PERS defined benefit plan" means the plan 859
described in sections 145.201 to 145.79 of the Revised Code. 860

~~(CCC)~~(BBB) "PERS defined contribution plans" means the plan 861
or plans established under section 145.81 of the Revised Code. 862

Sec. 145.016. Contributing service shall be allowed in 863
accordance with the following: 864

(A) For service not later than December 31, 2013, credit for 865
any contributing service shall be allowed as follows: 866

(1) For each month for which the member's earnable salary is 867
two hundred fifty dollars or more, allow one month's credit; 868

(2) For each month for which the member's earnable salary is 869
less than two hundred fifty dollars, allow a fraction of a month's 870
credit with a numerator of the earnable salary during the month 871
and a denominator of two hundred fifty dollars, except that if the 872
member's annual earnable salary is less than six hundred dollars, 873
the member's credit shall not be reduced below twenty per cent of 874
a year for a calendar year of employment during which the member 875
worked each month. 876

Division (A)(2) of this section shall not reduce any credit 877
earned before January 1, 1985. 878

(B) For service on or after January 1, 2014, credit for any 879
contributing service shall be allowed in accordance with the 880
following: 881

(1) For each month in which the member's earnable salary 882
equals or exceeds the amount specified in division (B)(1)(a) or 883
(b) of this section, as appropriate, allow one month's credit: 884

(a) For service on or after January 1, 2014, but not later 885
than December 31, 2014, six hundred dollars; 886

(b) For each calendar year thereafter, the sum of the 887

following: 888

(i) The prior year's amount; 889

(ii) The prior year's amount multiplied by the average 890
percentage increase, if any, made to compensation under section 891
505.24 of the Revised Code, if that increase became effective in 892
the prior year. 893

(2) For each month that the member's earnable salary is less 894
than the appropriate amount specified in division (B)(1) of this 895
section, allow a fraction of a month's credit with a numerator of 896
the earnable salary during the month and a denominator of the 897
amount specified in division (B)(1)(a) or (b) of this section, as 898
appropriate. 899

Division (B) of this section shall not reduce any credit 900
earned before January 1, 2014. 901

(C) Notwithstanding any other provision of this section, an 902
elected official who prior to January 1, 1980, was granted a full 903
year of credit for each year of service as an elected official 904
shall be considered to have earned a full year of credit for each 905
year of service regardless of whether the service was full-time or 906
part-time. The public employees retirement board has no authority 907
to reduce the credit. 908

Sec. 145.017. (A) For a member eligible for a retirement 909
allowance under division (A) or (B) of section 145.32 of the 910
Revised Code or division (A), (B), or (E)(1), (3), or (4) of 911
section 145.332 of the Revised Code, the number of years used in 912
the calculation of final average salary shall be three and the sum 913
of the earnable salary for those years shall be divided by three. 914

(B) For a member eligible for a retirement allowance under 915
division (C) of section 145.32 of the Revised Code or division (C) 916
or (E)(2) or (5) of section 145.332 of the Revised Code, the 917

number of years used in the calculation of final average salary 918
shall be five and the sum of the earnable salary for those years 919
shall be divided by five. 920

(C)(1) For a member described in division (A) or (B) of 921
section 145.32 or division (A), (B), or (E)(1), (3), or (4) of 922
section 145.332 of the Revised Code who is eligible for a 923
retirement allowance under section 145.331 of the Revised Code or 924
a benefit under section 145.36 or 145.361 of the Revised Code, the 925
number of years used in the calculation of final average salary 926
shall be three and the sum of the earnable salary for those years 927
shall be divided by three. 928

(2) For a member described in division (C) of section 145.32 929
or division (C) or (E)(2) or (5) of section 145.332 of the Revised 930
Code who is eligible for a retirement allowance under section 931
145.331 of the Revised Code or a benefit under section 145.36 or 932
145.361 of the Revised Code, the number of years used in the 933
calculation of final average salary shall be five and the sum of 934
the earnable salary for those years shall be divided by five. 935

(D) For a benefit under section 145.45 of the Revised Code: 936

(1) The number of years used in the calculation of the 937
deceased member's final average salary shall be three and the sum 938
of the earnable salary for those years shall be divided by three 939
if the member is described in division (A) or (B) of section 940
145.32 of the Revised Code or division (A), (B), or (E)(1), (3), 941
or (4) of section 145.332 of the Revised Code. 942

(2) The number of years used in the calculation of the 943
deceased member's final average salary shall be five and the sum 944
of the earnable salary for those years shall be divided by five if 945
the member is described in division (C) of section 145.32 of the 946
Revised Code or division (C) or (E)(2) or (5) of section 145.332 947
of the Revised Code. 948

Sec. 145.036. On or before the last day of January of each 949
year, each public employer shall transmit to the public employees 950
retirement system a list of all individuals providing personal 951
services who at any time during the preceding calendar year 952
received compensation from the employer for which no contributions 953
were deducted under section 145.47 of the Revised Code because the 954
employer classified the individual as an independent contractor or 955
another classification other than public employee or any other 956
reason. The list shall contain the name of the individual and any 957
other information required by the system. 958

If there is doubt at the time the list is compiled or at any 959
other time regarding whether an individual providing personal 960
services to a public employer is a public employee, the employer 961
shall make a written request to the public employees retirement 962
board for a determination of whether the individual is a public 963
employee for the purposes of this chapter. On receipt of the 964
request, the board shall determine whether the individual is a 965
public employee with regard to the services in question. If the 966
board determines that the individual is not a public employee, for 967
the purposes of this chapter the individual shall be considered an 968
independent contractor with regard to the services in question. 969
The board's determination is final. 970

The board shall notify the individual and the employer of its 971
determination. The determination shall apply to services performed 972
before, on, or after the effective date of this section for the 973
same employer in the same capacity. 974

Sec. 145.037. (A) As used in this section and section 145.038 975
of the Revised Code, "business entity" means an entity with five 976
or more employees that is a corporation, association, firm, 977
limited liability company, partnership, sole proprietorship, or 978
other entity engaged in business. 979

(B)(1) Except as provided in division (B)(2) of this section, 980
an individual who provided personal services to a public employer 981
on or before the effective date of this section but was not 982
classified as a public employee may request from the public 983
employees retirement board a determination of whether the 984
individual should have been classified as a public employee for 985
purposes of this chapter. The request shall be made on a form 986
provided by the board. 987

(2) Division (B)(1) of this section does not apply to an 988
individual employed by a business entity under contract with a 989
public employer to provide personal services to the employer. 990

(C) Not later than thirty days after the effective date of 991
this section, the board shall notify each employer of the right of 992
an individual described in division (B)(1) of this section to seek 993
the determination described in that division. The notice shall be 994
accompanied by copies of the form described in division (B)(1) of 995
this section. 996

Not later than sixty days after the effective date of this 997
section, the employer shall send to each individual described in 998
division (B)(1) of this section a copy of the form provided by the 999
retirement system and written notice of the right to seek a 1000
determination of whether the individual should have been 1001
classified as a public employee. The notice shall be sent to the 1002
individual's last known address on record with the employer. 1003

On receipt of a properly completed form, the board shall 1004
determine whether the individual should have been classified as a 1005
public employee. If the board determines that the individual is 1006
not a public employee with regard to the services in question, for 1007
the purposes of this chapter the individual shall be considered an 1008
independent contractor with regard to the services in question. 1009
The board's determination is final. 1010

The board shall notify the individual and the employer of its determination. The determination shall apply to services performed before, on, or after the effective date of this section for the same employer in the same capacity. 1011
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(D) Regardless of whether an individual actually receives notice under this section, the request for a determination must be made not later than one year after the effective date of this section unless the individual can demonstrate to the board's satisfaction through medical records that at the time the one-year period ended the individual was physically or mentally incapacitated and unable to request a determination. 1015
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Sec. 145.038. (A) A public employer who on or after the effective date of this section begins to receive personal services from an individual it classifies as an independent contractor or another classification other than public employee shall inform the individual of the classification and that no contributions will be made to the public employees retirement system. Not later than thirty days after the services begin, the employer shall require the individual to acknowledge, in writing on a form provided by the system, that the individual has been informed that the employer does not consider the individual a public employee and no contributions will be made to the public employees retirement system. The employer shall retain the acknowledgement and immediately transmit a copy of it to the system. 1022
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(B)(1) Regardless of whether the individual has made an acknowledgement under division (A) of this section and, except as provided in division (B)(2) of this section, an individual may request that the public employees retirement board determine whether the individual is a public employee for purposes of this chapter. 1035
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(2) Division (B)(1) of this section does not apply to an 1041

individual employed by a business entity under contract with a 1042
public employer to provide personal services to the employer. 1043

(C) A request for a determination must be made not later than 1044
five years after the individual begins to provide personal 1045
services to the employer, unless one of the following is the case: 1046

(1) The individual demonstrates to the board's satisfaction 1047
through medical records that at the time the five-year period 1048
ended the individual was physically or mentally incapacitated and 1049
unable to request a determination. 1050

(2) The employer has not obtained or has failed to retain the 1051
acknowledgement required by division (A) of this section. 1052

(D) On receipt of a request under division (B)(1) of this 1053
section, the board shall determine whether the individual is a 1054
public employee for the purposes of this chapter. If the board 1055
determines that the individual is not a public employee, for the 1056
purposes of this chapter the individual shall be considered an 1057
independent contractor with regard to the services in question. 1058
The board's determination is final. 1059

The board shall notify the individual and the employer of its 1060
determination. The determination shall apply to services performed 1061
before, on, or after the effective date of this section for the 1062
same employer in the same capacity. 1063

(E) The board may adopt rules under section 145.09 of the 1064
Revised Code to implement this section and sections 145.036 and 1065
145.037 of the Revised Code. 1066

Sec. 145.04. (A) The general administration and management of 1067
the public employees retirement system and the making effective of 1068
Chapter 145. of the Revised Code, are hereby vested in a board to 1069
be known as the "public employees retirement board," which shall 1070
consist of the following members: 1071

~~(A)~~(1) One member, known as the treasurer of state's 1072
investment designee, who shall be appointed by the treasurer of 1073
state for a term of four years and have the following 1074
qualifications: 1075

~~(1)~~(a) The member is a resident of this state. 1076

~~(2)~~(b) Within the three years immediately preceding the 1077
appointment, the member has not been employed by the public 1078
employees retirement system, police and fire pension fund, state 1079
teachers retirement system, school employees retirement system, or 1080
state highway patrol retirement system or by any person, 1081
partnership, or corporation that has provided to one of those 1082
retirement systems services of a financial or investment nature, 1083
including management, analysis, supervision, or investment of 1084
assets. 1085

~~(3)~~(c) The member has direct experience in the management, 1086
analysis, supervision, or investment of assets. 1087

~~(4)~~(d) The member is not currently employed by the state or a 1088
political subdivision of the state. 1089

~~(B)~~(2) The director of administrative services; 1090

~~(C)~~(3) Five members, known as employee members, one of whom 1091
shall be a state employee member of the system, who shall be 1092
elected by ballot by the state employee members of the system from 1093
among their number; another of whom shall be a county employee 1094
member of the system, who shall be elected by ballot by the county 1095
employee members of the system from among their number; another of 1096
whom shall be a municipal employee member of the system, who shall 1097
be elected by ballot by the municipal employee members of the 1098
system from among their number; another of whom shall be a 1099
university or college employee member of the system, who shall be 1100
elected by ballot by the university and college employee members 1101
of the system from among their number; and another of whom shall 1102

be a park district, conservancy district, sanitary district, 1103
health district, public library, metropolitan housing authority, 1104
union cemetery, joint hospital, township, or institutional 1105
commissary employee member of the system, who shall be elected by 1106
ballot by the park district, conservancy district, sanitary 1107
district, health district, metropolitan housing authority, public 1108
library, union cemetery, joint hospital, township, and 1109
institutional commissary employee members of the system from among 1110
their number, in a manner to be approved by the board. Members of 1111
the system who are receiving a disability benefit under this 1112
chapter are ineligible for membership on the board as employee 1113
members. 1114

~~(D)~~(4) Two members, known as the retirant members, who shall 1115
be former members of the public employees retirement system who 1116
reside in this state and receive age and service retirement, a 1117
disability benefit, or benefits paid under a PERS defined 1118
contribution plan. The retirant members shall be elected by ballot 1119
by former members of the system who are receiving age and service 1120
retirement, a disability benefit, or benefits paid under a PERS 1121
defined contribution plan; 1122

~~(E)~~(1)(5)(a) Two members, known as the investment expert 1123
members, who shall be appointed for four-year terms and each of 1124
whom shall have the following qualifications: 1125

~~(a)~~(i) The member is a resident of this state. 1126

~~(b)~~(ii) Within the three years immediately preceding the 1127
appointment, the member has not been employed by the public 1128
employees retirement system, police and fire pension fund, state 1129
teachers retirement system, school employees retirement system, or 1130
state highway patrol retirement system or by any person, 1131
partnership, or corporation that has provided to one of those 1132
retirement systems services of a financial or investment nature, 1133
including the management, analysis, supervision, or investment of 1134

assets. 1135

~~(e)(iii)~~ The member has direct experience in the management, 1136
analysis, supervision, or investment of assets. 1137

~~(2)(b)~~ One investment expert member shall be appointed by the 1138
governor, and one investment expert member shall be jointly 1139
appointed by the speaker of the house of representatives and the 1140
president of the senate. ~~Any investment expert~~ 1141

~~(B) Any member appointed to fill a vacancy occurring prior to~~ 1142
~~the expiration of the term for which the member's predecessor was~~ 1143
~~appointed under this section shall hold office until the later of~~ 1144
~~the end of such the term. The for which the member shall continue~~ 1145
~~in office subsequent to the expiration date of the member's term~~ 1146
~~until is appointed or the date the member's successor takes~~ 1147
~~office, or until a period of sixty days has elapsed, whichever~~ 1148
~~occurs first.~~ 1149

Sec. 145.041. Each ~~newly elected~~ member of the public 1150
employees retirement board ~~and each individual appointed to fill a~~ 1151
~~vacancy on the board,~~ shall, not later than ninety days after 1152
commencing service as a board member, complete the orientation 1153
program component of the retirement board member education program 1154
established under section 171.50 of the Revised Code. 1155

Each member of the board who has served a year or longer as a 1156
board member shall, not less than twice each year, attend one or 1157
more programs that are part of the continuing education component 1158
of the retirement board member education program established under 1159
section 171.50 of the Revised Code. 1160

Sec. 145.05. (A) The terms of office of employee members of 1161
the public employees retirement board shall be for four years each 1162
beginning on the first day of January following election. The 1163
election of the county employee member of the board and the 1164

employee member of the board representing public library, health 1165
district, park district, conservancy district, sanitary district, 1166
township, metropolitan housing authority, union cemetery, joint 1167
hospital, and institutional commissary employees shall be held on 1168
the first Monday in October, 1945, and on the first Monday in 1169
October in each fourth year thereafter. The election of the state 1170
employee member of the board and the municipal employee member of 1171
the board shall be held on the first Monday in October, 1946, and 1172
on the first Monday in October in each fourth year thereafter. The 1173
election of the initial university-college employee member of the 1174
board shall be held on the first Monday in October, 1978, and 1175
elections for subsequent university-college employee members of 1176
the board shall be held on the first Monday in October in each 1177
fourth year thereafter. 1178

(B) The term of office of the retirant members of the public 1179
employees retirement board shall be for four years beginning on 1180
the first day of January following the election. The election of 1181
the initial retirant member for that position on the board shall 1182
be held on the first Monday in October, 1978, and subsequent 1183
elections for this retirant position shall be held on the first 1184
Monday in October in each fourth year thereafter. The initial 1185
election for the second retirant member position shall be held at 1186
the first election that occurs later than ninety days after ~~the~~ 1187
~~effective date of this amendment~~ September 15, 2004. Subsequent 1188
elections for this retirant position shall be held each fourth 1189
year thereafter. 1190

(C) All elections for employee members of the public 1191
employees retirement board shall be held under the direction of 1192
the board in accordance with rules adopted under section 145.058 1193
of the Revised Code. Any member of the public employees retirement 1194
system, except a member who is receiving a disability benefit 1195
under this chapter, is eligible for election as an employee member 1196

of the board to represent the employee group that includes the 1197
member, provided that the member has been nominated by a petition 1198
that is signed by at least five hundred members of the employee 1199
group to be represented, including not less than twenty such 1200
signers from each of at least ten counties of the state, and 1201
certified in accordance with rules adopted under section 145.058 1202
of the Revised Code. The name of any member so nominated shall be 1203
placed upon the ballot by the board as a regular candidate. Names 1204
of other eligible candidates may, at any election, be substituted 1205
for the regular candidates by writing such names upon the ballots. 1206
The candidate who receives the highest number of votes for a 1207
particular employee member position on the board shall be elected 1208
to that office on certification of the election results in 1209
accordance with rules adopted under section 145.058 of the Revised 1210
Code. 1211

(D) All elections for the retirant members of the public 1212
employees retirement board shall be held under the direction of 1213
the board in accordance with rules adopted under section 145.058 1214
of the Revised Code. Any former member of the public employees 1215
retirement system who is described in division ~~(D)~~(A)(4) of 1216
section 145.04 of the Revised Code is eligible for election as a 1217
retirant member of the board to represent recipients of age and 1218
service retirement, a disability benefit, or benefits paid under a 1219
PERS defined contribution plan, provided that such person has been 1220
nominated by a petition that is signed by any combination of at 1221
least two hundred fifty eligible, former members of the system and 1222
certified in accordance with rules adopted under section 145.058 1223
of the Revised Code. To be eligible to sign the petition, a former 1224
member of the system must be a recipient of age and service 1225
retirement, a disability benefit, or benefits paid under a PERS 1226
defined contribution plan. The petition shall contain the 1227
signatures of at least ten such recipients from each of at least 1228
five counties wherein recipients of benefits from the system 1229

reside. 1230

The name of any person nominated in this manner shall be 1231
placed upon the ballot by the board as a regular candidate. Names 1232
of other eligible candidates may, at any election for a retirant 1233
member of the board, be substituted for the regular candidates by 1234
writing the names of such persons upon the ballot. The candidate 1235
who receives the highest number of votes for any term as a 1236
retirant member of the board shall be elected to office on 1237
certification of the election results in accordance with rules 1238
adopted under section 145.058 of the Revised Code. 1239

Sec. 145.057. (A) The office of ~~an employee member or~~ 1240
~~retirant~~ a member of the public employees retirement board who is 1241
convicted of or pleads guilty to a felony, a theft offense as 1242
defined in section 2913.01 of the Revised Code, or a violation of 1243
section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 1244
2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code 1245
shall be deemed vacant. A person who has pleaded guilty to or been 1246
convicted of an offense of that nature is ineligible for election 1247
or appointment to the ~~office of employee member or retirant member~~ 1248
~~of the~~ public employees retirement board. 1249

(B) A member of the public employees retirement board who 1250
willfully and flagrantly exercises authority or power not 1251
authorized by law, refuses or willfully neglects to enforce the 1252
law or to perform any official duty imposed by law, or is guilty 1253
of gross neglect of duty, gross immorality, drunkenness, 1254
misfeasance, malfeasance, or nonfeasance is guilty of misconduct 1255
in office. On complaint and hearing in the manner provided for in 1256
this section, the board member shall have judgment of forfeiture 1257
of the office with all its emoluments entered against the board 1258
member, creating in the office a vacancy to be filled as provided 1259
by law. 1260

(C) Proceedings for removal of a board member on any of the grounds enumerated in division (B) of this section shall be commenced by filing with the court of common pleas of the county in which the board member resides a written complaint specifically setting forth the charge. The complaint shall be accepted if signed by the governor or signed as follows:

(1) If the complaint is against an employee member of the board, the complaint must be signed by a number of members of the employee group represented by the member that equals at least the following and must include signatures of at least twenty employee members residing in at least five different counties:

(a) If the employee member was most recently elected in accordance with section 145.05 of the Revised Code, ten per cent of the number of members of the employee group represented by the employee member who voted in that election;

(b) If the employee member was most recently elected under section 145.06 of the Revised Code or took office in accordance with section 145.051 of the Revised Code, ten per cent of the number of members of the employee group represented by the employee member who voted in the most recent election held in accordance with section 145.05 of the Revised Code for that employee member position on the board.

(2) If the complaint is against a retirant member of the board, the complaint must be signed by a number of former members of the system authorized to vote for a retirant member in an election under section 145.05 of the Revised Code that equals at least the following and must include signatures of at least twenty former members residing in at least five different counties:

(a) If the retirant member was most recently elected in accordance with section 145.05 of the Revised Code, ten per cent of the number of former members of the system who voted in that

election; 1292

(b) If the retirant member was most recently elected under 1293
section 145.06 of the Revised Code or took office in accordance 1294
with section 145.051 of the Revised Code, ten per cent of the 1295
number of former members of the system who voted in the most 1296
recent election held in accordance with section 145.05 of the 1297
Revised Code for that retirant member position on the board. 1298

(D) The clerk of the court of common pleas in which a 1299
complaint against a member of the board is filed under division 1300
(C) of this section shall do both of the following with respect to 1301
the complaint: 1302

(1) Submit the signatures obtained pursuant to division (C) 1303
of this section to the board for purposes of verifying the 1304
validity of the signatures. The board shall verify the validity of 1305
the signatures and report its findings to the court. 1306

(2) Cause a copy of the complaint to be served on the board 1307
member at least ten days before the hearing on the complaint. The 1308
court shall hold a public hearing not later than thirty days after 1309
the filing of the complaint. The court may subpoena witnesses and 1310
compel their attendance in the same manner as in civil cases. 1311
Process shall be served by the sheriff of the county in which the 1312
witness resides. Witness fees and other fees in connection with 1313
the proceedings shall be the same as in civil cases. The court may 1314
suspend the board member pending the hearing. 1315

If the court finds that one or more of the charges in the 1316
complaint are true, it shall make a finding for removal of the 1317
board member. The court's finding shall include a full, detailed 1318
statement of the reasons for the removal. The finding shall be 1319
filed with the clerk of the court and be made a matter of public 1320
record. 1321

The board member has the right to appeal to the court of 1322

appeals. 1323

(E) No individual who has been removed from the board 1324
pursuant to this section shall be eligible to fill an elective or 1325
appointed position as a member of the board. 1326

Sec. 145.06. (A) Except as provided in division (D) of this 1327
section, if a vacancy occurs in the term of any employee member of 1328
the public employees retirement board, the remaining members of 1329
the board shall elect a successor employee member from the 1330
employee group lacking representation because of the vacancy. On 1331
certification of the election results in accordance with rules 1332
adopted under section 145.058 of the Revised Code, the successor 1333
employee member shall hold office until the first day of the new 1334
term that follows the next board election that occurs not less 1335
than ninety days after the successor employee member's election. 1336

Any employee member of the board who fails to attend the 1337
meetings of the board for three months or longer, without valid 1338
excuse, shall be considered as having resigned, and the board 1339
shall declare the employee member's office vacated as of the date 1340
of the adoption of a proper resolution. 1341

If as a result of changed circumstances an employee member of 1342
the board is no longer employed in the employee group that 1343
corresponds with the employee group that elected the member, the 1344
employee member's office shall be considered vacant, and a 1345
successor employee member shall be chosen in the manner specified 1346
in this division. 1347

(B) Except as provided in division (D) of this section, if a 1348
vacancy occurs during the term of office of a retirant member of 1349
the board, the remaining members of the board shall elect a 1350
successor retirant member who shall be a former member of the 1351
public employees retirement system who is eligible for election 1352
under section 145.04 of the Revised Code as a retirant member of 1353

the board. On certification of the election results in accordance 1354
with rules adopted under section 145.058 of the Revised Code, the 1355
successor retirant member shall hold office until the first day of 1356
the new term that follows the next board election that occurs not 1357
less than ninety days after the successor retirant member's 1358
election. 1359

If a retirant member of the board fails to attend the 1360
meetings of the board for three months or longer, without valid 1361
excuse, the retirant member shall be considered as having 1362
resigned, and the board shall declare the member's office vacated 1363
as of the date of the adoption of a proper resolution. 1364

If as a result of changed circumstances a retirant member 1365
would no longer qualify for membership on the board as the 1366
retirant member, the retirant member's office shall be considered 1367
vacant, and a successor retirant member shall be chosen in the 1368
manner specified in this division. 1369

(C) Elections under this section to fill a vacancy on the 1370
board shall be conducted in accordance with rules adopted under 1371
section 145.058 of the Revised Code. 1372

(D) A successor member need not be elected under division (A) 1373
or (B) of this section for a vacancy that occurs on or after the 1374
first day of October of the year in which the vacated term ends. 1375

Sec. 145.09. The public employees retirement board shall 1376
elect from its membership a chairperson, and shall appoint an 1377
executive director who shall serve as secretary to the board, an 1378
actuary, and other employees as necessary for the transaction of 1379
the business of the public employees retirement system. The 1380
compensation of all persons so appointed shall be fixed by the 1381
board. 1382

If the board provides health care coverage to employees of 1383

the retirement system, it may permit employees of the Ohio public 1384
employees deferred compensation board to participate. 1385

Effective ninety days after ~~the effective date of this~~ 1386
~~amendment~~ September 15, 2004, the board may not employ a state 1387
retirement system investment officer, as defined in section 1388
1707.01 of the Revised Code, who does not hold a valid state 1389
retirement system investment officer license issued by the 1390
division of securities in the department of commerce. 1391

Every expense voucher of an employee, officer, or board 1392
member of the public employees retirement system shall itemize all 1393
purchases and expenditures. 1394

The board shall perform other functions as required for the 1395
proper execution of this chapter, and may adopt rules in 1396
accordance with section 111.15 of the Revised Code for the proper 1397
administration and management of this chapter. 1398

The board may take all appropriate action to avoid payment by 1399
the system or its members of federal or state income taxes on 1400
contributions to the system or amounts earned on such 1401
contributions. 1402

Notice of proposed rules shall be given to interested parties 1403
and rules adopted by the board shall be published and otherwise 1404
made available. When it files a rule with the joint committee on 1405
agency rule review pursuant to section 111.15 of the Revised Code, 1406
the board shall submit to the Ohio retirement study council a copy 1407
of the full text of the rule, and if applicable, a copy of the 1408
rule summary and fiscal analysis required by division (B) of 1409
section 127.18 of the Revised Code. 1410

The board may sue and be sued, plead and be impleaded, 1411
contract and be contracted with. All of its business shall be 1412
transacted, all of its funds invested, all warrants for money 1413
drawn and payments made, and all of its cash and securities and 1414

other property shall be held in the name of the board, or in the name of its nominee, provided that nominees are authorized by retirement board resolution for the purpose of facilitating the ownership and transfer of investments.

If the Ohio retirement study council establishes a uniform format for any report the board is required to submit to the council, the board shall submit the report in that format.

Sec. 145.101. Any action brought against the public employees retirement system or the public employees retirement board or its officers, employees, or board members in their official capacities shall be brought in the appropriate court in Franklin county, Ohio.

Sec. 145.19. (A) Except as provided in division (D) of this section, an individual who becomes employed in a position subject to this chapter on or after ~~the date on which the public employees retirement board first establishes a PERS defined contribution plan~~ January 1, 2003, shall make an election under this section. Not later than one hundred eighty days after the date on which employment begins, the individual shall elect to participate either in the PERS defined benefit plan or a PERS defined contribution plan. ~~If~~ Unless a form evidencing an election under this section is ~~not~~ received by the public employees retirement system ~~not later than~~ on or before the last day of the one-hundred-eighty-day period, the individual is deemed to have elected to participate in the PERS defined benefit plan.

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

(C) An election under this section shall take effect on the date employment began and, except as provided in section 145.814 of the Revised Code or rules governing the PERS defined benefit

plan, is irrevocable on receipt by the system. 1445

(D) An individual is ineligible to make an election under 1446
this section if one of the following applies: 1447

(1) ~~At the time employment begins, the~~ The individual is a 1448
PERS retirant or other system retirant, as those terms are defined 1449
in section 145.38 of the Revised Code, or is retired under section 1450
145.383 of the Revised Code. 1451

(2) The individual is participating or has elected to 1452
participate in an alternative retirement plan under section 1453
3305.05 or 3305.051 of the Revised Code and the employment is in a 1454
position that is subject to division (C)(4) of section 3305.05 or 1455
division (F) of section 3305.051 of the Revised Code. 1456

(3) The individual ~~is a contributor who, as of the last day~~ 1457
~~of the month prior to the date employment begins, has five or more~~ 1458
~~years of total service credit~~ has contributions standing to the 1459
individual's credit in the employees' savings fund or defined 1460
contribution fund established under section 145.23 of the Revised 1461
Code. 1462

(4) The individual is employed in a position covered under 1463
this chapter to which section 145.193 of the Revised Code applies. 1464

(5) The individual is a PERS law enforcement officer or PERS 1465
public safety officer. 1466

Sec. 145.191. (A) Except as provided in division ~~(E)~~(F) of 1467
this section, a public employees retirement system member or 1468
contributor who, as of ~~the last day of the month immediately~~ 1469
~~preceding the date on which the public employees retirement board~~ 1470
~~first establishes a PERS defined contribution plan~~ December 31, 1471
2002, has less than five years of total service credit is eligible 1472
to make an election under this section. A member or contributor 1473
who is employed in more than one position subject to this chapter 1474

is eligible to make only one election. The election applies to all 1475
positions subject to this chapter. 1476

Not later than ~~one hundred eighty days after the day the~~ 1477
~~board first establishes a PERS defined contribution plan~~ June 30, 1478
2003, an eligible member or contributor may elect to participate 1479
in a PERS defined contribution plan. If Unless a form evidencing 1480
an election is ~~not~~ received by the system ~~not later than the last~~ 1481
~~day of the one hundred eighty day period~~ on or before that date, a 1482
member or contributor to whom this section applies is deemed to 1483
have elected to continue participating in the PERS defined benefit 1484
plan. 1485

(B) An election under this section shall be made in writing 1486
on a form provided by the system and filed with the system. 1487

(C) On ~~receipt of~~ the request of a member or contributor who 1488
made an election under this section, the system shall ~~do both of~~ 1489
~~the following:~~ 1490

~~(1) Credit~~ credit to the plan elected ~~both of the following:~~ 1491

~~(a) Any employer contributions attributable to the member for~~ 1492
~~the period beginning on the day the board first established a PERS~~ 1493
~~defined contribution plan;~~ 1494

~~(b) All the~~ accumulated contributions attributable standing 1495
to the credit of the member or contributor. 1496

~~(2) Cancel~~ in the employees' savings fund and cancel all 1497
service credit and eligibility for any payment, benefit, or right 1498
under the PERS defined benefit plan. 1499

(D) For each member or contributor who elected under this 1500
section to participate in a PERS defined contribution plan and 1501
made a request under division (C) of this section, any additional 1502
deposits that were made by the member or contributor prior to 1503
April 6, 2007, under the version of division (C) of section 145.23 1504

of the Revised Code as it existed immediately prior to that date 1505
shall be credited to the defined contribution plan. 1506

(E) An election under this section is effective as of ~~the~~ 1507
~~date the board first established a PERS defined contribution plan~~ 1508
January 1, 2003, and, except as provided in section 145.814 of the 1509
Revised Code or rules governing the PERS defined benefit plan, is 1510
irrevocable on receipt by the system. 1511

~~(E)~~(F) An election may not be made under this section by a 1512
member or contributor who is either of the following: 1513

(1) A PERS retirant who is a member under division ~~(C)~~(D) of 1514
section 145.38 of the Revised Code; 1515

(2) A PERS law enforcement officer or a PERS public safety 1516
officer. 1517

Sec. 145.192. Except as provided in section ~~145.195,~~ 145.814 1518
~~and, or~~ in division (C) of section 145.82 of the Revised Code, a 1519
member of the public employees retirement system who elects to 1520
participate in a PERS defined contribution plan shall be 1521
ineligible for any benefit or payment under the PERS defined 1522
benefit plan and shall be forever barred from claiming or 1523
purchasing service credit with the system or any other Ohio state 1524
retirement system, as defined in section 145.30 of the Revised 1525
Code, for service covered by the election. 1526

Sec. 145.193. Except as provided in section 145.194 or 1527
division (C)(4) of section 3305.05 and division (F) of section 1528
3305.051 of the Revised Code, an election made or deemed to have 1529
been made under section 145.19 or 145.191 of the Revised Code 1530
applies to all positions subject to this chapter for which the 1531
member is contributing under section 145.47 or 145.85 of the 1532
Revised Code. **A** 1533

A member who terminates employment in all positions subject 1534

to this chapter, receives a refund of the member's contributions 1535
made under section 145.47 or 145.85 of the Revised Code, and later 1536
becomes employed in a position subject to this chapter may make an 1537
election under section 145.19 of the Revised Code as provided by 1538
that section. 1539

Sec. 145.194. (A) A member participating in a PERS defined 1540
contribution plan at the time of commencing employment as a PERS 1541
law enforcement officer or PERS public safety officer shall cease 1542
making contributions to that plan. During employment as a PERS law 1543
enforcement officer or a PERS public safety officer and any 1544
concurrent employment in a position subject to this chapter, the 1545
member shall contribute only to the PERS defined benefit plan. 1546

(B) A member described in division (A) of this section with 1547
contributions standing to the member's credit in a PERS defined 1548
contribution plan may elect to have those contributions deposited 1549
and credited in the PERS defined benefit plan in accordance with 1550
section 145.814 of the Revised Code and rules governing the PERS 1551
defined benefit plan. 1552

Sec. 145.195. The public employees retirement system may, in 1553
accordance with rules it adopts under this section, permit a 1554
member who participated in both the PERS defined benefit plan and 1555
one or more PERS defined contribution plans to combine years of 1556
service as a member for the purpose of determining eligibility for 1557
a benefit under section 145.32, 145.331, or 145.332 of the Revised 1558
Code, or a benefit under a PERS defined contribution plan. 1559

Sec. 145.20. (A) Any elective official of the state of Ohio 1560
or of any political subdivision thereof having employees in the 1561
public employees retirement system shall be considered as an 1562
employee of the state or such political subdivision, and may 1563
become a member of the system upon application to the public 1564

employees retirement board, with all the rights, privileges, and 1565
obligations of membership. An elective official who becomes a 1566
member of the system on or after ~~the date the public employees~~ 1567
~~retirement board first establishes a PERS defined contribution~~ 1568
~~plan~~ January 1, 2003, shall make an election pursuant to section 1569
145.19 of the Revised Code not later than one hundred eighty days 1570
after applying for membership in the system. The election is 1571
effective as of the date the official applies for membership and 1572
is irrevocable on receipt by the system. If a form evidencing an 1573
election is not received by the system not later than the last day 1574
of the one-hundred-eighty-day period, the official is deemed to 1575
have elected to participate in the PERS defined benefit plan. 1576

~~(B) Service as any such elective official by any member of~~ 1577
~~the system rendered prior to January 1, 1935, shall be included as~~ 1578
~~prior service, provided the member does both of the following:~~ 1579

~~(1) Completes three years of contributing service, or the~~ 1580
~~equivalent thereof, in the public employees retirement system~~ 1581
~~subsequent to the date that membership is established;~~ 1582

~~(2) Participates in the PERS defined benefit plan or a PERS~~ 1583
~~defined contribution plan with definitely determinable benefits.~~ 1584

~~(C)~~ Credit for service between January 1, 1935, and the date 1585
that membership is established, except service as an elective 1586
official that was subject to the tax on wages imposed by the 1587
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 1588
U.S.C.A. 3101, as amended, may be secured by the elective official 1589
provided the elective official does all of the following: 1590

(1) Pays into the employees' savings fund an amount 1591
~~determined by applying the member contribution rate in effect at~~ 1592
~~the time of payment to the earnable salary of the member during~~ 1593
~~all periods of service after January 1, 1935, covered by this~~ 1594
~~chapter, for which contributions have not been paid, plus interest~~ 1595

~~on such amount compounded annually at a rate to be determined~~ 1596
~~specified by the board that is equal to one hundred per cent of~~ 1597
~~the additional liability resulting from the purchase of that year~~ 1598
~~or portion of a year of credit as determined by an actuary~~ 1599
~~employed by the board;~~ 1600

(2) Completes one and one-half years of contributing 1601
membership in the public employees retirement system subsequent to 1602
the date membership was established; 1603

(3) Participates in the PERS defined benefit plan or a PERS 1604
defined contribution plan with definitely determinable benefits. 1605

A member may choose to purchase in any one payment only part 1606
of the credit the member is eligible to purchase, subject to board 1607
rules. The public employees retirement board shall determine the 1608
amount and manner of payment. In the event of death or withdrawal 1609
from service, the payment into the employees' savings fund for 1610
such service credit shall be considered as accumulated 1611
contributions of the member. 1612

Sec. 145.201. (A) Subject to the limit described in division 1613
(C) of this section, any member who is or has been an elected 1614
official of the state or any political subdivision thereof or has 1615
been appointed by the governor with the advice and consent of the 1616
senate to serve full-time as a member of a board, commission, or 1617
other public body may at any time prior to retirement purchase 1618
additional service credit in an amount not to exceed thirty-five 1619
per cent of the service credit allowed the member for the period 1620
of service as an elected or appointed official subsequent to 1621
January 1, 1935, other than credit for military service, part-time 1622
service, and service subject to the tax on wages imposed by the 1623
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 1624
U.S.C.A. 3101, as amended. 1625

~~The~~ For each year of additional service credit ~~may be~~ 1626

~~purchased by paying under this section, the member shall pay into~~ 1627
~~the employees' savings fund an amount computed by multiplying by~~ 1628
~~the employee contribution rate in effect at the time of purchase~~ 1629
~~the member's earnable salary for the period of service upon which~~ 1630
~~the purchased credit is based, by the number of years or portions~~ 1631
~~thereof of additional service credit to be purchased, and by~~ 1632
~~paying into the employers' accumulation fund an amount equal to~~ 1633
~~the full amount paid into the employees' savings fund. If a member~~ 1634
~~purchases less than the full amount of the additional service~~ 1635
~~credit to which the member is entitled, the period of service upon~~ 1636
~~which the purchase is computed shall be the member's earliest~~ 1637
~~period of such service specified by the public employees~~ 1638
~~retirement board that is equal to one hundred per cent of the~~ 1639
~~additional liability resulting from the purchase of that year or~~ 1640
~~portion of a year of credit as determined by an actuary employed~~ 1641
~~by the board.~~ The member shall receive full credit for such 1642
additional elective service in computing an allowance or benefit 1643
under section ~~145.20~~, 145.33, 145.331, ~~145.34~~, 145.332, 145.36, 1644
145.361, or 145.46 of the Revised Code, notwithstanding any other 1645
provision of this chapter. The payment to the employees' savings 1646
fund, and payments made to the employers' accumulation fund prior 1647
to the effective date of this amendment, for such additional 1648
elective service credit shall, in the event of death or withdrawal 1649
from service, be considered as accumulated contributions of the 1650
member. 1651

~~A member of a board, commission, or other public body shall~~ 1652
~~be considered to be serving full time if full time service is~~ 1653
~~required by law or if the director of administrative services~~ 1654
~~determines that the duties of the position require full time~~ 1655
~~service~~ The board may determine by rule what constitutes full- or 1656
part-time service for purposes of this section. 1657

(B) Notwithstanding division (A) of this section, a member 1658

who purchased service credit under this section prior to January 1659
1, 1980, on the basis of part-time service shall be permitted to 1660
retain the credit and shall be given full credit for it in 1661
computing an allowance or benefit under section ~~145.20~~, 145.33, 1662
145.331, ~~145.34~~, 145.332, 145.36, 145.361, or 145.46 of the 1663
Revised Code. The public employees retirement board has no 1664
authority to cancel or rescind such credit. 1665

(C) A purchase made under this section shall not exceed the 1666
limits established by division (n) of section 415 of the "Internal 1667
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 1668
amended. 1669

(D) Subject to rules adopted by the public employees 1670
retirement board, a member who has purchased service credit under 1671
this section is entitled to be refunded all or a portion of the 1672
actual amount the member paid for the service credit if, in 1673
computing an age and service retirement allowance under division 1674
(A)~~(5)~~ of section 145.33 or section 145.332 of Revised Code, the 1675
allowance exceeds ~~the~~ a limit established by ~~division (A)(6) of~~ 1676
~~that section~~ either of those sections. 1677

A refund under this division cancels the equivalent amount of 1678
service credit. 1679

Sec. 145.22. (A) The public employees retirement board shall 1680
have prepared annually by or under the supervision of an actuary 1681
an actuarial valuation of the pension assets, liabilities, and 1682
funding requirements of the public employees retirement system as 1683
established pursuant to this chapter. The actuary shall complete 1684
the valuation in accordance with actuarial standards of practice 1685
promulgated by the actuarial standards board of the American 1686
academy of actuaries and prepare a report of the valuation. The 1687
report shall include all of the following: 1688

(1) A summary of the benefit provisions evaluated; 1689

(2) A summary of the census data and financial information used in the valuation;	1690 1691
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;	1692 1693 1694 1695 1696
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	1697 1698 1699
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;	1700 1701 1702
(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.	1703 1704 1705
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 first day of September following the year for which the valuation was made.	1706 1707 1708 1709 1710
(B) At such time as the public employees retirement board determines, and at least once in each five-year period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, contributors, and beneficiaries of the system to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with	1711 1712 1713 1714 1715 1716 1717 1718 1719 1720

the actuarial standards of practice promulgated by the actuarial 1721
standards board of the American academy of actuaries. The report 1722
shall include all of the following: 1723

(1) A summary of relevant decrement and economic assumption 1724
experience observed over the period of the investigation; 1725

(2) Recommended changes in actuarial assumptions to be used 1726
in subsequent actuarial valuations required by division (A) of 1727
this section; 1728

(3) A measurement of the financial effect of the recommended 1729
changes in actuarial assumptions. 1730

The board shall submit the report to the Ohio retirement 1731
study council and the standing committees of the house of 1732
representatives and the senate with primary responsibility for 1733
retirement legislation not later than the first day of November 1734
following the last fiscal year of the period the report covers. 1735

(C) The board may at any time request the actuary to make any 1736
studies or actuarial valuations to determine the adequacy of the 1737
contribution rate determined under section 145.48 of the Revised 1738
Code, and those rates may be adjusted by the board, as recommended 1739
by the actuary, effective as of the first of any year thereafter. 1740

(D) The board shall have prepared by or under the supervision 1741
of an actuary an actuarial analysis of any introduced legislation 1742
expected to have a measurable financial impact on the retirement 1743
system. The actuarial analysis shall be completed in accordance 1744
with the actuarial standards of practice promulgated by the 1745
actuarial standards board of the American academy of actuaries. 1746
The actuary shall prepare a report of the actuarial analysis, 1747
which shall include all of the following: 1748

(1) A summary of the statutory changes that are being 1749
evaluated; 1750

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	1751 1752
(3) A description of the participant group or groups included in the report;	1753 1754
(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;	1755 1756 1757 1758 1759 1760 1761
(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.	1762 1763 1764 1765
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.	1766 1767 1768 1769 1770 1771
(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 145.325 and 145.58 <u>and 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:	1772 1773 1774 1775 1776 1777
(1) A description of the statutory authority for the benefits provided;	1778 1779
(2) A summary of the benefits;	1780

(3) A summary of the eligibility requirements for the benefits;	1781 1782
(4) A statement of the number of participants eligible for the benefits;	1783 1784
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	1785 1786
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	1787 1788
(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;	1789 1790 1791 1792 1793
(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;	1794 1795 1796 1797
(9) A description of any significant changes that affect the comparability of the report required under this division;	1798 1799
(10) A statement of the amount paid under division (C) of section 145.58 of the Revised Code.	1800 1801
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.	1802 1803 1804 1805 1806
Sec. 145.23. The funds hereby created are the employees' savings fund, the employers' accumulation fund, the annuity and pension reserve fund, the income fund, the survivors' benefit fund, the defined contribution fund, and the expense fund.	1807 1808 1809 1810

(A) The employees' savings fund is the fund in which shall be 1811
accumulated contributions from the earnable salaries of 1812
contributors for the purchase of annuities or retirement 1813
allowances. 1814

The accumulated contributions of a contributor returned to 1815
the contributor upon withdrawal, or paid to the contributor's 1816
estate or designated beneficiary in the event of death, shall be 1817
paid from the employees' savings fund. Any accumulated 1818
contributions forfeited by failure of a member, or a member's 1819
estate, to claim the same, shall ~~be transferred from~~ remain in the 1820
employees' savings fund or may be transferred to the income fund. 1821
The accumulated contributions of a contributor shall be 1822
transferred from the employees' savings fund to the annuity and 1823
pension reserve fund in the event of the contributor's retirement. 1824

(B) The employers' accumulation fund is the fund in which 1825
shall be accumulated the reserves for the payment of all pensions 1826
and disability benefits payable as provided in this chapter. The 1827
amounts paid by any employer under section 145.48 of the Revised 1828
Code shall be credited to the employers' accumulation fund. 1829
Amounts paid by an employer under section 145.483 of the Revised 1830
Code shall be credited to the employers' accumulation fund, except 1831
that if the amounts paid by the employer are for members 1832
participating in a PERS defined contribution plan those amounts 1833
may be credited to the defined contribution fund. 1834

Amounts paid by an employer under section 145.86 of the 1835
Revised Code may be credited to the employers' accumulation fund. 1836

Any payments made into the employers' accumulation fund by a 1837
member as provided in section 145.31 of the Revised Code shall be 1838
refunded to such member under the conditions specified in section 1839
145.40 of the Revised Code. 1840

Upon the retirement of a contributor, the full amount of the 1841

contributor's pension reserve shall be transferred from the 1842
employers' accumulation fund to the annuity and pension reserve 1843
fund. 1844

(C) The annuity and pension reserve fund is the fund from 1845
which shall be paid all pensions, disability benefits, annuities, 1846
and benefits in lieu thereof, because of which reserves have been 1847
transferred from the employees' savings fund and the employers' 1848
accumulation fund. The annuity and pension reserve fund is also 1849
the fund from which shall be paid all pensions, disability 1850
benefits, annuities, and benefits in lieu thereof under a PERS 1851
defined contribution plan, if reserves have been transferred to 1852
the fund for that purpose. 1853

(D) The income fund is the fund from which interest is 1854
transferred and credited on the amounts in the funds described in 1855
divisions (B), (C), and (F) of this section, and is a contingent 1856
fund from which the special requirements of the funds may be paid 1857
by transfer from this fund. All income derived from the investment 1858
of the funds of the system, together with all gifts and bequests, 1859
or the income therefrom, shall be paid into this fund. 1860

Any deficit occurring in any other fund that will not be 1861
covered by payments to that fund, as otherwise provided in Chapter 1862
145. of the Revised Code, shall be paid by transfers of amounts 1863
from the income fund to such fund or funds. If the amount in the 1864
income fund is insufficient at any time to meet the amounts 1865
payable to the funds described in divisions (C) and (F) of this 1866
section, the amount of the deficiency shall be transferred from 1867
the employers' accumulation fund. 1868

The system may accept gifts and bequests. Any gifts or 1869
bequests, any funds which may be transferred from the employees' 1870
savings fund by reason of lack of a claimant, any surplus in any 1871
fund created by this section, or any other funds whose disposition 1872
is not otherwise provided for, shall be credited to the income 1873

fund. 1874

(E) ~~The~~ Except as provided in division (G) of this section, 1875
the expense fund is the fund from which shall be paid the expenses 1876
of the administration of this chapter, exclusive of amounts 1877
payable as retirement allowances and as other benefits. 1878

(F) The survivors' benefit fund is the fund from which shall 1879
be paid dependent survivor benefits provided by section 145.45 of 1880
the Revised Code. 1881

(G) The defined contribution fund is the fund in which shall 1882
be accumulated the contributions deducted from the earnable salary 1883
of members participating in a PERS defined contribution plan, as 1884
provided in section 145.85 of the Revised Code, together with any 1885
earnings ~~and employer contributions, as provided in section 145.86~~ 1886
~~of the Revised Code,~~ credited thereon. The defined contribution 1887
fund is the fund in which may be accumulated the contributions 1888
under section 145.86 of the Revised Code, together with any 1889
earnings credited thereon. Except as provided in division (C) of 1890
this section, the defined contribution fund is the fund from which 1891
shall be paid all benefits provided under a PERS defined 1892
contribution plan and from which may be paid administrative 1893
expenses of the plan. 1894

Sec. 145.27. (A)(1) As used in this division, "personal 1895
history record" means information maintained by the public 1896
employees retirement board on an individual who is a member, 1897
former member, contributor, former contributor, retirant, or 1898
beneficiary that includes the address, telephone number, social 1899
security number, record of contributions, correspondence with the 1900
public employees retirement system, or other information the board 1901
determines to be confidential. 1902

(2) The records of the board shall be open to public 1903
inspection and may be made available in printed or electronic 1904

format, except that the following shall be excluded, except with 1905
the written authorization of the individual concerned: 1906

(a) The individual's statement of previous service and other 1907
information as provided for in section 145.16 of the Revised Code; 1908

(b) The amount of a monthly allowance or benefit paid to the 1909
individual; 1910

(c) The individual's personal history record. 1911

(B) All medical reports and recommendations required by this 1912
chapter are privileged, except as follows: 1913

(1) Copies of medical reports or recommendations shall be 1914
made available to the personal physician, attorney, or authorized 1915
agent of the individual concerned upon written release from the 1916
individual or the individual's agent, or when necessary for the 1917
proper administration of the fund, to the board assigned 1918
physician. 1919

(2) Documentation required by section 2929.193 of the Revised 1920
Code shall be provided to a court holding a hearing under that 1921
section. 1922

(C) Any person who is a member or contributor of the system 1923
shall be furnished with a statement of the amount to the credit of 1924
the individual's account upon written request. The board is not 1925
required to answer more than one such request of a person in any 1926
one year. The board may issue annual statements of accounts to 1927
members and contributors. 1928

(D) Notwithstanding the exceptions to public inspection in 1929
division (A)(2) of this section, the board may furnish the 1930
following information: 1931

(1) If a member, former member, contributor, former 1932
contributor, or retirant is subject to an order issued under 1933
section 2907.15 of the Revised Code or an order issued under 1934

division (A) or (B) of section 2929.192 of the Revised Code or is 1935
convicted of or pleads guilty to a violation of section 2921.41 of 1936
the Revised Code, on written request of a prosecutor as defined in 1937
section 2935.01 of the Revised Code, the board shall furnish to 1938
the prosecutor the information requested from the individual's 1939
personal history record. 1940

(2) Pursuant to a court or administrative order issued 1941
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 1942
Code, the board shall furnish to a court or child support 1943
enforcement agency the information required under that section. 1944

(3) At the written request of any person, the board shall 1945
provide to the person a list of the names and addresses of 1946
members, former members, contributors, former contributors, 1947
retirants, or beneficiaries. The costs of compiling, copying, and 1948
mailing the list shall be paid by such person. 1949

(4) Within fourteen days after receiving from the director of 1950
job and family services a list of the names and social security 1951
numbers of recipients of public assistance pursuant to section 1952
5101.181 of the Revised Code, the board shall inform the auditor 1953
of state of the name, current or most recent employer address, and 1954
social security number of each member whose name and social 1955
security number are the same as that of a person whose name or 1956
social security number was submitted by the director. The board 1957
and its employees shall, except for purposes of furnishing the 1958
auditor of state with information required by this section, 1959
preserve the confidentiality of recipients of public assistance in 1960
compliance with section 5101.181 of the Revised Code. 1961

(5) The system shall comply with orders issued under section 1962
3105.87 of the Revised Code. 1963

On the written request of an alternate payee, as defined in 1964
section 3105.80 of the Revised Code, the system shall furnish to 1965

the alternate payee information on the amount and status of any 1966
amounts payable to the alternate payee under an order issued under 1967
section 3105.171 or 3105.65 of the Revised Code. 1968

(6) At the request of any person, the board shall make 1969
available to the person copies of all documents, including 1970
resumes, in the board's possession regarding filling a vacancy of 1971
an employee member or retirant member of the board. The person who 1972
made the request shall pay the cost of compiling, copying, and 1973
mailing the documents. The information described in division 1974
(D)(6) of this section is a public record. 1975

(7) The system shall provide the notice required by section 1976
145.573 of the Revised Code to the prosecutor assigned to the 1977
case. 1978

(8) The system may provide information requested by the 1979
United States social security administration, United States 1980
centers for medicare and medicaid, Ohio public employees deferred 1981
compensation program, Ohio police and fire pension fund, school 1982
employees retirement system, state teachers retirement system, 1983
state highway patrol retirement system, or Cincinnati retirement 1984
system. 1985

(E) A statement that contains information obtained from the 1986
system's records that is signed by the executive director or an 1987
officer of the system and to which the system's official seal is 1988
affixed, or copies of the system's records to which the signature 1989
and seal are attached, shall be received as true copies of the 1990
system's records in any court or before any officer of this state. 1991

(F) For purposes of this section, the board may maintain 1992
records in printed or electronic format. 1993

Sec. 145.28. (A)(1) Except as provided in division (A)(2) of 1994
this section, a member of the public employees retirement system 1995

with at least eighteen months of contributing service in the 1996
system, the state teachers retirement system, or the school 1997
employees retirement system who exempted self from membership in 1998
one or more of the systems pursuant to section 145.03 or 3309.23 1999
of the Revised Code, or former section 3307.25 or 3309.25 of the 2000
Revised Code, or was exempt under section 3307.24 of the Revised 2001
Code, may purchase credit for each year or portion of a year of 2002
service for which the member was exempted. 2003

(2) A member may not purchase credit under this section for 2004
exempted service if the service was exempted from contribution 2005
under section 145.03 of the Revised Code and subject to the tax on 2006
wages imposed by the "Federal Insurance Contributions Act," 68A 2007
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 2008

~~(B) For each year or portion of a year of credit purchased 2009
under this section, a member shall pay to the retirement system an 2010
amount determined by multiplying the member's earnable salary for 2011
the twelve months of contributing service preceding the month in 2012
which the member applies to purchase the credit by a percentage 2013
rate established by rule of the public employees retirement board 2014
adopted under division (F) of this section Credit shall be 2015
purchased under this section in accordance with section 145.29 of 2016
the Revised Code. 2017~~

~~(C) Subject to board rules, a member may purchase all or part 2018
of the credit the member is eligible to purchase under this 2019
section in one or more payments. If the member purchases the 2020
credit in more than one payment, compound interest at a rate 2021
specified by rule of the board shall be charged on the balance 2022
remaining after the first payment is made. 2023~~

~~(D)~~(C) Credit purchasable under this section shall not exceed 2024
one year of service for any twelve-month period. If the period of 2025
service for which credit is purchasable under this section is 2026
concurrent with a period of service that will be used to calculate 2027

a retirement benefit from this system, the state teachers 2028
retirement system, or school employees retirement system, the 2029
amount of the credit shall be adjusted in accordance with rules 2030
adopted by the public employees retirement board. 2031

A member who is also a member of the state teachers 2032
retirement system or the school employees retirement system shall 2033
purchase credit for any service for which the member exempted self 2034
under section 145.03 or 3309.23 of the Revised Code, or former 2035
section 3307.25 or 3309.25 of the Revised Code, or was exempt 2036
under section 3307.24 of the Revised Code, from the retirement 2037
system in which the member has the greatest number of years of 2038
service credit. If the member receives benefits under section 2039
145.37 of the Revised Code, the retirement system that determines 2040
and pays the benefit shall receive from the other system or 2041
systems the amounts paid by the member for purchase of credit for 2042
exempt service plus interest at the actuarial assumption rate of 2043
the system paying that amount. The interest shall be for the 2044
period beginning on the date of the member's last payment for 2045
purchase of the credit and ending on the date of the member's 2046
retirement. 2047

~~(E)~~(D) If a member dies or withdraws from service, any 2048
payment made by the member under this section shall be considered 2049
as accumulated contributions of the member. 2050

~~(F)~~(E) The retirement board shall adopt rules to implement 2051
this section. 2052

Sec. 145.29. (A) A member of the public employees retirement 2053
system who elects to purchase or otherwise obtain service credit 2054
under section 145.28, 145.291, 145.292, 145.293, or 145.299 or 2055
division (G) of section 145.47 of the Revised Code shall do both 2056
of the following: 2057

(1) Submit a request to the public employees retirement board 2058

in a manner or form approved by the board; 2059

(2) For each year, or portion of a year, of credit purchased 2060
or otherwise obtained, pay to the employees' savings fund an 2061
amount specified by the board that is equal to one hundred per 2062
cent of the additional liability resulting from purchasing or 2063
obtaining that year or portion of a year of credit as determined 2064
by an actuary employed by the board. 2065

(B) Subject to board rules, a member may choose to purchase 2066
or otherwise obtain in any one payment only part of any service 2067
credit listed in division (A) of this section. 2068

Sec. 145.291. Any member of the public employees retirement 2069
system who subsequent to January 1, 1935, and the date membership 2070
was established was off the payroll either on a leave of absence 2071
approved by the then appointing authority or because the member 2072
resigned due to pregnancy or adoption of a child, ~~shall have the~~ 2073
~~right to make such payment, at the contribution rate in effect at~~ 2074
~~the time of payment, with interest on such amount compounded~~ 2075
~~annually at a rate to be determined by the retirement board as the~~ 2076
~~member would have made if the member had continued on the payroll~~ 2077
~~at the earnable salary the member was receiving at the time public~~ 2078
~~service was interrupted~~ may purchase service credit for the period 2079
of absence or resignation, provided that subsequent to such leave 2080
of absence or resignation the member returned to regular 2081
contributing status in the retirement system for at least twelve 2082
calendar months. In the case of resignation, the member must 2083
submit evidence satisfactory to the retirement board documenting 2084
that the resignation was due to pregnancy or adoption of a child. 2085

~~The member may choose to purchase only part of the credit in~~ 2086
~~any one payment, subject to board rules. The payment shall entitle~~ 2087
~~the member to receive service credit for the leave or period of~~ 2088
~~absence,~~ Credit shall be purchased under this section in 2089

~~accordance with section 145.29 of the Revised Code, except that~~ 2090
~~service credit purchased under this section shall not exceed one~~ 2091
~~year. The payment, together with any regular interest, shall, in~~ 2092
~~the event of death or withdrawal from service of the member prior~~ 2093
~~to retirement, be considered as accumulated contributions of the~~ 2094
~~member.~~ 2095

Sec. ~~145.29~~ 145.292. ~~Three years of contributing membership~~ 2096
~~in the public employees retirement system subsequent to the date~~ 2097
~~that membership is established entitles a member to receive prior~~ 2098
~~service credit for services prior to January 1, 1935, in any~~ 2099
~~capacity which comes under this chapter, provided that such member~~ 2100
~~has not lost membership at any time by the withdrawal of the~~ 2101
~~member's accumulated contributions. Members who have withdrawn an~~ 2102
~~exemption shall receive the prior service credit provided for~~ 2103
~~under the conditions of this section, only in the event such~~ 2104
~~member has made the payments required by section 145.28 of the~~ 2105
~~Revised Code. If the public employees retirement board determines~~ 2106
~~that a position of any employee member in any one calendar year~~ 2107
~~prior to January 1, 1935, was a part time position, the board may~~ 2108
~~determine what fractional part of a year's credit shall be given.~~ 2109
~~In determining what credit shall be allowed to regular, full time~~ 2110
~~employees who are paid on an hourly or per diem basis, the board~~ 2111
~~shall allow a full day's credit to any employee toward retirement~~ 2112
~~who is called to work and works any portion of a day. Credit for~~ 2113
~~service between January 1, 1935, and the date of becoming a member~~ 2114
~~of the public employees retirement system except a part-time~~ 2115
~~employee who claimed exemption under the provisions of section~~ 2116
~~145.03 of the Revised Code, may be secured purchased by any public~~ 2117
~~employee for service rendered an employer provided such public~~ 2118
~~employee pays into the employees' savings fund an amount equal to~~ 2119
~~the amount the member would have paid if deductions had been taken~~ 2120
~~on the member's earnable salary at the member contribution rate in~~ 2121

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

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

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

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

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

~~(B) For each year of service purchased, a member shall pay to the public employees retirement system for credit to the member's~~

~~accumulated account an amount equal to the member's retirement 2153
contribution for full time employment for the first year of Ohio 2154
service following termination of the service to be purchased. To 2155
this amount shall be added an amount equal to compound interest at 2156
a rate established by the public employees retirement board from 2157
the date of membership in the public employees retirement system 2158
to date of payment. The member may choose to purchase only part of 2159
such credit in any one payment, subject to board rules Credit 2160
shall be purchased under this section in accordance with section 2161
145.29 of the Revised Code. 2162~~

(C) A member is ineligible to purchase under this section 2163
credit for service ~~for which the member has obtained credit~~ under 2164
former section 145.44 of the Revised Code or service that is used 2165
in the calculation of any retirement benefit currently being paid 2166
or payable in the future to the member under any other retirement 2167
program except social security. At the time the credit is 2168
purchased the member shall certify on a form furnished by the 2169
retirement board that the member does and will conform to this 2170
requirement. 2171

(D) Credit purchased under this section may be combined 2172
pursuant to section 145.37 with credit purchased under sections 2173
3307.74 and 3309.31 of the Revised Code, except that not more than 2174
an aggregate total of five years' service credit purchased under 2175
this section and sections 3307.74 and 3309.31 of the Revised Code 2176
shall be used in determining retirement eligibility or calculating 2177
benefits under section 145.37 of the Revised Code. 2178

Sec. 145.294. (A)(1) The public employees retirement board 2179
may establish by rule a payroll deduction plan for payment of the 2180
cost of restoring service credit under section 145.31 or 145.311 2181
of the Revised Code or purchasing any service credit members of 2182
the public employees retirement system are eligible to purchase 2183

under this chapter, or for making additional deposits under 2184
section 145.583 or 145.62 of the Revised Code. In addition to any 2185
other matter considered relevant by the board, the rules shall 2186
specify all of the following: 2187

~~(1)~~(a) The types of service credit that may be paid for 2188
through payroll deduction, including the section of the Revised 2189
Code that authorizes the purchase of each type of service credit 2190
for which payment may be made by payroll deduction; 2191

~~(2)~~(b) The procedure for informing the member's employer and 2192
the system that the member wishes to purchase service credit under 2193
this chapter or make additional deposits under section 145.583 or 2194
145.62 of the Revised Code through payroll deduction; 2195

~~(3)~~(c) The procedure to be followed by the system and 2196
employers to determine for each request the amount to be deducted, 2197
the number of deductions to be made, and the interval at which 2198
deductions will be made. The rules may provide for a minimum 2199
amount for each deduction or a maximum number of deductions for 2200
the purchase of any type of credit. 2201

~~(4)~~(d) The procedure to be followed by employers in 2202
transmitting amounts deducted from the salaries of their employees 2203
to the system; 2204

~~(5)~~(e) The procedure to be followed by the system in 2205
crediting service credit to members who choose to purchase it 2206
through payroll deduction. 2207

~~(B)~~(2) If the board establishes a payroll deduction plan 2208
under this ~~section~~ division, it shall certify to the member's 2209
employer for each member for whom deductions are to be made, the 2210
amount of each deduction and the payrolls from which deductions 2211
are to be made. The employer shall make the deductions as 2212
certified and transmit the amounts deducted in accordance with the 2213
rules established by the board under this section. 2214

~~(C)~~(3) Rules adopted under this ~~section~~ division shall not 2215
affect any right to purchase service credit conferred by any other 2216
section of the Revised Code, including the right of a member under 2217
any such section to purchase only part of the service credit the 2218
member is eligible to purchase. 2219

~~(D)~~(4) No payroll deduction made pursuant to this ~~section~~ 2220
division may exceed the amount of a member's net compensation 2221
after all other deductions and withholdings required by law. 2222

(B) The public employees retirement board may establish by 2223
rule a payment plan for the cost of restoring service credit under 2224
section 145.31 or 145.311 of the Revised Code or purchasing any 2225
service credit members of the public employees retirement system 2226
may purchase under this chapter. The plan may provide for partial 2227
payments and for payments by payroll deduction under division (A) 2228
of this section. 2229

On receipt of a request from a member eligible to restore or 2230
purchase service credit, the system shall determine and give 2231
notice to the member of the total cost of the credit and the time 2232
period in which the payments must be made for the credit to be 2233
available at that cost. The system may specify the amount and 2234
frequency of payments for credit not purchased in a single 2235
payment. 2236

Sec. 145.295. (A) As used in this section and section 2237
145.2913 of the Revised Code: 2238

(1) "Uniform retirement system" or "uniform system" means the 2239
Ohio police and fire pension fund or state highway patrol 2240
retirement system. 2241

(2) "Military service credit" means credit purchased or 2242
obtained under this chapter or Chapter 742. or 5505. of the 2243
Revised Code for service in the armed forces of the United States. 2244

(B) A member of the public employees retirement system who 2245
has contributions on deposit with, but is no longer contributing 2246
to, a uniform retirement system shall, in computing years of 2247
service, be given full credit for service credit earned under 2248
Chapter 742. or 5505. of the Revised Code or for military service 2249
credit if a transfer to the public employees retirement system is 2250
made under this division. At the request of the member, a transfer 2251
shall be made if all of the following conditions are met: 2252

(1) The member is eligible, or with the credit will be 2253
eligible, for a retirement or disability benefit. 2254

(2) The member agrees to retire or accept a disability 2255
benefit not later than ninety days after receiving notice from the 2256
public employees retirement system that the credit has been 2257
obtained. 2258

(3) For each year of service the uniform system ~~shall~~ 2259
~~transfer~~ transfers to the public employees retirement system, ~~for~~ 2260
~~each year of service,~~ the sum of the following: 2261

~~(1)~~(a) An amount equal to the member's accumulated 2262
contributions to the uniform system making the transfer and any 2263
payments by the member for military service credit; 2264

~~(2)~~(b) An amount equal to the lesser of the employer's 2265
contributions to the uniform system or the ~~amount that would have~~ 2266
~~been contributed by the employer for the service had the member~~ 2267
~~been employed by the member's current employer as a member of the~~ 2268
~~public employees retirement system at the time the credit was~~ 2269
~~earned~~ appropriate employer contribution under section 145.48 or 2270
145.49 of the Revised Code; 2271

~~(3)~~(c) Interest, determined as provided in division (H) of 2272
this section, on the amounts specified in divisions (B)~~(1)~~(3)(a) 2273
and ~~(2)~~(b) of this section for the period from the last day of the 2274
year for which the service credit in the uniform system was earned 2275

or in which the military service credit was purchased or obtained 2276
to the date the transfer is made. 2277

(C) A member of the public employees retirement system who 2278
has at least eighteen months of contributing service credit with 2279
the public employees retirement system, who is a former member of 2280
a uniform retirement system, and who has received a refund of the 2281
member's accumulated contributions to that uniform system ~~shall,~~ 2282
~~in computing years of service, be given full~~ may obtain credit for 2283
service credit earned under Chapter 742. or 5505. of the Revised 2284
Code or for military service credit if, ~~for~~ all of the following 2285
conditions are met: 2286

(1) The member is eligible, or with the credit will be 2287
eligible, for a retirement or disability benefit. 2288

(2) The member agrees to retire or accept a disability 2289
benefit not later than ninety days after receiving notice from the 2290
public employees retirement system that the credit has been 2291
obtained. 2292

(3) For each year of service, the public employees retirement 2293
system receives the sum of the following: 2294

~~(1)~~(a) An amount, which shall be paid by the member, equal to 2295
the amount refunded by the uniform system to the member for that 2296
year for accumulated contributions and payments for military 2297
service credit, with interest at a rate established by the public 2298
employees retirement board on that amount from the date of the 2299
refund to the date of the payment; 2300

~~(2)~~(b) Interest, which shall be transferred by the uniform 2301
system, on the amount refunded to the member that is attributable 2302
to the year of service from the last day of the year for which the 2303
service credit was earned or in which payment was made for 2304
military service credit to the date the refund was made; 2305

~~(3)~~(c) An amount, which shall be transferred by the uniform 2306

system, equal to the lesser of the employer's contributions to the 2307
uniform system or the ~~amount that would have been contributed by~~ 2308
~~the employer for the service had the member been employed by the~~ 2309
~~member's current employer as a member of the public employees~~ 2310
~~retirement system at the time the credit was earned~~ appropriate 2311
employer contribution under section 145.48 or 145.49 of the 2312
Revised Code, with interest on that amount from the last day of 2313
the year for which the service credit was earned or in which 2314
payment was made for military service credit to the date of the 2315
transfer. 2316

On receipt of payment from the member, the public employees 2317
retirement system shall notify the uniform system, which, on 2318
receipt of the notice, shall make the transfer required by this 2319
division. Interest shall be determined as provided in division (H) 2320
of this section. 2321

(D) A member of the public employees retirement system who 2322
purchased credit under former division (A)(1) of this section, as 2323
it existed before August 25, 1995, for service as a member of a 2324
uniform retirement system may elect to have the amount the member 2325
paid for this service credit refunded to the member under this 2326
division if the member agrees to repurchase this service credit 2327
pursuant to division (C) of this section. 2328

(E) Service credit purchased or otherwise obtained under this 2329
section shall be considered the equivalent of Ohio service credit. 2330

The public employees retirement system shall withdraw the 2331
credit and refund all amounts paid or transferred under this 2332
section if either of the following occurs: 2333

(1) The member fails to retire or accept a disability benefit 2334
not later than ninety days after receiving notice from the public 2335
employees retirement system that credit has been obtained. 2336

(2) The member's application for a disability benefit is 2337

denied. 2338

A member may choose to purchase only part of the credit the 2339
member is eligible to purchase under division (C) of this section 2340
~~in any one payment~~, subject to rules of the public employees 2341
retirement board. A member is ineligible to purchase or otherwise 2342
obtain credit under this section for service to be used in 2343
calculation of any retirement benefit currently being paid or 2344
payable to the member in the future under any other retirement 2345
program or for service credit that may be transferred under 2346
section 145.2913 of the Revised Code. 2347

(F) If a member of the public employees retirement system who 2348
is not a current contributor elects to receive credit under 2349
section 742.21 or 5505.40 of the Revised Code for service for 2350
which the member contributed to the system or made payment for 2351
military service credit, the system shall transfer to the Ohio 2352
police and fire pension fund or the state highway patrol 2353
retirement system, as applicable, the amount specified in division 2354
(D) of section 742.21 or division (B)(2) of section 5505.40 of the 2355
Revised Code. 2356

(G) A member of the public employees retirement system who 2357
earned service credit in the public employees retirement system 2358
for full-time service as a township or municipal police officer 2359
and received service credit in the Ohio police and fire pension 2360
fund under section 742.511 or 742.512 of the Revised Code for such 2361
service may elect to have the credit restored as public employees 2362
retirement system service credit by paying the public employees 2363
retirement system an amount equal to the accumulated contributions 2364
paid by the member to the Ohio police and fire pension fund under 2365
section 742.511 or 742.512 of the Revised Code. When such an 2366
election is made, the Ohio police and fire pension fund shall 2367
transfer to the public employees retirement system the amount 2368
previously transferred under section 742.511 or 742.512 of the 2369

Revised Code from the public employees retirement system to the 2370
Ohio police and fire pension fund. 2371

(H) Interest charged under this section shall be calculated 2372
separately for each year of service credit. Unless otherwise 2373
specified in this section, it shall be calculated at the lesser of 2374
the actuarial assumption rate for that year of the public 2375
employees retirement system or of the uniform retirement system in 2376
which the credit was earned. The interest shall be compounded 2377
annually. 2378

(I) At the request of the public employees retirement system, 2379
the uniform retirement system shall certify to the public 2380
employees retirement system a copy of the records of the service 2381
and contributions of a public employees retirement system member 2382
who seeks service credit under this section. 2383

Sec. 145.297. (A) As used in this section, "employing unit" 2384
means: 2385

(1) A municipal corporation, agency of a municipal 2386
corporation designated by the legislative authority, park 2387
district, conservancy district, sanitary district, health 2388
district, township, department of a township designated by the 2389
board of township trustees, metropolitan housing authority, public 2390
library, county law library, union cemetery, joint hospital, or 2391
other political subdivision or unit of local government. 2392

(2) With respect to state employees, any entity of the state 2393
including any department, agency, institution of higher education, 2394
board, bureau, commission, council, office, or administrative body 2395
or any part of such entity that is designated by the entity as an 2396
employing unit. 2397

(3)(a) With respect to employees of a board of alcohol, drug 2398
addiction, and mental health services, that board. 2399

(b) With respect to employees of a county board of developmental disabilities, that board. 2400
2401

(c) With respect to other county employees, the county or any county agency designated by the board of county commissioners. 2402
2403

(4) In the case of an employee whose employing unit is in question, the employing unit is the unit through whose payroll the employee is paid. 2404
2405
2406

(B) An employing unit may establish a retirement incentive plan for its eligible employees. In the case of a county or county agency, decisions on whether to establish a retirement incentive plan for any employees other than employees of a board of alcohol, drug addiction, and mental health services or county board of developmental disabilities and on the terms of the plan shall be made by the board of county commissioners. In the case of a municipal corporation or an agency of a municipal corporation, decisions on whether to establish a retirement incentive plan and on the terms of the plan shall be made by the legislative authority. 2407
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All terms of a retirement incentive plan shall be in writing. 2418

A retirement incentive plan shall provide for purchase by the employing unit of service credit for eligible employees who elect to participate in the plan and for payment by the employing unit of the entire cost of the service credit purchased. 2419
2420
2421
2422

Every retirement incentive plan shall remain in effect for at least one year. The employing unit shall give employees at least thirty days' notice before terminating the plan. 2423
2424
2425

Every retirement incentive plan shall include provisions for the timely and impartial resolution of grievances and disputes arising under the plan. 2426
2427
2428

No employing unit shall have more than one retirement 2429

incentive plan in effect at any time. 2430

(C) Any classified or unclassified employee of the employing 2431
unit who is a member of the public employees retirement system 2432
shall be eligible to participate in the retirement incentive plan 2433
established by the employee's employing unit if the employee meets 2434
the following criteria: 2435

(1) The employee is not any of the following: 2436

(a) An elected official; 2437

(b) A member of a board or commission; 2438

(c) A person elected to serve a term of fixed length; 2439

(d) A person appointed to serve a term of fixed length, other 2440
than a person appointed and employed by the person's employing 2441
unit. 2442

(2) The employee is or will be eligible to retire under 2443
section ~~145.32~~ 145.33, ~~145.34~~, 145.332, or 145.37, ~~or division (A)~~ 2444
~~of section 145.33~~ of the Revised Code on or before the date of 2445
termination of the retirement incentive plan. Service credit to be 2446
purchased for the employee under the retirement incentive plan 2447
shall be included in making such determination. 2448

(3) The employee agrees to retire under section ~~145.32~~ 2449
145.33, ~~145.34~~, 145.332, or 145.37, ~~or division (A)~~ ~~of section~~ 2450
~~145.33~~ of the Revised Code within ninety days after receiving 2451
notice from the public employees retirement system that service 2452
credit has been purchased for the employee under this section. 2453

Participation in the plan shall be available to all eligible 2454
employees except that the employing unit may limit the number of 2455
participants in the plan to a specified percentage of its 2456
employees who are members of the public employees retirement 2457
system on the date the plan goes into effect. The percentage shall 2458
not be less than five per cent of such employees. If participation 2459

is limited, employees with more total service credit have the 2460
right to elect to participate before employees with less total 2461
service credit. In the case of employees with the same total 2462
service credit, employees with a greater length of service with 2463
the employing unit have the right to elect to participate before 2464
employees with less service with the employing unit. Employees 2465
with less than eighteen months of service with the employing unit 2466
have the right to elect to participate only after all other 2467
eligible employees have been given the opportunity to elect to 2468
participate. For the purpose of determining which employees may 2469
participate in a plan, total service credit includes service 2470
credit purchased by the employee under this chapter after the date 2471
on which the plan is established. 2472

A retirement incentive plan that limits participation may 2473
provide that an employee who does not notify the employing unit of 2474
the employee's decision to participate in the plan within a 2475
specified period of time will lose priority to participate in the 2476
plan ahead of other employees with less seniority. The time given 2477
to an employee to elect to participate ahead of other employees 2478
shall not be less than thirty days after the employee receives 2479
written notice that the employee may participate in the plan. 2480

(D) A retirement incentive plan shall provide for purchase of 2481
the same amount of service credit for each participating employee, 2482
except that the employer may not purchase more service credit for 2483
any employee than the lesser of the following: 2484

(1) Five years of service credit; 2485

(2) An amount of service credit equal to one-fifth of the 2486
total service credited to the participant under this chapter, 2487
exclusive of service credit purchased under this section. 2488

For each year of service credit purchased under this section, 2489
the employing unit shall pay an amount equal to the additional 2490

liability resulting from the purchase of that year of service 2491
credit, as determined by an actuary employed by the public 2492
employees retirement board. 2493

(E) Upon the election by an eligible employee to participate 2494
in the retirement incentive plan, the employee and the employing 2495
unit shall agree upon a date for payment or contracting for 2496
payment in installments to the public employees retirement system 2497
of the cost of the service credit to be purchased. The employing 2498
unit shall submit to the public employees retirement system a 2499
written request for a determination of the cost of the service 2500
credit, and within forty-five days after receiving the request, 2501
the board shall give the employing unit written notice of the 2502
cost. 2503

The employing unit shall pay or contract to pay in 2504
installments the cost of the service credit to be purchased to the 2505
public employees retirement system on the date agreed to by the 2506
employee and the employing unit. The payment shall be made in 2507
accordance with rules adopted by the public employees retirement 2508
board. The rules may provide for payment in installments and for 2509
crediting the purchased credit to the employee's account upon the 2510
employer's contracting to pay the cost in installments. The board 2511
shall notify the member when the member is credited with service 2512
purchased under this section. If the employee does not retire 2513
within ninety days after receiving notice that the employee has 2514
been credited with the purchased service credit, the system shall 2515
refund to the employing unit the amount paid for the service 2516
credit. 2517

No payment made to the public employees retirement system 2518
under this section shall affect any payment required by section 2519
145.48 of the Revised Code. 2520

(F) For the purpose of determining whether the cost of a 2521
retirement incentive plan established by a county or county agency 2522

under this section is an allowable cost for the purpose of federal 2523
funding for any year, the cost shall be considered abnormal or 2524
mass severance pay only if fifteen per cent or more of the county 2525
or county agency's employees participate in the plan in that year. 2526

Nothing in this division shall relieve a county or county 2527
agency from seeking federal approval for any early retirement 2528
incentive plan that uses federal dollars in accordance with 2529
federal law. 2530

Sec. 145.298. (A) As used in this section: 2531

(1) "State employing unit" means an employing unit described 2532
in division (A)(2) of section 145.297 of the Revised Code, except 2533
that it does not mean an employing unit with fifty or fewer 2534
employees. 2535

(2) "State institution" means a state correctional facility, 2536
a state institution for the mentally ill, or a state institution 2537
for the care, treatment, and training of the mentally retarded. 2538

(B)(1) Prior to ~~the effective date of this amendment~~ July 17, 2539
2009, in the event of a proposal to close a state institution or 2540
lay off, within a six-month period, a number of persons employed 2541
at an institution that equals or exceeds the lesser of fifty or 2542
ten per cent of the persons employed at the institution, the 2543
employing unit responsible for the institution's operation shall 2544
establish a retirement incentive plan for persons employed at the 2545
institution. 2546

(2) On and after ~~the effective date of this amendment~~ July 2547
17, 2009, in the event of a proposal to close a state institution 2548
or lay off, within a six-month period, a number of persons 2549
employed at an institution that equals or exceeds the lesser of 2550
three hundred fifty or forty per cent of the persons employed at 2551
the institution, the employing unit responsible for the 2552

institution's operation shall establish a retirement incentive 2553
plan for persons employed at the institution. 2554

(C)(1) Prior to ~~the effective date of this amendment~~ July 17, 2555
2009, in the event of a proposal, other than the proposals 2556
described in division (B) of this section, to lay off, within a 2557
six-month period, a number of employees of a state employing unit 2558
that equals or exceeds the lesser of fifty or ten per cent of the 2559
employing unit's employees, the employing unit shall establish a 2560
retirement incentive plan for employees of the employing unit. 2561

(2) On and after ~~the effective date of this amendment~~ July 2562
17, 2009, in the event of a proposal, other than the proposals 2563
described in division (B) of this section, to lay off, within a 2564
six-month period, a number of employees of a state employing unit 2565
that equals or exceeds the lesser of three hundred fifty or forty 2566
per cent of the employing unit's employees, the employing unit 2567
shall establish a retirement incentive plan for employees of the 2568
employing unit. 2569

(D)(1) A retirement incentive plan established under this 2570
section shall be consistent with the requirements of section 2571
145.297 of the Revised Code, except ~~as provided in division (D)(2)~~ 2572
~~of this section and except~~ that the plan shall go into effect at 2573
the time the layoffs or proposed closings are announced and shall 2574
remain in effect until the date of the layoffs or closings. 2575

(2) ~~A retirement incentive plan established under this~~ 2576
~~section due to the proposed closing of a state institution by the~~ 2577
~~department of mental health prior to July 1, 1997, shall be~~ 2578
~~consistent with the requirements of section 145.297 of the Revised~~ 2579
~~Code, except as follows:~~ 2580

~~(a) The employing unit shall purchase at least three years of~~ 2581
~~service credit for each participating employee, except that it~~ 2582
~~shall not purchase more service credit than the amount allowed by~~ 2583

~~division (D) of section 145.297 of the Revised Code;~~ 2584

~~(b) The plan shall go into effect at the time the proposed 2585
closing is announced and shall remain in effect at least until the 2586
date of the closing. 2587~~

~~(3) If the employing unit already has a retirement incentive 2588
plan in effect, the plan shall remain in effect at least until the 2589
date of the layoffs or closings. The employing unit may revise the 2590
existing plan to provide greater benefits, but if it revises the 2591
plan, it shall give written notice of the changes to all employees 2592
who have elected to participate in the original plan, and it shall 2593
provide the greater benefits to all employees who participate in 2594
the plan, whether their elections to participate were made before 2595
or after the date of the revision. 2596~~

Sec. 145.299. (A) As used in this section, "school board 2597
member" means a member of a city, local, exempted village, or 2598
joint vocational school district board of education and "governing 2599
board member" means a member of an educational service center 2600
governing board. 2601

(B) A member of the public employees retirement system may 2602
purchase credit for service as a school board member if all of the 2603
following conditions are met: 2604

(1) The member is eligible to retire under this chapter or 2605
will become eligible to retire as a result of purchasing the 2606
credit. 2607

(2) The member agrees to retire within ninety days after 2608
receiving notice of the additional liability under ~~division (C) of 2609
this section 145.29 of the Revised Code.~~ 2610

(3) The retirement system receives certification of the 2611
member's service and compensation as a school board or governing 2612
board member from the board of education or governing board of the 2613

district or educational service center in which the member served 2614
or, if that district or educational service center no longer 2615
exists, the board or governing board that controls the territory, 2616
or the largest part of the territory, of the district or 2617
educational service center in which the member served. 2618

(C) Credit shall be purchased under this section in 2619
accordance with section 145.29 of the Revised Code, except that 2620
payment for the credit or portion of credit shall be paid in full 2621
at the time of purchase. 2622

(D) The retirement system shall calculate the amount of 2623
credit the member is eligible to purchase by dividing the 2624
compensation received pursuant to section 3313.12 of the Revised 2625
Code for each month served as a school board or governing board 2626
member by the amount of compensation that, for the same month, the 2627
retirement system considered equivalent to full-time service. 2628

(E) Credit may be purchased for service as a school board or 2629
governing board member, other than service subject to the tax on 2630
wages imposed by the "Federal Insurance Contributions Act," 68A 2631
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended, between January 1, 2632
1935, and the first day of January of the year in which the credit 2633
is purchased. A member may purchase not more than one-twelfth of a 2634
year's credit for each month of service as a school board or 2635
governing board member. 2636

~~(C) On receipt of a request from a member eligible to 2637~~
~~purchase credit under this section, the system shall obtain from 2638~~
~~its actuary certification of the additional liability to the 2639~~
~~system for each month of credit the member is eligible to 2640~~
~~purchase, and shall notify the member of such additional 2641~~
~~liability. The member may purchase in one month increments any 2642~~
~~portion of the credit the member is eligible to purchase. For each 2643~~
~~month of credit purchased, the member shall pay to the system an 2644~~
~~amount equal to the additional liability resulting from the 2645~~

~~purchase. Payment shall be made in full at the time of purchase.~~ 2646

~~(D)~~(F) The public employees retirement board shall adopt 2647
rules in accordance with section 111.15 of the Revised Code 2648
concerning the purchase of credit under this section. In addition 2649
to any other matters considered relevant by the retirement board, 2650
the rules shall specify the procedure to be followed by a member 2651
to inform the system of the member's desire to purchase credit for 2652
service as a school board or governing board member. 2653

~~(E)~~(G) If the member does not retire within ninety days after 2654
purchasing credit under this section, the system shall withdraw 2655
the credit and refund the amount paid by the member. 2656

Sec. 145.2911. (A) If the conditions described in division 2657
(B) of section 145.2910 of the Revised Code are met, a member of 2658
the public employees retirement system who is not receiving a 2659
pension or benefit from the public employees retirement system is 2660
eligible to obtain credit for service as a member of the 2661
Cincinnati retirement system under this section. 2662

(B) A member of the public employees retirement system who 2663
has contributions on deposit with, but is no longer contributing 2664
to, the Cincinnati retirement system shall, in computing years of 2665
service credit, be given credit for service credit earned under 2666
the Cincinnati retirement system or purchased or obtained as 2667
military service credit if, ~~for~~ all of the following conditions 2668
are met: 2669

(1) The member is eligible, or with the credit will be 2670
eligible, for a retirement or disability benefit. 2671

(2) The member agrees to retire or accept a disability 2672
benefit not later than ninety days after receiving notice from the 2673
public employees retirement system that the credit has been 2674
obtained. 2675

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

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

(2)(b) 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 appropriate employer contributions under section 145.48 or 145.49 of the Revised Code;

(3)(c) Interest on the amounts specified in divisions (B)(1)(3)(a) and (2)(b) of this section 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 is made.

(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 the member's contributions to the Cincinnati retirement system shall, ~~in computing years of service, be given~~ may obtain credit for service credit earned under the Cincinnati retirement system or purchased or obtained as military 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 benefit not later than ninety days after receiving notice from the public employees retirement system that the credit has been

<u>obtained.</u>	2707
<u>(3) For</u> each year of service, the public employees retirement system receives the sum of the following:	2708 2709
(1) <u>(a)</u> An amount, paid by the member, equal to the sum of the following:	2710 2711
(a) <u>(i)</u> 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;	2712 2713 2714 2715 2716
(b) <u>(ii)</u> The amount of interest, if any, the member received when the refund was made that is attributable to the year of service.	2717 2718 2719
(2) <u>(b)</u> An amount, transferred by the Cincinnati retirement system to the public employees retirement system, equal to the sum of the following:	2720 2721 2722
(a) <u>(i)</u> 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;	2723 2724 2725 2726
(b) <u>(ii)</u> 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 <u>appropriate employer contribution under section 145.48 or 145.49 of the Revised Code</u> , 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.	2727 2728 2729 2730 2731 2732 2733 2734 2735
(D) The amount transferred under division (C) (2) <u>(3)(b)(i)</u>	2736

of this section shall not include any amount of interest the 2737
Cincinnati retirement system paid to the person when it made the 2738
refund. 2739

(E) On receipt of payment from the member under division 2740
(C)~~(1)~~(3)(a) of this section, the public employees retirement 2741
system shall notify the Cincinnati retirement system. On receipt 2742
of the notice, the Cincinnati retirement system shall transfer the 2743
amount described in division (C)~~(2)~~(3)(b) of this section. 2744

(F) Interest charged under this section shall be calculated 2745
separately for each year of service credit. Unless otherwise 2746
specified in this section, it shall be calculated at the lesser of 2747
the actuarial assumption rate for that year of the public 2748
employees retirement system or the Cincinnati retirement system. 2749
The interest shall be compounded annually. 2750

(G) At the request of the public employees retirement system, 2751
the Cincinnati retirement system shall certify to the public 2752
employees retirement system a copy of the records of the service 2753
and contributions of a member of the public employees retirement 2754
system who seeks service credit under this section. 2755

(H) Service credit purchased or otherwise obtained under this 2756
section shall be considered the equivalent of Ohio service credit. 2757

The public employees retirement system shall withdraw the 2758
credit and refund all amounts paid or transferred under this 2759
section if either of the following occurs: 2760

(1) The member fails to retire or accept a disability benefit 2761
not later than ninety days after receiving notice from the public 2762
employees retirement system that credit has been obtained under 2763
this section. 2764

(2) The member's application for a disability benefit is 2765
denied. 2766

(I) A member may choose to purchase only part of the credit 2767
the member is eligible to purchase under division (C) of this 2768
section ~~in any one payment~~, subject to rules of the public 2769
employees retirement board. 2770

(J) A member is ineligible to purchase or otherwise obtain 2771
credit under this section for the service to be used in 2772
calculation of any ~~retirement~~ retirement benefit currently being 2773
paid or payable to the member in the future. 2774

Sec. 145.2912. (A) If the conditions described in division 2775
(B) of section 145.2910 of the Revised Code are met and a person 2776
who is a member or former member of the public employees 2777
retirement system but not a current contributor and who is not 2778
receiving a pension or benefit from the public employees 2779
retirement system elects to receive credit under the Cincinnati 2780
retirement system for service for which the person contributed to 2781
the public employees retirement system or purchased or obtained as 2782
military service credit, the public employees retirement system 2783
shall transfer the amounts specified in divisions ~~(B)~~(A)(3)(a) and 2784
~~(C)~~(b) of this section to the Cincinnati retirement system. A 2785
person may obtain credit if all of the following conditions are 2786
met: 2787

(1) The member is eligible, or with the credit will be 2788
eligible, for a retirement or disability benefit. 2789

(2) The member agrees to retire or accept a disability 2790
benefit not later than ninety days after receiving notice from the 2791
public employees retirement system that the credit has been 2792
obtained. 2793

~~(B)~~(3)(a) If the person has contributions on deposit with the 2794
public employees retirement system, the public employees 2795
retirement system ~~shall~~, for each year of service credit, ~~transfer~~ 2796
transfers to the Cincinnati retirement system the sum of the 2797

following:	2798
(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;	2799 2800 2801
(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;	2802 2803 2804 2805 2806
(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.	2807 2808 2809 2810 2811
(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 <u>transfers</u> to the Cincinnati retirement system the sum of the following:	2812 2813 2814 2815 2816
(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;	2817 2818 2819 2820 2821
(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.	2822 2823 2824 2825 2826 2827 2828

~~(2)~~(B) The amount transferred under division ~~(C)~~(1)~~(A)~~(3)~~(b)~~ 2829
of this section shall not include any amount of the employer's 2830
contributions or interest on employee contributions the person 2831
received under section 145.40 of the Revised Code. 2832

~~(3)~~(C) On receipt of notice from the Cincinnati retirement 2833
system that the Cincinnati retirement system has received payment 2834
from a person described in division ~~(C)~~(1)~~(A)~~(3)~~(b)~~ of this 2835
section, the public employees retirement system shall transfer the 2836
amount described in that division. 2837

(D) Interest charged under this section shall be calculated 2838
separately for each year of service credit. Unless otherwise 2839
specified in this section, it shall be calculated at the lesser of 2840
the actuarial assumption rate for that year of the public 2841
employees retirement system or the Cincinnati retirement system. 2842
The interest shall be compounded annually. 2843

(E) The transfer of any amount under this section cancels an 2844
equivalent amount of service credit. 2845

(F) At the request of the Cincinnati retirement system, the 2846
public employees retirement system shall certify to the Cincinnati 2847
retirement system a copy of the records of the service and 2848
contributions of a member or former member of the public employees 2849
retirement system who elects to receive service credit under the 2850
Cincinnati retirement system. 2851

Sec. 145.2913. (A) As used in this section, "transferred 2852
service credit" means service credit purchased or obtained under 2853
section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of 2854
the Revised Code prior to the date a member commenced the 2855
employment covered by the public employees retirement system for 2856
which the member is currently contributing to the system. 2857

(B) A member of the public employees retirement system who 2858

has contributions on deposit with, but is no longer contributing 2859
to, a uniform retirement system shall, in computing years of 2860
service, be given full credit for transferred service credit if a 2861
transfer to the public employees retirement system is made under 2862
this ~~section~~ division. At the request of a member a transfer shall 2863
be made if all of the following conditions are met: 2864

(1) The member is eligible, or with the credit will be 2865
eligible, for a retirement or disability benefit. 2866

(2) The member agrees to retire or accept a disability 2867
benefit not later than ninety days after receiving notice from the 2868
public employees retirement system that the credit has been 2869
obtained. 2870

(3) For each year of service, the uniform system ~~shall~~ 2871
~~transfer~~ transfers to the public employees retirement system the 2872
sum of the following: 2873

~~(1)~~(a) An amount equal to the amounts transferred to the 2874
uniform system under section 742.21, 742.214, 742.375, 5505.201, 2875
5505.40, or 5505.41 of the Revised Code; 2876

~~(2)~~(b) Interest, determined as provided in division (E) of 2877
this section, on the amount specified in division (B)~~(1)~~(3)(a) of 2878
this section for the period from the last day of the year in which 2879
the transfer under section 742.21, 742.214, 742.375, 5505.201, 2880
5505.40, or 5505.41 of the Revised Code was made to the date a 2881
transfer is made under this section. 2882

(C) A member of the public employees retirement system with 2883
at least eighteen months of contributing service credit with the 2884
public employees retirement system who has received a refund of 2885
contributions to a uniform retirement system shall, in computing 2886
years of service, be given full credit for transferred service 2887
credit if, ~~for~~ all of the following conditions are met: 2888

(1) The member is eligible, or with the credit will be 2889

eligible, for a retirement or disability benefit. 2890

(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. 2891
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2893
2894

(3) For each year of service, the public employees retirement system receives the sum of the following: 2895
2896

~~(1)~~(a) An amount, which shall be paid by the member, equal to the amount refunded by the uniform system to the member for that year for transferred service credit, with interest on that amount from the date of the refund to the date a payment is made under this section; 2897
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~~(2)~~(b) Interest, which shall be transferred by the uniform system, on the amount refunded to the member 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 the refund was made; 2902
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~~(3)~~(c) If the uniform system retained any portion of the amount transferred under section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the Revised Code, an amount, which shall be transferred by the uniform system, equal to the amount retained, with interest on that amount 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. 2907
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On receipt of payment from the member, the public employees retirement system shall notify the uniform system, which, on receipt of the notice, shall make the transfer required by this division. Interest shall be determined as provided in division (E) of this section. 2916
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(D) Service credit purchased or obtained under this section 2921
shall be considered the equivalent of Ohio service credit. A 2922
member may choose to purchase only part of the credit the member 2923
is eligible to purchase under division (C) of this section ~~in any~~ 2924
~~one payment~~, subject to rules adopted by the public employees 2925
retirement board. A member is ineligible to purchase or obtain 2926
service credit under this section for service to be used in the 2927
calculation of any retirement benefit currently being paid or 2928
payable to the member in the future under any other retirement 2929
program or for service credit that may be purchased or obtained 2930
under section 145.295 of the Revised Code. 2931

(E) Interest charged under this section shall be calculated 2932
separately for each year of service credit at the lesser of the 2933
actuarial assumption rate for that year of the public employees 2934
retirement system or of the uniform retirement system to which the 2935
credit was transferred under section 742.21, 742.214, 742.375, 2936
5505.201, 5505.40, or 5505.41 of the Revised Code. The interest 2937
shall be compounded annually. 2938

(F) Any amounts transferred or paid under divisions (B) and 2939
(C) of this section that are attributable to contributions made by 2940
the member or to amounts paid to purchase service credit shall be 2941
credited to the employees' savings fund created under section 2942
145.23 of the Revised Code. Any remaining amounts shall be 2943
credited to one or more of the funds created under that section as 2944
determined by the board. 2945

(G) At the request of the public employees retirement system, 2946
the uniform retirement system shall certify to the public 2947
employees retirement system a copy of the records of the service 2948
and contributions of a public employees retirement system member 2949
who seeks service credit under this section. The uniform 2950
retirement system shall specify the portions of the amounts 2951
transferred that are attributable to employee contributions, 2952

employer contributions, and interest. 2953

(H) If a member of the public employees retirement system who 2954
is not a current contributor elects to receive service credit 2955
under section 742.214 or 5505.41 of the Revised Code for 2956
transferred service credit, as defined in those sections, the 2957
system shall transfer to the uniform retirement system, as 2958
applicable, the amount specified in division (B) or (C) of section 2959
742.214 or division (B) or (C) of section 5505.41 of the Revised 2960
Code. 2961

(I) The public employees retirement system shall withdraw the 2962
credit and refund all amounts paid or transferred under this 2963
section if either of the following occurs: 2964

(1) The member fails to retire or accept a disability benefit 2965
not later than ninety days after receiving notice from the public 2966
employees retirement system that credit has been obtained under 2967
this section. 2968

(2) The member's application for a disability benefit is 2969
denied. 2970

(J) The board may adopt rules to implement this section. 2971

Sec. 145.2914. (A) The public employees retirement board may 2972
adopt rules in accordance with section 145.09 of the Revised Code 2973
to establish a program under which service credit earned under 2974
~~division (A) or (B)(2)(b) of section 145.33 of the Revised Code or~~ 2975
division (A)(2), (B)(2), or (C)(2) of section 145.332 of the 2976
Revised Code is treated as service credit earned under division 2977
~~(B)(2)(a)(A)(1), (B)(1), or (C)(1) of that section 145.332 of the~~ 2978
Revised Code if the member ~~makes~~ elects to do one of the 2979
following: 2980

(1) Have the amount of service credit earned under section 2981
145.33 of the Revised Code or division (A)(2), (B)(2), or (C)(2) 2982

of section 145.332 of the Revised Code reduced so there is no 2983
additional liability to the public employees retirement system; 2984

(2) Make payment to the public employees retirement system in 2985
accordance with the rules. The number of years of service credit 2986
earned under section 145.33 of the Revised Code or division 2987
(A)(2), (B)(2), or (C)(2) of section 145.332 of the Revised Code 2988
that may be treated as service credit earned under division 2989
(A)(1), (B)(1), or (C)(1) of section 145.332 of the Revised Code 2990
shall not exceed five. 2991

(B) If the board adopts rules under division (A) of this 2992
section, all of the following apply to payments made under 2993
division (A)(2) of this section: 2994

(1) For each year or portion of a year of service credit 2995
earned under ~~division (A) or (B)(2)(b)~~ of section 145.33 of the 2996
Revised Code or division (A)(2), (B)(2), or (C)(2) of section 2997
145.332 of the Revised Code that is to be treated as service 2998
credit earned under ~~division (B)(2)(a)~~ (A)(1), (B)(1), or (C)(1) of 2999
~~that~~ section 145.332 of the Revised Code, the member shall pay to 3000
the retirement system an amount specified by the retirement board 3001
that is not less than one hundred per cent of the additional 3002
liability resulting from the purchase of that year, or portion of 3003
a year, of service. 3004

~~(2) The number of years of service credit earned under~~ 3005
~~division (A) or (B)(2)(b) of section 145.33 of the Revised Code~~ 3006
~~that may be treated as service credit earned under division~~ 3007
~~(B)(2)(a) of that section shall not exceed five.~~ 3008

~~(3)~~ Any amounts paid under this section shall be credited to 3009
the employees' savings fund. 3010

~~(4)~~(3) The amounts paid by the member under this section are 3011
subject to the limits established by division (n) of section 415 3012
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 3013

415(n), as amended. 3014

(C) A member may make ~~payments~~ the election authorized by 3015
this section if the member is eligible to retire under this 3016
chapter or will become eligible to retire as a result of the 3017
~~payment~~ election. The member shall agree to retire not later than 3018
ninety days after making the election under division (A)(1) of 3019
this section or receiving notice of the additional liability 3020
specified under division (B)(1) of this section. ~~Payment~~ If the 3021
member makes the election under division (A)(2) of this section, 3022
payment shall be made in full for any credit earned under ~~division~~ 3023
~~(A) or (B)(2)(b)~~ of section 145.33 of the Revised Code or division 3024
(A)(2), (B)(2), or (C)(2) of section 145.332 of the Revised Code 3025
that is to be treated as service credit earned under division 3026
~~(B)(2)(a)(A)(1), (B)(1), or (C)(1)~~ of ~~that~~ section 145.332 of the 3027
Revised Code, but the member may choose to make payment for only 3028
part of the credit for which the member is eligible. 3029

(D) If the member does not retire not later than ninety days 3030
after making the election under division (A)(1) of this section or 3031
the payment authorized by ~~under division (A)(2) of~~ this section, 3032
the system shall refund ~~the~~ any payment and shall not treat the 3033
credit ~~for which payment was made~~ as service credit earned under 3034
division ~~(B)(2)(a)(A)(1), (B)(1), or (C)(1)~~ of section ~~145.33~~ 3035
145.332 of the Revised Code. 3036

(E) The board's rules may deal with any other matter 3037
necessary to implement this section. 3038

Sec. 145.2915. (A) As used in this section, "workers' 3039
compensation" means benefits paid under Chapter 4121. or 4123. of 3040
the Revised Code. 3041

(B) A member of the public employees retirement system may 3042
purchase service credit under this section for any period during 3043
which the member was out of service and receiving workers' 3044

compensation. 3045

(C) For credit purchased under this section: 3046

(1) If the member is employed by one public employer, for 3047
each year of credit, the member shall pay to the system for credit 3048
to the employees' savings fund an amount equal to the employee 3049
contribution required under section 145.47 of the Revised Code 3050
that would have been paid had the member not been out of service 3051
based on the salary of the member before the member was out of 3052
service. To this amount shall be added an amount equal to compound 3053
interest at a rate established by the public employees retirement 3054
board from the first date the member was out of service to the 3055
final date of payment. 3056

(2) If the member is employed by more than one public 3057
employer, the member is eligible to purchase credit under this 3058
section and make payments under division (C)(1)(b) of this section 3059
only for the position for which the member received workers' 3060
compensation. For each year of credit, the member shall pay to the 3061
system for credit to the employees' savings fund an amount equal 3062
to the employee contribution required under section 145.47 of the 3063
Revised Code that would have been paid had the member not been out 3064
of service based on the salary of the member earned for the 3065
position for which the member received workers' compensation 3066
before the member was out of service. To this amount shall be 3067
added an amount equal to compound interest at a rate established 3068
by the public employees retirement board from the first date the 3069
member was out of service to the final date of payment. 3070

(D) The member may choose to purchase only part of such 3071
credit in any one payment, subject to board rules. 3072

(E) If a member makes a payment under division (C) of this 3073
section, the employer to which workers' compensation benefits are 3074
attributed shall pay to the system for credit to the employers' 3075

accumulation fund an amount equal to the employer contribution 3076
required under section 145.48 or 145.49 of the Revised Code 3077
corresponding to that payment that would have been paid had the 3078
member not been out of service based on the salary of the member 3079
before the member was out of service. 3080

Compound interest at a rate established by the board from the 3081
later of the member's date of re-employment or the effective date 3082
of this section to the date of payment shall be added to this 3083
amount if the employer pays all or any portion of the amount later 3084
than the earlier of five years or a period that is three times the 3085
period during which the member was out of service and receiving 3086
workers' compensation beginning from the later of the member's 3087
date of re-employment or the effective date of this section. 3088

(F) The number of years purchased under this section shall 3089
not exceed three. 3090

Sec. 145.2916. (A) When a member has been elected or 3091
appointed to an office, the term of which is two or more years, 3092
for which an annual salary is established, and in the event that 3093
the salary of the office is increased and the member is denied the 3094
additional salary by reason of any constitutional provision 3095
prohibiting an increase in salary during a term of office, the 3096
member may elect to have the amount of the member's and employer's 3097
contributions calculated upon the basis of the increased salary 3098
for the office. 3099

At the member's request and on notification to the public 3100
employees retirement system, the public employees retirement board 3101
shall compute the total additional amount the member and employer 3102
would have contributed, or the amount by which each of the 3103
member's and employer's contributions would have increased, had 3104
the member received the increased salary for the office the member 3105
holds. If the member elects to have the combined amount by which 3106

the member's and employer's contribution would have increased 3107
withheld from the member's salary, the member shall notify the 3108
employer, and the employer shall make the withholding commensurate 3109
with the period of denied salary and transmit it to the retirement 3110
system. The payment of the amount by which the employer's 3111
contribution would have increased shall be credited to the 3112
employers' accumulation fund. 3113

If the payment of the increased contributions is made in 3114
accordance with this section, the increased annual salary as 3115
provided by law for the office for the period for which the member 3116
paid increased contributions thereon shall be used in determining 3117
the member's earnable salary for the purpose of computing the 3118
member's final average salary. 3119

(B) If a member dies or withdraws from service, the payment 3120
under division (A) of this section shall be considered as 3121
accumulated contributions of the member. 3122

Sec. 145.30. (A)(1) As used in this section and section 3123
145.301 of the Revised Code: 3124

~~(1)~~(a) "Armed forces" of the United States includes the 3125
following: 3126

~~(a)~~(i) Army, navy, air force, marine corps, coast guard, 3127
auxiliary corps as established by congress, red cross nurse 3128
serving with the army, navy, air force, or hospital service of the 3129
United States, army nurse corps, navy nurse corps, full-time 3130
service with the American red cross in a combat zone, and such 3131
other service as may be designated by congress as included 3132
therein; 3133

~~(b)~~(ii) Personnel of the Ohio national guard and the reserve 3134
components of any of the armed forces enumerated in division 3135
(A)(1) of this section who are called to active duty pursuant to 3136

an executive order issued by the president of the United States or 3137
an act of congress; 3138

~~(e)~~(iii) Persons on whom United States merchant marine 3139
veteran status has been conferred for service aboard oceangoing 3140
merchant ships in service to the United States during World War 3141
II. 3142

~~(2)~~(b) "State retirement system" means any of the following: 3143
the Ohio police and fire pension fund, public employees retirement 3144
system, school employees retirement system, state highway patrol 3145
retirement system, or the state teachers retirement system. 3146

(2) This section applies only to service in the armed forces 3147
that occurred prior to October 13, 1994, the date on which the 3148
"Uniformed Services Employment and Reemployment Rights Act of 3149
1994," 108 Stat. 3149, 38 U.S.C. 101, became a public law. 3150

(B) ~~Upon~~ Except as otherwise provided in this division, upon 3151
reemployment in the public service and completion of one year of 3152
service credit as covered by a state retirement system or the 3153
Cincinnati retirement system, within two years after service in 3154
the armed forces that is terminated in a manner other than as 3155
described in section 4304 of Title 38 of the United States Code, 3156
"Uniformed Services Employment and Reemployment Rights Act of 3157
1994," 108 Stat. 3149, 38 U.S.C.A. 4304, and presentation of 3158
documentation of the service and subject to rules adopted by the 3159
retirement board, any member of the public employees retirement 3160
system who was a member with not less than one year of payroll 3161
deductions before entering active duty with the armed forces and 3162
maintained membership in the public employees retirement system as 3163
provided by section 145.41 of the Revised Code, and who was or is 3164
out of active service as a public employee by reason of having 3165
become a member of the armed forces of the United States on active 3166
duty or service shall have such service, not in excess of ten 3167
years, ~~considered~~ included as ~~the equivalent of~~ prior military 3168

service. ~~Service~~ Except as otherwise provided in this division, 3169
service in the armed forces as established by documentation of the 3170
service, not in excess of ten years, shall also be ~~considered~~ 3171
included as prior military service for a person who was a public 3172
employee and who has acquired service credit for five years prior 3173
to, and within the one year preceding, the date of entering on 3174
active duty in the armed forces of the United States if such 3175
person was reemployed in the public service within one year after 3176
service in the armed forces that is terminated in a manner other 3177
than as described in section 4304 of Title 38 of the United States 3178
Code, "Uniformed Services Employment and Reemployment Rights Act 3179
of 1994," ~~108 Stat. 3149,~~ 38 U.S.C.A. 4304, and established total 3180
service credit as defined in section 145.01 of the Revised Code of 3181
twenty years exclusive of credit for service in the uniformed 3182
services, as defined in section 145.302 of the Revised Code. This 3183
division shall not serve to cancel any military service credit 3184
earned or granted prior to November 1, 1965. 3185

If the public employees retirement board adopts a rule 3186
requiring payment for service credit granted under this section, 3187
the credit shall be granted only if payment is made. The rule 3188
shall not require payment of more than the additional liability to 3189
the retirement system resulting from granting the credit. A member 3190
may choose to purchase only part of the credit in any one payment. 3191

(C) A member of the public employees retirement system is 3192
ineligible to receive service credit under this section for any 3193
year of military service credit used ~~in the calculation of any~~ 3194
~~retirement benefit currently being paid to the member or payable~~ 3195
~~in the future under any other retirement program, except social~~ 3196
~~security, or used~~ to obtain service credit pursuant to section 3197
145.301 or 145.302 of the Revised Code. At the time such credit is 3198
requested, the member shall certify on a form supplied by the 3199
retirement board that the member does and will conform to this 3200

requirement. This division does not cancel any military service 3201
credit earned prior to March 15, 1979. 3202

Sec. 145.301. (A) As used in this section: 3203

(1) "Prisoner of war" means any regularly appointed, 3204
enrolled, enlisted, or inducted member of the armed forces of the 3205
United States, reserves, or Ohio national guard who was captured, 3206
separated, and incarcerated by an enemy of the United States. 3207

(2) "Reserves" means personnel of the reserve components of 3208
any of the armed forces of the United States enumerated in 3209
division (A)(1)(a) of section 145.30 of the Revised Code. 3210

(B)(1) A member may purchase service credit that shall be 3211
considered as the equivalent of Ohio service for each year or 3212
portion of a year of service incurred by reason of having been on 3213
active duty as a member of the armed forces of the United States, 3214
as defined in section 145.30 of the Revised Code. 3215

(2) On presentation of documentation of the service and 3216
subject to public employees retirement board rules, a member may 3217
purchase service credit for each year or portion of a year of 3218
service incurred by reason of having been on active duty as a 3219
member of the reserves or the Ohio national guard for which the 3220
member is not eligible to purchase credit under division (B)(1) of 3221
this section. Any credit purchased under this section shall be 3222
considered as the equivalent of Ohio service credit. For purposes 3223
of division (B)(2) of this section, active duty in the reserves or 3224
the Ohio national guard includes assembly for drill and 3225
instruction; training at encampments, maneuvers, outdoor target 3226
practice, or other exercises; and any training or duty in this 3227
state ordered by the governor. 3228

(3) Credit shall not be granted for any period of duty during 3229
which the member was contributing to the retirement system. 3230

The credit may be purchased at any time prior to receipt of a retirement allowance. The number of years purchased shall not exceed five. The member may choose to purchase only part of such credit in any one payment, subject to public employees retirement board rules.

(C) A member may purchase service credit that shall be considered as the equivalent of Ohio service for each year of service such member was a prisoner of war. The number of years purchased under this division shall not exceed five. Service credit may be purchased under this division for the same years of service used to purchase service credit under division (B) of this section. The member may choose to purchase only part of such credit in any one payment, subject to board rules.

(D) The total number of years purchased under this section shall not exceed the member's total accumulated number of years of Ohio service.

(E)(1) For each year or portion of a year of service purchased under division (B)(1) or (C) of this section, the member shall pay to the public employees retirement system for credit to the member's accumulated account an amount specified by the retirement board that shall be not less than fifty per cent of the additional liability resulting from the purchase of that year or portion of a year of service as determined by an actuary employed by the board.

(2) For each year or portion of a year of service credit purchased under division (B)(2) of this section, the member shall pay to the public employees retirement system for credit to the member's accumulated account an amount equal to one hundred per cent of the additional liability resulting from the purchase of that year or portion of a year of service as determined by an actuary employed by the board.

The retirement system shall calculate the number of years or 3262
portion of a year of credit the member is eligible to purchase 3263
under division (B)(2) of this section by dividing the number of 3264
days actually served by three hundred sixty-five. 3265

(F) A member is ineligible to purchase service credit under 3266
this section for any year of military service that was+ 3267

~~(1) Used in the calculation of any retirement benefit 3268
currently being paid to the member or payable in the future under 3269
any other retirement program, except social security, or for 3270
retired pay for nonregular service under Chapter 1223 of Section 3271
1662 of Title XVI of the "National Defense Authorization Act for 3272
Fiscal Year 1995," 108 Stat. 2998 (1994), 10 U.S.C.A. 12731 to 3273
12739; 3274~~

~~(2) Used used to obtain service credit pursuant to section 3275
145.30 or 145.302 of the Revised Code. 3276~~

At the time the credit is purchased, the member shall certify 3277
on a form furnished by the retirement board that the member does 3278
and will conform to this requirement. 3279

(G) A member who, on March 17, 2000, is purchasing service 3280
credit under this section by making installment payments to the 3281
system or by a payroll deduction plan authorized under section 3282
145.294 of the Revised Code may elect, on a form provided by the 3283
board, to have a portion of the cost of the service credit 3284
recalculated under division (E) of this section as amended by 3285
House Bill 186 of the 123rd general assembly. The recalculation 3286
shall apply only to the amount still owed by the member as of the 3287
date the election is filed with the board. 3288

For each member who makes an election, the board shall do all 3289
of the following: 3290

(1) Determine the amount of the total cost of the service 3291
credit still owed by the member as of the date the election is 3292

filed with the board and the number of years or portion of a year 3293
of service credit attributable to that amount; 3294

(2) Recalculate under division (E) of this section the cost 3295
of the service credit described in division (G)(1) of this 3296
section; 3297

(3) Notify the member of the recalculated amount. 3298

If the recalculated amount is less than the amount still owed 3299
by the member as of the date the election is filed, the 3300
recalculated amount shall be the amount owed by the member. 3301

(H) Credit purchased under this section may be combined 3302
pursuant to section 145.37 with credit for military service 3303
purchased under sections 3307.751 and 3309.021, except that not 3304
more than an aggregate total of five years of credit purchased 3305
under division (B) of this section, division (A) of section 3306
3307.751, and division (A) of section 3309.021, and not more than 3307
an aggregate total of five years of credit purchased under 3308
division (C) of this section, division (B) of section 3307.751, 3309
and division (B) of section 3309.021 shall be used in determining 3310
retirement eligibility or calculating benefits under section 3311
145.37 of the Revised Code. 3312

Sec. 145.31. (A) Except as provided in this section, a member 3313
or former member of the public employees retirement system with at 3314
least eighteen months of contributing service credit in this 3315
system, the state teachers retirement system, the school employees 3316
retirement system, the Ohio police and fire pension fund, or the 3317
state highway patrol retirement system, after the withdrawal of 3318
accumulated contributions and cancellation of service credit in 3319
this system, may restore such service credit by redepositing the 3320
amount withdrawn, with interest on such amount compounded annually 3321
at a rate to be determined by the public employees retirement 3322
board from the first day of the month of withdrawal to and 3323

including the month of redeposit. The amount redeposited shall be 3324
credited as follows: 3325

~~(A)~~(1) The amount that equals the amount, if any, included 3326
under section 145.401 of the Revised Code in the withdrawal of 3327
accumulated contributions under section 145.40 of the Revised Code 3328
shall be credited to the employers' accumulation fund. 3329

~~(B)~~(2) The remaining amount shall be credited to the member's 3330
account in the employees' savings fund. 3331

The member may choose to purchase only part of such credit in 3332
any one payment, subject to board rules. Except for any amount 3333
included under section 145.401 of the Revised Code in the 3334
withdrawal of accumulated contributions under section 145.40 of 3335
the Revised Code, the total payment to restore canceled service 3336
credit, plus any interest credited thereto, shall be considered as 3337
accumulated contributions of the member. If a former member is 3338
eligible to buy the service credit as a member of the Ohio police 3339
and fire pension fund, state highway patrol retirement system, or 3340
the city of Cincinnati retirement system, the former member is 3341
ineligible to restore that service credit under this section. 3342

Any employee who has been refunded the employee's accumulated 3343
contributions to the public employees retirement system solely by 3344
reason of membership in a former firemen's relief and pension fund 3345
or a former police relief and pension fund may restore membership 3346
in the public employees retirement system by redepositing with the 3347
system the amount refunded, with interest on such amount 3348
compounded annually at a rate to be determined by the board from 3349
the month of refund to and including the month of redeposit. The 3350
member may choose to purchase only part of such credit in any one 3351
payment, subject to board rules. 3352

(B) In lieu of an amount required by division (A) of this 3353
section, the board may by rule require deposit of an amount 3354

specified in the rule. The amount shall not exceed the additional 3355
liability to the retirement system that results from granting the 3356
credit. 3357

Sec. 145.32. Eligibility of members of the public employees 3358
retirement system, other than those subject to section 145.332 of 3359
the Revised Code, for age and service retirement shall be 3360
determined under this section. 3361

(A) A member, who has passed his sixtieth birthday and has is 3362
eligible for age and service retirement under this division if, 3363
not later than five years after the effective date of this 3364
amendment, the member meets one of the following requirements: 3365

(1) Has five or more years of total service credit, or has 3366
and has attained age sixty; 3367

(2) Has twenty-five or more years of total service credit and 3368
has attained his fifty fifth birthday, or has age fifty-five; 3369

(3) Has thirty or more years of total Ohio service credit, 3370
regardless of at any age, may file. 3371

(B)(1) A member who would be eligible to retire not later 3372
than ten years after the effective date of this amendment if the 3373
requirements of this section as they existed immediately prior to 3374
the effective date of this amendment were still in effect is 3375
eligible to retire under this division if the member meets one of 3376
the following requirements: 3377

(a) Has five or more years of total service credit and has 3378
attained age sixty; 3379

(b) Has twenty-five or more years of total service credit and 3380
has attained age fifty-five; 3381

(c) Has thirty-one or more years of total service credit and 3382
has attained age fifty-two; 3383

(d) Has thirty-two or more years of total service credit at any age. 3384
3385

(2) A member who on the effective date of this amendment has twenty or more years of total service credit is eligible for age and service retirement under this division on meeting one of the requirements of division (B)(1) of this section, regardless of when the member meets the requirement unless, between the effective date of this section and the date the member meets the requirement, the member receives a refund of accumulated contributions under section 145.40 of the Revised Code. 3386
3387
3388
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3391
3392
3393

(C) A member who is not eligible for age and service retirement under division (A) or (B) of this section, or who became a member on or after the effective date of this amendment, is eligible for age and service retirement under this division if the member meets one of the following requirements: 3394
3395
3396
3397
3398

(1) Has five years or more of total service credit and has attained age sixty-two; 3399
3400

(2) Has twenty-five years or more of total service credit and has attained age fifty-seven; 3401
3402

(3) Has thirty-two years or more of total service credit and has attained age fifty-five. 3403
3404

(D) Service credit purchased or obtained under this chapter shall be used in determining whether a member has the number of years of total service credit required under division (A) or (B) of this section only if the member was a member on the effective date of this amendment or obtains credit under section 145.483 of the Revised Code that would have made the member a member on that date and one of the following applies: 3405
3406
3407
3408
3409
3410
3411

(1) Except in the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati 3412
3413
3414

retirement system: 3415

(a) For division (A) of this section, the service credit purchase is completed or the service credit is obtained not later than five years after the effective date of this amendment. 3416
3417
3418

(b) For division (B) of this section, the service credit purchase is completed or the service credit is obtained not later than ten years after the effective date of this amendment. 3419
3420
3421

(2) In the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system: 3422
3423
3424
3425

(a) For division (A) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than five years after the effective date of this amendment. 3426
3427
3428

(b) For division (B) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than ten years after the effective date of this amendment. 3429
3430
3431

(E) A member seeking to retire shall file with the public employees retirement board an application for retirement- 3432
3433

Service. Service retirement shall be effective on the first day of the month immediately following the later of: 3434
3435

(A)(1) The last day for which compensation was paid; 3436

(B)(2) The attainment of minimum age or service credit eligibility provided under this section; 3437
3438

(3) Ninety days prior to receipt by the board of the member's completed application for retirement. 3439
3440

An employer may, except as otherwise provided in the "Age Discrimination in Employment Act of 1967," as amended, 81 Stat. 602, 29 U.S.C. 621 to 634, as of the thirtieth day of June of any year, terminate the employment of any member who has attained the 3441
3442
3443
3444

age of seventy years. A member may at the time of ~~his~~ retirement 3445
by written designation duly executed and filed with the public 3446
employees retirement board designate a beneficiary to receive any 3447
installment which may remain unpaid at the time of ~~his~~ death. 3448
Except as provided in section 145.46 of the Revised Code, after 3449
the date of ~~his~~ retirement such nomination shall not be changed if 3450
the member elects to receive ~~his~~ the member's retirement allowance 3451
computed as provided in section 145.46 of the Revised Code as "a 3452
joint-life plan A," "or multiple-life plan C," or "plan D." 3453

Sec. 145.323. (A) ~~The~~ Except as otherwise provided in this 3454
section, the public employees retirement board shall annually 3455
increase each allowance, pension, or benefit payable under this 3456
chapter ~~by three per cent, except that no allowance, pension, or~~ 3457
~~benefit shall exceed the limit established by section 415 of the~~ 3458
~~"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415,~~ 3459
~~as amended.~~ 3460

Until the last day of December of the fifth full calendar 3461
year after the effective date of this amendment, the increase 3462
shall be three per cent. For each succeeding calendar year, the 3463
increase shall be as follows: 3464

(1) For each allowance, pension, or benefit granted not later 3465
than the effective date of this amendment, three per cent; 3466

(2) For each allowance, pension, or benefit granted on or 3467
after the effective date of this amendment, the percentage 3468
increase in the consumer price index, not exceeding three per 3469
cent, as determined by the United States bureau of labor 3470
statistics (U.S. city average for urban wage earners and clerical 3471
workers: "all items 1982-84=100") for the twelve-month period 3472
ending on the thirtieth day of June of the immediately preceding 3473
calendar year. If the consumer price index for that period did not 3474
increase, no increase shall be made under division (A)(2) of this 3475

section. 3476

No allowance, pension, or benefit shall exceed the limit 3477
established by section 415 of the "Internal Revenue Code of 1986," 3478
100 Stat. 2085, 26 U.S.C. 415, as amended. 3479

The first increase is payable to all persons becoming 3480
eligible after June 30, 1971, upon such persons receiving an 3481
allowance for twelve months. The increased amount is payable for 3482
the ensuing twelve-month period or until the next increase is 3483
granted under this section, whichever is later. Subsequent 3484
increases shall be determined from the date of the first increase 3485
paid to the former member in the case of an allowance being paid a 3486
beneficiary under an option, or from the date of the first 3487
increase to the survivor first receiving an allowance or benefit 3488
in the case of an allowance or benefit being paid to the 3489
subsequent survivors of the former member. 3490

The date of the first increase under this section becomes the 3491
anniversary date for any future increases. 3492

The allowance or benefit used in the first calculation of an 3493
increase under this section shall remain as the base for all 3494
future increases, unless a new base is established. 3495

(B) If payment of a portion of a benefit is made to an 3496
alternate payee under section 145.571 of the Revised Code, 3497
increases under this section granted while the order is in effect 3498
shall be apportioned between the alternate payee and the benefit 3499
recipient in the same proportion that the amount being paid to the 3500
alternate payee bears to the amount paid to the benefit recipient. 3501

If payment of a portion of a benefit is made to one or more 3502
beneficiaries under ~~"a multiple-life plan F"~~ under ~~division~~ 3503
~~(B)(3)(e)~~ of section 145.46 of the Revised Code, each increase 3504
under this section granted while the plan of payment is in effect 3505
shall be divided among the designated beneficiaries in accordance 3506

with the portion each beneficiary has been allocated. 3507

(C) The board shall make all rules necessary to carry out 3508
this section. 3509

Sec. 145.33. (A)(1) Except as provided in ~~division (B) or (C)~~ 3510
~~of this section, a member with at least five years of total~~ 3511
~~service credit who has attained age sixty, or who has thirty years~~ 3512
~~of total Ohio service credit, may apply for age and service~~ 3513
~~retirement, which shall consist of:~~ 3514

~~(1) An annuity having a reserve equal to the amount of the~~ 3515
~~member's accumulated contributions at that time;~~ 3516

~~(2) A pension equal to the annuity provided by division~~ 3517
~~(A)(1) of this section;~~ 3518

~~(3) An additional pension, if the member can qualify for~~ 3519
~~prior service, equal to forty dollars multiplied by the number of~~ 3520
~~years, and fraction thereof, of such prior and military service~~ 3521
~~credit;~~ 3522

~~(4) A basic annual pension equal to one hundred eighty~~ 3523
~~dollars if the member has ten or more years of total service~~ 3524
~~credit as of October 1, 1956, except that the basic annual pension~~ 3525
~~shall not exceed the sum of the annual benefits provided by~~ 3526
~~divisions (A)(1), (2), and (3) of this section.~~ 3527

~~(5) When 145.332 of the Revised Code, when a member retires~~ 3528
~~on age and service retirement, the member's total annual single~~ 3529
~~lifetime allowance, including the allowances provided in divisions~~ 3530
~~(A)(1), (2), (3), and (4) of this section, shall be not less than~~ 3531
~~a base an amount adjusted in accordance with division (A)(5)(2) or~~ 3532
~~(B) of this section and determined by multiplying the member's~~ 3533
~~total service credit by ~~the greater of~~ the following:~~ 3534

~~(a) Eighty six dollars;~~ 3535

~~(b) Two If the member is eligible for age and service~~ 3536

retirement under division (A) or (B) of section 145.32 of the 3537
Revised Code, two and two-tenths per cent of the member's final 3538
average salary for each of the first thirty years of service plus 3539
two and one-half per cent of the member's final average salary for 3540
each subsequent year of service-; 3541

The (b) If the member is eligible for age and service 3542
retirement under division (C) of section 145.32 of the Revised 3543
Code, two and two-tenths per cent of the member's final average 3544
salary for each of the first thirty-five years of service plus two 3545
and one-half per cent of the member's final average salary for 3546
each subsequent year of service. 3547

(2)(a) For a member eligible to retire under division (A) of 3548
section 145.32 of the Revised Code, the member's allowance under 3549
division (A)(1) of this section shall be adjusted by the factors 3550
of attained age or years of service to provide the greater amount 3551
as determined by the following schedule: 3552

Attained	or	Years of Total Service	Percentage of	
Birthday		Credit	Base Amount	
58		25	75	3556
59		26	80	3557
60		27	85	3558
61			88	3559
		28	90	3560
62			91	3561
63			94	3562
		29	95	3563
64			97	3564
65		30 or more	100	3565

~~Members shall vest~~ (b) For a member eligible to retire under 3566
division (B) of section 145.32 of the Revised Code, the member's 3567
allowance under division (A)(1) of this section shall be reduced 3568

by a percentage determined by the board's actuary for each year 3569
the member retires before whichever of the following occurs first: 3570
attaining age sixty-six, attaining age fifty-two with thirty-one 3571
years of total service credit, or earning thirty-two years of 3572
total service credit. 3573

(c) For a member eligible to retire under division (C) of 3574
section 145.32 of the Revised Code, the member's allowance under 3575
division (A)(1) of this section shall be reduced by a percentage 3576
determined by the board's actuary for each year the member retires 3577
before whichever of the following occurs first: attaining age 3578
sixty-seven, or attaining age fifty-five with thirty-two years of 3579
total service credit. 3580

(d) The actuary may use an actuarially based average 3581
percentage reduction for purposes of division (A)(2)(b) or (c) of 3582
this section. 3583

(3) For a member eligible to retire under division (A) or (B) 3584
of section 145.32 of the Revised Code, the right to a benefit 3585
shall vest in accordance with the following schedule, based on the 3586
member's attained age by September 1, 1976: 3587

	Percentage	
Attained	of	
Birthday	Base Amount	
66	102	3591
67	104	3592
68	106	3593
69	108	3594
70 or more	110	3595

~~(6)~~(B) The total annual single lifetime allowance that a 3596
member shall receive under ~~division (A)(5)~~ of this section shall 3597
not exceed the lesser of ~~one~~ the following: 3598

(1) Any limit established under section 145.333 of the 3599

Revised Code; 3600

~~(2) One hundred per cent of the member's final average salary~~ 3601
~~or the;~~ 3602

~~(3) The limit established by section 415 of the "Internal~~ 3603
~~Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as~~ 3604
~~amended.~~ 3605

~~(B)(1) For the purposes of divisions (B) to (C) of this~~ 3606
~~section, "total service credit as a PERS law enforcement officer"~~ 3607
~~and "total service credit as a PERS public safety officer" include~~ 3608
~~credit for military service to the extent permitted by division~~ 3609
~~(E)(2) of this section and credit for service as a police officer~~ 3610
~~or state highway patrol trooper to the extent permitted by~~ 3611
~~divisions (E)(3) and (4) of this section.~~ 3612

~~(2) A member who meets the conditions in division (B)(2)(a),~~ 3613
~~(b), or (c) of this section may apply for an age and service~~ 3614
~~retirement benefit under this division:~~ 3615

~~(a) The member has attained age forty eight and has at least~~ 3616
~~twenty five years of total service credit as a PERS law~~ 3617
~~enforcement officer;~~ 3618

~~(b) The member has attained age fifty two, and has at least~~ 3619
~~twenty five years of total service credit as a PERS public safety~~ 3620
~~officer or has service as a PERS public safety officer and service~~ 3621
~~as a PERS law enforcement officer that when combined equal at~~ 3622
~~least twenty five years of total service credit;~~ 3623

~~(c) The member has attained age sixty two and has at least~~ 3624
~~fifteen years of total service credit as either of the following:~~ 3625

~~(i) A PERS law enforcement officer;~~ 3626

~~(ii) A PERS public safety officer.~~ 3627

~~(3) A benefit paid under division (B)(2) of this section~~ 3628
~~shall consist of an annual single lifetime allowance equal to the~~ 3629

~~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 application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty two.~~

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

Attained Age	Reduced Benefit	
48	75% of the benefit payable under division (B)(3) of this section	3657
49	80% of the benefit payable under division (B)(3) of this section	3659
50	86% of the benefit payable under	3661

division (B)(3) of this section 3662

51 93% of the benefit payable under 3663

division (B)(3) of this section 3664

~~(2) If a member elects to receive a reduced benefit after 3665~~
~~attaining age forty eight the reduced benefit is payable from the 3666~~
~~later of the date of the member's most recent birthday or the date 3667~~
~~the member becomes eligible to receive the reduced benefit. 3668~~

~~(3) Once a member elects to receive a reduced benefit 3669~~
~~determined by the schedule in division (C)(1) of this section and 3670~~
~~has received a payment, the member may not reelect to change that 3671~~
~~election. 3672~~

~~(4) If a member who has resigned or been discharged has left 3673~~
~~on deposit the member's accumulated contributions in the 3674~~
~~employees' savings fund and has not elected to receive a reduced 3675~~
~~benefit determined by the schedule in division (C)(1) of this 3676~~
~~section, upon attaining fifty two years of age, the member shall 3677~~
~~be entitled to receive a benefit computed and paid under division 3678~~
~~(B)(3) of this section. 3679~~

~~(D) A benefit paid under division (B) or (C) of this section 3680~~
~~shall not exceed the lesser of ninety per cent of the member's 3681~~
~~final average salary or the limit established by section 415 of 3682~~
~~the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 3683~~
~~415, as amended. 3684~~

~~(E)(1) A member with service credit as a PERS law enforcement 3685~~
~~officer or a PERS public safety officer and other service credit 3686~~
~~under this chapter may elect one of the following: 3687~~

~~(a) To have all the member's service credit under this 3688~~
~~chapter, including credit for service as a PERS law enforcement 3689~~
~~officer or PERS public safety officer, used in calculating a 3690~~
~~retirement allowance under division (A) of this section if the 3691~~
~~member qualifies for an allowance under that division; 3692~~

~~(b) If the member qualifies for an allowance under division (B)(2)(a) of this section, to have the member's service credit as a PERS law enforcement officer used in calculating a benefit under that division and the member's credit for all service other than PERS law enforcement service 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 and an equal amount of employer contributions.~~ 3693
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~~(c) If the member qualifies for an allowance under division (B)(2)(b) or (c), (B)(4), or (C) of this section, to have the member's service credit as a PERS law enforcement officer or PERS public safety officer used in calculating a benefit under the appropriate division and the member's credit for all service other 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.~~ 3702
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~~(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.~~ 3714
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~~(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~~ 3721
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benefit under division (B) or (C) of this section for the	3725
following:	3726
(a) Any person who originally is commissioned and employed as	3727
a deputy sheriff by the sheriff of any county, or who originally	3728
is elected sheriff, on or after January 1, 1975;	3729
(b) Any deputy sheriff who originally is employed as a	3730
criminal bailiff or court constable on or after April 16, 1993;	3731
(c) Any person who originally is appointed as a township	3732
constable or police officer in a township police department or	3733
district on or after January 1, 1981;	3734
(d) Any person who originally is employed as a county	3735
narcotics agent on or after September 26, 1984;	3736
(e) Any person who originally is employed as an undercover	3737
drug agent as defined in section 109.79 of the Revised Code,	3738
department of public safety enforcement agent who prior to June	3739
30, 1999, was a liquor control investigator, park officer, forest	3740
officer, wildlife officer, state watercraft officer, park district	3741
police officer, conservancy district officer, veterans' home	3742
police officer, special police officer for a mental health	3743
institution, special police officer for an institution for the	3744
mentally retarded and developmentally disabled, or municipal	3745
police officer on or after December 15, 1988;	3746
(f) Any person who originally is employed as a state	3747
university law enforcement officer on or after November 6, 1996;	3748
(g) Any person who is originally employed as a state	3749
university law enforcement officer by the university of Akron on	3750
or after September 16, 1998;	3751
(h) Any person who originally is employed as a preserve	3752
officer on or after March 18, 1999;	3753
(i) Any person who originally is employed as a natural	3754

~~resources law enforcement staff officer on or after March 18, 1999;~~ 3755
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~~(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;~~ 3757
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~~(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;~~ 3759
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~~(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;~~ 3762
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~~(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than the effective date of this amendment.~~ 3765
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~~(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.~~ 3768
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~~(F)(C) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.~~ 3776
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~~(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.~~ 3778
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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 3782
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retirement under this section. Retirement shall be effective on 3785
the first day of the first month following the last day for which 3786
the disability allowance is paid. 3787

(B) The annual allowance payable under this section shall 3788
consist of the sum of the amounts determined under divisions 3789
(B)(1) and (2) of this section: 3790

(1) The greater of the following: 3791

(a) An allowance calculated as provided in section 145.33 or 3792
~~145.34~~ 145.332 of the Revised Code, excluding any period during 3793
which the applicant received a disability benefit under section 3794
145.361 of the Revised Code; 3795

(b) An allowance calculated by multiplying the applicant's 3796
total service credit, including service credit for the last 3797
continuous period during which the applicant received a disability 3798
benefit under section 145.361 of the Revised Code, by two and 3799
two-tenths per cent of the applicant's final average salary, 3800
except that the allowance shall not exceed forty-five per cent of 3801
the applicant's final average salary. 3802

(2) An amount equal to the additional allowance the recipient 3803
would receive under section 145.323 of the Revised Code, plus any 3804
other additional amount the recipient would receive under this 3805
chapter, had the recipient retired under section 145.33 or ~~145.34~~ 3806
145.332 of the Revised Code effective on the effective date of the 3807
recipient's most recent continuous period of receipt of a 3808
disability benefit under section 145.361 of the Revised Code. 3809

(C) The allowance calculated under division (B) of this 3810
section, exclusive of any amount added under division (B)(2) of 3811
this section based on section 145.323 of the Revised Code, shall 3812
be the base for all future additional allowances under section 3813
145.323 of the Revised Code. 3814

The anniversary date for future additional allowances under 3815

section 145.323 of the Revised Code shall be the effective date of 3816
the recipient's most recent continuous period of receipt of a 3817
disability benefit under section 145.361 of the Revised Code. 3818

(D) The retirement allowance determined under this section 3819
shall be paid as provided in section 145.46 of the Revised Code. 3820

Sec. 145.332. Eligibility of members of the public employees 3821
retirement system, other than those subject to section 145.32 of 3822
the Revised Code, for age and service retirement shall be 3823
determined under this section. 3824

(A) A member of the public employees retirement system is 3825
eligible for age and service retirement under this division if, 3826
not later than five years after the effective date of this 3827
section, the member meets one of the following requirements: 3828

(1) Has attained age forty-eight and has at least twenty-five 3829
years of total service credit as a PERS law enforcement officer; 3830

(2) Has attained age fifty-two and has at least twenty-five 3831
years of total service credit as a PERS public safety officer or 3832
has service as a PERS public safety officer and service as a PERS 3833
law enforcement officer that when combined equal at least 3834
twenty-five years of total service credit; 3835

(3) Has attained age sixty-two and has at least fifteen years 3836
of total service credit as a PERS law enforcement officer or PERS 3837
public safety officer. 3838

(B)(1) A member who would be eligible to retire not later 3839
than ten years after the effective date of this amendment if the 3840
requirements of section 145.33 of the Revised Code as they existed 3841
immediately prior to the effective date of this amendment were 3842
still in effect is eligible to retire under this division if the 3843
member meets one of the following requirements: 3844

(a) Has attained age fifty and has at least twenty-five years 3845

of total service credit as a PERS law enforcement officer; 3846

(b) Has attained age fifty-four and has at least twenty-five 3847
years of total service credit as a PERS public safety officer or 3848
has service as a PERS public safety officer and service as a PERS 3849
law enforcement officer that when combined equal at least 3850
twenty-five years of total service credit; 3851

(c) Has attained age sixty-four and has at least fifteen 3852
years of total service credit as a PERS law enforcement officer or 3853
PERS public safety officer. 3854

(2) A member who on the effective date of this amendment has 3855
twenty or more years of total service credit is eligible for age 3856
and service retirement under this division on meeting one of the 3857
requirements of division (B)(1) of this section, regardless of 3858
when the member meets the requirement unless, between the 3859
effective date of this section and the date the member meets the 3860
requirement, the member receives a refund of accumulated 3861
contributions under section 145.40 of the Revised Code. 3862

(C) A member who is not eligible for age and service 3863
retirement under division (A) or (B) of this section is eligible 3864
under this division if the member meets one of the following 3865
requirements: 3866

(1) Has attained age fifty-two and has at least twenty-five 3867
years of total service credit as a PERS law enforcement officer; 3868

(2) Has attained age fifty-six and has at least twenty-five 3869
years of total service credit as a PERS public safety officer or 3870
has service as a PERS public safety officer and service as a PERS 3871
law enforcement officer that when combined equal at least 3872
twenty-five years of total service credit; 3873

(3) Has attained age sixty-four and has at least fifteen 3874
years of total service credit as a PERS law enforcement officer or 3875
PERS public safety officer. 3876

(D) Service credit purchased or obtained under this chapter shall be used in determining whether a member has the number of years of total service credit required under division (A) or (B) of this section only if the member was a member on the effective date of this section or obtains credit under section 145.483 of the Revised Code that would have made the member a member on that date and one of the following applies: 3877
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(1) Except in the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system: 3884
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(a) For division (A) of this section, the service credit purchase is completed or the service credit is obtained not later than five years after the effective date of this section; 3888
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(b) For division (B) of this section, the service credit purchase is completed or the service credit is obtained not later than ten years after the effective date of this section. 3891
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(2) In the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system: 3894
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(a) For division (A) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than five years after the effective date of this section; 3898
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(b) For division (B) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than ten years after the effective date of this section. 3901
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(E)(1) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(1)(a) of this section had the member attained age fifty and who voluntarily resigns or is discharged for any reason except 3904
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death, dishonesty, cowardice, intemperate habits, or conviction of 3908
a felony, on or after attaining age forty-eight, but before 3909
attaining age fifty, may elect to receive a reduced benefit. The 3910
benefit shall be the actuarial equivalent of the allowance 3911
calculated under division (F) of this section adjusted for age. 3912

(2) A member with at least twenty-five years of total service 3913
credit who would be eligible to retire under division (C)(1) of 3914
this section had the member attained age fifty-two and who 3915
voluntarily resigns or is discharged for any reason except death, 3916
dishonesty, cowardice, intemperate habits, or conviction of a 3917
felony, on or after attaining age forty-eight, but before 3918
attaining age fifty-two, may elect to receive a reduced benefit. 3919
The benefit shall be the actuarial equivalent of the allowance 3920
calculated under division (F) of this section adjusted for age. 3921

(3) A member with at least twenty-five years of total service 3922
credit who would be eligible to retire under division (A)(2) of 3923
this section had the member attained age fifty-two and who 3924
voluntarily resigns or is discharged for any reason except death, 3925
dishonesty, cowardice, intemperate habits, or conviction of a 3926
felony, on or after attaining age forty-eight, but before 3927
attaining age fifty-two, may elect to receive a reduced benefit. 3928

(a) If eligibility to make the election under division (E)(3) 3929
of this section occurs not later than five years after the 3930
effective date of this section, the benefit shall be calculated in 3931
accordance with the following schedule: 3932

<u>Attained Age</u>	<u>Reduced Benefit</u>	
<u>48</u>	<u>75% of the benefit payable under</u>	3934
	<u>division (F) of this section</u>	
<u>49</u>	<u>80% of the benefit payable under</u>	3935
	<u>division (F) of this section</u>	
<u>50</u>	<u>86% of the benefit payable under</u>	3936
	<u>division (F) of this section</u>	

51 93% of the benefit payable under 3937
division (F) of this section

(b) If eligibility to make the election occurs after the date 3938
determined under division (E)(3)(a) of this section, the benefit 3939
shall be the actuarial equivalent of the allowance calculated 3940
under division (F) of this section adjusted for age. 3941

(4) A member with at least twenty-five years of total service 3942
credit who would be eligible to retire under division (B)(1)(b) of 3943
this section had the member attained age fifty-four and who 3944
voluntarily resigns or is discharged for any reason except death, 3945
dishonesty, cowardice, intemperate habits, or conviction of a 3946
felony, on or after attaining age forty-eight, but before 3947
attaining age fifty-four, may elect to receive a reduced benefit. 3948
The benefit shall be the actuarial equivalent of the allowance 3949
calculated under division (F) of this section adjusted for age. 3950

(5) A member with at least twenty-five years of total service 3951
credit who would be eligible to retire under division (C)(2) of 3952
this section had the member attained age fifty-six and who 3953
voluntarily resigns or is discharged for any reason except death, 3954
dishonesty, cowardice, intemperate habits, or conviction of a 3955
felony, on or after attaining age fifty-two, but before attaining 3956
age fifty-six, may elect to receive a reduced benefit. The benefit 3957
shall be the actuarial equivalent of the allowance calculated 3958
under division (F) of this section adjusted for age. 3959

(6) If a member elects to receive a reduced benefit under 3960
division (E)(1), (2), (3), (4), or (5) of this section, the 3961
reduced benefit shall be based on the member's age on the member's 3962
most recent birthday. Once a member elects to receive a reduced 3963
benefit and has received a payment, the member may not change that 3964
election. 3965

(F) A benefit paid under division (A), (B), or (C) of this 3966
section shall consist of an annual single lifetime allowance equal 3967

to the sum of two and one-half per cent of the member's final 3968
average salary multiplied by the first twenty-five years of the 3969
member's total service credit plus two and one-tenth per cent of 3970
the member's final average salary multiplied by the number of 3971
years of the member's total service credit in excess of 3972
twenty-five years. 3973

(G) A member with at least fifteen years of total service 3974
credit as a PERS law enforcement officer or PERS public safety 3975
officer who voluntarily resigns or is discharged for any reason 3976
except death, dishonesty, cowardice, intemperate habits, or 3977
conviction of a felony may apply for an age and service retirement 3978
benefit, which shall consist of an annual single lifetime 3979
allowance equal to one and one-half per cent of the member's final 3980
average salary multiplied by the number of years of the member's 3981
total service credit. 3982

(1) If the member will attain age fifty-two not later than 3983
ten years after the effective date of this section, the retirement 3984
allowance shall commence on the first day of the calendar month 3985
following the month in which application is filed with the board 3986
on or after the member's attainment of age fifty-two. 3987

(2) If the member will not attain age fifty-two on or before 3988
the date determined under division (G)(1) of this section, the 3989
retirement allowance shall commence on the first day of the 3990
calendar month following the month in which application is filed 3991
with the board on or after the member's attainment of age 3992
fifty-six. 3993

(H) A benefit paid under this section shall not exceed the 3994
lesser of ninety per cent of the member's final average salary or 3995
the limit established by section 415 of the "Internal Revenue Code 3996
of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 3997

(I) A member with service credit as a PERS law enforcement 3998

officer or PERS public safety officer and other service credit 3999
under this chapter may elect one of the following: 4000

(1) To have all the member's service credit under this 4001
chapter, including credit for service as a PERS law enforcement 4002
officer or PERS public safety officer, used in calculating a 4003
retirement allowance under section 145.33 of the Revised Code if 4004
the member qualifies for an allowance under that section; 4005

(2) If the member qualifies for an allowance under division 4006
(A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section, to 4007
receive all of the following: 4008

(a) A benefit under division (A)(1), (B)(1), (C)(1), or 4009
(E)(1) or (2) of this section for the member's service credit as a 4010
PERS law enforcement officer; 4011

(b) A single life annuity having a reserve equal to the 4012
amount of the member's accumulated contributions for all service 4013
other than PERS law enforcement service; 4014

(c) A pension equal to the annuity provided under division 4015
(I)(2)(b) of this section, excluding amounts of the member's 4016
accumulated contributions deposited under former division (Y) of 4017
section 145.01 or former sections 145.02, 145.29, 145.292, and 4018
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 4019
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 4020
Revised Code for the purchase of service credit. 4021

(3) If the member qualifies for an allowance under division 4022
(A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section, to 4023
receive all of the following: 4024

(a) A benefit under division (A)(2), (B)(2), (C)(2), or 4025
(E)(3), (4), or (5) of this section for the member's service 4026
credit as a PERS law enforcement officer or PERS public safety 4027
officer; 4028

(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; 4029
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(c) A pension equal to the annuity provided under division (I)(3)(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. 4033
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(J) For the purposes of this section, "total service credit" includes credit for military service to the extent permitted by division (K) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by division (L) of this section. 4040
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(K) Notwithstanding sections 145.01 and 145.30 of the Revised Code, not more than four years of military service credit granted or purchased 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. 4045
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(L)(1) 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 this section for the following: 4052
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(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; 4057
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<u>(b) Any deputy sheriff who originally is employed as a</u>	4060
<u>criminal bailiff or court constable on or after April 16, 1993;</u>	4061
<u>(c) Any person who originally is appointed as a township</u>	4062
<u>constable or police officer in a township police department or</u>	4063
<u>district on or after January 1, 1981;</u>	4064
<u>(d) Any person who originally is employed as a county</u>	4065
<u>narcotics agent on or after September 26, 1984;</u>	4066
<u>(e) Any person who originally is employed as an undercover</u>	4067
<u>drug agent as defined in section 109.79 of the Revised Code,</u>	4068
<u>department of public safety enforcement agent who prior to June</u>	4069
<u>30, 1999, was a liquor control investigator, park officer, forest</u>	4070
<u>officer, wildlife officer, state watercraft officer, park district</u>	4071
<u>police officer, conservancy district officer, veterans' home</u>	4072
<u>police officer, special police officer for a mental health</u>	4073
<u>institution, special police officer for an institution for the</u>	4074
<u>developmentally disabled, or municipal police officer on or after</u>	4075
<u>December 15, 1988;</u>	4076
<u>(f) Any person who originally is employed as a state</u>	4077
<u>university law enforcement officer on or after November 6, 1996;</u>	4078
<u>(g) Any person who is originally employed as a state</u>	4079
<u>university law enforcement officer by the university of Akron on</u>	4080
<u>or after September 16, 1998;</u>	4081
<u>(h) Any person who originally is employed as a preserve</u>	4082
<u>officer on or after March 18, 1999;</u>	4083
<u>(i) Any person who originally is employed as a natural</u>	4084
<u>resources law enforcement staff officer on or after March 18,</u>	4085
<u>1999;</u>	4086
<u>(j) Any person who is originally employed as a department of</u>	4087
<u>public safety enforcement agent on or after June 30, 1999;</u>	4088
<u>(k) Any person who is originally employed as a house sergeant</u>	4089

at arms or assistant house sergeant at arms on or after September 5, 2001; 4090
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(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002; 4092
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(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than March 24, 2009. 4095
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(2) 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)(1)(b) or (c), (B)(2), (C)(1)(b) or (c), or (C)(2) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996. 4098
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(M) For 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. 4106
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(N) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code. 4110
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(O) A member seeking to retire under this section shall file an application with the public employees retirement board. 4112
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Service retirement shall be effective as provided in division (E) of section 145.32 of the Revised Code. 4114
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(P) If fewer than one per cent of the retirement system's members are contributing as public safety officers, the board, pursuant to a rule it adopts, may treat service as a public safety officer as service as a law enforcement officer. 4116
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<u>Sec. 145.333. (A) As used in this section:</u>	4120
<u>(1) "Retirement allowance" means any of the following as appropriate:</u>	4121
<u>(a) An allowance calculated under section 145.33 or 145.332 of the Revised Code prior to any reduction for early retirement or election under section 145.46 of the Revised Code of a plan of payment and exclusive of any amounts payable under divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 145.332 of the Revised Code;</u>	4122
<u>(b) An allowance calculated under division (A) of section 145.45 of the Revised Code;</u>	4123
<u>(c) An allowance calculated under division (B)(1)(a) of section 145.331 of the Revised Code.</u>	4124
<u>(2) "CBBC" means the contribution based benefit cap, a limit established by the public employees retirement board on the retirement allowance a member may receive.</u>	4125
<u>(B) Based on the advice of an actuary appointed by the board, the board shall designate a number as the CBBC factor. The board may revise the factor pursuant to advice from an actuary appointed by the board.</u>	4126
<u>(C) Prior to paying a retirement allowance, the public employees retirement system shall make the following calculations:</u>	4127
<u>(1) Determine an amount equal to the value of the member's accumulated contributions, exclusive of contributions payable under divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 145.332 of the Revised Code but including any contributions made under section 145.483 of the Revised Code that represent member contributions, any contributions used to fund a benefit under section 145.36 of the Revised Code, with interest compounded at a rate approved by the board, and a portion of any amounts paid by</u>	4128
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an employer under sections 145.297 or 145.298 of the Revised Code, 4150
as determined by an actuary appointed by the board; 4151

(2) Determine the amount of a single life annuity that is the 4152
actuarial equivalent of the amount determined under division 4153
(C)(1) of this section, adjusted for age of the member at the time 4154
of retirement or, when appropriate, the age at the time of the 4155
member's death; 4156

(3) Multiply the annuity amount determined under division (C) 4157
(2) of this section by the CBBC factor. 4158

(D) The amount determined under division (C)(3) of this 4159
section is the member's CBBC. Except as provided in division (E) 4160
of this section, if the retirement allowance the member would 4161
receive exceeds the member's CBBC, the allowance shall be reduced 4162
to an amount equal to the member's CBBC. 4163

(E) The retirement allowance of a member eligible for age and 4164
service retirement under division (A) of section 145.32 of the 4165
Revised Code or division (A) of section 145.332 of the Revised 4166
Code shall not be reduced under division (D) of this section by 4167
more than five per cent of the member's single lifetime allowance 4168
computed under section 145.33 or 145.332 of the Revised Code, 4169
unless during any full month of service earned after January 1, 4170
1987, the member's earnable salary was less than one thousand 4171
dollars. 4172

Sec. 145.35. (A) As used in this section, "on-duty illness or 4173
injury" means an illness or injury that occurred during or 4174
resulted from performance of duties under the direct supervision 4175
of a ~~member's appointing authority~~ public employer. 4176

(B) The public employees retirement system shall provide 4177
disability coverage to each member who has at least five years of 4178
total service credit and disability coverage for on-duty illness 4179

or injury to each member who is a PERS law enforcement officer or 4180
PERS public safety officer, regardless of length of service. 4181

The coverage shall extend only to illness or injury that 4182
occurs before the member's contributing service terminates or, in 4183
the case of illness or injury that results from contributing 4184
service, becomes evident not later than two years after the date 4185
the contributing service ends. The coverage shall not extend to 4186
disability resulting from elective cosmetic surgery other than 4187
reconstructive surgery. 4188

Not later than October 16, 1992, the public employees 4189
retirement board shall give each person who is a member on July 4190
29, 1992, the opportunity to elect disability coverage either 4191
under section 145.36 of the Revised Code or under section 145.361 4192
of the Revised Code. The board shall mail notice of the election, 4193
accompanied by an explanation of the coverage under each of the 4194
Revised Code sections and a form on which the election is to be 4195
made, to each member at the member's last known address. The board 4196
shall also provide the explanation and form to any member on 4197
request. 4198

Regardless of whether the member actually receives notice of 4199
the right to make an election, a member who fails to file a valid 4200
election under this section shall be considered to have elected 4201
disability coverage under section 145.36 of the Revised Code. To 4202
be valid, an election must be made on the form provided by the 4203
retirement board, signed by the member, and filed with the board 4204
not later than one hundred eighty days after the date the notice 4205
was mailed, or, in the case of a form provided at the request of a 4206
member, a date specified by rule of the retirement board. Once 4207
made, an election is irrevocable, but if the member ceases to be a 4208
member of the retirement system, the election is void. If a person 4209
who makes an election under this section also makes an election 4210
under section 3307.62 or 3309.39 of the Revised Code, the election 4211

made for the system that pays a disability benefit to that person 4212
shall govern the benefit. 4213

Disability coverage shall be provided under section 145.361 4214
of the Revised Code for persons who become members after July 29, 4215
1992, and for members who elect under this division to be covered 4216
under section 145.361 of the Revised Code. 4217

The retirement board may adopt rules governing elections made 4218
under this division. 4219

(C) Application for a disability benefit may be made by a 4220
member, by a person acting in the member's behalf, or by the 4221
member's employer, provided the member has disability coverage 4222
under section 145.36 or 145.361 of the Revised Code and is not 4223
receiving a disability benefit under any other Ohio state or 4224
municipal retirement program. Application must be made within two 4225
years from the date the member's contributing service under the 4226
PERS defined benefit plan terminated or the date the member ceased 4227
to make contributions to the PERS defined benefit plan under 4228
section 145.814 of the Revised Code, unless the retirement board 4229
determines that the member's medical records demonstrate 4230
conclusively that at the time the two-year period expired, the 4231
member was physically or mentally incapacitated for duty and 4232
unable to make an application. Application may not be made by or 4233
for any person receiving age and service retirement benefits under 4234
section 145.33, 145.331, ~~145.34~~, 145.332, or 145.37 or former 4235
section 145.34 of the Revised Code or any person who, pursuant to 4236
section 145.40 of the Revised Code, has been paid the accumulated 4237
contributions standing to the credit of the person's individual 4238
account in the employees' savings fund. The application shall be 4239
made on a form provided by the retirement board. 4240

(D) The benefit payable to any member who is approved for a 4241
disability benefit shall become effective on the first day of the 4242
month immediately following the later of the following: 4243

(1) The last day for which compensation was paid; 4244

(2) The attainment of eligibility for a disability benefit. 4245

(E) Medical examination of a member who has applied for a 4246
disability benefit shall be conducted by a competent disinterested 4247
physician or physicians selected by the board to determine whether 4248
the member is mentally or physically incapacitated for the 4249
performance of duty by a disabling condition either permanent or 4250
presumed to be permanent. The disability must have occurred since 4251
last becoming a member or have increased since last becoming a 4252
member to such extent as to make the disability permanent or 4253
presumed to be permanent. A disability is presumed to be permanent 4254
if it is expected to last for a continuous period of not less than 4255
twelve months following the filing of the application. 4256

The standard used to determine whether a member is 4257
incapacitated for duty is that the member is mentally or 4258
physically incapable of performing the duties of the position the 4259
member held at the time the disabling condition began or of a 4260
position with similar duties. 4261

If the physician or physicians determine that the member 4262
qualifies for a disability benefit, the board concurs with the 4263
determination, and the member agrees to medical treatment as 4264
specified in division (F) of this section, the member shall 4265
receive a disability benefit under section 145.36 or 145.361 of 4266
the Revised Code. The action of the board shall be final. 4267

(F) The public employees retirement board shall adopt rules 4268
requiring a disability benefit recipient, as a condition of 4269
continuing to receive a disability benefit, to agree in writing to 4270
obtain any medical treatment recommended by the board's physician 4271
and submit medical reports regarding the treatment. If the board 4272
determines that a disability benefit recipient is not obtaining 4273
the medical treatment or the board does not receive a required 4274

medical report, the disability benefit shall be suspended until 4275
the treatment is obtained, the report is received by the board, or 4276
the board's physician certifies that the treatment is no longer 4277
helpful or advisable. Should the recipient's failure to obtain 4278
treatment or submit a medical report continue for one year, the 4279
recipient's right to the disability benefit shall be terminated as 4280
of the effective date of the original suspension. 4281

The board shall require the recipient of a disability benefit 4282
who is described in section 145.363 of the Revised Code to comply 4283
with that section. 4284

(G) A disability benefit that has been granted a member but 4285
has not commenced shall not be paid if the member continues in or 4286
returns to employment with the same employer in the same position 4287
or in a position with duties similar to those of the position the 4288
member held at the time the benefit was granted. 4289

(H) In the event an employer files an application for a 4290
disability benefit as a result of a member having been separated 4291
from service because the member is considered to be mentally or 4292
physically incapacitated for the performance of the member's 4293
present duty, and the physician or physicians selected by the 4294
board reports to the board that the member is physically and 4295
mentally capable of performing service similar to that from which 4296
the member was separated and the board concurs in the report, the 4297
board shall so certify to the employer and the employer shall 4298
restore the member to the member's previous position and salary or 4299
to a similar position and salary. 4300

Sec. 145.36. A member who has elected disability coverage 4301
under this section, has not attained the applicable age ~~sixty~~, and 4302
is determined by the public employees retirement board under 4303
section 145.35 of the Revised Code to qualify for a disability 4304
benefit shall be retired on disability under this section. 4305

The applicable age is sixty if the member is described in division (A) or (B) of section 145.32 or division (A), (B), or (E)(1), (3), or (4) of section 145.332 of the Revised Code. It is sixty-two if the member is described in division (C) of section 145.32 or division (E)(2) or (5) of section 145.332 of the Revised Code.

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

(A) An annuity having a reserve equal to the amount of the retirant's accumulated contributions;

(B) A pension that shall be the difference between the member's annuity and an annual amount determined by multiplying the total service credit of the retirant, and in addition thereto the projected number of years and fractions thereof between the effective date of the member's disability retirement and ~~attained~~ attainment of the applicable age sixty, assuming continuous service, by ~~eighty-six dollars or two and two-tenths per cent of~~ the member's final average salary, ~~whichever is greater.~~

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

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

A year of service for the purpose of disability retirement is 4337
a complete year of full-time employment, or the equivalent 4338
thereof. The public employees retirement board is the final 4339
authority in determining the eligibility of a member for 4340
disability retirement. 4341

Sec. 145.361. (A) A member with disability coverage under 4342
this section who is determined by the public employees retirement 4343
board under section 145.35 of the Revised Code to qualify for a 4344
disability benefit shall receive a disability allowance under this 4345
section. The allowance shall be an annual amount equal to the 4346
greater of the following: 4347

(1) Forty-five per cent of the member's final average salary; 4348

(2) The member's total service credit multiplied by two and 4349
two-tenths per cent of the member's final average salary, not 4350
exceeding sixty per cent of the member's final average salary. 4351

(B) Sufficient reserves for payment of the disability 4352
allowance shall be transferred to the annuity and pension reserve 4353
fund from the employers' contribution fund. The accumulated 4354
contributions of the member shall remain in the employees' savings 4355
fund. No part of the allowance paid under this section shall be 4356
charged against the member's accumulated contributions. 4357

(C) A disability allowance paid under this section shall 4358
terminate at the earliest of the following: 4359

(1) The effective date of age and service retirement under 4360
sections 145.32 ~~and~~, 145.33, and 145.332, or section ~~145.34 or~~ 4361
145.37 or former section 145.34 of the Revised Code; 4362

(2) The date the allowance is terminated under section 4363
145.362 of the Revised Code; 4364

(3) The later of the last day of the month in which the 4365
recipient attains the applicable age ~~sixty-five~~, or the last day 4366

of the month in which the benefit period ends as follows:		4367
Attained Age at		4368
Effective Date of		4369
Disability Allowance	Benefit Period	4370
60 or 61	60 months	4371
62 or 63	48 months	4372
64 or 65	36 months	4373
66, 67, or 68	24 months	4374
69 or older	12 months	4375

The applicable age is sixty-five if the member is described 4376
in division (A) of section 145.32 or division (A) of section 4377
145.332 of the Revised Code. It is sixty-six if the member is 4378
described in division (B) of section 145.32 or division (B) of 4379
section 145.332 of the Revised Code. It is sixty-seven if the 4380
member is described in division (C) of section 145.32 or division 4381
(C) of section 145.332 of the Revised Code. 4382

Sec. 145.362. A disability benefit recipient whose 4383
application for a disability benefit was received by the public 4384
employees retirement system before the effective date of this 4385
amendment shall, regardless of when the disability occurred, 4386
retain membership status and shall be considered on leave of 4387
absence from employment during the first five years following the 4388
effective date of a disability benefit, notwithstanding any 4389
contrary provisions in this chapter. 4390

A disability benefit recipient whose application for a 4391
disability benefit is received by the system on or after the 4392
effective date of this amendment shall, regardless of when the 4393
disability occurred, retain membership status and shall be 4394
considered on leave of absence from employment during the first 4395
three years following the effective date of a disability benefit, 4396
except that, if the member is receiving rehabilitative services 4397

acceptable to a physician or physicians selected by the board, the 4398
board may permit the recipient to retain membership status and be 4399
considered on leave of absence from employment for up to five 4400
years following the effective date of a disability benefit. 4401

The public employees retirement board shall require any 4402
disability benefit recipient to undergo an annual medical 4403
examination, except that the board may waive the medical 4404
examination if the board's physician or physicians certify that 4405
the recipient's disability is ongoing or for any other reason 4406
specified in rules adopted by the board. If any disability benefit 4407
recipient refuses to submit to a medical examination, the 4408
recipient's disability benefit shall be suspended until withdrawal 4409
of the refusal. Should the refusal continue for one year, all the 4410
recipient's rights in and to the disability benefit shall be 4411
terminated as of the effective date of the original suspension. 4412

On completion of the examination by an examining physician or 4413
physicians selected by the board, the physician or physicians 4414
shall report and certify to the board whether the disability 4415
benefit recipient meets the applicable standard for termination of 4416
a disability benefit. 4417

(A) Regardless of when the disability occurred, if the 4418
recipient's application for a disability benefit was received by 4419
the system before the effective date of this amendment, or, if 4420
after that date, the recipient has been receiving the benefit for 4421
less than three years or is receiving rehabilitative services 4422
acceptable to the physician or physicians and considered on leave 4423
of absence, or, if, when the disability occurred, the recipient 4424
was a PERS law enforcement officer, the standard for termination 4425
is that the recipient is no longer physically and mentally 4426
incapable of resuming the service from which the recipient was 4427
found disabled. ¶ 4428

(B) Regardless of when the disability occurred, if the 4429

recipient's application for a disability benefit is received by 4430
the system on or after the effective date of this amendment the 4431
recipient has been receiving the benefit for three years or 4432
longer, the recipient was not a PERS law enforcement officer when 4433
the disability occurred, and the recipient is not receiving 4434
rehabilitative services acceptable to the physician or physicians, 4435
the standard for termination is that the recipient is not 4436
physically or mentally incapable of performing the duties of any 4437
position that meets all of the following criteria: 4438

(1) Replaces not less than seventy-five per cent of the 4439
member's final average salary, adjusted each year by the actual 4440
average increase in the consumer price index prepared by the 4441
United States bureau of labor statistics (U.S. city average for 4442
urban wage earners and clerical workers: "all items 4443
1982-1984=100"); 4444

(2) Is reasonably to be found in the member's regional job 4445
market; 4446

(3) Is one that the member is qualified for by experience or 4447
education. 4448

If the board concurs in the report that the disability 4449
benefit recipient is no longer incapable meets the applicable 4450
standard for termination of a disability benefit, the payment of 4451
the disability benefit shall be terminated not later than three 4452
months after the date of the board's concurrence or upon 4453
employment as a public employee. If the leave of absence has not 4454
expired, the retirement board shall certify to the disability 4455
benefit recipient's last employer before being found disabled that 4456
the recipient is no longer physically and mentally incapable of 4457
resuming service that is the same or similar to that from which 4458
the recipient was found disabled. The employer shall restore the 4459
recipient to the recipient's previous position and salary or to a 4460
position and salary similar thereto, unless the recipient was 4461

dismissed or resigned in lieu of dismissal for dishonesty, 4462
misfeasance, malfeasance, or conviction of a felony. 4463

Each disability benefit recipient shall file with the board 4464
an annual statement of earnings, current medical information on 4465
the recipient's condition, and any other information required in 4466
rules adopted by the board. The board may waive the requirement 4467
that a disability benefit recipient file an annual statement of 4468
earnings or current medical information if the board's physician 4469
certifies that the recipient's disability is ongoing. 4470

The board shall annually examine the information submitted by 4471
the recipient. If a disability benefit recipient refuses to file 4472
the statement or information, the disability benefit shall be 4473
suspended until the statement and information are filed. If the 4474
refusal continues for one year, the recipient's right to the 4475
disability benefit shall be terminated as of the effective date of 4476
the original suspension. 4477

If a disability benefit recipient is restored to service by, 4478
or elected to an elective office with, an employer covered by this 4479
chapter, the recipient's disability benefit shall cease. 4480

The board may terminate a disability benefit at the request 4481
of the recipient. 4482

If disability retirement under section 145.36 of the Revised 4483
Code is terminated for any reason, the annuity and pension 4484
reserves at that time in the annuity and pension reserve fund 4485
shall be transferred to the employees' savings fund and the 4486
employers' accumulation fund, respectively. If the total 4487
disability benefit paid is less than the amount of the accumulated 4488
contributions of the member transferred to the annuity and pension 4489
reserve fund at the time of the member's disability retirement, 4490
the difference shall be transferred from the annuity and pension 4491
reserve fund to another fund as may be required. In determining 4492

the amount of a member's account following the termination of 4493
disability retirement for any reason, the total amount paid shall 4494
be charged against the member's refundable account. 4495

If a disability allowance paid under section 145.361 of the 4496
Revised Code is terminated for any reason, the reserve on the 4497
allowance at that time in the annuity and pension reserve fund 4498
shall be transferred from that fund to the employers' accumulation 4499
fund. 4500

If a former disability benefit recipient again becomes a 4501
contributor, other than as an other system retirant under section 4502
145.38 of the Revised Code, to this system, the state teachers 4503
retirement system, or the school employees retirement system, and 4504
completes an additional two years of service credit, the former 4505
disability benefit recipient shall be entitled to full service 4506
credit, not exceeding five years' service credit, for the period 4507
as a disability benefit recipient, except that if the board adopts 4508
a rule requiring payment for the service credit it shall be 4509
granted only if the former disability benefit recipient pays an 4510
amount determined under the rule. The rule shall not require 4511
payment of more than the additional liability to the retirement 4512
system resulting from granting the credit. The former recipient 4513
may choose to purchase only part of the credit in any one payment. 4514

If any employer employs any member who is receiving a 4515
disability benefit, the employer shall file notice of employment 4516
with the retirement board, designating the date of employment. In 4517
case the notice is not filed, the total amount of the benefit paid 4518
during the period of employment prior to notice shall be charged 4519
to and paid by the employer. 4520

Sec. 145.363. This section does not apply to a disability 4521
recipient who, when the disability occurred, was a PERS law 4522
enforcement officer. 4523

(A) A recipient of a disability benefit granted under this 4524
chapter whose application for such benefit is received by the 4525
public employees retirement system on or after the effective date 4526
of this section shall, regardless of when the disability occurred, 4527
apply for social security disability insurance benefit payments 4528
under 42 U.S.C. 423 if the recipient meets the requirements of 4529
divisions (a)(1)(A), (B), and (C) of that section. The application 4530
for a social security disability insurance benefit shall be made 4531
not later than ninety days after the recipient is granted a 4532
disability benefit under this chapter unless the public employees 4533
retirement board determines from the member's medical records that 4534
the member is physically or mentally unable to make the 4535
application. The recipient shall file a copy of the completed 4536
application with the public employees retirement system and the 4537
system shall accept the copy as evidence of the member's 4538
application. If a recipient fails without just cause to apply for 4539
social security disability insurance benefit payments or to file a 4540
copy of the application with the system, the disability benefit 4541
under this chapter shall be suspended until application is made 4542
and a copy of the application filed with the system. 4543

(B) Regardless of whether the recipient's disability is 4544
ongoing, a recipient of a disability benefit under this chapter 4545
who also receives social security disability insurance benefit 4546
payments shall file an annual statement of earnings under section 4547
145.362 of the Revised Code and include a copy of the social 4548
security disability insurance benefit annual reward letter that 4549
specifies the amount of the social security disability insurance 4550
program benefit. 4551

(C) Except as provided in division (D) of this section, if 4552
any year the total of a disability benefit recipient's benefit 4553
under this chapter and social security disability insurance 4554
benefit payments exceeds the recipient's adjusted final average 4555

salary, the annual benefit under this chapter shall be reduced so 4556
that the annual total equals the recipient's adjusted final 4557
average salary. 4558

The recipient's adjusted final average salary shall be 4559
determined by annually increasing the recipient's final average 4560
salary by the percentage increase in the consumer price index, not 4561
exceeding three per cent, as determined by the United States 4562
bureau of labor statistics (U.S. city average for urban wage 4563
earners and clerical workers: "all items 1982-84=100") for the 4564
twelve-month period ending on the thirtieth day of June of the 4565
immediately preceding calendar year. If the consumer price index 4566
for that period did not increase, no increase shall be made to the 4567
recipient's adjusted final average salary for that period. No 4568
adjustment to a benefit shall exceed the limit established by 4569
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 4570
2085, 26 U.S.C. 415, as amended. 4571

If a disability benefit recipient receives retroactive 4572
payments of social security disability insurance benefits, the 4573
system may reduce future disability benefit payments under this 4574
chapter to recoup any overpayments. 4575

(D) The reductions required by division (C) of this section 4576
do not apply to a recipient of a disability benefit under this 4577
chapter who has not less than five years of service credit for 4578
periods during which the recipient had earnings from other 4579
employment that was subject to the tax imposed by the "Federal 4580
Insurance Contributions Act," 26 U.S.C. 3101. 4581

Sec. 145.37. (A) As used in this section: 4582

(1) "State retirement system" means the public employees 4583
retirement system, school employees retirement system, or state 4584
teachers retirement system. 4585

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

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

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

(1) ~~At~~ Subject to division (B)(2) of this section, at the option election of a member, total contributions and service credit in all state retirement systems, including amounts paid to restore service credit under sections 145.311, 3307.711, and 3309.261 of the Revised Code, shall be used in determining the eligibility and total retirement or disability benefit payable. When total contributions and service credit are so combined, the following provisions apply:

(a) Age and service retirement ~~or disability benefits are~~ shall be effective on the first day of the month immediately following the later of:

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

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

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

(b) ~~In determining eligibility~~ Disability benefits shall be effective on the first day of the month immediately following the later of the following:

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

(ii) The attainment of eligibility for a disability benefit. 4616

(c) Eligibility for a disability benefit, the medical 4617
examiner's report to shall be determined by the retirement board 4618
of any the state retirement system, showing that will calculate 4619
and pay the member's disability incapacitates the member for the 4620
performance of duty, may benefit, as provided in division 4621
(B)(1)(d) of this section. The state retirement system calculating 4622
and paying the disability benefit shall certify the determination 4623
to the board of each other state retirement system in which the 4624
member has service credit and shall be accepted by the state 4625
retirement boards that board as sufficient for granting a 4626
disability benefit. 4627

(e)(d) The board of the state retirement system in which the 4628
member had the greatest service credit, without adjustment, shall 4629
determine calculate and pay the total retirement or disability 4630
benefit. Where the member's credit is equal in two or more state 4631
retirement systems, the system having the largest total 4632
contributions of the member shall determine calculate and pay the 4633
total benefit. 4634

(d)(e) In determining the total credit to be used in 4635
calculating a retirement or disability benefit, credit shall not 4636
be reduced below that certified by the system or systems 4637
transferring credit, except that such total combined service 4638
credit shall not exceed one year of credit for any one "year" as 4639
defined in the law of the system making the calculation. 4640

(e)(f) The state retirement system determining calculating 4641
and paying a retirement or disability benefit shall receive from 4642
the other system or systems the member's refundable account at 4643
retirement or the effective date of a disability benefit plus an 4644
amount from the employers' accumulation fund equal to the member's 4645
refundable account less interest credited under section 145.471, 4646
145.472, or 3307.563 of the Revised Code all of the following for 4647

each year of service: 4648

(i) The amount contributed by the member, or, in the case of 4649
service credit purchased by the member, paid by the member, that 4650
is attributable to the year of service; 4651

(ii) An amount equal to the lesser of the employer's 4652
contributions made on behalf of the member to the retirement 4653
system for that year of service or the amount that would have been 4654
contributed by the employer for the service had the member been a 4655
member of the public employees retirement system at the time the 4656
credit was earned; 4657

(iii) Interest compounded annually on the amounts specified 4658
in divisions (B)(1)(f)(i) and (ii) of this section at the lesser 4659
of the actuarial assumption rate for that year of the retirement 4660
system determining and paying the benefit or the other retirement 4661
system or systems transferring amounts under this section. If 4662

If applicable, the public employees retirement system shall 4663
pay to the retirement system ~~determining~~ calculating and paying 4664
the benefit a portion of the amount paid on behalf of the member 4665
by an employer under section 145.483 of the Revised Code. The 4666
portion shall be paid from the employers' accumulation fund and 4667
shall equal the product obtained by multiplying by two the amount 4668
the member would have contributed during the period the employer 4669
failed to deduct contributions, as described in section 145.483 of 4670
the Revised Code. 4671

~~(i)~~(g) The annuity rates and mortality tables of the state 4672
retirement system making the calculation and paying the benefit 4673
shall be exclusively applicable. 4674

~~(ii)~~(h) Deposits made for the purpose of an additional 4675
annuity, ~~and including guaranteed interest~~ together with earnings 4676
as provided in section 145.62 of the Revised Code, upon the 4677
request of the member, shall be transferred to the state 4678

retirement system paying the benefit. The return upon such 4679
deposits shall be that offered by the state retirement system 4680
making the calculation and paying the benefit. 4681

(2) A former member receiving a retirement or disability 4682
benefit under this section, who accepts employment amenable to 4683
coverage in any state retirement system that participated in the 4684
former member's combined benefit, shall be subject to the 4685
applicable provisions of law governing such re-employment. If a 4686
former member should be paid any amount in a retirement benefit, 4687
to which the former member is not entitled under the applicable 4688
provisions of law governing such re-employment, such amount shall 4689
be recovered by the state retirement system paying such benefit by 4690
utilizing any recovery procedure available under the code 4691
provisions of the state retirement system covering such 4692
re-employment. 4693

(C) A PERS retirant or other system retirant, as defined in 4694
section 145.38 of the Revised Code, is not eligible to receive any 4695
benefit under this section for service subject to section 145.38 4696
of the Revised Code. 4697

Sec. 145.38. (A) As used in this section and sections 145.381 4698
and 145.384 of the Revised Code: 4699

(1) "PERS retirant" means a former member of the public 4700
employees retirement system who is receiving one of the following: 4701

(a) Age and service retirement benefits under section 145.32, 4702
145.33, 145.331, ~~145.34~~, 145.332, or 145.46 or former section 4703
145.34 of the Revised Code; 4704

(b) Age and service retirement benefits paid by the public 4705
employees retirement system under section 145.37 of the Revised 4706
Code; 4707

(c) Any benefit paid under a PERS defined contribution plan. 4708

(2) "Other system retirant" means both of the following: 4709

(a) A member or former member of the Ohio police and fire 4710
pension fund, state teachers retirement system, school employees 4711
retirement system, state highway patrol retirement system, or 4712
Cincinnati retirement system who is receiving age and service or 4713
commuted age and service retirement benefits or a disability 4714
benefit from a system of which the person is a member or former 4715
member; 4716

(b) A member or former member of the public employees 4717
retirement system who is receiving age and service retirement 4718
benefits or a disability benefit under section 145.37 of the 4719
Revised Code paid by the school employees retirement system or the 4720
state teachers retirement system. 4721

(B)(1) Subject to this section and section 145.381 of the 4722
Revised Code, a PERS retirant or other system retirant may be 4723
employed by a public employer. If so employed, the PERS retirant 4724
or other system retirant shall contribute to the public employees 4725
retirement system in accordance with section 145.47 of the Revised 4726
Code, and the employer shall make contributions in accordance with 4727
section 145.48 of the Revised Code. 4728

(2) A public employer that employs a PERS retirant or other 4729
system retirant, or enters into a contract for services as an 4730
independent contractor with a PERS retirant, shall notify the 4731
retirement board of the employment or contract not later than the 4732
end of the month in which the employment or contract commences. 4733
Any overpayment of benefits to a PERS retirant by the retirement 4734
system resulting from delay or failure of the employer to give the 4735
notice shall be repaid to the retirement system by the employer. 4736

(3) On receipt of notice from a public employer that a person 4737
who is an other system retirant has been employed, the retirement 4738
system shall notify the retirement system of which the other 4739

system retirant was a member of such employment. 4740

(4)(a) A PERS retirant who has received a retirement 4741
allowance for less than two months when employment subject to this 4742
section commences shall forfeit the retirement allowance for any 4743
month the PERS retirant is employed prior to the expiration of the 4744
two-month period. Service and contributions for that period shall 4745
not be included in calculation of any benefits payable to the PERS 4746
retirant, and those contributions shall be refunded on the 4747
retirant's death or termination of the employment. 4748

(b) An other system retirant who has received a retirement 4749
allowance or disability benefit for less than two months when 4750
employment subject to this section commences shall forfeit the 4751
retirement allowance or disability benefit for any month the other 4752
system retirant is employed prior to the expiration of the 4753
two-month period. Service and contributions for that period shall 4754
not be included in the calculation of any benefits payable to the 4755
other system retirant, and those contributions shall be refunded 4756
on the retirant's death or termination of the employment. 4757

(c) Contributions made on compensation earned after the 4758
expiration of the two-month period shall be used in the 4759
calculation of the benefit or payment due under section 145.384 of 4760
the Revised Code. 4761

(5) On receipt of notice from the Ohio police and fire 4762
pension fund, school employees retirement system, or state 4763
teachers retirement system of the re-employment of a PERS 4764
retirant, the public employees retirement system shall not pay, or 4765
if paid, shall recover, the amount to be forfeited by the PERS 4766
retirant in accordance with section 742.26, 3307.35, or 3309.341 4767
of the Revised Code. 4768

(6) A PERS retirant who enters into a contract to provide 4769
services as an independent contractor to the employer by which the 4770

retirant was employed at the time of retirement or, less than two 4771
months after the retirement allowance commences, begins providing 4772
services as an independent contractor pursuant to a contract with 4773
another public employer, shall forfeit the pension portion of the 4774
retirement benefit for the period beginning the first day of the 4775
month following the month in which the services begin and ending 4776
on the first day of the month following the month in which the 4777
services end. The annuity portion of the retirement allowance 4778
shall be suspended on the day services under the contract begin 4779
and shall accumulate to the credit of the retirant to be paid in a 4780
single payment after services provided under the contract 4781
terminate. A PERS retirant subject to division (B)(6) of this 4782
section shall not contribute to the retirement system and shall 4783
not become a member of the system. 4784

(7) As used in this division, "employment" includes service 4785
for which a PERS retirant or other system retirant, the retirant's 4786
employer, or both, have waived any earnable salary for the 4787
service. 4788

(C)(1) Except as provided in division (C)(3) of this section, 4789
this division applies to both of the following: 4790

(a) A PERS retirant who, prior to September 14, 2000, was 4791
subject to division (C)(1)(b) of this section as that division 4792
existed immediately prior to September 14, 2000, and has not 4793
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 4794
assembly to cease to be subject to that division; 4795

(b) A PERS retirant to whom both of the following apply: 4796

(i) The retirant held elective office in this state, or in 4797
any municipal corporation, county, or other political subdivision 4798
of this state at the time of retirement under this chapter. 4799

(ii) The retirant was elected or appointed to the same office 4800
for the remainder of the term or the term immediately following 4801

the term during which the retirement occurred. 4802

(2) A PERS retirant who is subject to this division is a 4803
member of the public employees retirement system with all the 4804
rights, privileges, and obligations of membership, except that the 4805
membership does not include survivor benefits provided pursuant to 4806
section 145.45 of the Revised Code or, beginning on the ninetieth 4807
day after September 14, 2000, any amount calculated under section 4808
145.401 of the Revised Code. The pension portion of the PERS 4809
retirant's retirement allowance shall be forfeited until the first 4810
day of the first month following termination of the employment. 4811
The annuity portion of the retirement allowance shall accumulate 4812
to the credit of the PERS retirant to be paid in a single payment 4813
after termination of the employment. The retirement allowance 4814
shall resume on the first day of the first month following 4815
termination of the employment. On termination of the employment, 4816
the PERS retirant shall elect to receive either a refund of the 4817
retirant's contributions to the retirement system during the 4818
period of employment subject to this section or a supplemental 4819
retirement allowance based on the retirant's contributions and 4820
service credit for that period of employment. 4821

(3) This division does not apply to any of the following: 4822

(a) A PERS retirant elected to office who, at the time of the 4823
election for the retirant's current term, was not retired but, not 4824
less than ninety days prior to the primary election for the term 4825
or the date on which a primary for the term would have been held, 4826
filed a written declaration of intent to retire before the end of 4827
the term with the director of the board of elections of the county 4828
in which petitions for nomination or election to the office are 4829
filed; 4830

(b) A PERS retirant elected to office who, at the time of the 4831
election for the retirant's current term, was a retirant and had 4832
been retired for not less than ninety days; 4833

(c) A PERS retirant appointed to office who, at the time of 4834
appointment to the retirant's current term, notified the person or 4835
entity making the appointment that the retirant was already 4836
retired or intended to retire before the end of the term. 4837

(D)(1) Except as provided in division (C) of this section, a 4838
PERS retirant or other system retirant subject to this section is 4839
not a member of the public employees retirement system, and, 4840
except as specified in this section does not have any of the 4841
rights, privileges, or obligations of membership. Except as 4842
specified in division (D)(2) of this section, the retirant is not 4843
eligible to receive health, medical, hospital, or surgical 4844
benefits under section 145.58 of the Revised Code for employment 4845
subject to this section. 4846

(2) A PERS retirant subject to this section shall receive 4847
primary health, medical, hospital, or surgical insurance coverage 4848
from the retirant's employer, if the employer provides coverage to 4849
other employees performing comparable work. Neither the employer 4850
nor the PERS retirant may waive the employer's coverage, except 4851
that the PERS retirant may waive the employer's coverage if the 4852
retirant has coverage comparable to that provided by the employer 4853
from a source other than the employer or the public employees 4854
retirement system. If a claim is made, the employer's coverage 4855
shall be the primary coverage and shall pay first. The benefits 4856
provided under section 145.58 of the Revised Code shall pay only 4857
those medical expenses not paid through the employer's coverage or 4858
coverage the PERS retirant receives through a source other than 4859
the retirement system. 4860

(E) If the disability benefit of an other system retirant 4861
employed under this section is terminated, the retirant shall 4862
become a member of the public employees retirement system, 4863
effective on the first day of the month next following the 4864
termination with all the rights, privileges, and obligations of 4865

membership. If such person, after the termination of the 4866
disability benefit, earns two years of service credit under this 4867
system or under the Ohio police and fire pension fund, state 4868
teachers retirement system, school employees retirement system, or 4869
state highway patrol retirement system, the person's prior 4870
contributions as an other system retirant under this section shall 4871
be included in the person's total service credit as a public 4872
employees retirement system member, and the person shall forfeit 4873
all rights and benefits of this section. Not more than one year of 4874
credit may be given for any period of twelve months. 4875

(F) This section does not affect the receipt of benefits by 4876
or eligibility for benefits of any person who on August 20, 1976, 4877
was receiving a disability benefit or service retirement pension 4878
or allowance from a state or municipal retirement system in Ohio 4879
and was a member of any other state or municipal retirement system 4880
of this state. 4881

(G) The public employees retirement board may adopt rules to 4882
carry out this section. 4883

Sec. 145.383. (A) As used in this section: 4884

(1) "Compensation" has the same meaning as in section 3307.01 4885
or 3309.01 of the Revised Code, as appropriate. 4886

(2) "PERS position" means a position for which a member of 4887
the public employees retirement system is making contributions to 4888
the system. 4889

(3) "Other state retirement system" means the state teachers 4890
retirement system or the school employees retirement system. 4891

(4) "State retirement system" means the public employees 4892
retirement system, state teachers retirement system, or the school 4893
employees retirement system. 4894

(B)(1) A member of the public employees retirement system who 4895

holds two or more PERS positions may retire under section 145.32, 4896
145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised 4897
Code from the position for which the annual earnable salary at the 4898
time of retirement is highest and continue to contribute to the 4899
retirement system for the other PERS position or positions. 4900

(2) A member of the public employees retirement system who 4901
also holds one or more other positions covered by the other state 4902
retirement systems may retire under section 145.32, 145.33, 4903
145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised Code 4904
from the PERS position and continue contributing to the other 4905
state retirement systems if the annual earnable salary for the 4906
PERS position at the time of retirement is greater than annual 4907
compensation for the position, or any of the positions, covered by 4908
the other state retirement systems. 4909

(3) A member of the public employees retirement system who 4910
holds two or more PERS positions and at least one other position 4911
covered by one of the other state retirement systems may retire 4912
under section 145.32, 145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 4913
145.46 of the Revised Code from one of the PERS positions and 4914
continue contributing to the public employees retirement system 4915
and the other state retirement system if the annual earnable 4916
salary for the PERS position from which the member is retiring is, 4917
at the time of retirement, greater than the annual compensation or 4918
earnable salary for any of the positions for which the member is 4919
continuing to make contributions. 4920

(4) A member of the public employees retirement system who 4921
has retired as provided in division (B)(2) or (3) of section 4922
3307.351 or division (B)(2) or (3) of section 3309.343 of the 4923
Revised Code may continue to contribute to the public employees 4924
retirement system for a PERS position if the member held the 4925
position at the time of retirement from the other state retirement 4926
system. 4927

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

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

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

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

(c) The member's accumulated contributions.

(2) A member who retires as provided in division (B)(1), (2), or (3) of this section is a retirant for all purposes of this chapter, except that the member is not subject to section 145.38 of the Revised Code for a position or positions for which contributions continue under those divisions or division (B)(4) of this section.

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

(E) The public employees retirement board may adopt rules to

carry out this section. 4959

Sec. 145.384. (A) As used in this section, "PERS retirant" 4960
means a PERS retirant who is not subject to division (C) of 4961
section 145.38 of the Revised Code. For purposes of this section, 4962
"PERS retirant" also includes both of the following: 4963

(1) A member who retired under section 145.383 of the Revised 4964
Code; 4965

(2) A retirant whose retirement allowance resumed under 4966
section 145.385 of the Revised Code. 4967

(B)(1) An other system retirant or PERS retirant who has made 4968
contributions under section 145.38 or 145.383 of the Revised Code 4969
or, in the case of a retirant described in division (A)(2) of this 4970
section, section 145.47 of the Revised Code may file an 4971
application with the public employees retirement system to receive 4972
either a benefit, as provided in division (B)(2) of this section, 4973
or payment of the retirant's contributions made under those 4974
sections, as provided in division (H) of this section. 4975

(2) A benefit under this section shall consist of an annuity 4976
having a reserve equal to the amount of the retirant's accumulated 4977
contributions for the period of employment, other than the 4978
contributions excluded pursuant to division (B)(4)(a) or (b) of 4979
section 145.38 of the Revised Code, and an amount of the 4980
employer's contributions determined by the board. 4981

(a) Unless, as described in division (I) of this section, the 4982
application is accompanied by a statement of the spouse's consent 4983
to another form of payment or the board waives the requirement of 4984
spousal consent, a PERS retirant or other system retirant who is 4985
married at the time of application for a benefit under this 4986
section shall receive a monthly annuity under which the actuarial 4987
equivalent of the retirant's single life annuity is paid in a 4988

lesser amount for life and one-half of the lesser amount continues 4989
after the retirant's death to the surviving spouse. 4990

(b) A PERS retirant or other system retirant who is not 4991
subject to division (B)(2)(a) of this section shall elect either 4992
to receive the benefit as a monthly annuity or a lump sum payment 4993
discounted to the present value using a rate of interest 4994
determined by the board. A retirant who elects to receive a 4995
monthly annuity shall select one of the following as the plan of 4996
payment: 4997

(i) The retirant's single life annuity; 4998

(ii) The actuarial equivalent of the retirant's single life 4999
annuity in an equal or lesser amount for life and continuing after 5000
death to a surviving beneficiary designated at the time the plan 5001
of payment is selected. 5002

If a retirant who is eligible to select a plan of payment 5003
under division (B)(2)(b) of this section fails to do so, the 5004
benefit shall be paid as a monthly annuity under the plan of 5005
payment specified in rules adopted by the public employees 5006
retirement board. 5007

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 5008
section, if a monthly annuity would be less than twenty-five 5009
dollars per month, the retirant shall receive a lump sum payment. 5010

(C)(1) The death of a spouse or other designated beneficiary 5011
under a plan of payment described in division (B)(2) of this 5012
section cancels that plan of payment. The PERS retirant or other 5013
system retirant shall receive the equivalent of the retirant's 5014
single life annuity, as determined by the board, effective the 5015
first day of the month following ~~receipt by the board of notice of~~ 5016
the date of death. 5017

(2) On divorce, annulment, or marriage dissolution, a PERS 5018
retirant or other system retirant receiving a benefit described in 5019

division (B)(2) of this section under which the beneficiary is the spouse may, with the written consent of the spouse or pursuant to an order of the court with jurisdiction over the termination of the marriage, elect to cancel the plan and receive the equivalent of the retirant's single life annuity as determined by the board. The election shall be made on a form provided by the board and shall be effective the month following its receipt by the board.

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

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

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

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

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

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

(3) If the PERS retirant or other system retirant was previously employed under section 145.38, 145.383, or 145.385 of

the Revised Code and is receiving or previously received a benefit 5051
under this section, completion of a period of twelve months since 5052
the effective date of the last benefit under this section; 5053

(4) Ninety days prior to receipt by the board of the member's 5054
completed application for retirement; 5055

(5) A date specified by the retirant. 5056

(F)(1) If a PERS retirant or other system retirant dies while 5057
employed in employment subject to section 145.38, 145.383, or 5058
145.385 of the Revised Code, a lump sum payment ~~calculated in~~ 5059
~~accordance with division (B)(2) of this section~~ shall be paid to 5060
the retirant's beneficiary under division (G) of this section. The 5061
lump sum shall be calculated in accordance with division (H) of 5062
this section if the retirant was under age sixty-five at the time 5063
of death. It shall be calculated in accordance with division 5064
(B)(2) of this section if the retirant was age sixty-five or older 5065
at the time of death. 5066

(2) If at the time of death a PERS retirant or other system 5067
retirant receiving a monthly annuity under division (B)(2)(b)(i) 5068
of this section has received less than the retirant would have 5069
received as a lump sum payment, the difference between the amount 5070
received and the amount that would have been received as a lump 5071
sum payment shall be paid to the retirant's beneficiary under 5072
division (G) of this section. 5073

(3) If a beneficiary receiving a monthly annuity under 5074
division (B)(2) of this section dies and, at the time of the 5075
beneficiary's death, the total of the amounts paid to the retirant 5076
and beneficiary are less than the amount the retirant would have 5077
received as a lump sum payment, the difference between the total 5078
of the amounts received by the retirant and beneficiary and the 5079
amount that the retirant would have received as a lump sum payment 5080
shall be paid to the beneficiary's estate. 5081

(G) A PERS retirant or other system retirant employed under section 145.38, 145.383, or 145.385 of the Revised Code may designate one or more persons as beneficiary to receive any benefits payable under division (B)(2)(b) of this section due to death. The designation shall be in writing duly executed on a form provided by the public employees retirement board, signed by the PERS retirant or other system retirant, and filed with the board prior to death. The last designation of a beneficiary revokes all previous designations. The PERS retirant's or other system retirant's marriage, divorce, marriage dissolution, legal separation, withdrawal of account, birth of a child, or adoption of a child revokes all previous designations. If there is no designated beneficiary, the beneficiary is the beneficiary determined under division (D) of section 145.43 of the Revised Code. If any benefit payable under this section due to the death of a PERS retirant or other system retirant is not claimed by a beneficiary within five years after the death, the amount payable shall be transferred to the income fund and thereafter paid to the beneficiary or the estate of the PERS retirant or other system retirant on application to the board.

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

(a) The retirant has not attained sixty-five years of age and has terminated employment subject to section 145.38, 145.383, or

145.385 of the Revised Code for any cause other than death or the receipt of a benefit under this section.

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

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

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

(I) A statement of a spouse's consent under division (B)(2) of this section to the form of a benefit or under division (H) of this section to a payment of contributions is valid only if signed by the spouse and witnessed by a notary public. The board may waive the requirement of spousal 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.

(J) No amount received under this section shall be included in determining an additional benefit under section 145.323 of the Revised Code or any other post-retirement benefit increase.

Sec. 145.39. Whenever the limits established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended, are raised, the public employees retirement board shall increase the amount of the pension, benefit, or allowance of any person whose pension, benefit, or allowance payable under section 145.323, 145.33, 145.331, ~~145.34,~~ 145.332, 145.36, or 145.361 or former section 145.34 of the

Revised Code was limited by the application of section 415. The 5144
amount of the increased pension, benefit, or allowance shall not 5145
exceed the lesser of the amount the person would have received if 5146
the limits established by section 415 had not been applied or the 5147
amount the person is eligible to receive subject to the new limits 5148
established by section 415. 5149

Sec. 145.40. (A)(1) Subject to the provisions of section 5150
145.57 of the Revised Code and except as provided in section 5151
145.402 of the Revised Code and division (B) of this section, if a 5152
member elects to become exempt from contribution to the public 5153
employees retirement system pursuant to section 145.03 of the 5154
Revised Code or ceases to be a public employee for any cause other 5155
than death, retirement, receipt of a disability benefit, or 5156
current employment in a position in which the member has elected 5157
to participate in an alternative retirement plan under section 5158
3305.05 or 3305.051 of the Revised Code, upon application the 5159
public employees retirement board shall pay the member the 5160
member's accumulated contributions, plus any applicable amount 5161
calculated under section 145.401 of the Revised Code, provided 5162
that both the following apply: 5163

(a) Three months have elapsed since the member's service 5164
subject to this chapter, other than service exempted from 5165
contribution pursuant to section 145.03 of the Revised Code, was 5166
terminated; 5167

(b) The member has not returned to service subject to this 5168
chapter, other than service exempted from contribution pursuant to 5169
section 145.03 of the Revised Code, during that three-month 5170
period. 5171

The payment of such accumulated contributions shall cancel 5172
the total service credit of such member in the public employees 5173
retirement system. 5174

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

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:

~~(1) "Eligible contributions" means amounts contributed under section 145.47 of the Revised Code, amounts received from a member or transferred under section 145.20, 145.295, 145.302, or 145.44 of the Revised Code, and any interest credited under section 145.471 or 145.472 of the Revised Code. "Eligible contributions" does not include contributions that were used in the payment of a disability benefit or, as provided in rules adopted by the board, were refunded to a member because the system was not authorized to accept the contributions.~~

~~(2) "Service, "service credit" means service credit earned for periods for which contributions were made under section 145.47 of the Revised Code and, if applicable, periods for which service credit was purchased or transferred restored under section 145.20, 145.295, 145.302, or 145.44 145.31 of the Revised Code.~~

(B) If a member has, or at the time of death had, at least five years of service credit, the public employees retirement board shall include the amount specified in ~~division (B)(1) or (2) of this section~~ rules adopted by the board in the amount payable under section 145.40 of the Revised Code to the member, or under

division (B) of section 145.43 of the Revised Code to a 5237
beneficiary or beneficiaries of the member, unless at the time of 5238
death the member was a disability benefit recipient. The amount 5239
specified in ~~division (B)(1) or (2) of this section~~ rules shall be 5240
paid from the employers' accumulation fund. 5241

~~(1) If the member has, or had at the time of death, at least 5242
five but less than ten years of service credit, the amount 5243
included shall be equal to thirty three per cent of the member's 5244
eligible contributions. 5245~~

~~(2) If the member has, or had at the time of death, at least 5246
ten years of service credit, the amount included shall be equal to 5247
sixty seven per cent of the member's eligible contributions (C) 5248
The public employees retirement board shall adopt rules under 5249
section 145.09 of the Revised Code specifying the additional 5250
amounts that may be provided a member under section 145.40 of the 5251
Revised Code or a beneficiary or beneficiaries under division (B) 5252
of section 145.43 of the Revised Code. The additional amounts may 5253
vary depending on the amount of service credit the member has 5254
accrued. 5255~~

Sec. 145.41. Membership shall cease upon refund of 5256
accumulated contributions, death, or retirement except as provided 5257
in section 145.362 of the Revised Code. A member who separates 5258
from service for any reason other than death or retirement or who 5259
otherwise ceases to be a public employee for any reason other than 5260
death or retirement may leave the member's accumulated 5261
contributions on deposit with the public employees retirement 5262
board and, for the purposes of the public employees retirement 5263
system, be considered on a membership leave of absence. The 5264
member's membership rights shall continue until the member has 5265
withdrawn the member's accumulated contributions, retired on a 5266
retirement allowance as provided in section 145.33, 145.331, or 5267

~~145.34~~ 145.332 of the Revised Code, or died. The account of such a member shall remain in the employees' savings fund, except that the account of a member who has less than five calendar years of contributing service credit or is a member of the state teachers retirement system or the school employees retirement system may be transferred to the income fund if by the end of the fifth calendar year following the calendar year in which the last contribution was received the member has not died, claimed a refund of contributions, or requested the retirement board to continue the member's membership on a leave of absence basis. In case such a member later requests a refund, the member's account shall be restored to the employees' savings account and refunded therefrom. Members on such leaves of absence shall retain all rights, obligations, and privileges of membership in the public employees retirement system. A "contributor," as defined in division (F) of section 145.01 of the Revised Code, who formerly lost membership through termination of membership leave of absence and who has not withdrawn the contributor's account shall be reinstated as a member with all the rights, privileges, and obligations of membership in the system. In no case shall a member on leave of absence as provided in this section add to the member's total number of years of service credit by reason of such leave of absence, unless such member ~~was receiving benefits from the state insurance fund and by reason of such benefits qualified for additional service credit as provided in division (H) of section 145.01 of the Revised Code, or was~~ is eligible to and does make a payment as provided in section 145.291 of the Revised Code.

Sec. 145.43. (A) As used in this section and in section 145.45 of the Revised Code:

(1) "Child" means a biological or legally adopted child of a deceased member. If a court hearing for an interlocutory decree for adoption was held prior to the member's death, "child"

includes the child who was the subject of the hearing 5300
notwithstanding the fact that the final decree of adoption, 5301
adjudging the surviving spouse as the adoptive parent, is made 5302
subsequent to the member's death. 5303

(2) "Parent" is a parent or legally adoptive parent of a 5304
deceased member. 5305

(3) "Dependent" means a beneficiary who receives one-half of 5306
the beneficiary's support from a member during the twelve months 5307
prior to the member's death. 5308

(4) "Surviving spouse" means an individual who establishes a 5309
valid marriage to a member at the time of the member's death by 5310
marriage certificate or pursuant to division (E) of this section. 5311

(5) "Survivor" means a surviving spouse, child, or parent. 5312

(6) "Accumulated contributions" has the meaning given in 5313
section 145.01 of the Revised Code, except that, notwithstanding 5314
that section, it does not include additional amounts deposited in 5315
the employees' savings fund pursuant to the version of division 5316
(C) of section 145.23 of the Revised Code as it existed 5317
immediately prior to ~~the effective date of this amendment~~ April 6, 5318
2007, or pursuant to section 145.62 of the Revised Code. 5319

(B) Except as provided in division (C)(1) of section 145.45 5320
of the Revised Code, should a member die before age and service 5321
retirement, the member's accumulated contributions and any 5322
applicable amount calculated under section 145.401 of the Revised 5323
Code, shall be paid to the person or persons the member has 5324
~~designated in writing duly executed on a form provided by the~~ 5325
~~public employees retirement board, signed by the member, and filed~~ 5326
~~with the board prior to the member's death~~ under section 145.431 5327
of the Revised Code. A member may designate two or more persons as 5328
beneficiaries to be paid the accumulated account in a lump sum. 5329
Subject to rules adopted by the public employees retirement board, 5330

a member who designates two or more persons as beneficiaries ~~under~~ 5331
~~this division~~ shall specify the percentage of the lump sum that 5332
each beneficiary is to be paid. If the member has not specified 5333
the percentages, the lump sum shall be divided equally among the 5334
beneficiaries. 5335

The last designation of any beneficiary revokes all previous 5336
designations. The member's marriage, divorce, marriage 5337
dissolution, legal separation, or withdrawal of account, or the 5338
birth of the member's child, or adoption of a child, shall 5339
constitute an automatic revocation of the member's previous 5340
designation. If a deceased member was also a member of the school 5341
employees retirement system or the state teachers retirement 5342
system, the beneficiary last established among the systems shall 5343
be the sole beneficiary in all the systems. 5344

If the accumulated contributions of a deceased member are not 5345
claimed by a beneficiary or by the estate of the deceased member 5346
within five years after the death, the contributions shall remain 5347
in the employees' savings fund or may be transferred to the income 5348
fund and thereafter shall be paid to the beneficiary or to the 5349
member's estate upon application to the board. The board shall 5350
formulate and adopt the necessary rules governing all designations 5351
of beneficiaries. 5352

(C) Except as provided in division (C)(1) of section 145.45 5353
of the Revised Code, if a member dies before age and service 5354
retirement and is not survived by a designated beneficiary, the 5355
following shall qualify, with all attendant rights and privileges, 5356
in the following order of precedence, the member's: 5357

(1) Surviving spouse; 5358

(2) Children, share and share alike; 5359

(3) A dependent parent, if that parent takes survivor 5360
benefits under division (B) of section 145.45 of the Revised Code; 5361

(4) Parents, share and share alike; 5362

(5) Estate. 5363

If the beneficiary is deceased or is not located within 5364
ninety days, the beneficiary ceases to qualify for any benefit and 5365
the beneficiary next in order of precedence shall qualify as a 5366
beneficiary. 5367

Any payment made to a beneficiary as determined by the board 5368
shall be a full discharge and release to the board from any future 5369
claims. 5370

(D) Any amount due a retirant or disability benefit recipient 5371
receiving a monthly benefit and unpaid to the retirant or 5372
recipient at death shall be paid to the beneficiary designated ~~in~~ 5373
~~writing on a form approved by the board, signed by the retirant or~~ 5374
~~recipient and filed with the board~~ under section 145.431 of the 5375
Revised Code. If no such designation has been filed, or if the 5376
designated beneficiary is not located within ninety days, any 5377
amounts payable under this chapter due to the death of the 5378
retirant or recipient shall be paid in the following order of 5379
precedence to the retirant's or recipient's: 5380

(1) Surviving spouse; 5381

(2) Children, share and share alike; 5382

(3) Parents, share and share alike; 5383

(4) Estate. 5384

The payment shall be a full discharge and release to the 5385
board from any future claim for the payment. 5386

Any amount due a beneficiary receiving a monthly benefit and 5387
unpaid to the beneficiary at the beneficiary's death shall be paid 5388
to the beneficiary's estate. 5389

(E) If the validity of marriage cannot be established to the 5390
satisfaction of the board for the purpose of disbursing any amount 5391

due under this section or section 145.45 of the Revised Code, the 5392
board may accept a decision rendered by a court having 5393
jurisdiction in the state in which the member was domiciled at the 5394
time of death that the relationship constituted a valid marriage 5395
at the time of death, or the "spouse" would have the same status 5396
as a widow or widower for purposes of sharing the distribution of 5397
the member's intestate personal property. 5398

(F) As used in this division, "recipient" means an individual 5399
who is receiving or may be eligible to receive an allowance or 5400
benefit under this chapter based on the individual's service to a 5401
public employer. 5402

If the death of a member, a recipient, or any individual who 5403
would be eligible to receive an allowance or benefit under this 5404
chapter by virtue of the death of a member or recipient is caused 5405
by one of the following beneficiaries, no amount due under this 5406
chapter to the beneficiary shall be paid to the beneficiary in the 5407
absence of a court order to the contrary filed with the board: 5408

(1) A beneficiary who is convicted of, pleads guilty to, or 5409
is found not guilty by reason of insanity of a violation of or 5410
complicity in the violation of either of the following: 5411

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 5412

(b) An existing or former law of any other state, the United 5413
States, or a foreign nation that is substantially equivalent to 5414
section 2903.01, 2903.02, or 2903.03 of the Revised Code. 5415

(2) A beneficiary who is indicted for a violation of or 5416
complicity in the violation of the sections or laws described in 5417
division (F)(1)(a) or (b) of this section and is adjudicated 5418
incompetent to stand trial; 5419

(3) A beneficiary who is a juvenile found to be a delinquent 5420
child by reason of committing an act that, if committed by an 5421
adult, would be a violation of or complicity in the violation of 5422

the sections or laws described in division (F)(1)(a) or (b) of 5423
this section. 5424

Sec. 145.431. Designation of a beneficiary for the purposes 5425
of section 145.40 of the Revised Code or payment of benefits or 5426
return of contributions to the beneficiary of a member 5427
participating in a PERS defined contribution plan shall be made 5428
under this section. A beneficiary shall be designated in writing 5429
duly executed on a form provided by the public employees 5430
retirement board and signed by the member. A designation under 5431
this section is not valid unless received by the board prior to 5432
the member's death. 5433

A beneficiary designation made under this section applies to 5434
the PERS defined benefit plan or PERS defined contribution plan in 5435
which the member participated or, if the member participated in 5436
both the defined benefit plan and one or more defined contribution 5437
plans, to both the defined benefit plan and the defined 5438
contribution plans. 5439

The last designation of any beneficiary revokes all previous 5440
designations. The member's marriage, divorce, marriage 5441
dissolution, legal separation, or withdrawal of account, or the 5442
birth of the member's child, or adoption of a child, shall 5443
constitute an automatic revocation of the member's previous 5444
designation. 5445

Sec. 145.45. Except as provided in division (C)(1) of this 5446
section, in lieu of accepting the payment of the accumulated 5447
account of a member who dies before service retirement, a 5448
beneficiary, as determined in this section or section 145.43 of 5449
the Revised Code, may elect to forfeit the accumulated 5450
contributions and to substitute certain other benefits under 5451
division (A) or (B) of this section. 5452

(A)(1) If a deceased member was eligible for a service 5453
retirement benefit as provided in section 145.33, 145.331, or 5454
~~145.34~~ 145.332 of the Revised Code, a surviving spouse or other 5455
sole dependent beneficiary may elect to receive a monthly benefit 5456
computed as the joint-survivor benefit designated as "plan ~~D~~ A" in 5457
section 145.46 of the Revised Code, which the member would have 5458
received had the member retired on the last day of the month of 5459
death and had the member at that time selected such joint-survivor 5460
plan. Payment shall begin with the month subsequent to the 5461
member's death, except that a surviving spouse who is less than 5462
sixty-five years old may defer receipt of such benefit. Upon 5463
receipt, the benefit shall be calculated based upon the spouse's 5464
age at the time of first payment, and shall accrue regular 5465
interest during the time of deferral. 5466

(2) Beginning on a date selected by the public employees 5467
retirement board, which shall be not later than July 1, 2004, a 5468
surviving spouse or other sole dependent beneficiary may elect, in 5469
lieu of a monthly payment under division (A)(1) of this section, a 5470
plan of payment consisting of both of the following: 5471

(a) A lump sum in an amount the surviving spouse or other 5472
sole dependent beneficiary designates that constitutes a portion 5473
of the allowance that would be payable under division (A)(1) of 5474
this section; 5475

(b) The remainder of that allowance in monthly payments. 5476

The total amount paid as a lump sum and a monthly benefit 5477
shall be the actuarial equivalent of the amount that would have 5478
been paid had the lump sum not been selected. 5479

The lump sum amount designated by the surviving spouse or 5480
other sole dependent beneficiary under division (A)(2)(a) of this 5481
section shall be not less than six times and not more than 5482
thirty-six times the monthly amount that would be payable to the 5483

surviving spouse or other sole dependent beneficiary under 5484
 division (A)(1) of this section and shall not result in a monthly 5485
 payment that is less than fifty per cent of that monthly amount. 5486

(B) If a deceased member had, except as provided in division 5487
 (B)(7) of this section, at least one and one-half years of 5488
 contributing service credit, with, except as provided in division 5489
 (B)(7) of this section, at least one-quarter year of contributing 5490
 service credit within the two and one-half years prior to the date 5491
 of death, or was receiving at the time of death a disability 5492
 benefit as provided in section 145.36, 145.361, or 145.37 of the 5493
 Revised Code, qualified survivors who elect to receive monthly 5494
 benefits shall receive the greater of the benefits provided in 5495
 division (B)(1)(a) or (b) and (4) of this section as allocated in 5496
 accordance with division (B)(5) of this section. 5497

(1)(a) Number		Or	5498
of Qualified		Monthly	5499
survivors	Annual Benefit as a Per	Benefit	5500
affecting	Cent of Decedent's Final	shall not be	5501
the benefit	Average Salary	less than	5502
1	25%	\$250	5503
2	40	400	5504
3	50	500	5505
4	55	500	5506
5 or more	60	500	5507
(b) Years of	Annual Benefit as a Per Cent		5508
Service	of Member's Final Average		5509
	Salary		5510
20	29%		5511
21	33		5512
22	37		5513
23	41		5514
24	45		5515

25	48	5516
26	51	5517
27	54	5518
28	57	5519
29 or more	60	5520

(2) Benefits shall begin as qualified survivors meet 5521
eligibility requirements as follows: 5522

(a) A qualified spouse is the surviving spouse of the 5523
deceased member, who is age sixty-two, or regardless of age meets 5524
one of the following qualifications: 5525

(i) Except as provided in division (B)(7) of this section, 5526
the deceased member had ten or more years of Ohio service credit. 5527

(ii) The spouse is caring for a qualified child. 5528

(iii) The spouse is adjudged physically or mentally 5529
incompetent. 5530

A spouse of a member who died prior to August 27, 1970, whose 5531
eligibility was determined at the member's death, and who is 5532
physically or mentally incompetent on or after August 20, 1976, 5533
shall be paid the monthly benefit which that person would 5534
otherwise receive when qualified by age. 5535

(b) A qualified child is any child of the deceased member who 5536
has never been married and to whom one of the following applies: 5537

(i) Is under age eighteen, or under age twenty-two if the 5538
child is attending an institution of learning or training pursuant 5539
to a program designed to complete in each school year the 5540
equivalent of at least two-thirds of the full-time curriculum 5541
requirements of such institution and as further determined by 5542
board policy; 5543

(ii) Regardless of age, is adjudged physically or mentally 5544
incompetent at the time of the member's death. 5545

(c) A qualified parent is a dependent parent aged sixty-five 5546
or older or regardless of age if physically or mentally 5547
incompetent, a dependent parent whose eligibility was determined 5548
by the member's death prior to August 20, 1976, and who is 5549
physically or mentally incompetent on or after August 20, 1976, 5550
shall be paid the monthly benefit for which that person would 5551
otherwise qualify. 5552

(3) "Physically or mentally incompetent" as used in this 5553
section may be determined by a court of jurisdiction, or by a 5554
physician appointed by the retirement board. Incapability of 5555
making a living because of a physically or mentally disabling 5556
condition shall meet the qualifications of this division. 5557

(4) Benefits to a qualified survivor shall terminate upon 5558
ceasing to meet eligibility requirements as provided in this 5559
division, a first marriage, abandonment, adoption, or during 5560
active military service. Benefits to a deceased member's surviving 5561
spouse that were terminated under a former version of this section 5562
that required termination due to remarriage and were not resumed 5563
prior to September 16, 1998, shall resume on the first day of the 5564
month immediately following receipt by the board of an application 5565
on a form provided by the board. 5566

Upon the death of any subsequent spouse who was a member of 5567
the public employees retirement system, state teachers retirement 5568
system, or school employees retirement system, the surviving 5569
spouse of such member may elect to continue receiving benefits 5570
under this division, or to receive survivor's benefits, based upon 5571
the subsequent spouse's membership in one or more of the systems, 5572
for which such surviving spouse is eligible under this section or 5573
section 3307.66 or 3309.45 of the Revised Code. If the surviving 5574
spouse elects to continue receiving benefits under this division, 5575
such election shall not preclude the payment of benefits under 5576
this division to any other qualified survivor. 5577

Benefits shall begin or resume on the first day of the month 5578
following the attainment of eligibility and shall terminate on the 5579
first day of the month following loss of eligibility. 5580

(5)(a) If a benefit is payable under division (B)(1)(a) of 5581
this section, benefits to a qualified spouse shall be paid in the 5582
amount determined for the first qualifying survivor in division 5583
(B)(1)(a) of this section. All other qualifying survivors shall 5584
share equally in the benefit or remaining portion thereof. 5585

(b) All qualifying survivors shall share equally in a benefit 5586
payable under division (B)(1)(b) of this section, except that if 5587
there is a surviving spouse, the surviving spouse shall receive 5588
not less than the amount determined for the first qualifying 5589
survivor in division (B)(1)(a) of this section. 5590

(6) The beneficiary of a member who is also a member of the 5591
state teachers retirement system or of the school employees 5592
retirement system, must forfeit the member's accumulated 5593
contributions in those systems and in the public employees 5594
retirement system, if the beneficiary takes a survivor benefit. 5595
Such benefit shall be exclusively governed by section 145.37 of 5596
the Revised Code. 5597

(7) The following restrictions do not apply if the deceased 5598
member was contributing toward benefits under ~~division (B) or (C)~~ 5599
~~of section 145.33~~ 145.332 of the Revised Code at the time of 5600
death: 5601

(a) That the deceased member have had at least one and 5602
one-half years of contributing service credit, with at least 5603
one-quarter year of contributing service within the two and 5604
one-half years prior to the date of death; 5605

(b) If the deceased member was killed in the line of duty, 5606
that the deceased member have had ten or more years of Ohio 5607
service credit as described in division (B)(2)(a)(i) of this 5608

section. 5609

For the purposes of division (B)(7)(b) of this section, 5610
"killed in the line of duty," means either that death occurred in 5611
the line of duty or that death occurred as a result of injury 5612
sustained in the line of duty. 5613

(C)(1) Regardless of whether the member is survived by a 5614
spouse or designated beneficiary, if the public employees 5615
retirement system receives notice that a deceased member described 5616
in division (A) or (B) of this section has one or more qualified 5617
children, all persons who are qualified survivors under division 5618
(B) of this section shall receive monthly benefits as provided in 5619
division (B) of this section. 5620

If, after determining the monthly benefits to be paid under 5621
division (B) of this section, the system receives notice that 5622
there is a qualified survivor who was not considered when the 5623
determination was made, the system shall, notwithstanding section 5624
145.561 of the Revised Code, recalculate the monthly benefits with 5625
that qualified survivor included, even if the benefits to 5626
qualified survivors already receiving benefits are reduced as a 5627
result. The benefits shall be calculated as if the qualified 5628
survivor who is the subject of the notice became eligible on the 5629
date the notice was received and shall be paid to qualified 5630
survivors effective on the first day of the first month following 5631
the system's receipt of the notice. 5632

If the retirement system did not receive notice that a 5633
deceased member has one or more qualified children prior to making 5634
payment under section 145.43 of the Revised Code to a beneficiary 5635
as determined by the retirement system, the payment is a full 5636
discharge and release of the system from any future claims under 5637
this section or section 145.43 of the Revised Code. 5638

(2) If benefits under division (C)(1) of this section to all 5639

persons, or to all persons other than a surviving spouse or other
sole beneficiary, terminate, there are no children under the age
of twenty-two years, and the surviving spouse or beneficiary
qualifies for benefits under division (A) of this section, the
surviving spouse or beneficiary may elect to receive benefits
under division (A) of this section. The benefits shall be
effective on the first day of the month immediately following the
termination.

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

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

~~Sec. 145.452. Upon the death of a member prior to receipt of
service retirement, the surviving spouse or dependents of the
deceased member shall have the right to purchase any service
credit the member, had the member not died, would have been
eligible to purchase under this chapter upon the same terms and
conditions that the deceased member could have purchased such
service credit had the member not died~~ The surviving spouse of a
member who dies on or after the effective date of this amendment

may continue any service credit purchase the member initiated 5671
before death. A purchase shall be considered to have been 5672
initiated before the member's death if the member made one or more 5673
payments for the purchase before death. Any 5674

Any service credit purchased under this section shall be 5675
applied under the provisions of this chapter in the same manner as 5676
it would have been applied had it been purchased by the deceased 5677
member during the deceased member's lifetime. 5678

Sec. 145.46. (A) A retirement allowance calculated under 5679
section 145.33, 145.331, or ~~145.34~~ 145.332 of the Revised Code 5680
shall be paid as provided in this section. ~~If the member is~~ 5681
~~eligible to elect a plan of payment under this section, the~~ 5682
~~election shall be made on a form provided by the public employees~~ 5683
~~retirement board. A plan of payment elected under this section~~ 5684
~~shall be effective only if approved by the board, which shall~~ 5685
~~approve it only if it is certified by an actuary engaged by the~~ 5686
~~board to be the actuarial equivalent of the retirement allowance~~ 5687
~~calculated under section 145.33, 145.331, or 145.34 of the Revised~~ 5688
~~Code.~~ 5689

~~(B)(1)(a) Except as provided in divisions (B)(1)(b) and (c)~~ 5690
~~of this section, a member who retires under section 145.32,~~ 5691
~~145.331, or 145.34 of the Revised Code shall receive a retirement~~ 5692
~~allowance under "plan A," which shall consist of the actuarial~~ 5693
~~equivalent of the member's retirement allowance determined under~~ 5694
~~section 145.33, 145.331, or 145.34 of the Revised Code in a lesser~~ 5695
~~amount payable for life and one half of such allowance continuing~~ 5696
~~after death to the member's surviving spouse for the life of the~~ 5697
~~spouse.~~ 5698

~~(b) A member may receive a retirement allowance under a plan~~ 5699
~~of payment other than "plan A" if either of the following is the~~ 5700

ease+ 5701

~~(i) The member is not married or either the member's spouse
consents in writing to the member's election of a plan of payment
other than "plan A" or the board waives the requirement that the
spouse consent;~~ 5702
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~~(ii) A plan of payment providing for payment in a specified
portion of the allowance continuing after the member's death to a
former spouse is required by a court order issued under section
3105.171 or 3105.65 of the Revised Code or the laws of another
state regarding division of marital property prior to the
effective date of the member's retirement.~~ 5706
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~~(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, Unless the member is required by division (C) of
this section to select a specified plan of payment, a member may
elect a plan of payment as provided in division (B)(1), (2), or
(3) of this section. An election shall be made at the time the
member makes application for retirement and on a form provided by
the public employees retirement board. A plan of payment elected
under this section shall be effective only if approved by the
board, which shall approve it only if it is certified by an
actuary engaged by the board to be the actuarial equivalent of the
retirement allowance calculated under section 145.33, 145.331, or
145.332 of the Revised Code.~~ 5712
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~~(B) The following plans of payment shall be offered by the
public employees retirement system:~~ 5725
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~~(1) "Joint-life plan," an allowance that consists of the
actuarial equivalent of the member's retirement allowance
determined under section 145.33, 145.331, or 145.332 of the
Revised Code in a lesser amount payable for life and one-half or
some other portion equal to ten per cent or more of the allowance~~ 5727
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continuing after death to the member's designated beneficiary for 5732
the beneficiary's life. The beneficiary shall be nominated by 5733
written designation filed with the retirement board. The amount 5734
payable to the beneficiary shall not exceed the amount payable to 5735
the member. 5736

(2) "Single-life plan," the member's retirement allowance 5737
determined under section 145.33, 145.331, or 145.332 of the 5738
Revised Code; 5739

(3) "Multiple-life plan," an allowance that consists of the 5740
actuarial equivalent of the member's retirement allowance 5741
determined under section 145.33, 145.331, or 145.332 of the 5742
Revised Code in a lesser amount payable to the retirant for life 5743
and some portion of the lesser amount continuing after death to 5744
two, three, or four surviving beneficiaries designated at the time 5745
of the member's retirement. Unless required under division (C) of 5746
this section, no portion allocated under this plan of payment 5747
shall be less than ten per cent. The total of the portions 5748
allocated shall not exceed one hundred per cent of the member's 5749
lesser allowance. 5750

(C) A member shall select a plan of payment as follows: 5751

(1) Subject to division (C)(2) of this section, if the member 5752
is married at the time of retirement, the member shall select a 5753
joint-life plan and receive a plan of payment that consists of the 5754
actuarial equivalent of the member's retirement allowance 5755
determined under section 145.33, 145.331, or 145.332 of the 5756
Revised Code in a lesser amount payable for life and one-half of 5757
such allowance continuing after death to the member's surviving 5758
spouse for the life of the spouse. A married member is not 5759
required to select this plan of payment if the member's spouse 5760
consents in writing to the member's election of a plan of payment 5761
other than described in this division or the board waives the 5762
requirement that the spouse consent; 5763

(2) If prior to the effective date of the member's retirement, the public employees retirement board receives a copy of a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property 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)(a)~~ 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)(b)~~ If the member is married, the member elects "a multiple-life 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)(D)~~ An application for retirement shall include an explanation of all of the following:

~~(a)(1)~~ That, if the member is married, unless the spouse consents to another plan of payment or there is a court order dividing marital property issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property that provides for payment in a specified amount, the member's retirement allowance will be paid under "a joint-life plan A," ~~which consists and consist~~ of the actuarial equivalent of the member's retirement allowance in a lesser amount payable for life and one-half of the allowance continuing after death to the surviving spouse for the life of the spouse;

~~(b)(2)~~ A description of the alternative plans of payment, including all plans described in ~~divisions~~ division (B)(2) and (3)

of this section, available with the consent of the spouse; 5795

~~(e)(3)~~ That the spouse may consent to another plan of payment 5796
and the procedure for giving consent; 5797

~~(d)(4)~~ That consent is irrevocable once notice of consent is 5798
filed with the board. 5799

Consent shall be valid only if it is signed, in writing, and 5800
witnessed by a notary public. The board may waive the requirement 5801
of consent if the spouse is incapacitated or cannot be located or 5802
for any other reason specified by the board. Consent or waiver is 5803
effective only with regard to the spouse who is the subject of the 5804
consent or waiver. 5805

~~(3) A member eligible to elect to receive the member's 5806
retirement allowance under a plan of payment other than "plan A" 5807
shall receive the member's retirement allowance under the plan 5808
described in division (B)(4) of this section or one of the 5809
following plans:~~ 5810

~~(a) "Plan B," which shall consist of an allowance determined 5811
under section 145.33, 145.331, or 145.34 of the Revised Code;~~ 5812

~~(b) "Plan C," which shall consist of the actuarial equivalent 5813
of the member's retirement allowance determined under section 5814
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5815
payable for life and one half or some other portion of the 5816
allowance continuing after death to the member's sole surviving 5817
beneficiary designated at the time of the member's retirement, 5818
provided that the amount payable to the beneficiary does not 5819
exceed the amount payable to the member;~~ 5820

~~(c) "Plan D," which shall consist of the actuarial equivalent 5821
of the member's retirement allowance determined under section 5822
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5823
payable for life and continuing after death to a surviving 5824
beneficiary designated at the time of the member's retirement;~~ 5825

~~(d) "Plan E," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for a certain period from the member's retirement date as elected by the member and approved by the retirement board, and on the member's death before the expiration of that certain period the member's lesser retirement allowance payable for the remainder of that period to the member's surviving designated beneficiary nominated by written designation filed with the retirement board.~~

~~Should the nominated beneficiary designated in writing die prior to the expiration of the guarantee period, then for the purpose of completing payment for the remainder of the guarantee period, the present value of such payments shall be paid to the estate of the beneficiary last receiving.~~

~~(e) "Plan F," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable to the retirant for life and some portion of the lesser amount continuing after death to two, three, or four surviving beneficiaries designated at the time of the member's retirement. The portion of the lesser allowance that continues after the member's death shall be allocated among the beneficiaries at the time of the member's retirement. If the member elects this plan as required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property and compliance with the court order requires the allocation of a portion less than ten per cent to any beneficiary, the member shall allocate a portion less than ten per cent to that beneficiary in accordance with that order. In all other circumstances, no portion allocated under this plan of payment shall be less than ten per cent. The total of the portions allocated shall not exceed one hundred per cent of the member's~~

~~lesser allowance.~~ 5858

~~(4)(a)(E)(1)~~ Beginning on a date selected by the retirement 5859
board, which shall be not later than July 1, 2004, a member may 5860
elect to receive a retirement allowance under a plan of payment 5861
consisting of both a lump sum in an amount the member designates 5862
that constitutes a portion of the member's retirement allowance 5863
under a plan described in division (B) of this section and the 5864
remainder as a monthly allowance under that plan. 5865

The total amount paid as a lump sum and a monthly benefit 5866
shall be the actuarial equivalent of the amount that would have 5867
been paid had the lump sum not been selected. 5868

~~(b)(2)~~ The lump sum designated by a member shall be not less 5869
than six times and not more than thirty-six times the monthly 5870
amount that would be payable to the member under the plan of 5871
payment elected under division (B)~~(4)(a)~~ of this section had the 5872
lump sum not been elected and shall not result in a monthly 5873
allowance that is less than fifty per cent of that monthly amount. 5874

~~(5) An election under division (B)(3) or (4) of this section~~ 5875
~~shall be made at the time the member makes application for~~ 5876
~~retirement.~~ 5877

~~(6) A member eligible to elect to receive the member's~~ 5878
~~retirement allowance under a plan of payment other than "plan A"~~ 5879
~~because the member is unmarried who fails to make an election on~~ 5880
~~retirement shall receive the member's retirement allowance under~~ 5881
~~"plan B."~~ 5882

~~(C)(F)~~ If the retirement allowances, as a single life annuity 5883
or payment plan as provided in this section, due and paid are in a 5884
total amount less than (1) the accumulated contributions, and (2) 5885
other deposits made by the member as provided by this chapter, 5886
standing to the credit of the member at the time of retirement, 5887
then the difference between the total amount of the allowances 5888

paid and the accumulated contributions and other deposits shall be 5889
paid to the beneficiary provided under division (D) of section 5890
145.43 of the Revised Code. 5891

~~(D)~~(G)(1) The death of a spouse or any designated beneficiary 5892
following retirement shall cancel the portion of the plan of 5893
payment providing continuing lifetime benefits to the deceased 5894
spouse or deceased designated beneficiary. The retirant shall 5895
receive the actuarial equivalent of the retirant's single lifetime 5896
benefit, as determined by the board, based on the number of 5897
remaining beneficiaries, with no change in the amount payable to 5898
any remaining beneficiary. The change shall be effective the month 5899
following ~~receipt by the board of notice of~~ the date of death. 5900

(2) On divorce, annulment, or marriage dissolution, a 5901
retirant receiving a retirement allowance under a plan that 5902
provides for continuation of all or part of the allowance after 5903
death for the lifetime of the retirant's surviving spouse may, 5904
with the written consent of the spouse or pursuant to an order of 5905
the court with jurisdiction over the termination of the marriage, 5906
elect to cancel the portion of the plan providing continuing 5907
lifetime benefits to that spouse. The retirant shall receive the 5908
actuarial equivalent of the retirant's single lifetime benefit as 5909
determined by the retirement board based on the number of 5910
remaining beneficiaries, with no change in amount payable to any 5911
remaining beneficiary. The election shall be made on a form 5912
provided by the board and shall be effective the month following 5913
its receipt by the board. 5914

~~(E)~~(H)(1) Following a marriage or remarriage, both of the 5915
following apply: 5916

(a) A retirant who is receiving the retirant's retirement 5917
allowance under "a single-life plan B" may elect a new plan of 5918
payment under division (B)(1), ~~(3)(b)~~, or (3)~~(e)~~ of this section 5919
based on the actuarial equivalent of the retirant's single 5920

lifetime benefit as determined by the board. 5921

(b) A retirant who is receiving a retirement allowance 5922
pursuant to a plan of payment providing for payment to a former 5923
spouse pursuant to a court order described in division 5924
~~(B)(1)(b)(ii)~~(C)(2) of this section may elect a new plan of 5925
payment ~~under~~ in the form of a multiple-life plan F based on the 5926
actuarial equivalent of the retirant's single lifetime retirement 5927
allowance as determined by the board if the new plan of payment 5928
elected does not reduce the payment to the former spouse. 5929

(2) If the marriage or remarriage occurs on or after ~~the~~ 5930
~~effective date of this amendment~~ June 6, 2005, the election must 5931
be made not later than one year after the date of the marriage or 5932
remarriage. 5933

The plan elected under this division shall become effective 5934
on the date of receipt by the board of an application on a form 5935
approved by the board, but any change in the amount of the 5936
retirement allowance shall commence on the first day of the month 5937
following the effective date of the plan. 5938

~~(F)~~(I) Any person who, prior to July 24, 1990, selected an 5939
optional plan of payment at retirement that provided for a return 5940
to the single life benefit after the designated beneficiary's 5941
death shall have the retirant's benefit adjusted to the optional 5942
plan equivalent without such provision. 5943

~~(G)~~(J) A retirant's receipt of the first month's retirement 5944
allowance constitutes the retirant's final acceptance of the plan 5945
of payment and may be changed only as provided in this chapter. 5946

Sec. 145.47. (A) Each public employee who is a contributor to 5947
the public employees retirement system shall contribute eight per 5948
cent of the contributor's earnable salary to the employees' 5949
savings fund, except that the public employees retirement board 5950

may raise the contribution rate to a rate not greater than ten per cent of the employee's earnable salary.

(B) The head of each state department, institution, board, and commission, and the fiscal officer of each local authority subject to this chapter, shall ~~deduct from the earnable salary of~~ transmit to the system for each contributor ~~on every payroll of~~ such contributor for each payroll period subsequent to the date of coverage, an amount equal to the applicable per cent of ~~the~~ each contributor's earnable salary at such intervals and in such form as the system shall require. The head of each state department and the fiscal officer of each local authority subject to this chapter shall transmit promptly to the system a report of contributions at such intervals and in such form as the system shall require, showing thereon all ~~deductions for the system made from the~~ contributions and earnable salary of each contributor employed, together with warrants, checks, or electronic payments covering the total of such deductions. A penalty shall be added when such report, together with warrants, checks, or electronic payments to cover the total amount due from the earnable salary of all amenable employees of such employer, is filed thirty or more days after the last day of such reporting period. The system, after making a record of all receipts under this division, shall deposit the receipts with the treasurer of state for use as provided by this chapter.

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

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

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

due; 5983

(3) Thirty-one or more days past due, an amount equal to five 5984
per cent of the total amount due. 5985

The penalty described in this division shall be added to and 5986
collected on the next succeeding regular employer billing. 5987
Interest at a rate set by the retirement board shall be charged on 5988
the amount of the penalty in case such penalty is not paid within 5989
thirty days after it is added to the regular employer billing. 5990

(D) The board may adopt rules to establish penalties in 5991
amounts that do not exceed the amounts specified in divisions 5992
(C)(1) to (3) of this section. 5993

(E) In addition to the periodical reports of deduction 5994
required by this section, the fiscal officer of each local 5995
authority subject to this chapter shall submit to the system at 5996
least once each year a complete listing of all noncontributing 5997
appointive employees. Where an employer fails to transmit 5998
contributions to the system, the system may make a determination 5999
of the employees' liability for contributions and certify to the 6000
employer the amounts due for collection in the same manner as 6001
payments due the employers' accumulation fund. Any amounts so 6002
collected shall be held in trust pending receipt of a report of 6003
contributions for such public employees for the period involved as 6004
provided by law and, thereafter, the amount in trust shall be 6005
transferred to the employees' savings fund to the credit of the 6006
employees. Any amount remaining after the transfer to the 6007
employees' savings fund shall be transferred to the employers' 6008
accumulation fund as a credit of such employer. 6009

(F) The fiscal officer of each local authority subject to 6010
this chapter shall require each new contributor to submit to the 6011
system a detailed report of all the contributor's previous service 6012
as a public employee along with such other facts as the board 6013

requires for the proper operation of the system. 6014

(G) Any member who, because of the member's own illness, 6015
injury, or other reason which may be approved by the member's 6016
employer is prevented from making the member's contribution to the 6017
system for any payroll period, may ~~pay such deductions as a back~~ 6018
~~payment~~ purchase service credit for the period of absence within 6019
one year. Credit shall be purchased under this division in 6020
accordance with section 145.29 of the Revised Code. 6021

Sec. 145.473. (A) ~~Except as provided in division (C) of this~~ 6022
~~section, the~~ The rate of interest credited to individual accounts 6023
of contributors under sections 145.471 and 145.472 of the Revised 6024
Code shall be as follows: 6025

(1) Four per cent per annum, compounded annually, to and 6026
including December 31, 1955; 6027

(2) Three per cent per annum, compounded annually, from 6028
January 1, 1956, to and including December 31, 1963; 6029

(3) Three and one-quarter per cent per annum, compounded 6030
annually, from January 1, 1964, to and including December 31, 6031
1969; 6032

(4) Four per cent per annum, compounded annually, from 6033
January 1, 1970, to and including the day before December 13, 6034
2000; 6035

(5) An amount determined by the public employees retirement 6036
board that is not greater than six per cent per annum, compounded 6037
annually, on and after December 13, 2000. 6038

(B) ~~Except as provided in division (C) of this section, for~~ 6039
For the purpose of determining the reserve value of a 6040
contributor's annuity, the rate of interest shall be as follows: 6041

(1) Four per cent per annum, compounded annually, for 6042
contributors retiring before October 1, 1956; 6043

(2) Three per cent per annum, compounded annually, for 6044
contributors retiring on or after October 1, 1956, but before 6045
January 1, 1964; 6046

(3) Three and one-quarter per cent per annum, compounded 6047
annually, for contributors retiring on or after January 1, 1964, 6048
but before January 1, 1970; 6049

(4) Four per cent per annum, compounded annually, for 6050
contributors retiring on or after January 1, 1970, but before 6051
December 13, 2000; 6052

(5) An amount determined by the board based on the 6053
recommendation of the board's actuary, compounded annually, for 6054
contributors retiring on or after December 13, 2000. 6055

~~(C) For a PERS retirant who is not subject to division (C) of 6056
section 145.38 of the Revised Code or an other system retirant, as 6057
those terms are defined in section 145.38 of the Revised Code, or 6058
a member of the public employees retirement system who retires in 6059
accordance with section 145.383 of the Revised Code, the rate of 6060
interest shall be the current actuarial assumption rate of 6061
interest, as determined by the board's actuary, for the purposes 6062
described in divisions (A) and (B) of this section. 6063~~

Sec. 145.48. (A) Each employer shall pay to the public 6064
employees retirement system an amount that shall be a certain per 6065
cent of the earnable salary of all contributors to be known as the 6066
"employer contribution," except that the public employees 6067
retirement board may raise the employer contribution to a rate not 6068
to exceed fourteen per cent of the earnable salaries of all 6069
contributors. 6070

(B)(1) On the basis of regular interest and of such mortality 6071
and other tables as are adopted by the public employees retirement 6072
board, the actuary for the board shall determine the liabilities 6073

and employer rates of contribution as follows: 6074

(a) The percentage of earnable salary that, when added to the 6075
per cent of earnable salary contributed by each member, will cover 6076
the costs of benefits to be paid to members for each year of 6077
service rendered; 6078

(b) The percentage of earnable salary that, if paid over a 6079
period of future years, will discharge fully the system's unfunded 6080
actuarial accrued pension liability; 6081

(c) The percentage of earnable salary designated by the board 6082
to pay benefits authorized under section 145.58 of the Revised 6083
Code. 6084

(2) If recognized assets exceed the liabilities for service 6085
previously rendered, on approval of the board, a percentage of 6086
earnable salary may be deducted from the employer rates of 6087
contribution that, if deducted annually over a period of future 6088
years, will eliminate the excess. 6089

~~(C) Any publicly owned utility that became subject to this 6090
chapter subsequent to July 1, 1938, shall assume before January 1, 6091
1967, the obligation to pay those of its employees entitled to any 6092
prior service credit a pension for such service that is in an 6093
amount at least equal to the pension provided for other public 6094
employees under this chapter. No employers' contributions for 6095
prior service credit shall be required of such publicly owned 6096
utility. The public employees retirement system has no obligation 6097
to pay a prior service pension to any such employees of a publicly 6098
owned utility, nor is it obligated to grant any service credit for 6099
service with such utility prior to May 1, 1942, or prior to the 6100
date such utility became subject to this chapter, whichever is the 6101
later date. 6102~~

Sec. 145.483. Upon a finding that an employer failed to 6103

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

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

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

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

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

(B) Notwithstanding section 145.48 of the Revised Code, the

public employees retirement system shall be authorized to 6135
calculate the employer contribution rates separately for those 6136
public employees contributing toward benefits as PERS public 6137
safety officers under section ~~145.33~~ 145.332 of the Revised Code 6138
or as PERS law enforcement officers under that section, except 6139
that the employer contribution rate shall not exceed eighteen and 6140
one-tenth per cent of the earnable salaries of those employees. 6141

(C) If the public employees retirement board adopts a rule 6142
under division (P) of section 145.332 of the Revised Code under 6143
which service as a public safety officer is treated as service as 6144
a law enforcement officer, the contributions for service as a 6145
public safety officer shall be at the rate for service as a law 6146
enforcement officer. 6147

Sec. 145.51. (A) Each employer described in division (D) of 6148
section 145.01 of the Revised Code shall pay into the employers' 6149
accumulation fund, in monthly installments, an amount certified by 6150
the public employees retirement board, which equals the employer 6151
obligation as described in section 145.12 or 145.69 of the Revised 6152
Code. In addition, the board shall add to the employer billing 6153
next succeeding the amount, with interest, to be paid by the 6154
employer to provide the member with contributing service credit 6155
for the service prior to the date of initial contribution to the 6156
system for which the member has made additional payments, except 6157
payments made pursuant to former section 145.29 or sections 145.28 6158
and ~~145.29~~ 145.292 of the Revised Code. 6159

(B) Except as provided in section 145.52 of the Revised Code, 6160
all employer obligations described in division (A) of this section 6161
must be received by the public employees retirement system not 6162
later than the thirtieth day after the last day of the calendar 6163
month for which related member contributions are withheld. 6164

(C) Unless the board adopts a rule under division (F) of this 6165

section establishing a different interest rate or penalty, 6166
interest and penalties for failing to pay the employer obligation 6167
when due under division (B) of this section shall be as follows: 6168

(1) Interest, compounded annually and charged monthly, for 6169
each day after the due date that the employer obligation remains 6170
unpaid in an amount equal to six per cent per annum of the past 6171
due amount of the employer obligation and any penalties imposed 6172
under this section; 6173

(2) The penalty for failing to pay the employer obligation 6174
when due under division (B) is as follows: 6175

(a) At least eleven but not more than thirty days past due, 6176
an amount equal to one per cent of the past due obligation; 6177

(b) At least thirty-one but not more than sixty days past 6178
due, an additional amount equal to one and one-half per cent of 6179
the past due obligation; 6180

(c) Sixty-one or more days past due, an additional amount 6181
equal to two and one-half per cent of the past due obligation. 6182

(D) The aggregate of all payments by employers under this 6183
section shall be sufficient, when combined with the amount in the 6184
employers' accumulation fund, to provide amounts payable under 6185
this chapter out of the fund, and if not, the additional amount so 6186
required shall be collected by means of an increased rate per 6187
cent, which shall be certified to such employers by the board. 6188

(E) Upon certification by the board to the director of budget 6189
and management, or to the county auditor, of an amount due from an 6190
employer within any county who is subject to this chapter, by 6191
reason of such employer's delinquency in making payments into the 6192
employers' accumulation fund for past billings, such amount shall 6193
be withheld from such employer from any funds subject to the 6194
control of the director or the county auditor to such employer and 6195
shall be paid to the public employees retirement system. 6196

- (F) The board may adopt rules to do any of the following: 6197
- (1) Establish interest at a rate that does not exceed the 6198
annual rate described in division (C)(1) of this section; 6199
- (2) Establish penalties in amounts that do not exceed the 6200
amounts described in division (C)(2) of this section; 6201
- (3) Permit the board to lengthen the periods of time or enter 6202
into repayment agreements for employers to comply with divisions 6203
(B) and (C) of this section. 6204

Sec. 145.54. The public employees retirement board shall 6205
estimate annually the amount required to defray the expenses of 6206
the administration of the public employees retirement system in 6207
the ensuing year. If in the judgment of the board, as evidenced by 6208
a resolution of that board in its minutes, the amount in the 6209
income fund exceeds the amount necessary to cover the ordinary 6210
requirements of that fund, the board may transfer to the expense 6211
fund such excess amount not exceeding the entire amount required 6212
to cover the expenses as estimated for the year. ~~The~~ If the amount 6213
in the expense fund, including any amount transferred from the 6214
income fund, is not sufficient to defray the expenses of 6215
administration of the system in the ensuing year, the board may 6216
~~then apportion~~ transfer any remaining amount required for the 6217
expense fund ~~for the year then current among contributors. The~~ 6218
~~amount so apportioned in any year shall not exceed three dollars~~ 6219
~~per contributor~~ to that fund from the employer's accumulation 6220
fund. 6221

Sec. 145.56. The right of an individual to a pension, an 6222
annuity, or a retirement allowance itself, the right of an 6223
individual to any optional benefit, any other right accrued or 6224
accruing to any individual, under this chapter, or under any 6225
municipal retirement system established subject to this chapter 6226

under the laws of this state or any charter, the various funds 6227
created by this chapter, or under such municipal retirement 6228
system, and all moneys, investments, and income from moneys or 6229
investments are exempt from any state tax, except the tax imposed 6230
by section 5747.02 of the Revised Code, and are exempt from any 6231
county, municipal, or other local tax, except income taxes imposed 6232
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 6233
Code, and, except as provided in sections 145.57, 145.572, 6234
145.573, 145.574, 3105.171, 3105.65, and 3115.32 and Chapters 6235
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 6236
subject to execution, garnishment, attachment, the operation of 6237
bankruptcy or insolvency laws, or other process of law whatsoever, 6238
and shall be unassignable except as specifically provided in this 6239
chapter and sections 3105.171, 3105.65, and 3115.32 and Chapters 6240
3119., 3121., 3123., and 3125. of the Revised Code. 6241

Sec. 145.561. (A) Except as provided in division (B) of this 6242
section and section 145.363, 145.573, or 145.574 of the Revised 6243
Code, the granting of a retirement allowance, annuity, pension, or 6244
other benefit to any person pursuant to action of the public 6245
employees retirement board vests a right in such person, so long 6246
as the person remains the recipient of any benefit of the funds 6247
established by section 145.23 of the Revised Code, to receive such 6248
retirement allowance, annuity, pension, or other benefit at the 6249
rate fixed at the time of granting such retirement allowance, 6250
annuity, pension, or other benefit. Such right shall also be 6251
vested with equal effect in the recipient of a grant heretofore 6252
made from any of the funds named in section 145.23 of the Revised 6253
Code. 6254

(B) This section does not apply to an increase made under 6255
section 145.323 of the Revised Code for a recipient whose benefit 6256
effective date is on or after the effective date of this 6257
amendment. 6258

Sec. 145.563. If the Notwithstanding section 145.561 of the 6259
Revised Code: 6260

(A) The public employees retirement system may adjust an 6261
allowance or benefit payable under this chapter if an error 6262
occurred in calculation of the allowance or benefit; 6263

(B) If any person who is a member, former member, 6264
contributor, former contributor, retirant, beneficiary, or 6265
alternate payee, as defined in section 3105.80 of the Revised 6266
Code, is paid any benefit or payment by the public employees 6267
retirement system, including any payment made to a third party on 6268
the person's behalf, to which the person is not entitled, the 6269
benefit or payment shall be repaid to the retirement system by the 6270
person or third party. If the person or third party fails to make 6271
the repayment, the retirement system shall withhold the amount or 6272
a portion of the amount due from any benefit or payment due the 6273
person or the person's beneficiary under this chapter, or may 6274
collect the amount in any other manner provided by law. 6275

Sec. 145.574. Notwithstanding any other provision of this 6276
chapter, any right of a member of the public employees retirement 6277
system to a disability benefit is subject to a forfeiture order 6278
issued under section 2929.194 of the Revised Code. 6279

If the retirement system receives notice under section 6280
2901.431 of the Revised Code that felony charges have been filed 6281
against a member, the retirement system shall not grant the member 6282
a disability benefit unless it determines that the member's 6283
disability was not caused by commission of the felony. If the 6284
member has disability coverage under this chapter or was granted a 6285
disability benefit after the date on which the felony was 6286
committed, the retirement system shall notify the prosecutor who 6287
sent the notice under section 2901.431 of the Revised Code that 6288

the member may be subject to an order of forfeiture under section 2929.194 of the Revised Code. 6289
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On receipt under section 2929.194 of the Revised Code of a journal entry showing an order of forfeiture of any right a member may have to a disability benefit, the retirement system shall comply with the order. If a disability benefit was granted prior to receipt of the order, the retirement system shall terminate the benefit. Any disability benefit paid to the member prior to its termination may be recovered in accordance with section 145.563 of the Revised Code. 6291
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Neither this section nor section 2929.194 of the Revised Code precludes a member from withdrawing the member's accumulated contributions in accordance with section 145.40 of the Revised Code if the member is not subject to section 145.572 or 2929.193 of the Revised Code. 6299
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Sec. 145.58. (A) ~~As used in this section, "ineligible individual" means all of the following:~~ 6304
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~~(1) A former member receiving benefits pursuant to section 145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for whom eligibility is established more than five years after June 13, 1981, and who, at the time of establishing eligibility, has accrued less than ten years' service credit, exclusive of credit obtained pursuant to section 145.297 or 145.298 of the Revised Code, credit obtained after January 29, 1981, pursuant to section 145.293 or 145.301 of the Revised Code, and credit obtained after May 4, 1992, pursuant to section 145.28 of the Revised Code;~~ 6306
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~~(2) The spouse of the former member;~~ 6315

~~(3) The beneficiary of the former member receiving benefits pursuant to section 145.46 of the Revised Code~~ The public employees retirement board shall adopt rules establishing 6316
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eligibility for any coverage provided under this section. The 6319
rules shall base eligibility on years and types of service credit 6320
earned by members. Eligibility determinations shall be made in 6321
accordance with the rules, except that an individual who, as a 6322
result of making a false statement in an attempt to secure a 6323
benefit under this section, is convicted of violating section 6324
2921.13 of the Revised Code is ineligible for coverage. 6325

(B) The ~~public employees retirement~~ board may enter into 6326
agreements with insurance companies, health insuring corporations, 6327
or government agencies authorized to do business in the state for 6328
issuance of a policy or contract of health, medical, hospital, or 6329
surgical benefits, or any combination thereof, for ~~those~~ eligible 6330
individuals receiving age and service retirement or a disability 6331
or survivor benefit subscribing to the plan, or for PERS retirants 6332
employed under section 145.38 of the Revised Code, for coverage of 6333
benefits in accordance with division ~~(D)~~(C)(2) of section 145.38 6334
of the Revised Code. Notwithstanding any other provision of this 6335
chapter, the policy or contract may also include coverage for any 6336
eligible individual's spouse and dependent children and for any of 6337
the eligible individual's sponsored dependents as the board 6338
determines appropriate. If all or any portion of the policy or 6339
contract premium is to be paid by any individual receiving age and 6340
service retirement or a disability or survivor benefit, the 6341
individual shall, by written authorization, instruct the board to 6342
deduct the premium agreed to be paid by the individual to the 6343
company, corporation, or agency. 6344

The board may contract for coverage on the basis of part or 6345
all of the cost of the coverage to be paid from appropriate funds 6346
of the public employees retirement system. The cost paid from the 6347
funds of the system shall be included in the employer's 6348
contribution rate provided by sections 145.48 and 145.51 of the 6349
Revised Code. The board may by rule provide coverage to ~~ineligible~~ 6350

individuals who are not eligible under the rules adopted under 6351
division (A) of this section if the coverage is provided at no 6352
cost to the retirement system. The board shall not pay or 6353
reimburse the cost for coverage under this section or section 6354
~~145.325~~ 145.584 of the Revised Code for any ~~ineligible~~ such 6355
individual. 6356

The board may provide for self-insurance of risk or level of 6357
risk as set forth in the contract with the companies, 6358
corporations, or agencies, and may provide through the 6359
self-insurance method specific benefits as authorized by rules of 6360
the board. 6361

(C) The board shall, beginning the month following receipt of 6362
satisfactory evidence of the payment for coverage, pay monthly to 6363
each recipient of service retirement, or a disability or survivor 6364
benefit under the public employees retirement system who is 6365
eligible for ~~medical insurance~~ coverage under part B of the 6366
medicare program established under Title XVIII of "The Social 6367
Security Act Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 6368
1395j, as amended, an amount determined by the board for such 6369
coverage ~~that is not less than ninety six dollars and forty cents,~~ 6370
except that the board shall make no such payment to any ~~ineligible~~ 6371
individual who is not eligible for coverage under the rules 6372
adopted under division (A) of this section or pay an amount that 6373
exceeds the amount paid by the recipient for the coverage. 6374

At the request of the board, the recipient shall certify to 6375
the retirement system the amount paid by the recipient for 6376
coverage described in this division. 6377

(D) The board shall establish by rule requirements for the 6378
coordination of any coverage, payment, or benefit provided under 6379
this section or section ~~145.325~~ 145.584 of the Revised Code with 6380
any similar coverage, payment, or benefit made available to the 6381
same individual by the Ohio police and fire pension fund, state 6382

teachers retirement system, school employees retirement system, or 6383
state highway patrol retirement system. 6384

(E) The board shall make all other necessary rules pursuant 6385
to the purpose and intent of this section. 6386

Sec. ~~145.325~~ 145.584. (A) Except as otherwise provided in 6387
division (B) of this section, the board of the public employees 6388
retirement system shall make available to each retirant or 6389
disability benefit recipient receiving a monthly allowance or 6390
benefit on or after January 1, 1968, who has attained the age of 6391
sixty-five years, and who is not eligible to receive hospital 6392
insurance benefits under the federal old age, survivors, and 6393
disability insurance program, hospital insurance coverage 6394
substantially equivalent to the federal hospital insurance 6395
benefits, Social Security Amendments of 1965, 79 Stat. 291, 42 6396
U.S.C.A. 1395c, as amended. This coverage shall also be made 6397
available to the spouse, widow, or widower of such retirant or 6398
disability benefit recipient provided such spouse, widow, or 6399
widower has attained age sixty-five and is not eligible to receive 6400
hospital insurance benefits under the federal old age, survivors, 6401
and disability insurance program. The widow or widower of a 6402
retirant or disability benefit recipient shall be eligible for 6403
such coverage only if he or she is the recipient of a monthly 6404
allowance or benefit from this system. ~~One-half~~ A portion of the 6405
cost of the premium for the spouse ~~shall~~ may be paid from the 6406
appropriate funds of the public employees retirement system ~~and~~ 6407
~~one-half~~. The remainder of the cost shall be paid by the recipient 6408
of the allowance or benefit. 6409

The cost of such coverage, paid from the funds of the system, 6410
shall be included in the employer's rate provided by section 6411
145.48 of the Revised Code. The retirement board is authorized to 6412
make all necessary rules pursuant to the purpose and intent of 6413

this section, and shall contract for such coverage as provided in 6414
section 145.58 of the Revised Code. 6415

(B) The board need not make the hospital insurance coverage 6416
described in division (A) of this section available to any person 6417
for whom it is prohibited by section 145.58 of the Revised Code 6418
from paying or reimbursing the premium cost of such insurance. 6419

Sec. 145.62. Subject to rules adopted by the public employees 6420
retirement system under section 145.09 of the Revised Code, a 6421
contributor participating in the PERS defined benefit plan or 6422
contributing under section 145.38 or 145.383 of the Revised Code 6423
may deposit additional amounts in the employees' savings fund 6424
established under section 145.23 of the Revised Code. The 6425
additional deposits may be made either directly to the retirement 6426
system or by payroll deduction under section 145.294 of the 6427
Revised Code. The contributor shall receive in return either an 6428
annuity, as provided in section 145.64 of the Revised Code, having 6429
a reserve equal to the amount deposited or a refund under section 6430
145.63 of the Revised Code of the amount deposited, together with 6431
earnings on the amount deposited as the public employees 6432
retirement board determines appropriate. If the annuity under the 6433
plan of payment selected by the contributor under section 145.64 6434
of the Revised Code would be less than twenty-five dollars per 6435
month, the contributor shall receive the refund. 6436

Sec. 145.63. (A) Deposits under section 145.62 of the Revised 6437
Code, together with earnings, shall be refunded under whichever of 6438
the following circumstances applies: 6439

(1) On withdrawal of accumulated contributions as provided in 6440
sections 145.40 and 145.43 of the Revised Code or payment of a 6441
lump sum under section 145.384 of the Revised Code; 6442

(2) On the death of a contributor prior to retirement; 6443

(3) In the case of a contributor participating in the PERS defined benefit plan, on application of the contributor prior to attaining eligibility for age and service retirement;

(4) In the case of a contributor under section 145.38 or 145.383 of the Revised Code, on application of the contributor prior to attaining eligibility for a benefit under section 145.384 of the Revised Code;

(5) In the case of a contributor who has attained eligibility for an age and service retirement benefit or a benefit under section 145.384 of the Revised Code and is not married, on application;

(6) In the case of a contributor who has attained eligibility for an age and service retirement benefit or a benefit under section 145.384 of the Revised Code and is married, on application if the application is accompanied by a statement of the spouse's consent to the refund or the public employees retirement board waives the requirement that the spouse consent;

(7) In the case of a contributor who has attained eligibility for an age and service retirement benefit as a consequence of section 145.37 of the Revised Code and will receive a retirement or disability benefit from the state teachers retirement system or school employees retirement system but has not requested a transfer of funds to the other retirement system under division (B)(1)(g) of section 145.37 of the Revised Code, at the time the public employees retirement system pays to the other retirement system the amount required under division (B)(1)(e) of that section.

(B) The consent of a spouse to a refund is valid only if it is in writing, signed, and witnessed by a notary public.

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 6475
regard to the spouse who is the subject of the consent or waiver. 6476

Sec. 145.64. (A) As used in this section: 6477

~~(1) "Plan A" means a plan of payment that is the same as,~~ 6478
~~"joint-life plan A," as described in section 145.46 of the Revised~~ 6479
~~Code.~~ 6480

~~(2) "Plan B" means a plan of payment that is the same as~~ 6481
~~"single-life plan B," as described in section 145.46 of the~~ 6482
~~Revised Code.~~ 6483

~~(3) "Plan F" means a plan of payment that is the same as and~~ 6484
~~"multiple-life plan F" have the same meanings as described in~~ 6485
~~division (B) of section 145.46 of the Revised Code.~~ 6486

(B) A contributor who has not received a refund of amounts 6487
deposited under section 145.62 or the version of division (C) of 6488
section 145.23 of the Revised Code as it existed immediately prior 6489
to ~~the effective date of this section~~ April 6, 2007, may file an 6490
application with the public employees retirement system for a 6491
benefit under this section. ~~The~~ Except as provided in section 6492
145.62 of the Revised Code, the benefit shall consist of an 6493
annuity ~~under a plan of payment that shall be paid as~~ described in 6494
division ~~(A)(B)~~ of ~~this~~ section 145.46 of the Revised Code. 6495

The application must be filed prior to receipt of an age and 6496
service retirement benefit from the retirement system or, in the 6497
case of a contributor under section 145.38 or 145.383 of the 6498
Revised Code, a benefit under section 145.384 of the Revised Code. 6499
A contributor who fails to file an application for a benefit under 6500
this section prior to receipt of an age and service retirement 6501
benefit or a benefit under section 145.384 of the Revised Code 6502
shall be eligible only for a refund under section 145.63 of the 6503
Revised Code. 6504

(1) Except as provided in division (B)(2) of this section, a contributor who is married at the time of application for a benefit under this section shall receive the benefit as a monthly annuity under "a joint-life plan A."

(2) A contributor may receive a benefit under this section under a plan of payment other than "a joint-life plan A" if one of the following is the case:

(a) The contributor is unmarried;

(b) The benefit application is accompanied by a statement of the spouse's consent to another plan of payment or the public employees retirement board waives the requirement that the spouse consent;

(c) A plan of payment providing for payment in a specified portion of the benefit continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property prior to the effective date of the contributor's benefit application.

(3) If a member is subject to division (B)(2)(c) 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:

(a) The member elects a plan of payment that is in accordance with the order described in division (B)(2)(c) of this section.

(b) If the member is married, the member elects "a multiple-life 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 or the board waives the requirement that the current spouse consent.

(4) The contributor shall designate the beneficiary or beneficiaries under a plan of payment in writing at the time the plan is selected.

(5) A plan of payment, other than "a single-life plan B," shall be effective only if it is certified by an actuary engaged by the board to be the actuarial equivalent of the contributor's "single-life plan B" annuity and is approved by the board.

(6) A contributor who is eligible to select a plan of payment under this section but fails to do so shall receive a monthly annuity under the plan of payment specified in rules adopted by the board.

(C) An annuity shall be paid monthly and consist of an amount determined by the public employees retirement system or the actuarial equivalent of that amount paid ~~under a plan of payment~~ as described in this section.

Payments shall begin on whichever of the following applies:

(1) ~~The~~ Except as provided in this division, the later of the effective date of the contributor's age and service retirement allowance; or the first day of the month following the latest of:

(a) The last day for which compensation was paid;

(b) The attainment of the member's applicable minimum age or service credit eligibility as provided in section 145.32 of the Revised Code;

(c) The first day of the month following receipt of an application for an age and service retirement benefit.

(2) The later of the effective date of a benefit under section 145.384 of the Revised Code; or the first day of the month following the latest of:

(a) The last day for which compensation for employment subject to section 145.38 or 145.383 of the Revised Code was paid;

(b) Attainment by the contributor of age sixty-five; 6565

(c) If the contributor was previously employed as described 6566
in division (E)(3) of section 145.384 of the Revised Code, 6567
completion of a period of twelve months since the effective date 6568
of the last benefit under that section; 6569

(d) Receipt of an application for a benefit under section 6570
145.384 of the Revised Code. 6571

(3) The later of the effective date of disability retirement 6572
under section 145.36 of the Revised Code or the date on which a 6573
member receiving disability retirement ~~under section 145.36 of the~~ 6574
~~Revised Code~~ would have been eligible for an age and service 6575
retirement allowance. 6576

(4) The first day of the month following the last day for 6577
which a disability allowance is paid under section 145.361 of the 6578
Revised Code. 6579

(D) The consent of a spouse to a plan of payment other than 6580
~~"a joint-life plan A"~~ is valid only if it is in writing, signed, 6581
and witnessed by a notary public. The board may waive the 6582
requirement of consent if the spouse is incapacitated or cannot be 6583
located or for any other reason specified by the board. Consent or 6584
waiver is effective only with regard to the spouse who is the 6585
subject of the consent or waiver. 6586

(E)(1) The death of a spouse or any designated beneficiary 6587
shall cancel the portion of an annuity providing continuing 6588
lifetime payments to the deceased spouse or deceased designated 6589
beneficiary. The contributor shall receive the actuarial 6590
equivalent of the contributor's remaining annuity, as determined 6591
by the board, based on the number of remaining beneficiaries, with 6592
no change in the amount payable to any remaining beneficiary. ~~The~~ 6593
If the retirement system receives notice of the death on or after 6594
the effective date of this amendment, the change shall be 6595

effective the month following ~~receipt by the board of notice of~~ 6596
the date of death. 6597

(2) On divorce, annulment, or marriage dissolution, a 6598
contributor receiving an annuity under a plan of payment that 6599
provides for continuation of all or part of the annuity after 6600
death for the lifetime of the contributor's surviving spouse may, 6601
with the written consent of the spouse or pursuant to an order of 6602
the court with jurisdiction over the termination of the marriage, 6603
elect to cancel the portion of the plan providing continuing 6604
lifetime payments to that spouse. The contributor shall receive 6605
the actuarial equivalent of the contributor's annuity as 6606
determined by the board based on the number of remaining 6607
beneficiaries, with no change in the amount payable to any 6608
remaining beneficiary. The election shall be made on a form 6609
provided by the board and shall be effective the month following 6610
its receipt by the board. 6611

(F)(1) Following a marriage or remarriage, both of the 6612
following apply: 6613

(a) A contributor who is receiving payments under "a 6614
single-life plan B" may elect a new plan of payment based on the 6615
actuarial equivalent of the contributor's "single-life plan B" 6616
annuity as determined by the board. 6617

(b) A contributor receiving an annuity under this section 6618
pursuant to a plan of payment providing for payment to a former 6619
spouse pursuant to a court order as described in division 6620
(B)(2)(c) of this section may elect a new plan of payment under "a 6621
multiple-life plan F" based on the actuarial equivalent of the 6622
contributor's benefit as determined by the board if the new plan 6623
of payment does not reduce the payment to the former spouse. 6624

(2) An election under division (F)(1) of this section must be 6625
made not later than one year after the date of the marriage or 6626

remarriage. 6627

The plan elected shall become effective on the date of 6628
receipt by the board of an application on a form approved by the 6629
board, but any change in the amount of the annuity payment shall 6630
commence on the first day of the month following the effective 6631
date of the plan. 6632

(G) If at the time of death a contributor receiving a monthly 6633
annuity under "a single-life plan B" has received less than the 6634
retirant's deposits under section 145.62 or the version of 6635
division (C) of section 145.23 of the Revised Code as it existed 6636
immediately prior to ~~the effective date of this section~~ April 6, 6637
2007, plus earnings on those deposits, the difference between the 6638
amount received and the amount of the contributor's deposits plus 6639
earnings shall be paid to the contributor's beneficiary under 6640
section 145.65 of the Revised Code. If any designated beneficiary 6641
receiving a monthly annuity under this section dies and at the 6642
time of the beneficiary's death the amounts paid to the 6643
contributor and the beneficiary are less than the amount of the 6644
contributor's deposits plus earnings on those deposits, the 6645
difference between the amount received by the contributor and the 6646
beneficiary and the amount of the contributor's deposits plus 6647
earnings shall be paid to the beneficiary's estate. 6648

(H) Receipt of the first month's annuity payment constitutes 6649
final acceptance of the plan of payment and may be changed only as 6650
provided in this section. 6651

Sec. 145.813. Each PERS defined contribution plan shall 6652
require the public employees retirement board, or the entity 6653
administering the plan pursuant to a contract with the board, to 6654
cause an individual account to be maintained for each member 6655
participating in the plan. Amounts to be credited ~~to an individual~~ 6656
~~account~~ under a PERS defined contribution plan may be deposited 6657

into any of the funds created under section 145.23 of the Revised Code or may be transferred to the entity administering the plan for ~~deposit into~~ the purpose of making distributions from the member's individual account.

Sec. 145.814. (A) As used in this section:

~~(1) "Additional liability" means an amount that, when added to the amount on deposit, will provide the remaining portion of the pension reserve for the period of service that corresponds to the contributions made by or on behalf of a member.~~

~~(2) "Amount on deposit" means the sum of a member's employee and employer contributions and, if applicable, any earnings or losses on those contributions.~~

~~(3) "Eligible, "eligible member" means a member who was eligible to make an election under section 145.19 or 145.191 of the Revised Code, regardless of whether the member elected to participate in a PERS defined contribution plan.~~

(B) If permitted to do so by the plan documents for a PERS defined contribution plan or rules governing the PERS defined benefit plan, an eligible member may elect, at intervals specified by the plan document or rules, to participate in a different defined contribution plan or in the PERS defined benefit plan. The election is subject to this section and rules adopted by the public employees retirement board under sections 145.09 and 145.80 of the Revised Code. An election to participate in a different plan shall be made in writing on a form provided by the public employees retirement system and filed with the system. The election shall take effect on the first day of the month following the date the election is filed and, except as provided in the plan documents or rules governing the PERS defined benefit plan, is irrevocable on receipt by the system.

(C)~~(1)~~ Except as provided in division ~~(C)(2)(D)~~ of this 6688
section, an election to participate in a different plan shall 6689
apply only to employee and employer contributions made and, if 6690
applicable, service credit earned after the effective date of the 6691
election. 6692

~~(2)(D)~~ An eligible member may elect to have the member's 6693
amount on deposit for the prior plan and, if applicable, service 6694
credit earned prior to the effective date of the election 6695
deposited and credited in accordance with the member's new plan if 6696
~~one of the following applies:~~ 6697

~~(a) The member, by an election under this section, will cease 6698
participation in a PERS defined contribution plan that does not 6699
include definitely determinable benefits. 6700~~

~~(b) The the member, by an the election under division (A) of 6701
this section, will begin participating in the PERS defined benefit 6702
plan or a PERS defined contribution plan with definitely 6703
determinable benefits. The amount on deposit is the amount the 6704
member would be entitled to receive as a refund from the prior 6705
plan if the member ceased to be a public employee. 6706~~

~~(3) If a member described in division (C)(2) of this section 6707
makes the election described in ~~that~~ this division and service 6708
credit is transferred, the board's actuary shall determine the 6709
additional liability to the system, if any. ~~If~~ The additional 6710
liability is the amount that, when added to the amount on deposit, 6711
will provide the remaining portion of the pension reserve for the 6712
period of the member's service as a public employee in the prior 6713
plan. 6714~~

If the actuary determines that there is an additional 6715
liability, the member shall elect one of the following: 6716

~~(a)(1)~~ To receive the total amount of service credit that the 6717
member would have received had the member been participating in 6718

the new plan, pay to the system an amount equal to the additional 6719
liability; 6720

~~(b) Receive (2) To receive~~ an amount of service credit in the 6721
new plan that corresponds to the amount on deposit for the prior 6722
plan. 6723

For each member who makes the election described in this 6724
division ~~(C)(2) of this section~~, the system shall deposit and 6725
credit to the new plan the amount on deposit for the prior plan 6726
and, if applicable, the amount paid by the member. The board may 6727
specify in rules adopted under sections 145.09 and 145.80 of the 6728
Revised Code how service credit in the defined benefit plan may be 6729
converted to amounts on deposit in the defined contribution plan. 6730

Sec. 145.82. (A) Except as provided in divisions (B) and (C) 6731
of this section, sections 145.201 to 145.70 of the Revised Code do 6732
not apply to a PERS defined contribution plan, except that a PERS 6733
defined contribution plan may incorporate provisions of those 6734
sections as specified in the plan document. 6735

(B) The following sections of Chapter 145. of the Revised 6736
Code apply to a PERS defined contribution plan: 145.195, 145.22, 6737
145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, ~~145.382,~~ 6738
~~145.383,~~ 145.384, 145.391, 145.43, 145.431, 145.47, 145.48, 6739
145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 6740
145.57, 145.571, 145.572, 145.573, 145.574, 145.69, and 145.70 of 6741
the Revised Code. 6742

(C) A PERS defined contribution plan that includes definitely 6743
determinable benefits may incorporate by reference all or part of 6744
sections 145.201 to 145.79 of the Revised Code to allow a member 6745
participating in the plan to purchase service credit or to be 6746
eligible for any of the following: 6747

(1) Retirement, disability, survivor, or death benefits; 6748

(2) Health or long-term care insurance or any other type of health care benefit;

(3) Additional increases under section 145.323 of the Revised Code;

(4) A refund of contributions made by or on behalf of a member.

With respect to the benefits described in division (C)(1) of this section, the public employees retirement board may establish eligibility requirements and benefit formulas or amounts that differ from those of members participating in the PERS defined benefit plan. With respect to the purchase of service credit by a member participating in a PERS defined contribution plan, the board may reduce the cost of the service credit to reflect the different benefit formula established for the member.

Sec. 145.83. A PERS defined contribution plan may include a program described in section 145.583 of the Revised Code under which a ~~participating~~ member participating in the plan is required to accumulate a portion of the amount contributed under section 145.86 of the Revised Code for the purpose of providing funds to the member for the payment of health, medical, hospital, surgical, dental, or vision care expenses, including insurance premiums, deductible amounts, or copayments as described in that section. ~~The program may be a voluntary employees' beneficiary association, as described in section 501(c)(9) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(9), as amended; a medical savings account; or a similar type of program under which an individual may accumulate funds for the purpose of paying such expenses. To implement the program, the public employees retirement board may enter into agreements with insurance companies or other entities authorized to conduct business in this state.~~

If a PERS defined contribution plan includes a program 6780
described in this section, the public employees retirement board 6781
shall adopt rules to ~~establish and administer the program. The~~ 6782
~~rules shall~~ specify the length of time during which the member 6783
will vest in amounts accumulated on the member's behalf and may 6784
provide for a minimum annual distribution from the accumulated 6785
amount after the member terminates employment in positions subject 6786
to this chapter. 6787

Sec. 145.87. For each member participating in a PERS defined 6788
contribution plan, the public employees retirement system ~~shall~~ 6789
may transfer to the employers' accumulation fund a portion of the 6790
employer contribution required under section 145.48 of the Revised 6791
Code. ~~The~~ If the public employees retirement board elects to make 6792
a transfer under this section, the portion transferred shall equal 6793
not exceed the percentage of earnable salary of members for whom 6794
the contributions are being made that is determined by an actuary 6795
appointed by the ~~public employees retirement~~ board to be necessary 6796
to mitigate any negative financial impact on the system of 6797
members' participation in a plan. 6798

The board ~~shall have prepared annually~~ may have prepared, at 6799
intervals determined by the board, an actuarial study to determine 6800
whether ~~the percentage transferred~~ a transfer under this section 6801
~~should be changed~~ is necessary to reflect a change in the level of 6802
negative financial impact resulting from members' participation in 6803
a plan. The percentage transferred, if any, shall be increased or 6804
decreased to reflect the amount needed to mitigate the negative 6805
financial impact, if any, on the system, as determined by the 6806
study. A change in the percentage transferred shall take effect on 6807
~~the first day of the year following the date the conclusions of~~ 6808
~~the study are reported to~~ a date determined by the board. 6809

~~The~~ If a transfer under this section is made, the system 6810

shall make the transfer ~~required under this section~~ until the 6811
unfunded actuarial accrued liability for all benefits, except 6812
health care benefits provided under section ~~145.325~~ or 145.58 or 6813
145.584 of the Revised Code and benefit increases to members and 6814
former members participating in the PERS defined benefit plan 6815
granted after September 21, 2000, is fully amortized, as 6816
determined by the annual actuarial valuation prepared under 6817
section 145.22 of the Revised Code. 6818

Sec. 145.88. Amounts contributed under sections 145.85 and 6819
145.86 of the Revised Code, and any earnings on those amounts, 6820
shall be deposited and credited in accordance with the PERS 6821
defined contribution plan that is selected by the member. The plan 6822
may include provisions authorizing the public employees retirement 6823
system to do either of the following: 6824

(A) Withhold from the amounts contributed under ~~section~~ 6825
sections 145.85 and 145.86 of the Revised Code a percentage of 6826
earnable salary that is determined by an actuary appointed by the 6827
public employees retirement board to be necessary to administer 6828
the plan; 6829

(B) Withhold from the amounts contributed under section 6830
145.86 of the Revised Code a percentage of earnable salary for the 6831
purpose of funding health care insurance coverage or any other 6832
type of health care benefit for a member participating in the 6833
plan. 6834

Sec. 145.92. If a member participating in a PERS defined 6835
contribution plan is married at the time benefits under the plan 6836
are to commence, unless the spouse consents to another plan of 6837
payment or the spouse's consent is waived, the member's ~~retirement~~ 6838
~~allowance~~ benefit under the plan shall be paid in a lesser amount 6839
payable for life and one-half of ~~the allowance~~ that amount 6840

continuing after death to the surviving spouse for the life of the spouse. 6841
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Consent is valid only if it is evidenced by a written document signed by the spouse and the signature is witnessed by a notary public. A plan may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the plan or in rules adopted by the public employees retirement board. 6843
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A plan shall waive the requirement of consent if a plan of payment that provides for payment in a specified portion of the retirement allowance continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or laws of another state regarding division of marital property prior to the effective date of the member's retirement. If a court order requires this plan of payment, the member shall be required to annuitize the member's accumulated amounts in accordance with the order. If the member is married, the plan of payment selected by the member also shall provide for payment to the member's current spouse, unless the current spouse consents in writing to not being designated a beneficiary under the plan of payment or the current spouse's consent is waived by reason other than the court order. 6849
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Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver. 6863
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Sec. 145.95. (A) Subject to division (B) of this section and sections 145.38, 145.56, 145.57, 145.572, ~~and~~ 145.573, and 145.574 of the Revised Code, the right of a member participating in a PERS defined contribution plan to any payment or benefit accruing from contributions made by or on behalf of the member under sections 145.85 and 145.86 of the Revised Code shall vest in accordance with this section. 6865
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A member's right to any payment or benefit that is based on 6872
the member's contributions is nonforfeitable. 6873

A member's right to any payment or benefit that is based on 6874
contributions by the member's employer is nonforfeitable as 6875
specified by the plan selected by the member. 6876

(B) This section does not apply to an increase made under 6877
section 145.323 of the Revised Code on or after the effective date 6878
of this amendment. 6879

Sec. 145.97. Each PERS defined contribution plan shall permit 6880
a member participating in the plan to do ~~all~~ both of the 6881
following: 6882

~~(A) Maintain on deposit with the public employees retirement 6883~~
~~system, or the entity administering the plan pursuant to a 6884~~
~~contract with the public employees retirement board, any amounts 6885~~
~~that have accumulated on behalf of the member;~~ 6886

~~(B) If the member has withdrawn the amounts described in 6887~~
~~division (A) of this section that have accumulated on behalf of 6888~~
~~the member under the plan, returns to employment covered under 6889~~
this chapter, and is participating in a plan that includes 6890
definitely determinable benefits, pay to the system the amounts 6891
withdrawn in accordance with rules adopted under section ~~145.31~~ 6892
145.80 of the Revised Code; 6893

~~(C)~~(B) Make additional deposits as permitted by the "Internal 6894
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6895

Sec. 742.63. The board of trustees of the Ohio police and 6896
fire pension fund shall adopt rules for the management of the Ohio 6897
public safety officers death benefit fund and for disbursements of 6898
benefits as set forth in this section. 6899

(A) As used in this section: 6900

- (1) "Member" means all of the following: 6901
- (a) A member of the Ohio police and fire pension fund, 6902
including a member of the fund who has elected to participate in 6903
the deferred retirement option plan established under section 6904
742.43 of the Revised Code or a member of or contributor to a 6905
police or firemen's relief and pension fund established under 6906
former Chapter 521. or 741. of the Revised Code; 6907
- (b) A member of the state highway patrol retirement system, 6908
including a member who is participating in the deferred retirement 6909
option plan established under section 5505.50 of the Revised Code; 6910
- (c) A member of the public employees retirement system who at 6911
the time of the member's death was one of the following: 6912
- (i) A county sheriff or deputy sheriff; 6913
- (ii) A full-time regular police officer in a municipal 6914
corporation or township; 6915
- (iii) A full-time regular firefighter employed by the state, 6916
an instrumentality of the state, a municipal corporation, a 6917
township, a joint fire district, or another political subdivision; 6918
- (iv) A full-time park district ranger or patrol trooper; 6919
- (v) A full-time law enforcement officer of the department of 6920
natural resources; 6921
- (vi) A full-time department of public safety enforcement 6922
agent; 6923
- (vii) A full-time law enforcement officer of parks, waterway 6924
lands, or reservoir lands under the control of a municipal 6925
corporation; 6926
- (viii) A full-time law enforcement officer of a conservancy 6927
district; 6928
- (ix) A correction officer at an institution under the control 6929

of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;

(x) A state university law enforcement officer;

(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation.

(xii) A drug agent, as defined in section 145.01 of the Revised Code.

(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.

(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the police force of a state university.

(3) "Firefighter or police officer" includes a state highway patrol trooper, a county sheriff or deputy sheriff, a correction officer at an institution under the control of a county, a group

of counties, a municipal corporation, or the department of 6961
rehabilitation and correction, a police officer employed by a 6962
township or municipal corporation, a firefighter employed by the 6963
state, an instrumentality of the state, a municipal corporation, a 6964
township, a joint fire district, or another political subdivision, 6965
a full-time park district ranger or patrol trooper, a full-time 6966
law enforcement officer of the department of natural resources, a 6967
full-time department of public safety enforcement agent, a 6968
full-time law enforcement officer of parks, waterway lands, or 6969
reservoir lands under the control of a municipal corporation, a 6970
full-time law enforcement officer of a conservancy district, and a 6971
state university law enforcement officer. 6972

(4) "Correction officer" includes, in addition to any 6973
correction officer, any correction corporal, sergeant, lieutenant, 6974
or captain, and the equivalents of all such persons. 6975

(5) "A park district ranger or patrol trooper" means a peace 6976
officer commissioned to make arrests, execute warrants, and 6977
preserve the peace upon lands under the control of a board of park 6978
commissioners of a metropolitan, county, or township park 6979
district. 6980

(6) "Metropolitan, county, or township park district" means a 6981
park district created under the authority of Chapter 511. or 1545. 6982
of the Revised Code. 6983

(7) "Conservancy district" means a conservancy district 6984
created under the authority of Chapter 6101. of the Revised Code. 6985

(8) "Law enforcement officer" means an officer commissioned 6986
to make arrests, execute warrants, and preserve the peace upon 6987
lands under the control of the governmental entity granting the 6988
commission. 6989

(9) "Department of natural resources law enforcement officer" 6990
includes a forest officer designated pursuant to section 1503.29 6991

of the Revised Code, a preserve officer designated pursuant to 6992
section 1517.10 of the Revised Code, a wildlife officer designated 6993
pursuant to section 1531.13 of the Revised Code, a park officer 6994
designated pursuant to section 1541.10 of the Revised Code, and a 6995
state watercraft officer designated pursuant to section 1547.521 6996
of the Revised Code. 6997

(10) "Retirement eligibility date" means the last day of the 6998
month in which a deceased member would have first become eligible, 6999
had the member lived, for the retirement pension provided under 7000
section 145.33, section 145.332, Chapter 521. or 741., division 7001
(C)(1) of section 742.37, or division (A)(1) of section 5505.17 of 7002
the Revised Code or provided by a retirement system operated by a 7003
municipal corporation. 7004

(11) "Death benefit amount" means an amount equal to the full 7005
monthly salary received by a deceased member prior to death, minus 7006
an amount equal to the benefit received under section 145.45, 7007
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 7008
received from a retirement system operated by a municipal 7009
corporation, plus any increases in salary that would have been 7010
granted the deceased member. 7011

(12) "Killed in the line of duty" means either of the 7012
following: 7013

(a) Death in the line of duty; 7014

(b) Death from injury sustained in the line of duty, 7015
including heart attack or other fatal injury or illness caused 7016
while in the line of duty. 7017

(B) A spouse of a deceased member shall receive a death 7018
benefit each month equal to the full death benefit amount, 7019
provided that the deceased member was a firefighter or police 7020
officer killed in the line of duty and there are no surviving 7021
children eligible for a benefit under this section. The spouse 7022

shall receive this benefit during the spouse's natural life until 7023
the deceased member's retirement eligibility date, on which date 7024
the benefit provided under this division shall terminate. 7025

(C)(1) If a member killed in the line of duty as a 7026
firefighter or police officer is survived only by a child or 7027
children, the child or children shall receive a benefit each month 7028
equal to the full death benefit amount. If there is more than one 7029
surviving child, the benefit shall be divided equally among these 7030
children. 7031

(2) If the death benefit paid under this division is divided 7032
among two or more surviving children and any of the children 7033
become ineligible to continue receiving a portion of the benefit 7034
as provided in division (H) of this section, the full death 7035
benefit amount shall be paid to the remaining eligible child or 7036
divided among the eligible children so that the benefit paid to 7037
the remaining eligible child or children equals the full death 7038
benefit amount. 7039

(3) Notwithstanding divisions (C)(1) and (2) of this section, 7040
all death benefits paid under this division shall terminate on the 7041
deceased member's retirement eligibility date. 7042

(D) If a member killed in the line of duty as a firefighter 7043
or police officer is survived by both a spouse and a child or 7044
children, the monthly benefit provided shall be as follows: 7045

(1)(a) If there is a surviving spouse and one surviving 7046
child, the spouse shall receive an amount each month equal to 7047
one-half of the full death benefit amount and the child shall 7048
receive an amount equal to one-half of the full death benefit 7049
amount. 7050

(b) If the surviving spouse dies or the child becomes 7051
ineligible as provided in division (H) of this section, the 7052
surviving spouse or child remaining eligible shall receive the 7053

full death benefit amount. 7054

(2)(a) If there is a surviving spouse and more than one 7055
child, the spouse shall receive an amount each month equal to 7056
one-third of the full death benefit amount and the children shall 7057
receive an amount, equally divided among them, equal to two-thirds 7058
of the full death benefit amount. 7059

(b) If a spouse and more than one child each are receiving a 7060
death benefit under division (D)(2)(a) of this section and the 7061
spouse dies, the children shall receive an amount each month, 7062
equally divided among them, equal to the full death benefit 7063
amount. 7064

(c) If a spouse and more than one child each are receiving a 7065
benefit under division (D)(2)(a) of this section and any of the 7066
children becomes ineligible to receive a benefit as provided in 7067
division (H) of this section, the spouse and remaining eligible 7068
child or children shall receive a death benefit as follows: 7069

(i) If there are two or more remaining eligible children, the 7070
spouse shall receive an amount each month equal to one-third of 7071
the full death benefit amount and the children shall receive an 7072
amount each month, equally divided among them, equal to two-thirds 7073
of the full death benefit amount; 7074

(ii) If there is one remaining eligible child, the spouse 7075
shall receive an amount each month equal to one-half of the full 7076
death benefit amount, and the child shall receive an amount each 7077
month equal to one-half of the full death benefit amount. 7078

(d) If a spouse and more than one child each are receiving a 7079
benefit under division (D)(2)(a) of this section and all of the 7080
children become ineligible to receive a benefit as provided in 7081
division (H) of this section, the spouse shall receive the full 7082
death benefit amount. 7083

(3) Notwithstanding divisions (D)(1) and (2) of this section, 7084

death benefits paid under this division to a surviving spouse 7085
shall terminate on the member's retirement eligibility date. Death 7086
benefits paid to a surviving child or children shall terminate on 7087
the deceased member's retirement eligibility date unless earlier 7088
terminated pursuant to division (H) of this section. 7089

(E) If a member, on or after January 1, 1980, is killed in 7090
the line of duty as a firefighter or police officer and is 7091
survived by only a parent or parents dependent upon the member for 7092
support, the parent or parents shall receive an amount each month 7093
equal to the full death benefit amount. If there is more than one 7094
surviving parent dependent upon the deceased member for support, 7095
the death benefit amount shall be divided equally among the 7096
surviving parents. On the death of one of the surviving parents, 7097
the full death benefit amount shall be paid to the other parent. 7098

(F)(1) The following shall receive a monthly death benefit 7099
under this division: 7100

(a) A surviving spouse whose benefits are terminated in 7101
accordance with division (B) or (D)(3) of this section on the 7102
deceased member's retirement eligibility date, or who would 7103
qualify for a benefit under division (B) or (D) of this section 7104
except that the deceased member reached the member's retirement 7105
eligibility date prior to the member's death; 7106

(b) A qualified surviving spouse of a deceased member of or 7107
contributor to a police or firemen's relief and pension fund 7108
established under former Chapter 521. or 741. of the Revised Code 7109
who was a firefighter or police officer killed in the line of 7110
duty. 7111

(2) The monthly death benefit shall be one-half of an amount 7112
equal to the monthly salary received by the deceased member prior 7113
to the member's death, plus any salary increases the deceased 7114
member would have received prior to the member's retirement 7115

eligibility date. The benefit shall terminate on the surviving spouse's death. A death benefit payable under this division shall be reduced by an amount equal to any allowance or benefit payable to the surviving spouse under section 742.3714 of the Revised Code.

(3) A benefit granted to a surviving spouse under division (F)(1)(b) of this section shall commence on the first day of the month immediately following receipt by the board of a completed application on a form provided by the board and any evidence the board may require to establish that the deceased spouse was killed in the line of duty.

(G)(1) If there is not a surviving spouse eligible to receive a death benefit under division (F) of this section or the surviving spouse receiving a death benefit under that division dies, a surviving child or children whose benefits under division (C) or (D) of this section are or have been terminated pursuant to division (C)(3) or (D)(3) of this section or who would qualify for a benefit under division (C) or (D) of this section except that the deceased member reached the member's retirement eligibility date prior to the member's death shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to the member's death, plus any salary increases the member would have received prior to the member's retirement eligibility date. If there is more than one surviving child, the benefit shall be divided equally among the surviving children.

(2) If two or more surviving children each are receiving a benefit under this division and any of those children becomes ineligible to continue receiving a benefit as provided in division (H) of this section, the remaining eligible child or children shall receive an amount equal to one-half of the monthly salary

received by the deceased member prior to death, plus any salary 7148
increases the deceased member would have received prior to the 7149
retirement eligibility date. If there is more than one remaining 7150
eligible child, the benefit shall be divided equally among the 7151
eligible children. 7152

(3) A death benefit, or portion of a death benefit, payable 7153
to a surviving child under this division shall be reduced by an 7154
amount equal to any allowance or benefit payable to that child 7155
under section 742.3714 of the Revised Code, but the reduction in 7156
that child's benefit shall not affect the amount payable to any 7157
other surviving child entitled to a portion of the death benefit. 7158

(H) A death benefit paid to a surviving child under division 7159
(C), (D), or (G) of this section shall terminate on the death of 7160
the child or, unless one of the following is the case, when the 7161
child reaches age eighteen: 7162

(1) The child, because of physical or mental disability, is 7163
unable to provide the child's own support, in which case the death 7164
benefit shall terminate when the disability is removed; 7165

(2) The child is unmarried, under age twenty-two, and a 7166
student in and attending an institution of learning or training 7167
pursuant to a program designed to complete in each school year the 7168
equivalent of at least two-thirds of the full-time curriculum 7169
requirements of the institution, as determined by the trustees of 7170
the fund. 7171

(I) Acceptance of any death benefit under this section does 7172
not prohibit a spouse or child from receiving other benefits 7173
provided under the Ohio police and fire pension fund, the state 7174
highway patrol retirement system, the public employees retirement 7175
system, or a retirement system operated by a municipal 7176
corporation. 7177

(J) No person shall receive a benefit under this section if 7178

any of the following occur: 7179

(1) The person fails to exercise the right to a monthly 7180
survivor benefit under division (A) or (B) of section 145.45, 7181
division (D), (E), or (F) of section 742.37, or division (A)(3), 7182
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 7183
survivor benefit from a retirement system operated by a municipal 7184
corporation; or to a retirement allowance under section 742.3714 7185
of the Revised Code. 7186

(2) The member's accumulated contributions under this chapter 7187
or Chapter 145. or 5505. of the Revised Code are refunded unless 7188
the member had been a member of the public employees retirement 7189
system and had fewer than eighteen months of total service credit 7190
at the time of death. 7191

(3) In the case of a full-time park district ranger or patrol 7192
trooper, a full-time law enforcement officer of the department of 7193
natural resources, a full-time law enforcement officer of parks, 7194
waterway lands, or reservoir lands under the control of a 7195
municipal corporation, a full-time law enforcement officer of a 7196
conservancy district, a correction officer at an institution under 7197
the control of a county, group of counties, or municipal 7198
corporation, or a member of a retirement system operated by a 7199
municipal corporation who at the time of the member's death was a 7200
full-time law enforcement officer of parks, waterway lands, or 7201
reservoir lands under the control of the municipal corporation, 7202
the member died prior to April 9, 1981, in the case of a benefit 7203
under division (B), (C), or (D) of this section, or prior to 7204
January 1, 1980, in the case of a benefit under division (E) of 7205
this section. 7206

(4) In the case of a full-time department of public safety 7207
enforcement agent who prior to June 30, 1999, was a liquor control 7208
investigator of the department of public safety, the member died 7209
prior to December 23, 1986; 7210

(5) In the case of a full-time department of public safety enforcement agent other than an enforcement agent who, prior to June 30, 1999, was a liquor control investigator, the member died prior to June 30, 1999.

(K) A surviving spouse whose benefit was terminated prior to June 30, 1999, due to remarriage shall receive a benefit under division (B), (D), or (F) of this section beginning on the first day of the month following receipt by the board of an application on a form provided by the board. The benefit amount shall be determined as of that date.

(1) If the benefit will begin prior to the deceased member's retirement eligibility date, it shall be paid under division (B) or (D) of this section and shall terminate as provided in those divisions. A benefit paid to a surviving spouse under division (D) of this section shall be determined in accordance with that division, even if benefits paid to surviving children are reduced as a result.

(2) If the benefit will begin on or after the deceased member's retirement eligibility date, it shall be paid under division (F) of this section and shall terminate as provided in that division. A benefit paid to a surviving spouse under division (F) of this section shall be determined in accordance with that division, even if benefits paid to surviving children are terminated as a result.

Sec. 2329.66. (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows:

(1)(a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent

of the person uses as a residence. Division (A)(1)(a) of this 7242
section does not preclude, affect, or invalidate the creation 7243
under this chapter of a judgment lien upon the exempted property 7244
but only delays the enforcement of the lien until the property is 7245
sold or otherwise transferred by the owner or in accordance with 7246
other applicable laws to a person or entity other than the 7247
surviving spouse or surviving minor children of the judgment 7248
debtor. Every person who is domiciled in this state may hold 7249
exempt from a judgment lien created pursuant to division (A)(1)(a) 7250
of this section the person's interest, not to exceed twenty 7251
thousand two hundred dollars, in the exempted property. 7252

(b) In the case of all other judgments and orders, the 7253
person's interest, not to exceed twenty thousand two hundred 7254
dollars, in one parcel or item of real or personal property that 7255
the person or a dependent of the person uses as a residence. 7256

(2) The person's interest, not to exceed three thousand two 7257
hundred twenty-five dollars, in one motor vehicle; 7258

(3) The person's interest, not to exceed four hundred 7259
dollars, in cash on hand, money due and payable, money to become 7260
due within ninety days, tax refunds, and money on deposit with a 7261
bank, savings and loan association, credit union, public utility, 7262
landlord, or other person, other than personal earnings. 7263

(4)(a) The person's interest, not to exceed five hundred 7264
twenty-five dollars in any particular item or ten thousand seven 7265
hundred seventy-five dollars in aggregate value, in household 7266
furnishings, household goods, wearing apparel, appliances, books, 7267
animals, crops, musical instruments, firearms, and hunting and 7268
fishing equipment that are held primarily for the personal, 7269
family, or household use of the person; 7270

(b) The person's aggregate interest in one or more items of 7271
jewelry, not to exceed one thousand three hundred fifty dollars, 7272

held primarily for the personal, family, or household use of the 7273
person or any of the person's dependents. 7274

(5) The person's interest, not to exceed an aggregate of two 7275
thousand twenty-five dollars, in all implements, professional 7276
books, or tools of the person's profession, trade, or business, 7277
including agriculture; 7278

(6)(a) The person's interest in a beneficiary fund set apart, 7279
appropriated, or paid by a benevolent association or society, as 7280
exempted by section 2329.63 of the Revised Code; 7281

(b) The person's interest in contracts of life or endowment 7282
insurance or annuities, as exempted by section 3911.10 of the 7283
Revised Code; 7284

(c) The person's interest in a policy of group insurance or 7285
the proceeds of a policy of group insurance, as exempted by 7286
section 3917.05 of the Revised Code; 7287

(d) The person's interest in money, benefits, charity, 7288
relief, or aid to be paid, provided, or rendered by a fraternal 7289
benefit society, as exempted by section 3921.18 of the Revised 7290
Code; 7291

(e) The person's interest in the portion of benefits under 7292
policies of sickness and accident insurance and in lump sum 7293
payments for dismemberment and other losses insured under those 7294
policies, as exempted by section 3923.19 of the Revised Code. 7295

(7) The person's professionally prescribed or medically 7296
necessary health aids; 7297

(8) The person's interest in a burial lot, including, but not 7298
limited to, exemptions under section 517.09 or 1721.07 of the 7299
Revised Code; 7300

(9) The person's interest in the following: 7301

(a) Moneys paid or payable for living maintenance or rights, 7302

as exempted by section 3304.19 of the Revised Code; 7303

(b) Workers' compensation, as exempted by section 4123.67 of 7304
the Revised Code; 7305

(c) Unemployment compensation benefits, as exempted by 7306
section 4141.32 of the Revised Code; 7307

(d) Cash assistance payments under the Ohio works first 7308
program, as exempted by section 5107.75 of the Revised Code; 7309

(e) Benefits and services under the prevention, retention, 7310
and contingency program, as exempted by section 5108.08 of the 7311
Revised Code; 7312

(f) Disability financial assistance payments, as exempted by 7313
section 5115.06 of the Revised Code; 7314

(g) Payments under section 24 or 32 of the "Internal Revenue 7315
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 7316

(10)(a) Except in cases in which the person was convicted of 7317
or pleaded guilty to a violation of section 2921.41 of the Revised 7318
Code and in which an order for the withholding of restitution from 7319
payments was issued under division (C)(2)(b) of that section, in 7320
cases in which an order for withholding was issued under section 7321
2907.15 of the Revised Code, in cases in which an order for 7322
forfeiture was issued under division (A) or (B) of section 7323
2929.192 of the Revised Code, and in cases in which an order was 7324
issued under section 2929.193 or 2929.194 of the Revised Code, and 7325
only to the extent provided in the order, and except as provided 7326
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 7327
and 3123.06 of the Revised Code, the person's right to a pension, 7328
benefit, annuity, retirement allowance, or accumulated 7329
contributions, the person's right to a participant account in any 7330
deferred compensation program offered by the Ohio public employees 7331
deferred compensation board, a government unit, or a municipal 7332
corporation, or the person's other accrued or accruing rights, as 7333

exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 7334
3309.66, or 5505.22 of the Revised Code, and the person's right to 7335
benefits from the Ohio public safety officers death benefit fund; 7336

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 7337
3121.03, and 3123.06 of the Revised Code, the person's right to 7338
receive a payment under any pension, annuity, or similar plan or 7339
contract, not including a payment from a stock bonus or 7340
profit-sharing plan or a payment included in division (A)(6)(b) or 7341
(10)(a) of this section, on account of illness, disability, death, 7342
age, or length of service, to the extent reasonably necessary for 7343
the support of the person and any of the person's dependents, 7344
except if all the following apply: 7345

(i) The plan or contract was established by or under the 7346
auspices of an insider that employed the person at the time the 7347
person's rights under the plan or contract arose. 7348

(ii) The payment is on account of age or length of service. 7349

(iii) The plan or contract is not qualified under the 7350
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 7351
amended. 7352

(c) Except for any portion of the assets that were deposited 7353
for the purpose of evading the payment of any debt and except as 7354
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7355
3123.06 of the Revised Code, the person's right in the assets held 7356
in, or to receive any payment under, any individual retirement 7357
account, individual retirement annuity, "Roth IRA," or education 7358
individual retirement account that provides benefits by reason of 7359
illness, disability, death, or age, to the extent that the assets, 7360
payments, or benefits described in division (A)(10)(c) of this 7361
section are attributable to any of the following: 7362

(i) Contributions of the person that were less than or equal 7363
to the applicable limits on deductible contributions to an 7364

individual retirement account or individual retirement annuity in 7365
the year that the contributions were made, whether or not the 7366
person was eligible to deduct the contributions on the person's 7367
federal tax return for the year in which the contributions were 7368
made; 7369

(ii) Contributions of the person that were less than or equal 7370
to the applicable limits on contributions to a Roth IRA or 7371
education individual retirement account in the year that the 7372
contributions were made; 7373

(iii) Contributions of the person that are within the 7374
applicable limits on rollover contributions under subsections 219, 7375
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 7376
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 7377
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7378

(d) Except for any portion of the assets that were deposited 7379
for the purpose of evading the payment of any debt and except as 7380
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7381
3123.06 of the Revised Code, the person's right in the assets held 7382
in, or to receive any payment under, any Keogh or "H.R. 10" plan 7383
that provides benefits by reason of illness, disability, death, or 7384
age, to the extent reasonably necessary for the support of the 7385
person and any of the person's dependents. 7386

(11) The person's right to receive spousal support, child 7387
support, an allowance, or other maintenance to the extent 7388
reasonably necessary for the support of the person and any of the 7389
person's dependents; 7390

(12) The person's right to receive, or moneys received during 7391
the preceding twelve calendar months from, any of the following: 7392

(a) An award of reparations under sections 2743.51 to 2743.72 7393
of the Revised Code, to the extent exempted by division (D) of 7394
section 2743.66 of the Revised Code; 7395

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as 7427
exempted by ~~division (B)(3) of section 1775.24 of the Revised Code~~ 7428
~~or~~ the person's rights in a partnership pursuant to section 7429
1776.50 of the Revised Code, except as otherwise set forth in 7430
section 1776.50 of the Revised Code; 7431

(15) A seal and official register of a notary public, as 7432
exempted by section 147.04 of the Revised Code; 7433

(16) The person's interest in a tuition unit or a payment 7434
under section 3334.09 of the Revised Code pursuant to a tuition 7435
payment contract, as exempted by section 3334.15 of the Revised 7436
Code; 7437

(17) Any other property that is specifically exempted from 7438
execution, attachment, garnishment, or sale by federal statutes 7439
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 7440
U.S.C.A. 101, as amended; 7441

(18) The person's aggregate interest in any property, not to 7442
exceed one thousand seventy-five dollars, except that division 7443
(A)(18) of this section applies only in bankruptcy proceedings. 7444

(B) On April 1, 2010, and on the first day of April in each 7445
third calendar year after 2010, the Ohio judicial conference shall 7446
adjust each dollar amount set forth in this section to reflect the 7447
change in the consumer price index for all urban consumers, as 7448
published by the United States department of labor, or, if that 7449
index is no longer published, a generally available comparable 7450
index, for the three-year period ending on the thirty-first day of 7451
December of the preceding year. Any adjustments required by this 7452
division shall be rounded to the nearest twenty-five dollars. 7453

The Ohio judicial conference shall prepare a memorandum 7454
specifying the adjusted dollar amounts. The judicial conference 7455
shall transmit the memorandum to the director of the legislative 7456
service commission, and the director shall publish the memorandum 7457

in the register of Ohio. (Publication of the memorandum in the 7458
register of Ohio shall continue until the next memorandum 7459
specifying an adjustment is so published.) The judicial conference 7460
also may publish the memorandum in any other manner it concludes 7461
will be reasonably likely to inform persons who are affected by 7462
its adjustment of the dollar amounts. 7463

(C) As used in this section: 7464

(1) "Disposable earnings" means net earnings after the 7465
garnishee has made deductions required by law, excluding the 7466
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 7467
3121.03, or 3123.06 of the Revised Code. 7468

(2) "Insider" means: 7469

(a) If the person who claims an exemption is an individual, a 7470
relative of the individual, a relative of a general partner of the 7471
individual, a partnership in which the individual is a general 7472
partner, a general partner of the individual, or a corporation of 7473
which the individual is a director, officer, or in control; 7474

(b) If the person who claims an exemption is a corporation, a 7475
director or officer of the corporation; a person in control of the 7476
corporation; a partnership in which the corporation is a general 7477
partner; a general partner of the corporation; or a relative of a 7478
general partner, director, officer, or person in control of the 7479
corporation; 7480

(c) If the person who claims an exemption is a partnership, a 7481
general partner in the partnership; a general partner of the 7482
partnership; a person in control of the partnership; a partnership 7483
in which the partnership is a general partner; or a relative in, a 7484
general partner of, or a person in control of the partnership; 7485

(d) An entity or person to which or whom any of the following 7486
applies: 7487

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2901.431. On the filing of charges against a person who is a member of the public employees retirement system alleging that the person committed a felony on or after the effective date of this section, the prosecutor assigned to the case shall send written notice to the retirement system that the charges have been filed. The notice shall specifically identify the person.

For purposes of this section, a violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is committed on or after the effective date of this section if the course of conduct continues, one or more of the multiple acts occurs, or the person's accountability for the course of conduct or one or more of the multiple acts continues on or after that date.

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public

official in performing the public official's official function. 7547

(4) The statement is made with purpose to secure the payment 7548
of unemployment compensation; Ohio works first; prevention, 7549
retention, and contingency benefits and services; disability 7550
financial assistance; retirement benefits or health care coverage 7551
from a state retirement system; economic development assistance, 7552
as defined in section 9.66 of the Revised Code; or other benefits 7553
administered by a governmental agency or paid out of a public 7554
treasury. 7555

(5) The statement is made with purpose to secure the issuance 7556
by a governmental agency of a license, permit, authorization, 7557
certificate, registration, release, or provider agreement. 7558

(6) The statement is sworn or affirmed before a notary public 7559
or another person empowered to administer oaths. 7560

(7) The statement is in writing on or in connection with a 7561
report or return that is required or authorized by law. 7562

(8) The statement is in writing and is made with purpose to 7563
induce another to extend credit to or employ the offender, to 7564
confer any degree, diploma, certificate of attainment, award of 7565
excellence, or honor on the offender, or to extend to or bestow 7566
upon the offender any other valuable benefit or distinction, when 7567
the person to whom the statement is directed relies upon it to 7568
that person's detriment. 7569

(9) The statement is made with purpose to commit or 7570
facilitate the commission of a theft offense. 7571

(10) The statement is knowingly made to a probate court in 7572
connection with any action, proceeding, or other matter within its 7573
jurisdiction, either orally or in a written document, including, 7574
but not limited to, an application, petition, complaint, or other 7575
pleading, or an inventory, account, or report. 7576

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered

document that purports to be certification of the person's 7608
competence in handling a handgun as described in division (B)(3) 7609
of section 2923.125 of the Revised Code. 7610

(D) It is no defense to a charge under division (A)(6) of 7611
this section that the oath or affirmation was administered or 7612
taken in an irregular manner. 7613

(E) If contradictory statements relating to the same fact are 7614
made by the offender within the period of the statute of 7615
limitations for falsification, it is not necessary for the 7616
prosecution to prove which statement was false but only that one 7617
or the other was false. 7618

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 7619
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 7620
of falsification, a misdemeanor of the first degree. 7621

(2) Whoever violates division (A)(9) of this section is 7622
guilty of falsification in a theft offense. Except as otherwise 7623
provided in this division, falsification in a theft offense is a 7624
misdemeanor of the first degree. If the value of the property or 7625
services stolen is one thousand dollars or more and is less than 7626
seven thousand five hundred dollars, falsification in a theft 7627
offense is a felony of the fifth degree. If the value of the 7628
property or services stolen is seven thousand five hundred dollars 7629
or more and is less than one hundred fifty thousand dollars, 7630
falsification in a theft offense is a felony of the fourth degree. 7631
If the value of the property or services stolen is one hundred 7632
fifty thousand dollars or more, falsification in a theft offense 7633
is a felony of the third degree. 7634

(3) Whoever violates division (A)(12) or (B) of this section 7635
is guilty of falsification to purchase a firearm, a felony of the 7636
fifth degree. 7637

(4) Whoever violates division (A)(14) or (C) of this section 7638

is guilty of falsification to obtain a concealed handgun license, 7639
a felony of the fourth degree. 7640

(G) A person who violates this section is liable in a civil 7641
action to any person harmed by the violation for injury, death, or 7642
loss to person or property incurred as a result of the commission 7643
of the offense and for reasonable attorney's fees, court costs, 7644
and other expenses incurred as a result of prosecuting the civil 7645
action commenced under this division. A civil action under this 7646
division is not the exclusive remedy of a person who incurs 7647
injury, death, or loss to person or property as a result of a 7648
violation of this section. 7649

Sec. 2929.194. (A) This section applies to members of the 7650
public employees retirement system except that in any circumstance 7651
in which either section 2929.192 or 2929.193 of the Revised Code 7652
applies this section does not apply. 7653

(B) If an offender is being sentenced for a felony offense 7654
that was the cause of a physical or mental disability in the 7655
offender and was committed on or after the effective date of this 7656
section while the offender was a member of the public employees 7657
retirement system, in addition to any sanction it imposes under 7658
section 2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the 7659
Revised Code but subject to division (C) of this section, the 7660
court shall order forfeiture of any right of the offender to a 7661
disability benefit from the retirement system that is based on the 7662
disability caused by commission of the felony. The forfeiture 7663
shall be ordered regardless of whether a disability benefit has 7664
been requested or granted. A forfeiture ordered under this section 7665
is part of, and shall be included in, the offender's sentence. 7666

(C) Before sentencing in a case in which the sentencing court 7667
is required to order forfeiture under division (B) of this 7668
section, the offender may request a hearing regarding the 7669

forfeiture by delivering a written request for a hearing to the 7670
court. If there is a timely request, the court shall schedule the 7671
hearing to be conducted before sentencing. Not later than ten days 7672
prior to the scheduled date of the hearing, the court shall give 7673
notice of the hearing date to the offender, the prosecutor who 7674
handled the case, and the retirement system. The hearing shall be 7675
limited to determination of whether the offender's disability 7676
resulted from commission of the offense. If a disability benefit 7677
has already been granted, the retirement system shall submit to 7678
the court documentation of the evidence on which the benefit was 7679
granted. 7680

(D) If the offender does not make a timely request for a 7681
hearing or if a hearing is held and the court determines that the 7682
disability resulted from commission of the offense, the court 7683
shall order the forfeiture of any right the offender may have to a 7684
disability benefit from the retirement system that is based on the 7685
disability caused by commission of the felony. If the disability 7686
benefit has already been granted, the court shall order 7687
termination of the benefit. Any disability benefit paid to the 7688
offender prior to its termination may be recovered in accordance 7689
with section 145.563 of the Revised Code. 7690

(E) The court shall send a copy of the journal entry imposing 7691
sentence on the offender to the retirement system. 7692

(F) For purposes of this section, any violation or offense 7693
that includes as an element a course of conduct or the occurrence 7694
of multiple acts is committed on or after the effective date of 7695
this section if the course of conduct continues, one or more of 7696
the multiple acts occurs, or the offender's accountability for the 7697
course of conduct or for one or more of the multiple acts 7698
continues on or after the effective date of this section. 7699

Sec. 3105.80. As used in this section and sections 3105.81 to 7700

3105.90 of the Revised Code: 7701

(A) "Alternate payee" means a party in an action for divorce, 7702
legal separation, annulment, or dissolution of marriage who is to 7703
receive one or more payments from a benefit or lump sum payment 7704
under an order issued under section 3105.171 or 3105.65 of the 7705
Revised Code that is in compliance with sections 3105.81 to 7706
3105.90 of the Revised Code. 7707

(B) "Benefit" means a periodic payment under a pension, 7708
annuity, allowance, or other type of benefit, other than a 7709
survivor benefit, that has been or may be granted to a participant 7710
under sections 742.01 to 742.61 or Chapter 145., 3307., 3309., or 7711
5505. of the Revised Code or any payment that is to be made under 7712
a contract a participant has entered into for the purposes of an 7713
alternative retirement plan. "Benefit" also includes all amounts 7714
received or to be received under a plan of payment elected under 7715
division ~~(B)(4)~~ (E)(1) of section 145.46, division (B) of section 7716
3307.60, or division (B)(4) of section 3309.46 of the Revised 7717
Code. 7718

(C) "Lump sum payment" means a payment of accumulated 7719
contributions standing to a participant's credit under sections 7720
742.01 to 742.61 or Chapter 145., 3307., 3309., or 5505. of the 7721
Revised Code or pursuant to a contract a participant has entered 7722
into for the purposes of an alternative retirement plan and any 7723
other payment made or that may be made to a participant under 7724
those sections or chapters on withdrawal of a participant's 7725
contributions. "Lump sum payment" includes a lump sum payment 7726
under section 145.384, 742.26, 3307.352, or 3309.344 of the 7727
Revised Code. 7728

(D) "Participant" means a member, contributor, retirant, or 7729
disability benefit recipient who is or will be entitled to a 7730
benefit or lump sum payment under sections 742.01 to 742.61 or 7731
Chapter 145., 3307., 3309., or 5505. of the Revised Code or an 7732

employee who elects to participate in an alternative retirement 7733
plan under Chapter 3305. of the Revised Code. 7734

(E) "Personal history record" has the same meaning as in 7735
sections 145.27, 742.41, 3305.20, 3307.20, 3309.22, and 5505.04 of 7736
the Revised Code. 7737

(F) "Public retirement program" means the public employees 7738
retirement system, Ohio police and fire pension fund, school 7739
employees retirement system, state teachers retirement system, 7740
state highway patrol retirement system, or an entity providing an 7741
alternative retirement plan under Chapter 3305. of the Revised 7742
Code. 7743

Sec. 3305.06. (A) Each electing employee shall contribute an 7744
amount, which shall be a certain percentage of the employee's 7745
compensation, to the provider of the investment option the 7746
employee has selected. This percentage shall be the percentage the 7747
electing employee would have otherwise been required to contribute 7748
to the state retirement system that applies to the employee's 7749
position, except that the percentage shall not be less than three 7750
per cent. Employee contributions under this division may be 7751
treated as employer contributions in accordance with Internal 7752
Revenue Code 414(h). 7753

(B) Each public institution of higher education employing an 7754
electing employee shall contribute a percentage of the employee's 7755
compensation to the provider of the investment option the employee 7756
has selected. This percentage shall be equal to the percentage 7757
that the public institution of higher education would otherwise 7758
contribute on behalf of that employee to the state retirement 7759
system that would otherwise cover that employee's position, less 7760
the percentage contributed by the public institution of higher 7761
education under division (D) of this section. 7762

(C)(1) In no event shall the amount contributed by the 7763

electing employee pursuant to division (A) of this section and on 7764
the electing employee's behalf pursuant to division (B) of this 7765
section be less than the amount necessary to qualify the plan as a 7766
state retirement system pursuant to Internal Revenue Code 7767
3121(b)(7) and the regulations adopted thereunder. 7768

(2) The full amount of the electing employee's contribution 7769
under division (A) of this section and the full amount of the 7770
employer's contribution made on behalf of that employee under 7771
division (B) of this section shall be paid to the appropriate 7772
provider for application to the electing employee's investment 7773
option. 7774

(D) Each public institution of higher education employing an 7775
electing employee shall contribute on behalf of that employee to 7776
the state retirement system that otherwise applies to the electing 7777
employee's position a percentage of the electing employee's 7778
compensation to mitigate any negative financial impact of the 7779
alternative retirement program on the state retirement system. The 7780
percentage shall be six per cent, except that the percentage may 7781
be adjusted by the Ohio retirement study council to reflect the 7782
determinations made by actuarial studies conducted under section 7783
171.07 of the Revised Code. Any adjustment shall become effective 7784
on the first day of the second month following submission of the 7785
actuarial study to the Ohio board of regents under section 171.07 7786
of the Revised Code. 7787

Contributions on behalf of an electing employee shall 7788
continue in accordance with this division until the occurrence of 7789
the following: 7790

(1) If the electing employee would be subject to Chapter 145. 7791
of the Revised Code had the employee not made an election pursuant 7792
to section 3305.05 or 3305.051 of the Revised Code, until the 7793
unfunded actuarial accrued liability for all benefits, except 7794
health care benefits provided under section ~~145.325~~ or 145.58 or 7795

145.584 of the Revised Code and benefit increases provided after 7796
March 31, 1997, is fully amortized, as determined by the annual 7797
actuarial valuation prepared under section 145.22 of the Revised 7798
Code; 7799

(2) If the electing employee would be subject to Chapter 7800
3307. of the Revised Code had the employee not made an election 7801
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7802
the unfunded actuarial accrued liability for all benefits, except 7803
health care benefits provided under section 3307.39 ~~or 3307.61~~ of 7804
the Revised Code and benefit increases provided after March 31, 7805
1997, is fully amortized, as determined by the annual actuarial 7806
valuation prepared under section 3307.51 of the Revised Code; 7807

(3) If the electing employee would be subject to Chapter 7808
3309. of the Revised Code had the employee not made an election 7809
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7810
the unfunded actuarial accrued liability for all benefits, except 7811
health care benefits provided under section 3309.375 or 3309.69 of 7812
the Revised Code and benefit increases provided after March 31, 7813
1997, is fully amortized, as determined by the annual actuarial 7814
valuation prepared under section 3309.21 of the Revised Code. 7815

Sec. 3309.312. (A) Not later than ninety days after September 7816
16, 1998, a member who, on September 16, 1998, is employed full 7817
time pursuant to section 3345.04 of the Revised Code by the 7818
university of Akron as a state university law enforcement officer 7819
may elect to transfer to the public employees retirement system in 7820
accordance with this section. An election shall be made by giving 7821
notice to the school employees retirement system on a form 7822
provided by the school employees retirement board and shall be 7823
irrevocable. 7824

(B) When a member makes the election described in this 7825
section, the school employees retirement system shall notify the 7826

public employees retirement system. The school employees 7827
retirement system shall transfer all of the member's service 7828
credit to the public employees retirement system and shall certify 7829
to the public employees retirement system a copy of the member's 7830
records of service and contributions. For each year or portion of 7831
a year of credit, the school employees retirement system shall 7832
transfer to the public employees retirement system all of the 7833
following: 7834

(1) An amount equal to the accumulated contributions standing 7835
to the member's credit; 7836

(2) An amount equal to the total employer contributions paid 7837
on behalf of the member; 7838

(3) Any amount paid by the member or employer to the school 7839
employees retirement system for the purchase of service credit. 7840

At the request of the public employees retirement system, the 7841
employer of a member who makes an election under this section 7842
shall certify to the public employees retirement system the 7843
member's salary. 7844

(C) A member who elects to transfer to the public employees 7845
retirement system under this section shall make contributions and 7846
receive benefits in accordance with ~~divisions (B) to (F) of~~ 7847
section ~~145.33~~ 145.332 of the Revised Code. 7848

(D) A member who fails to make an election in accordance with 7849
this section shall remain a member of the school employees 7850
retirement system. 7851

Sec. 3375.411. A board of library trustees of a free public 7852
library, appointed pursuant to the provisions of sections 3375.06, 7853
3375.08, 3375.12, 3375.15, and 3375.22 of the Revised Code, which 7854
has not less than seventy-five full-time employees, and which, 7855
prior to September 16, 1943, was providing for retirement of the 7856

employees of such library with annuities, insurance, or other 7857
provisions, under authority granted by former section 7889 of the 7858
General Code, may provide such retirement, insurance, or other 7859
provisions in the same manner authorized by former section 7889 of 7860
the General Code, as follows: the library board of such library 7861
which has appropriated and paid the board's portion provided in 7862
such system or plan, may continue to appropriate and pay the 7863
board's portion provided in such system or plan out of the funds 7864
received to the credit of such board by taxation or otherwise. 7865
Each employee of such library who is to be included in a system of 7866
retirement shall contribute to the retirement fund not less than 7867
four per cent per annum of the employee's salary from the time of 7868
eligibility to join the retirement system to the time of 7869
retirement. If a group insurance plan is installed by any library, 7870
not less than fifty per cent of the cost of such insurance shall 7871
be borne by the employees included in such plan. 7872

Provided, any employee whose employment by said library began 7873
on or after September 16, 1943, may exempt self from inclusion in 7874
such retirement system, or withdraw from such retirement system. 7875
Upon such exemption or withdrawal, such person shall become a 7876
member of the public employees retirement system in accordance 7877
with former section 145.02 and sections ~~145.02~~, 145.03~~7~~ and 145.28 7878
of the Revised Code, respectively. All employees appointed for the 7879
first time on and after January 1, 1956~~7~~, shall, for retirement 7880
purposes, be eligible only for membership in the public employees 7881
retirement system as provided in Chapter 145. of the Revised Code. 7882

A library board which provides for the retirement of its 7883
employees with annuities, insurance, or other provisions under the 7884
authority granted by this section may, pursuant to a board 7885
resolution adopted within thirty days after the effective date of 7886
this section, terminate such retirement plan. Upon the effective 7887
date of such termination, which is specified in the resolution, 7888

each employee covered by such retirement plan shall become a 7889
member of the public employees retirement system. 7890

Section 2. That existing sections 101.92, 101.93, 145.01, 7891
145.04, 145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 7892
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 7893
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 7894
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 7895
145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 7896
145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 7897
145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 7898
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 7899
145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 7900
145.83, 145.87, 145.88, 145.92, 145.95, 145.97, 742.63, 2329.66, 7901
2921.13, 3105.80, 3305.06, 3309.312, and 3375.411 and sections 7902
145.02, 145.292, 145.321, 145.322, 145.324, 145.326, 145.327, 7903
145.328, 145.329, 145.3210, 145.3211, 145.3212, 145.3213, 145.332, 7904
145.34, 145.42, 145.44, 145.461, and 145.462 of the Revised Code 7905
are hereby repealed. 7906

Section 3. Notwithstanding the times specified in the 7907
amendments to section 145.87 of the Revised Code made by this act, 7908
if the Public Employees Retirement Board determines that a 7909
decrease in the percentage transferred under that section is 7910
warranted, the Board may decrease the percentage transferred not 7911
later than one hundred twenty days after the effective date of 7912
this section. The decrease shall take effect on the first day of 7913
the second month following the Board's action. 7914

Section 4. (A) The amendments by this act regarding 7915
purchasing service credit from the Public Employees Retirement 7916
System do not apply to service credit purchases initiated not 7917
later than six months after the effective date of this section. A 7918

purchase shall be considered initiated not later than the date 7919
that is six months after the effective date of this section if the 7920
member makes one or more payments not later than that date or the 7921
system receives a payroll deduction form with a post-mark date 7922
that is not later than that date and the amount deducted is 7923
received by the system not later than one hundred twenty days 7924
after the post-mark date. 7925

(B) A purchase of service credit under Chapter 145. of the 7926
Revised Code that is initiated as described in division (A) of 7927
this section shall continue at the total cost of that credit 7928
immediately before the effective date of this section if the 7929
purchase is completed not later than five years and six months 7930
after the effective date of this section and the member complies 7931
with any other requirements of section 145.294 of the Revised Code 7932
and any applicable rules adopted pursuant to that section. 7933

(C)(1) Except as otherwise provided in this division, a 7934
member who is subject to a payroll deduction agreement described 7935
in division (E) of Ohio Administrative Code section 145-1-38 for 7936
the purchase of service credit under Chapter 145. of the Revised 7937
Code is ineligible to initiate under this section a purchase of 7938
the same type of service credit while the agreement is in effect. 7939

(2)(a) Subject to division (C)(2)(b) of this section and 7940
notwithstanding section 145.294 of the Revised Code or any rules 7941
adopted pursuant to that section, a member who, on the effective 7942
date of this section, is subject to a payroll deduction agreement 7943
described in division (E) of Ohio Administrative Code section 7944
145-1-38 for the purchase of service credit under section 145.201 7945
of the Revised Code may initiate, by a lump sum or partial 7946
payment, the purchase of any additional credit the member is 7947
eligible to purchase under section 145.201 of the Revised Code. A 7948
purchase initiated under division (C)(2)(a) of this section is 7949

subject to division (B) of this section. 7950

(b) Credit based on service for which the earnable salary is 7951
less than one thousand dollars per month of earnable salary is not 7952
eligible for purchase under division (C)(2)(a) of this section. 7953

(c) If a member who elects to make a purchase under division 7954
(C)(2)(a) of this section fails to complete a payroll deduction 7955
agreement described in that division, the member shall receive a 7956
refund of the amounts paid under division (C)(2)(a) of this 7957
section. A refund cancels any credit purchased with the refunded 7958
amount. 7959

(D) The Public Employees Retirement Board shall adopt rules 7960
specifying the service credit purchases that are subject to this 7961
section. 7962

Section 5. Notwithstanding sections 145.32 and 145.37 of the 7963
Revised Code, as amended by this act, an application for age and 7964
service retirement that is received by the Public Employees 7965
Retirement System on or after the effective date of this section 7966
but not later than ninety days after that date shall have an 7967
effective date of retirement that is the first day of the month 7968
following the later of the following: 7969

(A) The last day for which compensation was paid; 7970

(B) The attainment of minimum age or service credit 7971
retirement eligibility provided under section 145.32, 145.332, or 7972
145.37 of the Revised Code; 7973

(C) The effective date of this section. 7974

Section 6. Sections 1, 2, 3, 4, and 5 of this act take effect 7975
January 7, 2013. 7976

Section 7. The amendments by this act regarding purchasing 7977
service credit from the Public Employees Retirement System shall 7978

not be construed as intent by the System to increase the cost of 7979
service credit under section 145.301 of the Revised Code. 7980