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**129th General Assembly**

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**Sub. S. B. No. 343**

**Senators Niehaus, Kearney**

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

**Schiavoni, Seitz, Smith, Tavares**

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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, 145.33, 7  
145.331, 145.35, 145.36, 145.361, 145.362, 145.37, 8  
145.38, 145.383, 145.384, 145.39, 145.40, 145.401, 9  
145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 10  
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 11  
145.56, 145.561, 145.563, 145.58, 145.62, 145.63, 12  
145.64, 145.813, 145.814, 145.82, 145.83, 145.87, 13  
145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13, 14  
3105.80, 3305.06, 3305.57, 3309.312, 3309.35, 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, 145.33, 145.331, 145.35, 145.36, 145.361, 35  
145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 145.40, 36  
145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 145.473, 37  
145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 145.563, 38  
145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 145.83, 39  
145.87, 145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13, 3105.80, 40  
3305.06, 3307.57, 3309.312, 3309.35, 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 be enacted to read as follows: 47

**Sec. 101.92.** (A) Each retirement system lobbyist and each 48  
employer shall file with the joint legislative ethics committee, 49  
within ten days following the engagement of a retirement system 50  
lobbyist, an initial registration statement showing all of the 51

following:	52
(1) The name, business address, and occupation of the retirement system lobbyist;	53 54
(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.	55 56 57 58 59 60 61 62 63 64
(3) A brief description of the retirement system decision to which the engagement relates;	65 66
(4) The name of the retirement system or systems to which the engagement relates.	67 68
(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 engagement during the period covered by the updated statement, and with it any statement of expenditures required to be filed by section 101.93 of the Revised Code and any details of financial transactions required to be filed by section 101.94 of the Revised Code.	69 70 71 72 73 74 75 76 77 78 79 80 81
(C) If a retirement system lobbyist is engaged by more than	82

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

(D)(1) A change in any information required by division 90  
(A)(1), (2), or (B) of this section shall be reflected in the next 91  
updated registration statement filed under division (B) of this 92  
section. 93

(2) Within thirty days following the termination of an 94  
engagement, the retirement system lobbyist who was employed under 95  
the engagement shall send written notification of the termination 96  
to the joint committee. 97

(E) A registration fee of twenty-five dollars shall be 98  
charged for filing an initial registration statement. All money 99  
collected from registration fees under this division and late 100  
filing fees under division (G) of this section shall be deposited 101  
into the state treasury to the credit of the joint legislative 102  
ethics committee fund created under section 101.34 of the Revised 103  
Code. 104

(F) Upon registration pursuant to this section, a retirement 105  
system lobbyist shall be issued a card by the joint committee 106  
showing that the lobbyist is registered. The registration card and 107  
the retirement system lobbyist's registration shall be valid from 108  
the date of their issuance until the thirty-first day of January 109  
of the year following the year in which the initial registration 110  
was filed. 111

(G) The executive director of the joint committee shall be 112  
responsible for reviewing each registration statement filed with 113

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

(H) On or before the fifteenth day of March of each year, the 133  
joint committee shall, in the manner and form that it determines, 134  
publish a report containing statistical information on the 135  
registration statements filed with it under this section during 136  
the preceding year. 137

(I) If an employer who engages a retirement system lobbyist 138  
is the recipient of a contract, grant, lease, or other financial 139  
arrangement pursuant to which funds of the state or of a 140  
retirement system are distributed or allocated, the ~~executive~~ 141  
~~agency or any aggrieved party~~ retirement system may consider the 142  
failure of the employer or the retirement system lobbyist to 143  
comply with this section as a breach of a material condition of 144  
the contract, grant, lease, or other financial arrangement. 145

(J) Retirement system officials may require certification 146  
from any person seeking the award of a contract, grant, lease, or 147  
financial arrangement that the person and the person's employer 148  
are in compliance with this section. 149

**Sec. 101.93.** (A) Each retirement system lobbyist and each 150  
employer shall file with the joint legislative ethics committee, 151  
with the updated registration statement required by division (B) 152  
of section ~~121.62~~ 101.92 of the Revised Code, a statement of 153  
expenditures as specified in divisions (B) and (C) of this 154  
section. A retirement system lobbyist shall file a separate 155  
statement of expenditures under this section for each employer 156  
that engages the retirement system lobbyist. 157

(B)(1) In addition to the information required by divisions 158  
(B)(2) and (3) of this section, a statement filed by a retirement 159  
system lobbyist shall show the total amount of expenditures made 160  
during the reporting period covered by the statement by the 161  
retirement system lobbyist. 162

(2) If, during a reporting period covered by a statement, an 163  
employer or any retirement system lobbyist the employer engaged 164  
made, either separately or in combination with each other, 165  
expenditures to, at the request of, for the benefit of, or on 166  
behalf of a member of a board of a state retirement system, a 167  
state retirement system investment official, or an employee of a 168  
state retirement system whose position involves substantial and 169  
material exercise of discretion in the investment of retirement 170  
system funds the employer or retirement system lobbyist also shall 171  
state the name of the member, official, or employee to whom, at 172  
whose request, for whose benefit, or on whose behalf the 173  
expenditures were made, the total amount of the expenditures made, 174  
a brief description of the expenditures made, the approximate date 175  
the expenditures were made, the retirement system decision, if 176

any, sought to be influenced, and the identity of the client on 177  
whose behalf the expenditure was made. 178

As used in division (B)(2) of this section, "expenditures" 179  
does not include expenditures made by a retirement system lobbyist 180  
as payment for meals and other food and beverages. 181

(3) If, during a reporting period covered by a statement, a 182  
retirement system lobbyist made expenditures as payment for meals 183  
and other food and beverages, that, when added to the amount of 184  
previous payments made for meals and other food and beverages by 185  
that retirement system lobbyist during that same calendar year, 186  
exceeded a total of fifty dollars to, at the request of, for the 187  
benefit of, or on behalf of a member of a board of a state 188  
retirement system, a state retirement system investment official, 189  
or an employee of a state retirement system whose position 190  
involves substantial and material exercise of discretion in the 191  
investment of retirement system funds, the retirement system 192  
lobbyist shall also state regarding those expenditures the name of 193  
the member, official, or employee to whom, at whose request, for 194  
whose benefit, or on whose behalf the expenditures were made, the 195  
total amount of the expenditures made, a brief description of the 196  
expenditures made, the approximate date the expenditures were 197  
made, the retirement system decision, if any, sought to be 198  
influenced, and the identity of the client on whose behalf the 199  
expenditure was made. 200

(C) In addition to the information required by divisions 201  
(B)(2) and (3) of this section, a statement filed by an employer 202  
shall show the total amount of expenditures made by the employer 203  
filing the statement during the period covered by the statement. 204  
As used in this section, "expenditures" does not include the 205  
expenses of maintaining office facilities, or the compensation 206  
paid to retirement system lobbyists engaged to influence 207  
retirement system decisions or conduct retirement system lobbying 208

activity. 209

No employer shall be required to show any expenditure on a 210  
statement filed under this division if the expenditure is reported 211  
on a statement filed under division (B)(1), (2), or (3) of this 212  
section by a retirement system lobbyist engaged by the employer. 213

(D) Any statement required to be filed under this section 214  
shall be filed at the times specified in section ~~121.62~~ 101.92 of 215  
the Revised Code. Each statement shall cover expenditures made 216  
during the four-calendar-month period that ended on the last day 217  
of the month immediately preceding the month in which the 218  
statement is required to be filed. 219

(E) If it is impractical or impossible for a retirement 220  
system lobbyist or employer to determine exact dollar amounts or 221  
values of expenditures, reporting of good faith estimates, based 222  
on reasonable accounting procedures, constitutes compliance with 223  
this division. 224

(F) Retirement system lobbyists and employers shall retain 225  
receipts or maintain records for all expenditures that are 226  
required to be reported pursuant to this section. These receipts 227  
or records shall be maintained for a period ending on the 228  
thirty-first day of December of the second calendar year after the 229  
year in which the expenditure was made. 230

(G)(1) At least ten days before the date on which the 231  
statement is filed, each employer or retirement system lobbyist 232  
who is required to file an expenditure statement under division 233  
(B)(2) or (3) of this section shall deliver a copy of the 234  
statement, or the portion showing the expenditure, to the member, 235  
official, or employee who is listed in the statement as having 236  
received the expenditure or on whose behalf it was made. 237

(2) If, during a reporting period covered by an expenditure 238  
statement filed under division (B)(2) of this section, an employer 239



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

**Sec. 145.01.** As used in this chapter: 262

(A) "Public employee" means: 263

(1) Any person holding an office, not elective, under the 264  
state or any county, township, municipal corporation, park 265  
district, conservancy district, sanitary district, health 266  
district, metropolitan housing authority, state retirement board, 267  
Ohio historical society, public library, county law library, union 268  
cemetery, joint hospital, institutional commissary, state 269  
university, or board, bureau, commission, council, committee, 270

authority, or administrative body as the same are, or have been, 271  
created by action of the general assembly or by the legislative 272  
authority of any of the units of local government named in 273  
division (A)(1) of this section, or employed and paid in whole or 274  
in part by the state or any of the authorities named in division 275  
(A)(1) of this section in any capacity not covered by section 276  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 277

(2) A person who is a member of the public employees 278  
retirement system and who continues to perform the same or similar 279  
duties under the direction of a contractor who has contracted to 280  
take over what before the date of the contract was a publicly 281  
operated function. The governmental unit with which the contract 282  
has been made shall be deemed the employer for the purposes of 283  
administering this chapter. 284

(3) Any person who is an employee of a public employer, 285  
notwithstanding that the person's compensation for that employment 286  
is derived from funds of a person or entity other than the 287  
employer. Credit for such service shall be included as total 288  
service credit, provided that the employee makes the payments 289  
required by this chapter, and the employer makes the payments 290  
required by sections 145.48 and 145.51 of the Revised Code. 291

(4) A person who elects in accordance with section 145.015 of 292  
the Revised Code to remain a contributing member of the public 293  
employees retirement system. 294

In all cases of doubt, the public employees retirement board 295  
shall determine under section 145.036, 145.037, or 145.038 of the 296  
Revised Code whether any person is a public employee, and its 297  
decision is final. 298

(B) "Member" means any public employee, other than a public 299  
employee excluded or exempted from membership in the retirement 300  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 301

145.035, or 145.38 of the Revised Code. "Member" includes a PERS 302  
retirant who becomes a member under division (C) of section 145.38 303  
of the Revised Code. "Member" also includes a disability benefit 304  
recipient. 305

(C) "Head of the department" means the elective or appointive 306  
head of the several executive, judicial, and administrative 307  
departments, institutions, boards, and commissions of the state 308  
and local government as the same are created and defined by the 309  
laws of this state or, in case of a charter government, by that 310  
charter. 311

(D) "Employer" or "public employer" means the state or any 312  
county, township, municipal corporation, park district, 313  
conservancy district, sanitary district, health district, 314  
metropolitan housing authority, state retirement board, Ohio 315  
historical society, public library, county law library, union 316  
cemetery, joint hospital, institutional commissary, state medical 317  
university, state university, or board, bureau, commission, 318  
council, committee, authority, or administrative body as the same 319  
are, or have been, created by action of the general assembly or by 320  
the legislative authority of any of the units of local government 321  
named in this division not covered by section 742.01, 3307.01, 322  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 323  
means the employer of any public employee. 324

(E) ~~"Prior service" means all service as a public employee 325  
rendered before January 1, 1935, and all service as an employee of 326  
any employer who comes within the state teachers retirement system 327  
or of the school employees retirement system or of any other 328  
retirement system established under the laws of this state 329  
rendered prior to January 1, 1935, provided that if the employee 330  
elaiming the service was employed in any capacity covered by that 331  
other system after that other system was established, credit for 332  
the service may be allowed by the public employees retirement 333~~

~~system only when the employee has made payment, to be computed on 334  
the salary earned from the date of appointment to the date 335  
membership was established in the public employees retirement 336  
system, at the rate in effect at the time of payment, and the 337  
employer has made payment of the corresponding full liability as 338  
provided by section 145.44 of the Revised Code. "Prior military 339  
service" ~~also~~ means all service credited for active duty with the 340  
armed forces of the United States as provided in section 145.30 of 341  
the Revised Code. 342~~

~~If an employee who has been granted prior service credit by 343  
the public employees retirement system for service rendered prior 344  
to January 1, 1935, as an employee of a board of education 345  
establishes, before retirement, one year or more of contributing 346  
service in the state teachers retirement system or school 347  
employees retirement system, then the prior service ceases to be 348  
the liability of this system. 349~~

~~If the board determines that a position of any member in any 350  
calendar year prior to January 1, 1935, was a part time position, 351  
the board shall determine what fractional part of a year's credit 352  
shall be allowed by the following formula: 353~~

~~(1) When the member has been either elected or appointed to 354  
an office the term of which was two or more years and for which an 355  
annual salary is established, the fractional part of the year's 356  
credit shall be computed as follows: 357~~

~~First, when the member's annual salary is one thousand 358  
dollars or less, the service credit for each such calendar year 359  
shall be forty per cent of a year. 360~~

~~Second, for each full one hundred dollars of annual salary 361  
above one thousand dollars, the member's service credit for each 362  
such calendar year shall be increased by two and one half per 363  
cent. 364~~

~~(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 restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; ~~all the member's prior service credit;~~ all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. ~~In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code.~~ For the exclusive purpose of satisfying

the service credit requirement and of determining eligibility for 397  
benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 398  
145.36, and 145.361 of the Revised Code, "five or more years of 399  
total service credit" means sixty or more calendar months of 400  
contributing service in this system. 401

(2) "One and one-half years of contributing service credit," 402  
as used in division (B) of section 145.45 of the Revised Code, 403  
also means eighteen or more calendar months of employment by a 404  
municipal corporation that formerly operated its own retirement 405  
plan for its employees or a part of its employees, provided that 406  
all employees of that municipal retirement plan who have eighteen 407  
or more months of such employment, upon establishing membership in 408  
the public employees retirement system, shall make a payment of 409  
the contributions they would have paid had they been members of 410  
this system for the eighteen months of employment preceding the 411  
date membership was established. When that payment has been made 412  
by all such employee members, a corresponding payment shall be 413  
paid into the employers' accumulation fund by that municipal 414  
corporation as the employer of the employees. 415

(3) Where a member also is a member of the state teachers 416  
retirement system or the school employees retirement system, or 417  
both, except in cases of retirement on a combined basis pursuant 418  
to section 145.37 of the Revised Code or as provided in section 419  
145.383 of the Revised Code, service credit for any period shall 420  
be credited on the basis of the ratio that contributions to the 421  
public employees retirement system bear to total contributions in 422  
all state retirement systems. 423

(4) Not more than one year of credit may be given for any 424  
period of twelve months. 425

(5) "Ohio service credit" means credit for service that was 426  
rendered to the state or any of its political subdivisions or any 427  
employer. 428

(I) "Regular interest" means interest at any rates for the 429  
respective funds and accounts as the public employees retirement 430  
board may determine from time to time. 431

(J) "Accumulated contributions" means the sum of all amounts 432  
credited to a contributor's individual account in the employees' 433  
savings fund together with any interest credited to the 434  
contributor's account under section 145.471 or 145.472 of the 435  
Revised Code. 436

(K)~~(1)~~ "Final average salary" means the quotient obtained by 437  
dividing by ~~three~~ the appropriate number specified in section 438  
145.017 of the Revised Code the ~~sum~~ greater of ~~the three full~~ the 439  
following: 440

(1) The sum of the member's earnable salaries for the 441  
appropriate number of calendar years of contributing service in 442  
which the member's earnable salary was highest, ~~except that if the~~ 443  
~~member has a partial year of contributing service in the year the~~ 444  
~~member's employment terminates and the member's earnable salary~~ 445  
~~for the partial year is higher than for any comparable period in~~ 446  
~~the three years, the member's earnable salary for the partial year~~ 447  
~~shall be substituted for the member's earnable salary for the~~ 448  
~~comparable period during the three years in which the member's~~ 449  
~~earnable salary was lowest;~~ 450

(2) The sum of a member's earnable salaries for the 451  
appropriate number of consecutive months that were the member's 452  
last months of service, up to and including the last month. 453

~~(2)~~ If a member has less than ~~three~~ the specified number of 454  
years of contributing service, the member's final average salary 455  
shall be the member's total earnable salary divided by the total 456  
number of calendar years, including any fraction of a year, of the 457  
member's contributing service, except that the member's final 458  
average salary shall not exceed the member's highest earnable 459

salary in any twelve consecutive months. If contributions were 460  
made for less than twelve months, "final average salary" means the 461  
member's total earnable salary. 462

~~(3) For the purpose of calculating benefits payable to a~~ 463  
~~member qualifying for service credit under division (Z) of this~~ 464  
~~section, "final average salary" means the total earnable salary on~~ 465  
~~which contributions were made divided by the total number of years~~ 466  
~~during which contributions were made, including any fraction of a~~ 467  
~~year. If contributions were made for less than twelve months,~~ 468  
~~"final average salary" means the member's total earnable salary.~~ 469

(L) "Annuity" means payments for life derived from 470  
contributions made by a contributor and paid from the annuity and 471  
pension reserve fund as provided in this chapter. All annuities 472  
shall be paid in twelve equal monthly installments. 473

(M) "Annuity reserve" means the present value, computed upon 474  
the basis of the mortality and other tables adopted by the board, 475  
of all payments to be made on account of any annuity, or benefit 476  
in lieu of any annuity, granted to a retirant as provided in this 477  
chapter. 478

(N)(1) "Disability retirement" means retirement as provided 479  
in section 145.36 of the Revised Code. 480

(2) "Disability allowance" means an allowance paid on account 481  
of disability under section 145.361 of the Revised Code. 482

(3) "Disability benefit" means a benefit paid as disability 483  
retirement under section 145.36 of the Revised Code, as a 484  
disability allowance under section 145.361 of the Revised Code, or 485  
as a disability benefit under section 145.37 of the Revised Code. 486

(4) "Disability benefit recipient" means a member who is 487  
receiving a disability benefit. 488

(O) "Age and service retirement" means retirement as provided 489



in sections 145.32, 145.33, 145.331, ~~145.34~~, 145.332, 145.37, and 490  
145.46 and former section 145.34 of the Revised Code. 491

(P) "Pensions" means annual payments for life derived from 492  
contributions made by the employer that at the time of retirement 493  
are credited into the annuity and pension reserve fund from the 494  
employers' accumulation fund and paid from the annuity and pension 495  
reserve fund as provided in this chapter. All pensions shall be 496  
paid in twelve equal monthly installments. 497

(Q) "Retirement allowance" means the pension plus that 498  
portion of the benefit derived from contributions made by the 499  
member. 500

(R)(1) Except as otherwise provided in division (R) of this 501  
section, "earnable salary" means all salary, wages, and other 502  
earnings paid to a contributor by reason of employment in a 503  
position covered by the retirement system. The salary, wages, and 504  
other earnings shall be determined prior to determination of the 505  
amount required to be contributed to the employees' savings fund 506  
under section 145.47 of the Revised Code and without regard to 507  
whether any of the salary, wages, or other earnings are treated as 508  
deferred income for federal income tax purposes. "Earnable salary" 509  
includes the following: 510

(a) Payments made by the employer in lieu of salary, wages, 511  
or other earnings for sick leave, personal leave, or vacation used 512  
by the contributor; 513

(b) Payments made by the employer for the conversion of sick 514  
leave, personal leave, and vacation leave accrued, but not used if 515  
the payment is made during the year in which the leave is accrued, 516  
except that payments made pursuant to section 124.383 or 124.386 517  
of the Revised Code are not earnable salary; 518

(c) Allowances paid by the employer for ~~full~~ maintenance, 519  
consisting of housing, laundry, and meals, as certified to the 520

retirement board by the employer or the head of the department	521
that employs the contributor;	522
(d) Fees and commissions paid under section 507.09 of the Revised Code;	523 524
(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;	525 526 527 528
(f) Amounts included pursuant to <del>divisions</del> <u>division</u> (K)(3) and <u>former division</u> (Y) of this section <u>and section 145.2916 of the Revised Code.</u>	529 530 531
(2) "Earnable salary" does not include any of the following:	532
(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;	533 534 535 536
(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;	537 538 539 540 541
(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;	542 543 544 545
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	546 547 548
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the	549 550

year in which the sick leave, personal leave, or vacation was 551  
accrued; 552

(f) Payments made to or on behalf of a contributor that are 553  
in excess of the annual compensation that may be taken into 554  
account by the retirement system under division (a)(17) of section 555  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 556  
U.S.C.A. 401(a)(17), as amended; 557

(g) Payments made under division (B), (C), or (E) of section 558  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 559  
No. 3 of the 119th general assembly, Section 3 of Amended 560  
Substitute Senate Bill No. 164 of the 124th general assembly, or 561  
Amended Substitute House Bill No. 405 of the 124th general 562  
assembly; 563

(h) Anything of value received by the contributor that is 564  
based on or attributable to retirement or an agreement to retire, 565  
except that payments made on or before January 1, 1989, that are 566  
based on or attributable to an agreement to retire shall be 567  
included in earnable salary if both of the following apply: 568

(i) The payments are made in accordance with contract 569  
provisions that were in effect prior to January 1, 1986; 570

(ii) The employer pays the retirement system an amount 571  
specified by the retirement board equal to the additional 572  
liability resulting from the payments. 573

(i) The portion of any amount included in section 145.2916 of 574  
the Revised Code that represents employer contributions. 575

(3) The retirement board shall determine by rule whether any 576  
compensation not enumerated in division (R) of this section is 577  
earnable salary, and its decision shall be final. 578

(S) "Pension reserve" means the present value, computed upon 579  
the basis of the mortality and other tables adopted by the board, 580

of all payments to be made on account of any retirement allowance 581  
or benefit in lieu of any retirement allowance, granted to a 582  
member or beneficiary under this chapter. 583

(T)~~(1)~~ "Contributing service" means ~~all~~ both of the 584  
following: 585

(1) All service credited to a member of the system since 586  
January 1, 1935, for which contributions are made as required by 587  
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 588  
year subsequent to 1934, credit for any service shall be allowed 589  
~~by the following formula:~~ 590

~~(a) For each month for which the member's earnable salary is~~ 591  
~~two hundred fifty dollars or more, allow one month's credit.~~ 592

~~(b) For each month for which the member's earnable salary is~~ 593  
~~less than two hundred fifty dollars, allow a fraction of a month's~~ 594  
~~credit. The numerator of this fraction shall be the earnable~~ 595  
~~salary during the month, and the denominator shall be two hundred~~ 596  
~~fifty dollars, except that if the member's annual earnable salary~~ 597  
~~is less than six hundred dollars, the member's credit shall not be~~ 598  
~~reduced below twenty per cent of a year for a calendar year of~~ 599  
~~employment during which the member worked each month. Division~~ 600  
~~(T)(1)(b) of this section shall not reduce any credit earned~~ 601  
~~before January 1, 1985.~~ 602

~~(2) Notwithstanding division (T)(1) of this section, an~~ 603  
~~elected official who prior to January 1, 1980, was granted a full~~ 604  
~~year of credit for each year of service as an elected official~~ 605  
~~shall be considered to have earned a full year of credit for each~~ 606  
~~year of service regardless of whether the service was full time or~~ 607  
~~part time. The public employees retirement board has no authority~~ 608  
~~to reduce the credit in accordance with section 145.016 of the~~ 609  
~~Revised Code;~~ 610

(2) Service credit received by election of the member under 611

section 145.814 of the Revised Code. 612

(U) "State retirement board" means the public employees 613  
retirement board, the school employees retirement board, or the 614  
state teachers retirement board. 615

(V) "Retirant" means any former member who retires and is 616  
receiving a monthly allowance as provided in sections 145.32, 617  
145.33, 145.331, ~~145.34~~, 145.332, and 145.46 and former section 618  
145.34 of the Revised Code. 619

(W) "Employer contribution" means the amount paid by an 620  
employer as determined under section 145.48 of the Revised Code. 621

(X) "Public service terminates" means the last day for which 622  
a public employee is compensated for services performed for an 623  
employer or the date of the employee's death, whichever occurs 624  
first. 625

(Y) ~~When a member has been elected or appointed to an office,~~ 626  
~~the term of which is two or more years, for which an annual salary~~ 627  
~~is established, and in the event that the salary of the office is~~ 628  
~~increased and the member is denied the additional salary by reason~~ 629  
~~of any constitutional provision prohibiting an increase in salary~~ 630  
~~during a term of office, the member may elect to have the amount~~ 631  
~~of the member's contributions calculated upon the basis of the~~ 632  
~~increased salary for the office. At the member's request, the~~ 633  
~~board shall compute the total additional amount the member would~~ 634  
~~have contributed, or the amount by which each of the member's~~ 635  
~~contributions would have increased, had the member received the~~ 636  
~~increased salary for the office the member holds. If the member~~ 637  
~~elects to have the amount by which the member's contribution would~~ 638  
~~have increased withheld from the member's salary, the member shall~~ 639  
~~notify the employer, and the employer shall make the withholding~~ 640  
~~and transmit it to the retirement system. A member who has not~~ 641  
~~elected to have that amount withheld may elect at any time to make~~ 642

~~a payment to the retirement system equal to the additional amount 643  
the member's contribution would have increased, plus interest on 644  
that contribution, compounded annually at a rate established by 645  
the board and computed from the date on which the last 646  
contribution would have been withheld from the member's salary to 647  
the date of payment. A member may make a payment for part of the 648  
period for which the increased contribution was not withheld, in 649  
which case the interest shall be computed from the date the last 650  
contribution would have been withheld for the period for which the 651  
payment is made. Upon the payment of the increased contributions 652  
as provided in this division, the increased annual salary as 653  
provided by law for the office for the period for which the member 654  
paid increased contributions thereon shall be used in determining 655  
the member's earnable salary for the purpose of computing the 656  
member's final average salary. 657~~

~~(Z)~~ "Five years of service credit," for the exclusive purpose 658  
of satisfying the service credit requirements and of determining 659  
eligibility ~~for benefits~~ under section 145.33 or 145.332 of the 660  
Revised Code, means employment covered under this chapter or under 661  
a former retirement plan operated, recognized, or endorsed by the 662  
employer prior to coverage under this chapter or under a 663  
combination of the coverage. 664

~~(AA)~~(Z) "Deputy sheriff" means any person who is commissioned 665  
and employed as a full-time peace officer by the sheriff of any 666  
county, and has been so employed since on or before December 31, 667  
1965; any person who is or has been commissioned and employed as a 668  
peace officer by the sheriff of any county since January 1, 1966, 669  
and who has received a certificate attesting to the person's 670  
satisfactory completion of the peace officer training school as 671  
required by section 109.77 of the Revised Code; or any person 672  
deputized by the sheriff of any county and employed pursuant to 673  
section 2301.12 of the Revised Code as a criminal bailiff or court 674

constable who has received a certificate attesting to the person's 675  
satisfactory completion of the peace officer training school as 676  
required by section 109.77 of the Revised Code. 677

~~(BB)~~(AA) "Township constable or police officer in a township 678  
police department or district" means any person who is 679  
commissioned and employed as a full-time peace officer pursuant to 680  
Chapter 505. or 509. of the Revised Code, who has received a 681  
certificate attesting to the person's satisfactory completion of 682  
the peace officer training school as required by section 109.77 of 683  
the Revised Code. 684

~~(CC)~~(BB) "Drug agent" means any person who is either of the 685  
following: 686

(1) Employed full time as a narcotics agent by a county 687  
narcotics agency created pursuant to section 307.15 of the Revised 688  
Code and has received a certificate attesting to the satisfactory 689  
completion of the peace officer training school as required by 690  
section 109.77 of the Revised Code; 691

(2) Employed full time as an undercover drug agent as defined 692  
in section 109.79 of the Revised Code and is in compliance with 693  
section 109.77 of the Revised Code. 694

~~(DD)~~(CC) "Department of public safety enforcement agent" 695  
means a full-time employee of the department of public safety who 696  
is designated under section 5502.14 of the Revised Code as an 697  
enforcement agent and who is in compliance with section 109.77 of 698  
the Revised Code. 699

~~(EE)~~(DD) "Natural resources law enforcement staff officer" 700  
means a full-time employee of the department of natural resources 701  
who is designated a natural resources law enforcement staff 702  
officer under section 1501.013 of the Revised Code and is in 703  
compliance with section 109.77 of the Revised Code. 704

~~(FF)~~(EE) "Park officer" means a full-time employee of the 705

department of natural resources who is designated a park officer 706  
under section 1541.10 of the Revised Code and is in compliance 707  
with section 109.77 of the Revised Code. 708

~~(GG)~~(FF) "Forest officer" means a full-time employee of the 709  
department of natural resources who is designated a forest officer 710  
under section 1503.29 of the Revised Code and is in compliance 711  
with section 109.77 of the Revised Code. 712

~~(HH)~~(GG) "Preserve officer" means a full-time employee of the 713  
department of natural resources who is designated a preserve 714  
officer under section 1517.10 of the Revised Code and is in 715  
compliance with section 109.77 of the Revised Code. 716

~~(II)~~(HH) "Wildlife officer" means a full-time employee of the 717  
department of natural resources who is designated a wildlife 718  
officer under section 1531.13 of the Revised Code and is in 719  
compliance with section 109.77 of the Revised Code. 720

~~(JJ)~~(II) "State watercraft officer" means a full-time 721  
employee of the department of natural resources who is designated 722  
a state watercraft officer under section 1547.521 of the Revised 723  
Code and is in compliance with section 109.77 of the Revised Code. 724

~~(KK)~~(JJ) "Park district police officer" means a full-time 725  
employee of a park district who is designated pursuant to section 726  
511.232 or 1545.13 of the Revised Code and is in compliance with 727  
section 109.77 of the Revised Code. 728

~~(LL)~~(KK) "Conservancy district officer" means a full-time 729  
employee of a conservancy district who is designated pursuant to 730  
section 6101.75 of the Revised Code and is in compliance with 731  
section 109.77 of the Revised Code. 732

~~(MM)~~(LL) "Municipal police officer" means a member of the 733  
organized police department of a municipal corporation who is 734  
employed full time, is in compliance with section 109.77 of the 735  
Revised Code, and is not a member of the Ohio police and fire 736



pension fund. 737

~~(NN)~~(MM) "Veterans' home police officer" means any person who 738  
is employed at a veterans' home as a police officer pursuant to 739  
section 5907.02 of the Revised Code and is in compliance with 740  
section 109.77 of the Revised Code. 741

~~(OO)~~(NN) "Special police officer for a mental health 742  
institution" means any person who is designated as such pursuant 743  
to section 5119.14 of the Revised Code and is in compliance with 744  
section 109.77 of the Revised Code. 745

~~(PP)~~(OO) "Special police officer for an institution for the 746  
~~mentally retarded and developmentally disabled~~" means any person 747  
who is designated as such pursuant to section 5123.13 of the 748  
Revised Code and is in compliance with section 109.77 of the 749  
Revised Code. 750

~~(OO)~~(PP) "State university law enforcement officer" means any 751  
person who is employed full time as a state university law 752  
enforcement officer pursuant to section 3345.04 of the Revised 753  
Code and who is in compliance with section 109.77 of the Revised 754  
Code. 755

~~(RR)~~(OO) "House sergeant at arms" means any person appointed 756  
by the speaker of the house of representatives under division 757  
(B)(1) of section 101.311 of the Revised Code who has arrest 758  
authority under division (E)(1) of that section. 759

~~(SS)~~(RR) "Assistant house sergeant at arms" means any person 760  
appointed by the house sergeant at arms under division (C)(1) of 761  
section 101.311 of the Revised Code. 762

~~(TT)~~(SS) "Regional transit authority police officer" means a 763  
person who is employed full time as a regional transit authority 764  
police officer under division (Y) of section 306.35 of the Revised 765  
Code and is in compliance with section 109.77 of the Revised Code. 766

~~(UU)~~(TT) "State highway patrol police officer" means a 767  
special police officer employed full time and designated by the 768  
superintendent of the state highway patrol pursuant to section 769  
5503.09 of the Revised Code or a person serving full time as a 770  
special police officer pursuant to that section on a permanent 771  
basis on October 21, 1997, who is in compliance with section 772  
109.77 of the Revised Code. 773

~~(VV)~~(UU) "Municipal public safety director" means a person 774  
who serves full time as the public safety director of a municipal 775  
corporation with the duty of directing the activities of the 776  
municipal corporation's police department and fire department. 777

~~(WW)~~(VV) Notwithstanding section 2901.01 of the Revised Code, 778  
"PERS law enforcement officer" means a sheriff or any of the 779  
following whose primary duties are to preserve the peace, protect 780  
life and property, and enforce the laws of this state: a deputy 781  
sheriff, township constable or police officer in a township police 782  
department or district, drug agent, department of public safety 783  
enforcement agent, natural resources law enforcement staff 784  
officer, park officer, forest officer, preserve officer, wildlife 785  
officer, state watercraft officer, park district police officer, 786  
conservancy district officer, veterans' home police officer, 787  
special police officer for a mental health institution, special 788  
police officer for an institution for the ~~mentally retarded and~~ 789  
developmentally disabled, state university law enforcement 790  
officer, municipal police officer, house sergeant at arms, 791  
assistant house sergeant at arms, regional transit authority 792  
police officer, or state highway patrol police officer. PERS law 793  
enforcement officer also includes a person serving as a municipal 794  
public safety director at any time during the period from 795  
September 29, 2005, to March 24, 2009, if the duties of that 796  
service were to preserve the peace, protect life and property, and 797  
enforce the laws of this state. 798

~~(XX)~~(WW) "Hamilton county municipal court bailiff" means a 799  
person appointed by the clerk of courts of the Hamilton county 800  
municipal court under division (A)(3) of section 1901.32 of the 801  
Revised Code who is employed full time as a bailiff or deputy 802  
bailiff, who has received a certificate attesting to the person's 803  
satisfactory completion of the peace officer basic training 804  
described in division (D)(1) of section 109.77 of the Revised 805  
Code. 806

~~(YY)~~(XX) "PERS public safety officer" means a Hamilton county 807  
municipal court bailiff, or any of the following whose primary 808  
duties are other than to preserve the peace, protect life and 809  
property, and enforce the laws of this state: a deputy sheriff, 810  
township constable or police officer in a township police 811  
department or district, drug agent, department of public safety 812  
enforcement agent, natural resources law enforcement staff 813  
officer, park officer, forest officer, preserve officer, wildlife 814  
officer, state watercraft officer, park district police officer, 815  
conservancy district officer, veterans' home police officer, 816  
special police officer for a mental health institution, special 817  
police officer for an institution for the ~~mentally retarded and~~ 818  
developmentally disabled, state university law enforcement 819  
officer, municipal police officer, house sergeant at arms, 820  
assistant house sergeant at arms, regional transit authority 821  
police officer, or state highway patrol police officer. "PERS 822  
public safety officer" also includes a person serving as a 823  
municipal public safety director at any time during the period 824  
from September 29, 2005, to March 24, 2009, if the duties of that 825  
service were other than to preserve the peace, protect life and 826  
property, and enforce the laws of this state. 827

~~(ZZ)~~(YY) "Fiduciary" means a person who does any of the 828  
following: 829

(1) Exercises any discretionary authority or control with 830

respect to the management of the system or with respect to the 831  
management or disposition of its assets; 832

(2) Renders investment advice for a fee, direct or indirect, 833  
with respect to money or property of the system; 834

(3) Has any discretionary authority or responsibility in the 835  
administration of the system. 836

~~(AAA)~~(ZZ) "Actuary" means an individual who satisfies all of 837  
the following requirements: 838

(1) Is a member of the American academy of actuaries; 839

(2) Is an associate or fellow of the society of actuaries; 840

(3) Has a minimum of five years' experience in providing 841  
actuarial services to public retirement plans. 842

~~(BBB)~~(AAA) "PERS defined benefit plan" means the plan 843  
described in sections 145.201 to 145.79 of the Revised Code. 844

~~(CCC)~~(BBB) "PERS defined contribution plans" means the plan 845  
or plans established under section 145.81 of the Revised Code. 846

**Sec. 145.016.** Contributing service shall be allowed in 847  
accordance with the following: 848

(A) For service before the first day of the first full 849  
calendar year beginning on or after the effective date of this 850  
section, credit for any contributing service shall be allowed as 851  
follows: 852

(1) For each month for which the member's earnable salary is 853  
two hundred fifty dollars or more, allow one month's credit; 854

(2) For each month for which the member's earnable salary is 855  
less than two hundred fifty dollars, allow a fraction of a month's 856  
credit with a numerator of the earnable salary during the month 857  
and a denominator of two hundred fifty dollars, except that if the 858  
member's annual earnable salary is less than six hundred dollars, 859

the member's credit shall not be reduced below twenty per cent of 860  
a year for a calendar year of employment during which the member 861  
worked each month. 862

Division (A)(2) of this section shall not reduce any credit 863  
earned before January 1, 1985. 864

(B) For service on or after the first day of the first full 865  
calendar year that begins on or after the effective date of this 866  
section but not after the thirty-first day of December of that 867  
year, credit for any contributing service shall be allowed as 868  
follows: 869

(1) For each month for which the member's earnable salary is 870  
seven hundred fifty dollars or more, allow one month's credit; 871

(2) For each month for which the member's earnable salary is 872  
less than seven hundred and fifty dollars, allow a fraction of a 873  
month's credit with a numerator of the earnable salary for the 874  
month and a denominator of seven hundred and fifty dollars. 875

This division shall not reduce any credit earned before the 876  
first day of the first full calendar year that begins on or after 877  
the effective date of this section. 878

(C) For service on or after the first day of the second full 879  
calendar year that begins on or after the effective date of this 880  
section but not after the thirty-first day of December of that 881  
year, credit for any contributing service shall be allowed as 882  
follows: 883

(1) For each month for which the member's earnable salary is 884  
eight hundred seventy-five dollars or more, allow one month's 885  
credit; 886

(2) For each month for which the member's earnable salary is 887  
less than eight hundred seventy-five dollars, allow a fraction of 888  
a month's credit with a numerator of the earnable salary for the 889

month and a denominator of eight hundred seventy-five dollars. 890

This division shall not reduce any credit earned before the 891  
first day of the second full calendar year beginning after the 892  
effective date of this section. 893

(D) For service on or after the first day of the third full 894  
calendar year that begins on or after the effective date of this 895  
section, credit for any contributing service shall be allowed in 896  
accordance with the following: 897

(1) For each month for which the member's earnable salary 898  
equals or exceeds the amount specified in division (D)(1)(a) or 899  
(b) of this section, as appropriate, allow one month's credit: 900

(a) For the third full calendar year beginning after the 901  
effective date of this section, one thousand dollars; 902

(b) For each calendar year thereafter, the sum of the prior 903  
year's amount plus the amount determined by multiplying the prior 904  
year's amount by the average wage index as described in 20 C.F.R. 905  
404.272, as amended, rounded up to the next dollar for the most 906  
recent year for which information is available on June 30 of the 907  
year immediately preceding the year for which the sum is being 908  
calculated. 909

(2) For each month that the member's earnable salary is less 910  
than the appropriate amount specified in division (D)(1) of this 911  
section, allow a fraction of a month's credit with a numerator of 912  
the earnable salary during the month and a denominator of the 913  
amount specified in division (D)(1)(a) or (b) of this section, as 914  
appropriate. 915

Division (D) of this section shall not reduce any credit 916  
earned before the first day of the third full calendar year 917  
beginning after the effective date of this section. 918

(E) Notwithstanding any other provision of this section, an 919

elected official who prior to January 1, 1980, was granted a full 920  
year of credit for each year of service as an elected official 921  
shall be considered to have earned a full year of credit for each 922  
year of service regardless of whether the service was full-time or 923  
part-time. The public employees retirement board has no authority 924  
to reduce the credit. 925

**Sec. 145.017.** (A) For a member eligible for a retirement 926  
allowance under division (A) or (B) of section 145.32 of the 927  
Revised Code or division (A), (B), or (D)(1), (3), or (4) of 928  
section 145.332 of the Revised Code, the number of years used in 929  
the calculation of final average salary shall be three and the sum 930  
of the earnable salary for those years shall be divided by three. 931

(B) For a member eligible for a retirement allowance under 932  
division (C) of section 145.32 of the Revised Code or division (C) 933  
or (D)(2) or (5) of section 145.332 of the Revised Code, the 934  
number of years used in the calculation of final average salary 935  
shall be five and the sum of the earnable salary for those years 936  
shall be divided by five. 937

(C)(1) For a member described in division (A) or (B) of 938  
section 145.32 or division (A), (B), or (D)(1), (3), or (4) of 939  
section 145.332 of the Revised Code who is eligible for a 940  
retirement allowance under section 145.331 of the Revised Code or 941  
a benefit under section 145.36 or 145.361 of the Revised Code, the 942  
number of years used in the calculation of final average salary 943  
shall be three and the sum of the earnable salary for those years 944  
shall be divided by three. 945

(2) For a member described in division (C) of section 145.32 946  
or division (C) or (D)(2) or (5) of section 145.332 of the Revised 947  
Code who is eligible for a retirement allowance under section 948  
145.331 of the Revised Code or a benefit under section 145.36 or 949  
145.361 of the Revised Code, the number of years used in the 950

calculation of final average salary shall be five and the sum of 951  
the earnable salary for those years shall be divided by five. 952

(D) For a benefit under section 145.45 of the Revised Code: 953

(1) The number of years used in the calculation of the 954  
deceased member's final average salary shall be three and the sum 955  
of the earnable salary for those years shall be divided by three 956  
if the member is described in division (A) or (B) of section 957  
145.32 of the Revised Code or division (A), (B), or (D)(1), (3), 958  
or (4) of section 145.332 of the Revised Code. 959

(2) The number of years used in the calculation of the 960  
deceased member's final average salary shall be five and the sum 961  
of the earnable salary for those years shall be divided by five if 962  
the member is described in division (C) of section 145.32 of the 963  
Revised Code or division (C) or (D)(2) or (5) of section 145.332 964  
of the Revised Code. 965

**Sec. 145.036.** On or before the last day of January of each 966  
year, each public employer shall transmit to the public employees 967  
retirement system a list of all individuals providing personal 968  
services who at any time during the preceding calendar year 969  
received compensation from the employer for which no contributions 970  
were deducted under section 145.47 of the Revised Code because the 971  
employer classified the individual as an independent contractor or 972  
another classification other than public employee or any other 973  
reason. The list shall contain the name of the individual and any 974  
other information required by the system. 975

If there is doubt at the time the list is compiled or at any 976  
other time regarding whether an individual providing personal 977  
services to a public employer is a public employee, the employer 978  
shall make a written request to the public employees retirement 979  
board for a determination of whether the individual is a public 980  
employee for the purposes of this chapter. On receipt of the 981



request, the board shall determine whether the individual is a 982  
public employee with regard to the services in question. If the 983  
board determines that the individual is not a public employee, for 984  
the purposes of this chapter the individual shall be considered an 985  
independent contractor with regard to the services in question. 986  
The board's determination is final. 987

The board shall notify the individual and the employer of its 988  
determination. The determination shall apply to services performed 989  
before, on, or after the effective date of this section for the 990  
same employer in the same capacity. 991

Sec. 145.037. (A) As used in this section and section 145.038 992  
of the Revised Code, "business entity" means an entity with five 993  
or more employees that is a corporation, association, firm, 994  
limited liability company, partnership, sole proprietorship, or 995  
other entity engaged in business. 996

(B)(1) Except as provided in division (B)(2) of this section, 997  
an individual who provided personal services to a public employer 998  
on or before the effective date of this section but was not 999  
classified as a public employee may request from the public 1000  
employees retirement board a determination of whether the 1001  
individual should have been classified as a public employee for 1002  
purposes of this chapter. The request shall be made on a form 1003  
provided by the board. 1004

(2) Division (B)(1) of this section does not apply to an 1005  
individual employed by a business entity under contract with a 1006  
public employer to provide personal services to the employer. 1007

(C) Not later than thirty days after the effective date of 1008  
this section, the board shall notify each employer of the right of 1009  
an individual described in division (B)(1) of this section to seek 1010  
the determination described in that division. The notice shall be 1011  
accompanied by copies of the form described in division (B)(1) of 1012

this section. 1013

Not later than sixty days after the effective date of this 1014  
section, the employer shall send to each individual described in 1015  
division (B)(1) of this section a copy of the form provided by the 1016  
retirement system and written notice of the right to seek a 1017  
determination of whether the individual should have been 1018  
classified as a public employee. The notice shall be sent to the 1019  
individual's last known address on record with the employer. 1020

On receipt of a properly completed form, the board shall 1021  
determine whether the individual should have been classified as a 1022  
public employee. If the board determines that the individual is 1023  
not a public employee with regard to the services in question, for 1024  
the purposes of this chapter the individual shall be considered an 1025  
independent contractor with regard to the services in question. 1026  
The board's determination is final. 1027

The board shall notify the individual and the employer of its 1028  
determination. The determination shall apply to services performed 1029  
before, on, or after the effective date of this section for the 1030  
same employer in the same capacity. 1031

(D) Regardless of whether an individual actually receives 1032  
notice under this section, the request for a determination must be 1033  
made not later than one year after the effective date of this 1034  
section unless the individual can demonstrate to the board's 1035  
satisfaction through medical records that at the time the one-year 1036  
period ended the individual was physically or mentally 1037  
incapacitated and unable to request a determination. 1038

**Sec. 145.038.** (A) A public employer who on or after the 1039  
effective date of this section begins to receive personal services 1040  
from an individual it classifies as an independent contractor or 1041  
another classification other than public employee shall inform the 1042  
individual of the classification and that no contributions will be 1043

made to the public employees retirement system. Not later than 1044  
thirty days after the services begin, the employer shall require 1045  
the individual to acknowledge, in writing on a form provided by 1046  
the system, that the individual has been informed that the 1047  
employer does not consider the individual a public employee and no 1048  
contributions will be made to the public employees retirement 1049  
system. The employer shall retain the acknowledgement and 1050  
immediately transmit a copy of it to the system. 1051

(B)(1) Regardless of whether the individual has made an 1052  
acknowledgement under division (A) of this section and, except as 1053  
provided in division (B)(2) of this section, an individual may 1054  
request that the public employees retirement board determine 1055  
whether the individual is a public employee for purposes of this 1056  
chapter. 1057

(2) Division (B)(1) of this section does not apply to an 1058  
individual employed by a business entity under contract with a 1059  
public employer to provide personal services to the employer. 1060

(C) A request for a determination must be made not later than 1061  
five years after the individual begins to provide personal 1062  
services to the employer, unless one of the following is the case: 1063

(1) The individual demonstrates to the board's satisfaction 1064  
through medical records that at the time the five-year period 1065  
ended the individual was physically or mentally incapacitated and 1066  
unable to request a determination; 1067

(2) The employer has not obtained or has failed to retain the 1068  
acknowledgement required by division (A) of this section. 1069

(D) On receipt of a request under division (B)(1) of this 1070  
section, the board shall determine whether the individual is a 1071  
public employee for the purposes of this chapter. If the board 1072  
determines that the individual is not a public employee, for the 1073  
purposes of this chapter the individual shall be considered an 1074

independent contractor with regard to the services in question. 1075

The board's determination is final. 1076

The board shall notify the individual and the employer of its 1077  
determination. The determination shall apply to services performed 1078  
before, on, or after the effective date of this section for the 1079  
same employer in the same capacity. 1080

(E) The board may adopt rules under section 145.09 of the 1081  
Revised Code to implement this section and sections 145.036 and 1082  
145.037 of the Revised Code. 1083

**Sec. 145.04.** (A) The general administration and management of 1084  
the public employees retirement system and the making effective of 1085  
Chapter 145. of the Revised Code, are hereby vested in a board to 1086  
be known as the "public employees retirement board," which shall 1087  
consist of the following members: 1088

~~(A)~~(1) One member, known as the treasurer of state's 1089  
investment designee, who shall be appointed by the treasurer of 1090  
state for a term of four years and have the following 1091  
qualifications: 1092

~~(1)~~(a) The member is a resident of this state. 1093

~~(2)~~(b) Within the three years immediately preceding the 1094  
appointment, the member has not been employed by the public 1095  
employees retirement system, police and fire pension fund, state 1096  
teachers retirement system, school employees retirement system, or 1097  
state highway patrol retirement system or by any person, 1098  
partnership, or corporation that has provided to one of those 1099  
retirement systems services of a financial or investment nature, 1100  
including management, analysis, supervision, or investment of 1101  
assets. 1102

~~(3)~~(c) The member has direct experience in the management, 1103  
analysis, supervision, or investment of assets. 1104

~~(4)~~(d) The member is not currently employed by the state or a political subdivision of the state. 1105  
1106

~~(B)~~(2) The director of administrative services; 1107

~~(C)~~(3) Five members, known as employee members, one of whom shall be a state employee member of the system, who shall be elected by ballot by the state employee members of the system from among their number; another of whom shall be a county employee member of the system, who shall be elected by ballot by the county employee members of the system from among their number; another of whom shall be a municipal employee member of the system, who shall be elected by ballot by the municipal employee members of the system from among their number; another of whom shall be a university or college employee member of the system, who shall be elected by ballot by the university and college employee members of the system from among their number; and another of whom shall be a park district, conservancy district, sanitary district, health district, public library, metropolitan housing authority, union cemetery, joint hospital, township, or institutional commissary employee member of the system, who shall be elected by ballot by the park district, conservancy district, sanitary district, health district, metropolitan housing authority, public library, union cemetery, joint hospital, township, and institutional commissary employee members of the system from among their number, in a manner to be approved by the board. Members of the system who are receiving a disability benefit under this chapter are ineligible for membership on the board as employee members. 1108  
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~~(D)~~(4) Two members, known as the retirant members, who shall be former members of the public employees retirement system who reside in this state and receive age and service retirement, a disability benefit, or benefits paid under a PERS defined contribution plan. The retirant members shall be elected by ballot 1132  
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by former members of the system who are receiving age and service 1137  
retirement, a disability benefit, or benefits paid under a PERS 1138  
defined contribution plan; 1139

~~(E)(1)(5)(a)~~ Two members, known as the investment expert 1140  
members, who shall be appointed for four-year terms and each of 1141  
whom shall have the following qualifications: 1142

~~(a)(i)~~ The member is a resident of this state. 1143

~~(b)(ii)~~ Within the three years immediately preceding the 1144  
appointment, the member has not been employed by the public 1145  
employees retirement system, police and fire pension fund, state 1146  
teachers retirement system, school employees retirement system, or 1147  
state highway patrol retirement system or by any person, 1148  
partnership, or corporation that has provided to one of those 1149  
retirement systems services of a financial or investment nature, 1150  
including the management, analysis, supervision, or investment of 1151  
assets. 1152

~~(c)(iii)~~ The member has direct experience in the management, 1153  
analysis, supervision, or investment of assets. 1154

~~(2)(b)~~ One investment expert member shall be appointed by the 1155  
governor, and one investment expert member shall be jointly 1156  
appointed by the speaker of the house of representatives and the 1157  
president of the senate. ~~Any investment expert~~ 1158

~~(B) Any member appointed to fill a vacancy occurring prior to~~ 1159  
~~the expiration of the term for which the member's predecessor was~~ 1160  
~~appointed under this section shall hold office until the later of~~ 1161  
~~the end of such the term. The for which the member shall continue~~ 1162  
~~in office subsequent to the expiration date of the member's term~~ 1163  
~~until is appointed or the date the member's successor takes~~ 1164  
~~office, or until a period of sixty days has elapsed, whichever~~ 1165  
~~occurs first.~~ 1166

**Sec. 145.041.** Each ~~newly elected~~ member of the public 1167  
employees retirement board ~~and each individual appointed to fill a~~ 1168  
~~vacancy on the board,~~ shall, not later than ninety days after 1169  
commencing service as a board member, complete the orientation 1170  
program component of the retirement board member education program 1171  
established under section 171.50 of the Revised Code. 1172

Each member of the board who has served a year or longer as a 1173  
board member shall, not less than twice each year, attend one or 1174  
more programs that are part of the continuing education component 1175  
of the retirement board member education program established under 1176  
section 171.50 of the Revised Code. 1177

**Sec. 145.05.** (A) The terms of office of employee members of 1178  
the public employees retirement board shall be for four years each 1179  
beginning on the first day of January following election. The 1180  
election of the county employee member of the board and the 1181  
employee member of the board representing public library, health 1182  
district, park district, conservancy district, sanitary district, 1183  
township, metropolitan housing authority, union cemetery, joint 1184  
hospital, and institutional commissary employees shall be held on 1185  
the first Monday in October, 1945, and on the first Monday in 1186  
October in each fourth year thereafter. The election of the state 1187  
employee member of the board and the municipal employee member of 1188  
the board shall be held on the first Monday in October, 1946, and 1189  
on the first Monday in October in each fourth year thereafter. The 1190  
election of the initial university-college employee member of the 1191  
board shall be held on the first Monday in October, 1978, and 1192  
elections for subsequent university-college employee members of 1193  
the board shall be held on the first Monday in October in each 1194  
fourth year thereafter. 1195

(B) The term of office of the retirant members of the public 1196  
employees retirement board shall be for four years beginning on 1197

the first day of January following the election. The election of 1198  
the initial retirant member for that position on the board shall 1199  
be held on the first Monday in October, 1978, and subsequent 1200  
elections for this retirant position shall be held on the first 1201  
Monday in October in each fourth year thereafter. The initial 1202  
election for the second retirant member position shall be held at 1203  
the first election that occurs later than ninety days after ~~the~~ 1204  
~~effective date of this amendment~~ September 15, 2004. Subsequent 1205  
elections for this retirant position shall be held each fourth 1206  
year thereafter. 1207

(C) All elections for employee members of the public 1208  
employees retirement board shall be held under the direction of 1209  
the board in accordance with rules adopted under section 145.058 1210  
of the Revised Code. Any member of the public employees retirement 1211  
system, except a member who is receiving a disability benefit 1212  
under this chapter, is eligible for election as an employee member 1213  
of the board to represent the employee group that includes the 1214  
member, provided that the member has been nominated by a petition 1215  
that is signed by at least five hundred members of the employee 1216  
group to be represented, including not less than twenty such 1217  
signers from each of at least ten counties of the state, and 1218  
certified in accordance with rules adopted under section 145.058 1219  
of the Revised Code. The name of any member so nominated shall be 1220  
placed upon the ballot by the board as a regular candidate. Names 1221  
of other eligible candidates may, at any election, be substituted 1222  
for the regular candidates by writing such names upon the ballots. 1223  
The candidate who receives the highest number of votes for a 1224  
particular employee member position on the board shall be elected 1225  
to that office on certification of the election results in 1226  
accordance with rules adopted under section 145.058 of the Revised 1227  
Code. 1228

(D) All elections for the retirant members of the public 1229



employees retirement board shall be held under the direction of 1230  
the board in accordance with rules adopted under section 145.058 1231  
of the Revised Code. Any former member of the public employees 1232  
retirement system who is described in division ~~(D)~~(A)(4) of 1233  
section 145.04 of the Revised Code is eligible for election as a 1234  
retirant member of the board to represent recipients of age and 1235  
service retirement, a disability benefit, or benefits paid under a 1236  
PERS defined contribution plan, provided that such person has been 1237  
nominated by a petition that is signed by any combination of at 1238  
least two hundred fifty eligible, former members of the system and 1239  
certified in accordance with rules adopted under section 145.058 1240  
of the Revised Code. To be eligible to sign the petition, a former 1241  
member of the system must be a recipient of age and service 1242  
retirement, a disability benefit, or benefits paid under a PERS 1243  
defined contribution plan. The petition shall contain the 1244  
signatures of at least ten such recipients from each of at least 1245  
five counties wherein recipients of benefits from the system 1246  
reside. 1247

The name of any person nominated in this manner shall be 1248  
placed upon the ballot by the board as a regular candidate. Names 1249  
of other eligible candidates may, at any election for a retirant 1250  
member of the board, be substituted for the regular candidates by 1251  
writing the names of such persons upon the ballot. The candidate 1252  
who receives the highest number of votes for any term as a 1253  
retirant member of the board shall be elected to office on 1254  
certification of the election results in accordance with rules 1255  
adopted under section 145.058 of the Revised Code. 1256

**Sec. 145.057.** (A) The office of ~~an employee member or~~ 1257  
~~retirant~~ a member of the public employees retirement board who is 1258  
convicted of or pleads guilty to a felony, a theft offense as 1259  
defined in section 2913.01 of the Revised Code, or a violation of 1260  
section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 1261

2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code 1262  
shall be deemed vacant. A person who has pleaded guilty to or been 1263  
convicted of an offense of that nature is ineligible for election 1264  
or appointment to the office of employee member or retirant member 1265  
~~of the public employees retirement board.~~ 1266

(B) A member of the public employees retirement board who 1267  
willfully and flagrantly exercises authority or power not 1268  
authorized by law, refuses or willfully neglects to enforce the 1269  
law or to perform any official duty imposed by law, or is guilty 1270  
of gross neglect of duty, gross immorality, drunkenness, 1271  
misfeasance, malfeasance, or nonfeasance is guilty of misconduct 1272  
in office. On complaint and hearing in the manner provided for in 1273  
this section, the board member shall have judgment of forfeiture 1274  
of the office with all its emoluments entered against the board 1275  
member, creating in the office a vacancy to be filled as provided 1276  
by law. 1277

(C) Proceedings for removal of a board member on any of the 1278  
grounds enumerated in division (B) of this section shall be 1279  
commenced by filing with the court of common pleas of the county 1280  
in which the board member resides a written complaint specifically 1281  
setting forth the charge. The complaint shall be accepted if 1282  
signed by the governor or signed as follows: 1283

(1) If the complaint is against an employee member of the 1284  
board, the complaint must be signed by a number of members of the 1285  
employee group represented by the member that equals at least the 1286  
following and must include signatures of at least twenty employee 1287  
members residing in at least five different counties: 1288

(a) If the employee member was most recently elected in 1289  
accordance with section 145.05 of the Revised Code, ten per cent 1290  
of the number of members of the employee group represented by the 1291  
employee member who voted in that election; 1292

(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;

(b) If the retirant 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 former members of the system who voted in the most recent election held in accordance with section 145.05 of the Revised Code for that retirant member position on the board.

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

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

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

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

The board member has the right to appeal to the court of appeals.

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

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

Any employee member of the board who fails to attend the

meetings of the board for three months or longer, without valid 1355  
excuse, shall be considered as having resigned, and the board 1356  
shall declare the employee member's office vacated as of the date 1357  
of the adoption of a proper resolution. 1358

If as a result of changed circumstances an employee member of 1359  
the board is no longer employed in the employee group that 1360  
corresponds with the employee group that elected the member, the 1361  
employee member's office shall be considered vacant, and a 1362  
successor employee member shall be chosen in the manner specified 1363  
in this division. 1364

(B) Except as provided in division (D) of this section, if a 1365  
vacancy occurs during the term of office of a retirant member of 1366  
the board, the remaining members of the board shall elect a 1367  
successor retirant member who shall be a former member of the 1368  
public employees retirement system who is eligible for election 1369  
under section 145.04 of the Revised Code as a retirant member of 1370  
the board. On certification of the election results in accordance 1371  
with rules adopted under section 145.058 of the Revised Code, the 1372  
successor retirant member shall hold office until the first day of 1373  
the new term that follows the next board election that occurs not 1374  
less than ninety days after the successor retirant member's 1375  
election. 1376

If a retirant member of the board fails to attend the 1377  
meetings of the board for three months or longer, without valid 1378  
excuse, the retirant member shall be considered as having 1379  
resigned, and the board shall declare the member's office vacated 1380  
as of the date of the adoption of a proper resolution. 1381

If as a result of changed circumstances a retirant member 1382  
would no longer qualify for membership on the board as the 1383  
retirant member, the retirant member's office shall be considered 1384  
vacant, and a successor retirant member shall be chosen in the 1385  
manner specified in this division. 1386

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

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

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

If the board provides health care coverage to employees of the retirement system, it may permit employees of the Ohio public employees deferred compensation board to participate.

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

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

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

The board may take all appropriate action to avoid payment by

the system or its members of federal or state income taxes on 1417  
contributions to the system or amounts earned on such 1418  
contributions. 1419

Notice of proposed rules shall be given to interested parties 1420  
and rules adopted by the board shall be published and otherwise 1421  
made available. When it files a rule with the joint committee on 1422  
agency rule review pursuant to section 111.15 of the Revised Code, 1423  
the board shall submit to the Ohio retirement study council a copy 1424  
of the full text of the rule, and if applicable, a copy of the 1425  
rule summary and fiscal analysis required by division (B) of 1426  
section 127.18 of the Revised Code. 1427

The board may sue and be sued, plead and be impleaded, 1428  
contract and be contracted with. All of its business shall be 1429  
transacted, all of its funds invested, all warrants for money 1430  
drawn and payments made, and all of its cash and securities and 1431  
other property shall be held in the name of the board, or in the 1432  
name of its nominee, provided that nominees are authorized by 1433  
retirement board resolution for the purpose of facilitating the 1434  
ownership and transfer of investments. 1435

If the Ohio retirement study council establishes a uniform 1436  
format for any report the board is required to submit to the 1437  
council, the board shall submit the report in that format. 1438

Sec. 145.101. Any action brought against the public employees 1439  
retirement system or the public employees retirement board or its 1440  
officers, employees, or board members in their official capacities 1441  
shall be brought in the Franklin County court of common pleas. 1442  
1443

**Sec. 145.19.** (A) Except as provided in division (D) of this 1444  
section, an individual who becomes employed in a position subject 1445  
to this chapter on or after ~~the date on which the public employees~~ 1446

~~retirement board first establishes a PERS defined contribution~~ 1447  
~~plan January 1, 2003,~~ shall make an election under this section. 1448  
Not later than one hundred eighty days after the date on which 1449  
employment begins, the individual shall elect to participate 1450  
either in the PERS defined benefit plan or a PERS defined 1451  
contribution plan. ~~If~~ Unless a form evidencing an election under 1452  
this section is ~~not~~ received by the public employees retirement 1453  
system ~~not later than~~ on or before the last day of the 1454  
one-hundred-eighty-day period, the individual is deemed to have 1455  
elected to participate in the PERS defined benefit plan. 1456

(B) An election under this section shall be made ~~in writing~~ 1457  
on a form provided by the system and filed with the system. 1458

(C) An election under this section shall take effect on the 1459  
date employment began and, except as provided in section 145.814 1460  
of the Revised Code or rules governing the PERS defined benefit 1461  
plan, is irrevocable on receipt by the system. 1462

(D) An individual is ineligible to make an election under 1463  
this section if one of the following applies: 1464

(1) ~~At the time employment begins, the~~ The individual is a 1465  
PERS retirant or other system retirant, as those terms are defined 1466  
in section 145.38 of the Revised Code, or is retired under section 1467  
145.383 of the Revised Code. 1468

(2) The individual is participating or has elected to 1469  
participate in an alternative retirement plan under section 1470  
3305.05 or 3305.051 of the Revised Code and the employment is in a 1471  
position that is subject to division (C)(4) of section 3305.05 or 1472  
division (F) of section 3305.051 of the Revised Code. 1473

(3) The individual ~~is a contributor who, as of the last day~~ 1474  
~~of the month prior to the date employment begins, has five or more~~ 1475  
~~years of total service credit~~ has contributions standing to the 1476  
individual's credit in the employees' savings fund or defined 1477



contribution fund established under section 145.23 of the Revised Code. 1478  
1479

(4) The individual is employed in a position covered under 1480  
this chapter to which section 145.193 of the Revised Code applies. 1481

(5) The individual is a PERS law enforcement officer or PERS 1482  
public safety officer. 1483

**Sec. 145.191.** (A) Except as provided in division ~~(E)~~(F) of 1484  
this section, a public employees retirement system member or 1485  
contributor who, as of ~~the last day of the month immediately~~ 1486  
~~preceding the date on which the public employees retirement board~~ 1487  
~~first establishes a PERS defined contribution plan~~ December 31, 1488  
2002, has less than five years of total service credit is eligible 1489  
to make an election under this section. A member or contributor 1490  
who is employed in more than one position subject to this chapter 1491  
is eligible to make only one election. The election applies to all 1492  
positions subject to this chapter. 1493

Not later than ~~one hundred eighty days after the day the~~ 1494  
~~board first establishes a PERS defined contribution plan~~ June 30, 1495  
2003, an eligible member or contributor may elect to participate 1496  
in a PERS defined contribution plan. ~~If~~ Unless a form evidencing 1497  
an election is ~~not~~ received by the system ~~not later than the last~~ 1498  
~~day of the one hundred eighty day period~~ on or before that date, a 1499  
member or contributor to whom this section applies is deemed to 1500  
have elected to continue participating in the PERS defined benefit 1501  
plan. 1502

(B) An election under this section shall be made in writing 1503  
on a form provided by the system and filed with the system. 1504

(C) On ~~receipt of~~ the request of a member or contributor who 1505  
made an election under this section, the system shall ~~do both of~~ 1506  
~~the following:~~ 1507

~~(1) Credit credit to the plan elected both of the following:~~ 1508

~~(a) Any employer contributions attributable to the member for the period beginning on the day the board first established a PERS defined contribution plan;~~ 1509  
1510  
1511

~~(b) All the accumulated contributions attributable standing to the credit of the member or contributor.~~ 1512  
1513

~~(2) Cancel in the employees' savings fund and cancel all service credit and eligibility for any payment, benefit, or right under the PERS defined benefit plan.~~ 1514  
1515  
1516

~~(D) For each member or contributor who elected under this section to participate in a PERS defined contribution plan and made a request under division (C) of this section, any additional deposits that were made by the member or contributor prior to April 6, 2007, under the version of division (C) of section 145.23 of the Revised Code as it existed immediately prior to that date shall be credited to the defined contribution plan.~~ 1517  
1518  
1519  
1520  
1521  
1522  
1523

~~(E) An election under this section is effective as of the date the board first established a PERS defined contribution plan January 1, 2003, 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.~~ 1524  
1525  
1526  
1527  
1528

~~(E)(F) An election may not be made under this section by a member or contributor who is either of the following:~~ 1529  
1530

(1) A PERS retirant who is a member under division ~~(C)~~(D) of section 145.38 of the Revised Code; 1531  
1532

(2) A PERS law enforcement officer or a PERS public safety officer. 1533  
1534

**Sec. 145.192.** Except as provided in section ~~145.195,~~ 145.814 ~~and, or~~ in division (C) of section 145.82 of the Revised Code, a member of the public employees retirement system who elects to 1535  
1536  
1537

participate in a PERS defined contribution plan shall be 1538  
ineligible for any benefit or payment under the PERS defined 1539  
benefit plan and shall be forever barred from claiming or 1540  
purchasing service credit with the system or any other Ohio state 1541  
retirement system, as defined in section 145.30 of the Revised 1542  
Code, for service covered by the election. 1543

**Sec. 145.193.** Except as provided in section 145.194 or 1544  
division (C)(4) of section 3305.05 and division (F) of section 1545  
3305.051 of the Revised Code, an election made or deemed to have 1546  
been made under section 145.19 or 145.191 of the Revised Code 1547  
applies to all positions subject to this chapter for which the 1548  
member is contributing under section 145.47 or 145.85 of the 1549  
Revised Code. A 1550

A member who terminates employment in all positions subject 1551  
to this chapter, receives a refund of the member's contributions 1552  
made under section 145.47 or 145.85 of the Revised Code, and later 1553  
becomes employed in a position subject to this chapter may make an 1554  
election under section 145.19 of the Revised Code as provided by 1555  
that section. 1556

**Sec. 145.194.** (A) A member participating in a PERS defined 1557  
contribution plan at the time of commencing employment as a PERS 1558  
law enforcement officer or PERS public safety officer shall cease 1559  
making contributions to that plan. During employment as a PERS law 1560  
enforcement officer or a PERS public safety officer and any 1561  
concurrent employment in a position subject to this chapter, the 1562  
member shall contribute only to the PERS defined benefit plan. 1563

(B) A member described in division (A) of this section with 1564  
contributions standing to the member's credit in a PERS defined 1565  
contribution plan may elect to have those contributions deposited 1566  
and credited in the PERS defined benefit plan in accordance with 1567

section 145.814 of the Revised Code and rules governing the PERS 1568  
defined benefit plan. 1569

Sec. 145.195. The public employees retirement system may, in 1570  
accordance with rules it adopts under this section, permit a 1571  
member who participated in both the PERS defined benefit plan and 1572  
one or more PERS defined contribution plans to combine years of 1573  
service as a member for the purpose of determining eligibility for 1574  
a benefit under section 145.32, 145.331, or 145.332 of the Revised 1575  
Code, or a benefit under a PERS defined contribution plan. 1576

**Sec. 145.20.** (A) Any elective official of the state of Ohio 1577  
or of any political subdivision thereof having employees in the 1578  
public employees retirement system shall be considered as an 1579  
employee of the state or such political subdivision, and may 1580  
become a member of the system upon application to the public 1581  
employees retirement board, with all the rights, privileges, and 1582  
obligations of membership. An elective official who becomes a 1583  
member of the system on or after ~~the date the public employees~~ 1584  
~~retirement board first establishes a PERS defined contribution~~ 1585  
~~plan~~ January 1, 2003, shall make an election pursuant to section 1586  
145.19 of the Revised Code not later than one hundred eighty days 1587  
after applying for membership in the system. The election is 1588  
effective as of the date the official applies for membership and 1589  
is irrevocable on receipt by the system. If a form evidencing an 1590  
election is not received by the system not later than the last day 1591  
of the one-hundred-eighty-day period, the official is deemed to 1592  
have elected to participate in the PERS defined benefit plan. 1593

(B) ~~Service as any such elective official by any member of~~ 1594  
~~the system rendered prior to January 1, 1935, shall be included as~~ 1595  
~~prior service, provided the member does both of the following:~~ 1596

~~(1) Completes three years of contributing service, or the~~ 1597

~~equivalent thereof, in the public employees retirement system 1598  
subsequent to the date that membership is established; 1599~~

~~(2) Participates in the PERS defined benefit plan or a PERS 1600  
defined contribution plan with definitely determinable benefits. 1601~~

~~(C) Credit for service between January 1, 1935, and the date 1602  
that membership is established, except service as an elective 1603  
official that was subject to the tax on wages imposed by the 1604  
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 1605  
U.S.C.A. 3101, as amended, may be secured by the elective official 1606  
provided the elective official does all of the following: 1607~~

~~(1) Pays into the employees' savings fund an amount 1608  
determined by applying the member contribution rate in effect at 1609  
the time of payment to the earnable salary of the member during 1610  
all periods of service after January 1, 1935, covered by this 1611  
chapter, for which contributions have not been paid, plus interest 1612  
on such amount compounded annually at a rate to be determined 1613  
specified by the board that is equal to one hundred per cent of 1614  
the additional liability resulting from the purchase of that year 1615  
or portion of a year of credit as determined by an actuary 1616  
employed by the board; 1617~~

~~(2) Completes one and one-half years of contributing 1618  
membership in the public employees retirement system subsequent to 1619  
the date membership was established; 1620~~

~~(3) Participates in the PERS defined benefit plan or a PERS 1621  
defined contribution plan with definitely determinable benefits. 1622~~

~~A member may choose to purchase in any one payment only part 1623  
of the credit the member is eligible to purchase, subject to board 1624  
rules. The public employees retirement board shall determine the 1625  
amount and manner of payment. In the event of death or withdrawal 1626  
from service, the payment into the employees' savings fund for 1627  
such service credit shall be considered as accumulated 1628~~

contributions of the member. 1629

**Sec. 145.201.** (A) Subject to the limit described in division 1630  
(C) of this section, any member who is or has been an elected 1631  
official of the state or any political subdivision thereof or has 1632  
been appointed by the governor with the advice and consent of the 1633  
senate to serve full-time as a member of a board, commission, or 1634  
other public body may at any time prior to retirement purchase 1635  
additional service credit in an amount not to exceed thirty-five 1636  
per cent of the service credit allowed the member for the period 1637  
of service as an elected or appointed official subsequent to 1638  
January 1, 1935, other than credit for military service, part-time 1639  
service, and service subject to the tax on wages imposed by the 1640  
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 1641  
U.S.C.A. 3101, as amended. 1642

~~The For each year of additional service credit may be 1643  
purchased by paying under this section, the member shall pay into 1644  
the employees' savings fund an amount computed by multiplying by 1645  
the employee contribution rate in effect at the time of purchase 1646  
the member's earnable salary for the period of service upon which 1647  
the purchased credit is based, by the number of years or portions 1648  
thereof of additional service credit to be purchased, and by 1649  
paying into the employers' accumulation fund an amount equal to 1650  
the full amount paid into the employees' savings fund. If a member 1651  
purchases less than the full amount of the additional service 1652  
credit to which the member is entitled, the period of service upon 1653  
which the purchase is computed shall be the member's earliest 1654  
period of such service specified by the public employees 1655  
retirement board that is equal to one hundred per cent of the 1656  
additional liability resulting from the purchase of that year or 1657  
portion of a year of credit as determined by an actuary employed 1658  
by the board. The member shall receive full credit for such 1659  
additional elective service in computing an allowance or benefit 1660~~

under section ~~145.20~~, 145.33, 145.331, ~~145.34~~, 145.332, 145.36, 1661  
145.361, or 145.46 of the Revised Code, notwithstanding any other 1662  
provision of this chapter. The payment to the employees' savings 1663  
fund, and payments made to the employers' accumulation fund prior 1664  
to the effective date of this amendment, for such additional 1665  
elective service credit shall, in the event of death or withdrawal 1666  
from service, be considered as accumulated contributions of the 1667  
member. 1668

A member of a board, commission, or other public body shall 1669  
be considered to be serving full-time if full-time service is 1670  
required by law or if the director of administrative services 1671  
determines that the duties of the position require full-time 1672  
service. 1673

(B) Notwithstanding division (A) of this section, a member 1674  
who purchased service credit under this section prior to January 1675  
1, 1980, on the basis of part-time service shall be permitted to 1676  
retain the credit and shall be given full credit for it in 1677  
computing an allowance or benefit under section ~~145.20~~, 145.33, 1678  
145.331, ~~145.34~~, 145.332, 145.36, 145.361, or 145.46 of the 1679  
Revised Code. The public employees retirement board has no 1680  
authority to cancel or rescind such credit. 1681

(C) A purchase made under this section shall not exceed the 1682  
limits established by division (n) of section 415 of the "Internal 1683  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 1684  
amended. 1685

(D) Subject to rules adopted by the public employees 1686  
retirement board, a member who has purchased service credit under 1687  
this section is entitled to be refunded all or a portion of the 1688  
actual amount the member paid for the service credit if, in 1689  
computing an age and service retirement allowance under division 1690  
(A)~~(5)~~ of section 145.33 or section 145.332 of Revised Code, the 1691  
allowance exceeds ~~the a~~ limit established by ~~division (A)(6)~~ of 1692

~~that section~~ either of those sections. 1693

A refund under this division cancels the equivalent amount of 1694  
service credit. 1695

**Sec. 145.22.** (A) The public employees retirement board shall 1696  
have prepared annually by or under the supervision of an actuary 1697  
an actuarial valuation of the pension assets, liabilities, and 1698  
funding requirements of the public employees retirement system as 1699  
established pursuant to this chapter. The actuary shall complete 1700  
the valuation in accordance with actuarial standards of practice 1701  
promulgated by the actuarial standards board of the American 1702  
academy of actuaries and prepare a report of the valuation. The 1703  
report shall include all of the following: 1704

(1) A summary of the benefit provisions evaluated; 1705

(2) A summary of the census data and financial information 1706  
used in the valuation; 1707

(3) A description of the actuarial assumptions, actuarial 1708  
cost method, and asset valuation method used in the valuation, 1709  
including a statement of the assumed rate of payroll growth and 1710  
assumed rate of growth or decline in the number of members 1711  
contributing to the retirement system; 1712

(4) A summary of findings that includes a statement of the 1713  
actuarial accrued pension liabilities and unfunded actuarial 1714  
accrued pension liabilities; 1715

(5) A schedule showing the effect of any changes in the 1716  
benefit provisions, actuarial assumptions, or cost methods since 1717  
the last annual actuarial valuation; 1718

(6) A statement of whether contributions to the retirement 1719  
system are expected to be sufficient to satisfy the funding 1720  
objectives established by the board. 1721

The board shall submit the report to the Ohio retirement 1722



study council and the standing committees of the house of 1723  
representatives and the senate with primary responsibility for 1724  
retirement legislation not later than the first day of September 1725  
following the year for which the valuation was made. 1726

(B) At such time as the public employees retirement board 1727  
determines, and at least once in each five-year period, the board 1728  
shall have prepared by or under the supervision of an actuary an 1729  
actuarial investigation of the mortality, service, and other 1730  
experience of the members, retirants, contributors, and 1731  
beneficiaries of the system to update the actuarial assumptions 1732  
used in the actuarial valuation required by division (A) of this 1733  
section. The actuary shall prepare a report of the actuarial 1734  
investigation. The report shall be prepared and any recommended 1735  
changes in actuarial assumptions shall be made in accordance with 1736  
the actuarial standards of practice promulgated by the actuarial 1737  
standards board of the American academy of actuaries. The report 1738  
shall include all of the following: 1739

(1) A summary of relevant decrement and economic assumption 1740  
experience observed over the period of the investigation; 1741

(2) Recommended changes in actuarial assumptions to be used 1742  
in subsequent actuarial valuations required by division (A) of 1743  
this section; 1744

(3) A measurement of the financial effect of the recommended 1745  
changes in actuarial assumptions. 1746

The board shall submit the report to the Ohio retirement 1747  
study council and the standing committees of the house of 1748  
representatives and the senate with primary responsibility for 1749  
retirement legislation not later than the first day of November 1750  
following the last fiscal year of the period the report covers. 1751

(C) The board may at any time request the actuary to make any 1752  
studies or actuarial valuations to determine the adequacy of the 1753

contribution rate determined under section 145.48 of the Revised Code, and those rates may be adjusted by the board, as recommended by the actuary, effective as of the first of any year thereafter.

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

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

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;

(3) A description of the participant group or groups included in the report;

(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;

(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.

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 1785  
primary responsibility for retirement legislation, and the Ohio 1786  
retirement study council. 1787

(E) The board shall have prepared annually a report giving a 1788  
full accounting of the revenues and costs relating to the 1789  
provision of benefits under sections ~~145.325~~ and 145.58 and 1790  
145.584 of the Revised Code. The report shall be made as of 1791  
December 31, 1997, and the thirty-first day of December of each 1792  
year thereafter. The report shall include the following: 1793

(1) A description of the statutory authority for the benefits 1794  
provided; 1795

(2) A summary of the benefits; 1796

(3) A summary of the eligibility requirements for the 1797  
benefits; 1798

(4) A statement of the number of participants eligible for 1799  
the benefits; 1800

(5) A description of the accounting, asset valuation, and 1801  
funding method used to provide the benefits; 1802

(6) A statement of the net assets available for the provision 1803  
of the benefits as of the last day of the fiscal year; 1804

(7) A statement of any changes in the net assets available 1805  
for the provision of benefits, including participant and employer 1806  
contributions, net investment income, administrative expenses, and 1807  
benefits provided to participants, as of the last day of the 1808  
fiscal year; 1809

(8) For the last six consecutive fiscal years, a schedule of 1810  
the net assets available for the benefits, the annual cost of 1811  
benefits, administrative expenses incurred, and annual employer 1812  
contributions allocated for the provision of benefits; 1813

(9) A description of any significant changes that affect the 1814

comparability of the report required under this division; 1815

(10) A statement of the amount paid under division (C) of 1816  
section 145.58 of the Revised Code. 1817

The board shall submit the report to the Ohio retirement 1818  
study council and the standing committees of the house of 1819  
representatives and the senate with primary responsibility for 1820  
retirement legislation not later than the thirtieth day of June 1821  
following the year for which the report was made. 1822

**Sec. 145.23.** The funds hereby created are the employees' 1823  
savings fund, the employers' accumulation fund, the annuity and 1824  
pension reserve fund, the income fund, the survivors' benefit 1825  
fund, the defined contribution fund, and the expense fund. 1826

(A) The employees' savings fund is the fund in which shall be 1827  
accumulated contributions from the earnable salaries of 1828  
contributors for the purchase of annuities or retirement 1829  
allowances. 1830

The accumulated contributions of a contributor returned to 1831  
the contributor upon withdrawal, or paid to the contributor's 1832  
estate or designated beneficiary in the event of death, shall be 1833  
paid from the employees' savings fund. Any accumulated 1834  
contributions forfeited by failure of a member, or a member's 1835  
estate, to claim the same, shall ~~be transferred from~~ remain in the 1836  
employees' savings fund or may be transferred to the income fund. 1837  
The accumulated contributions of a contributor shall be 1838  
transferred from the employees' savings fund to the annuity and 1839  
pension reserve fund in the event of the contributor's retirement. 1840

(B) The employers' accumulation fund is the fund in which 1841  
shall be accumulated the reserves for the payment of all pensions 1842  
and disability benefits payable as provided in this chapter. The 1843  
amounts paid by any employer under section 145.48 of the Revised 1844

Code shall be credited to the employers' accumulation fund. 1845  
Amounts paid by an employer under section 145.483 of the Revised 1846  
Code shall be credited to the employers' accumulation fund, except 1847  
that if the amounts paid by the employer are for members 1848  
participating in a PERS defined contribution plan those amounts 1849  
may be credited to the defined contribution fund. 1850

Amounts paid by an employer under section 145.86 of the 1851  
Revised Code may be credited to the employers' accumulation fund. 1852

Any payments made into the employers' accumulation fund by a 1853  
member as provided in section 145.31 of the Revised Code shall be 1854  
refunded to such member under the conditions specified in section 1855  
145.40 of the Revised Code. 1856

Upon the retirement of a contributor, the full amount of the 1857  
contributor's pension reserve shall be transferred from the 1858  
employers' accumulation fund to the annuity and pension reserve 1859  
fund. 1860

(C) The annuity and pension reserve fund is the fund from 1861  
which shall be paid all pensions, disability benefits, annuities, 1862  
and benefits in lieu thereof, because of which reserves have been 1863  
transferred from the employees' savings fund and the employers' 1864  
accumulation fund. The annuity and pension reserve fund is also 1865  
the fund from which shall be paid all pensions, disability 1866  
benefits, annuities, and benefits in lieu thereof under a PERS 1867  
defined contribution plan, if reserves have been transferred to 1868  
the fund for that purpose. 1869

(D) The income fund is the fund from which interest is 1870  
transferred and credited on the amounts in the funds described in 1871  
divisions (B), (C), and (F) of this section, and is a contingent 1872  
fund from which the special requirements of the funds may be paid 1873  
by transfer from this fund. All income derived from the investment 1874  
of the funds of the system, together with all gifts and bequests, 1875

or the income therefrom, shall be paid into this fund. 1876

Any deficit occurring in any other fund that will not be 1877  
covered by payments to that fund, as otherwise provided in Chapter 1878  
145. of the Revised Code, shall be paid by transfers of amounts 1879  
from the income fund to such fund or funds. If the amount in the 1880  
income fund is insufficient at any time to meet the amounts 1881  
payable to the funds described in divisions (C) and (F) of this 1882  
section, the amount of the deficiency shall be transferred from 1883  
the employers' accumulation fund. 1884

The system may accept gifts and bequests. Any gifts or 1885  
bequests, any funds which may be transferred from the employees' 1886  
savings fund by reason of lack of a claimant, any surplus in any 1887  
fund created by this section, or any other funds whose disposition 1888  
is not otherwise provided for, shall be credited to the income 1889  
fund. 1890

(E) The Except as provided in division (G) of this section, 1891  
the expense fund is the fund from which shall be paid the expenses 1892  
of the administration of this chapter and expenses for the 1893  
administration of a PERS defined contribution plan, exclusive of 1894  
amounts payable as retirement allowances and as other benefits. 1895

(F) The survivors' benefit fund is the fund from which shall 1896  
be paid dependent survivor benefits provided by section 145.45 of 1897  
the Revised Code. 1898

(G) The defined contribution fund is the fund in which shall 1899  
be accumulated the contributions deducted from the earnable salary 1900  
of members participating in a PERS defined contribution plan, as 1901  
provided in section 145.85 of the Revised Code, together with any 1902  
earnings ~~and employer contributions, as provided in section 145.86~~ 1903  
~~of the Revised Code,~~ credited thereon. The defined contribution 1904  
fund is the fund in which may be accumulated the contributions 1905  
under section 145.86 of the Revised Code, together with any 1906

earnings credited thereon. Except as provided in division (C) of 1907  
this section, the defined contribution fund is the fund from which 1908  
shall be paid all benefits provided under a PERS defined 1909  
contribution plan. 1910

**Sec. 145.27.** (A)(1) As used in this division, "personal 1911  
history record" means information maintained by the public 1912  
employees retirement board on an individual who is a member, 1913  
former member, contributor, former contributor, retirant, or 1914  
beneficiary that includes the address, telephone number, social 1915  
security number, record of contributions, correspondence with the 1916  
public employees retirement system, or other information the board 1917  
determines to be confidential. 1918

(2) The records of the board shall be open to public 1919  
inspection and may be made available in printed or electronic 1920  
format, except that the following shall be excluded, except with 1921  
the written authorization of the individual concerned: 1922

(a) The individual's statement of previous service and other 1923  
information as provided for in section 145.16 of the Revised Code; 1924

(b) The amount of a monthly allowance or benefit paid to the 1925  
individual; 1926

(c) The individual's personal history record. 1927

(B) All medical reports and recommendations required by this 1928  
chapter are privileged, except as follows: 1929

(1) Copies of medical reports or recommendations shall be 1930  
made available to the personal physician, attorney, or authorized 1931  
agent of the individual concerned upon written release from the 1932  
individual or the individual's agent, or when necessary for the 1933  
proper administration of the fund, to the board assigned 1934  
physician. 1935

(2) Documentation required by section 2929.193 of the Revised 1936

Code shall be provided to a court holding a hearing under that 1937  
section. 1938

(C) Any person who is a member or contributor of the system 1939  
shall be furnished with a statement of the amount to the credit of 1940  
the individual's account upon written request. The board is not 1941  
required to answer more than one such request of a person in any 1942  
one year. The board may issue annual statements of accounts to 1943  
members and contributors. 1944

(D) Notwithstanding the exceptions to public inspection in 1945  
division (A)(2) of this section, the board may furnish the 1946  
following information: 1947

(1) If a member, former member, contributor, former 1948  
contributor, or retirant is subject to an order issued under 1949  
section 2907.15 of the Revised Code or an order issued under 1950  
division (A) or (B) of section 2929.192 of the Revised Code or is 1951  
convicted of or pleads guilty to a violation of section 2921.41 of 1952  
the Revised Code, on written request of a prosecutor as defined in 1953  
section 2935.01 of the Revised Code, the board shall furnish to 1954  
the prosecutor the information requested from the individual's 1955  
personal history record. 1956

(2) Pursuant to a court or administrative order issued 1957  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 1958  
Code, the board shall furnish to a court or child support 1959  
enforcement agency the information required under that section. 1960

(3) At the written request of any person, the board shall 1961  
provide to the person a list of the names and addresses of 1962  
members, former members, contributors, former contributors, 1963  
retirants, or beneficiaries. The costs of compiling, copying, and 1964  
mailing the list shall be paid by such person. 1965

(4) Within fourteen days after receiving from the director of 1966  
job and family services a list of the names and social security 1967



numbers of recipients of public assistance pursuant to section 1968  
5101.181 of the Revised Code, the board shall inform the auditor 1969  
of state of the name, current or most recent employer address, and 1970  
social security number of each member whose name and social 1971  
security number are the same as that of a person whose name or 1972  
social security number was submitted by the director. The board 1973  
and its employees shall, except for purposes of furnishing the 1974  
auditor of state with information required by this section, 1975  
preserve the confidentiality of recipients of public assistance in 1976  
compliance with section 5101.181 of the Revised Code. 1977

(5) The system shall comply with orders issued under section 1978  
3105.87 of the Revised Code. 1979

On the written request of an alternate payee, as defined in 1980  
section 3105.80 of the Revised Code, the system shall furnish to 1981  
the alternate payee information on the amount and status of any 1982  
amounts payable to the alternate payee under an order issued under 1983  
section 3105.171 or 3105.65 of the Revised Code. 1984

(6) At the request of any person, the board shall make 1985  
available to the person copies of all documents, including 1986  
resumes, in the board's possession regarding filling a vacancy of 1987  
an employee member or retirant member of the board. The person who 1988  
made the request shall pay the cost of compiling, copying, and 1989  
mailing the documents. The information described in division 1990  
(D)(6) of this section is a public record. 1991

(7) The system shall provide the notice required by section 1992  
145.573 of the Revised Code to the prosecutor assigned to the 1993  
case. 1994

(8) The system may provide information requested by the 1995  
United States social security administration, United States 1996  
centers for medicare and medicaid, Ohio public employees deferred 1997  
compensation program, Ohio police and fire pension fund, school 1998

employees retirement system, state teachers retirement system, or 1999  
state highway patrol retirement system. 2000

(E) A statement that contains information obtained from the 2001  
system's records that is signed by the executive director or an 2002  
officer of the system and to which the system's official seal is 2003  
affixed, or copies of the system's records to which the signature 2004  
and seal are attached, shall be received as true copies of the 2005  
system's records in any court or before any officer of this state. 2006

(F) For purposes of this section, the board may maintain 2007  
records in printed or electronic format. 2008

**Sec. 145.28.** (A)(1) Except as provided in division (A)(2) of 2009  
this section, a member of the public employees retirement system 2010  
with at least eighteen months of contributing service in the 2011  
system, the state teachers retirement system, or the school 2012  
employees retirement system who exempted self from membership in 2013  
one or more of the systems pursuant to section 145.03 or 3309.23 2014  
of the Revised Code, or former section 3307.25 or 3309.25 of the 2015  
Revised Code, or was exempt under section 3307.24 of the Revised 2016  
Code, may purchase credit for each year or portion of a year of 2017  
service for which the member was exempted. 2018

(2) A member may not purchase credit under this section for 2019  
exempted service if the service was exempted from contribution 2020  
under section 145.03 of the Revised Code and subject to the tax on 2021  
wages imposed by the "Federal Insurance Contributions Act," 68A 2022  
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 2023

~~(B) For each year or portion of a year of credit purchased~~ 2024  
~~under this section, a member shall pay to the retirement system an~~ 2025  
~~amount determined by multiplying the member's earnable salary for~~ 2026  
~~the twelve months of contributing service preceding the month in~~ 2027  
~~which the member applies to purchase the credit by a percentage~~ 2028  
~~rate established by rule of the public employees retirement board~~ 2029

~~adopted under division (F) of this section.~~ 2030

~~(C) Subject to board rules, a member may purchase all or part  
of the credit the member is eligible to purchase under this  
section in one or more payments. If the member purchases the  
credit in more than one payment, compound interest at a rate  
specified by rule of the board shall be charged on the balance  
remaining after the first payment is made.~~ 2031  
2032  
2033  
2034  
2035  
2036

~~(D) Credit shall be purchased under this section in  
accordance with section 145.29 of the Revised Code.~~ 2037  
2038

(C) Credit purchasable under this section shall not exceed 2039  
one year of service for any twelve-month period. If the period of 2040  
service for which credit is purchasable under this section is 2041  
concurrent with a period of service that will be used to calculate 2042  
a retirement benefit from this system, the state teachers 2043  
retirement system, or school employees retirement system, the 2044  
amount of the credit shall be adjusted in accordance with rules 2045  
adopted by the public employees retirement board. 2046

A member who is also a member of the state teachers 2047  
retirement system or the school employees retirement system shall 2048  
purchase credit for any service for which the member exempted self 2049  
under section 145.03 or 3309.23 of the Revised Code, or former 2050  
section 3307.25 or 3309.25 of the Revised Code, or was exempt 2051  
under section 3307.24 of the Revised Code, from the retirement 2052  
system in which the member has the greatest number of years of 2053  
service credit. If the member receives benefits under section 2054  
145.37 of the Revised Code, the retirement system that determines 2055  
and pays the benefit shall receive from the other system or 2056  
systems the amounts paid by the member for purchase of credit for 2057  
exempt service plus interest at the actuarial assumption rate of 2058  
the system paying that amount. The interest shall be for the 2059  
period beginning on the date of the member's last payment for 2060  
purchase of the credit and ending on the date of the member's 2061

retirement. 2062

~~(E) If a member dies or withdraws from service, any payment  
made by the member under this section shall be considered as  
accumulated contributions of the member.~~ 2063  
2064  
2065

~~(F)~~(D) The retirement board shall adopt rules to implement 2066  
this section. 2067

**Sec. 145.29.** (A) A member of the public employees retirement 2068  
system who elects to purchase or otherwise obtain service credit 2069  
under section 145.28, 145.291, 145.292, 145.293, or 145.299 or 2070  
division (G) of section 145.47 of the Revised Code shall do both 2071  
of the following: 2072

(1) Submit a request to the public employees retirement board 2073  
in a manner or form approved by the board; 2074

(2) For each year, or portion of a year, of credit purchased 2075  
or otherwise obtained, pay to the employees' savings fund an 2076  
amount specified by the board that is equal to one hundred per 2077  
cent of the additional liability resulting from purchasing or 2078  
obtaining that year or portion of a year of credit as determined 2079  
by an actuary employed by the board. 2080

(B) Subject to board rules, a member may choose to purchase 2081  
or otherwise obtain in any one payment only part of any service 2082  
credit listed in division (A) of this section. 2083

**Sec. 145.291.** Any member of the public employees retirement 2084  
system who subsequent to January 1, 1935, and the date membership 2085  
was established was off the payroll either on a leave of absence 2086  
approved by the then appointing authority or because the member 2087  
resigned due to pregnancy or adoption of a child, ~~shall have the~~ 2088  
~~right to make such payment, at the contribution rate in effect at~~ 2089  
~~the time of payment, with interest on such amount compounded~~ 2090  
~~annually at a rate to be determined by the retirement board as the~~ 2091

~~member would have made if the member had continued on the payroll~~ 2092  
~~at the earnable salary the member was receiving at the time public~~ 2093  
~~service was interrupted may purchase service credit for the period~~ 2094  
~~of absence or resignation, provided that subsequent to such leave~~ 2095  
~~of absence or resignation the member returned to regular~~ 2096  
~~contributing status in the retirement system for at least twelve~~ 2097  
~~calendar months. In the case of resignation, the member must~~ 2098  
~~submit evidence satisfactory to the retirement board documenting~~ 2099  
~~that the resignation was due to pregnancy or adoption of a child.~~ 2100

~~The member may choose to purchase only part of the credit in~~ 2101  
~~any one payment, subject to board rules. The payment shall entitle~~ 2102  
~~the member to receive service credit for the leave or period of~~ 2103  
~~absence, Credit shall be purchased under this section in~~ 2104  
~~accordance with section 145.29 of the Revised Code, except that~~ 2105  
~~service credit purchased under this section shall not exceed one~~ 2106  
~~year. The payment, together with any regular interest, shall, in~~ 2107  
~~the event of death or withdrawal from service of the member prior~~ 2108  
~~to retirement, be considered as accumulated contributions of the~~ 2109  
~~member.~~ 2110

**Sec. 145.29 145.292.** ~~Three years of contributing membership~~ 2111  
~~in the public employees retirement system subsequent to the date~~ 2112  
~~that membership is established entitles a member to receive prior~~ 2113  
~~service credit for services prior to January 1, 1935, in any~~ 2114  
~~capacity which comes under this chapter, provided that such member~~ 2115  
~~has not lost membership at any time by the withdrawal of the~~ 2116  
~~member's accumulated contributions. Members who have withdrawn an~~ 2117  
~~exemption shall receive the prior service credit provided for~~ 2118  
~~under the conditions of this section, only in the event such~~ 2119  
~~member has made the payments required by section 145.28 of the~~ 2120  
~~Revised Code. If the public employees retirement board determines~~ 2121  
~~that a position of any employee member in any one calendar year~~ 2122  
~~prior to January 1, 1935, was a part time position, the board may~~ 2123

~~determine what fractional part of a year's credit shall be given. 2124  
In determining what credit shall be allowed to regular, full time 2125  
employees who are paid on an hourly or per diem basis, the board 2126  
shall allow a full day's credit to any employee toward retirement 2127  
who is called to work and works any portion of a day. Credit for 2128  
service between January 1, 1935, and the date of becoming a member 2129  
of the public employees retirement system except a part-time 2130  
employee who claimed exemption under the provisions of section 2131  
145.03 of the Revised Code, may be ~~secured~~ purchased by any public 2132  
employee for service rendered an employer ~~provided such public 2133  
employee pays into the employees' savings fund an amount equal to 2134  
the amount the member would have paid if deductions had been taken 2135  
on the member's earnable salary at the member contribution rate in 2136  
effect at the time of such payment for service after January 1, 2137  
1935, or since the member's date of employment, plus interest on 2138  
such amount compounded annually at a rate to be determined by the 2139  
board. The member may choose to purchase only part of such credit 2140  
in any one payment, subject to board rules. Such payment shall be 2141  
refunded in the event of the death or withdrawal from service of 2142  
the member prior to retirement under the same conditions and in 2143  
the same manner as refunds are made under sections 145.40 and 2144  
145.43 of the Revised Code, from the employees' savings fund. 2145  
Credit shall be purchased under this section in accordance with 2146  
section 145.29 of the Revised Code. 2147~~~~

**Sec. 145.293.** (A) Service credit may be purchased under this 2148  
section ~~shall be included in the member's total service credit. 2149  
Credit may be purchased for the following: 2150~~

(1) Service rendered in another state, and service in any 2151  
entity operated by the United States government, that, if served 2152  
in a comparable position in Ohio, would be covered by the public 2153  
employees retirement system, Ohio police and fire pension fund, 2154  
state teachers retirement system, school employees retirement 2155

system, or state highway patrol retirement system; 2156

(2) Service for which contributions were made by the member 2157  
or on the member's behalf to a municipal retirement system in this 2158  
state, except that if the conditions specified in section 145.2910 2159  
of the Revised Code are met, service credit for this service may 2160  
be purchased only in accordance with section 145.2911 of the 2161  
Revised Code. 2162

The number of years purchased under this section shall not 2163  
exceed the lesser of five years or the member's total accumulated 2164  
number of years of Ohio service. 2165

~~(B) For each year of service purchased, a member shall pay to 2166  
the public employees retirement system for credit to the member's 2167  
accumulated account an amount equal to the member's retirement 2168  
contribution for full-time employment for the first year of Ohio 2169  
service following termination of the service to be purchased. To 2170  
this amount shall be added an amount equal to compound interest at 2171  
a rate established by the public employees retirement board from 2172  
the date of membership in the public employees retirement system 2173  
to date of payment. The member may choose to purchase only part of 2174  
such credit in any one payment, subject to board rules Credit 2175  
shall be purchased under this section in accordance with section 2176  
145.29 of the Revised Code. 2177~~

(C) A member is ineligible to purchase under this section 2178  
credit for service for which the member has obtained credit under 2179  
former section 145.44 of the Revised Code or service that is used 2180  
in the calculation of any retirement benefit currently being paid 2181  
or payable in the future to the member under any other retirement 2182  
program except social security. At the time the credit is 2183  
purchased the member shall certify on a form furnished by the 2184  
retirement board that the member does and will conform to this 2185  
requirement. 2186

(D) Credit purchased under this section may be combined 2187  
pursuant to section 145.37 with credit purchased under sections 2188  
3307.74 and 3309.31 of the Revised Code, except that not more than 2189  
an aggregate total of five years' service credit purchased under 2190  
this section and sections 3307.74 and 3309.31 of the Revised Code 2191  
shall be used in determining retirement eligibility or calculating 2192  
benefits under section 145.37 of the Revised Code. 2193

**Sec. 145.294.** (A)(1) The public employees retirement board 2194  
may establish by rule a payroll deduction plan for payment of the 2195  
cost of restoring service credit under section 145.31 or 145.311 2196  
of the Revised Code or purchasing any service credit members of 2197  
the public employees retirement system are eligible to purchase 2198  
under this chapter, or for making additional deposits under 2199  
section 145.583 or 145.62 of the Revised Code. In addition to any 2200  
other matter considered relevant by the board, the rules shall 2201  
specify all of the following: 2202

~~(1)~~(a) The types of service credit that may be paid for 2203  
through payroll deduction, including the section of the Revised 2204  
Code that authorizes the purchase of each type of service credit 2205  
for which payment may be made by payroll deduction; 2206

~~(2)~~(b) The procedure for informing the member's employer and 2207  
the system that the member wishes to purchase service credit under 2208  
this chapter or make additional deposits under section 145.583 or 2209  
145.62 of the Revised Code through payroll deduction; 2210

~~(3)~~(c) The procedure to be followed by the system and 2211  
employers to determine for each request the amount to be deducted, 2212  
the number of deductions to be made, and the interval at which 2213  
deductions will be made. The rules may provide for a minimum 2214  
amount for each deduction or a maximum number of deductions for 2215  
the purchase of any type of credit. 2216

~~(4)~~(d) The procedure to be followed by employers in 2217



transmitting amounts deducted from the salaries of their employees 2218  
to the system; 2219

~~(5)~~(e) The procedure to be followed by the system in 2220  
crediting service credit to members who choose to purchase it 2221  
through payroll deduction. 2222

~~(B)~~(2) If the board establishes a payroll deduction plan 2223  
under this ~~section~~ division, it shall certify to the member's 2224  
employer for each member for whom deductions are to be made, the 2225  
amount of each deduction and the payrolls from which deductions 2226  
are to be made. The employer shall make the deductions as 2227  
certified and transmit the amounts deducted in accordance with the 2228  
rules established by the board under this section. 2229

~~(C)~~(3) Rules adopted under this ~~section~~ division shall not 2230  
affect any right to purchase service credit conferred by any other 2231  
section of the Revised Code, including the right of a member under 2232  
any such section to purchase only part of the service credit the 2233  
member is eligible to purchase. 2234

~~(D)~~(4) No payroll deduction made pursuant to this ~~section~~ 2235  
division may exceed the amount of a member's net compensation 2236  
after all other deductions and withholdings required by law. 2237

(B) The public employees retirement board may establish by 2238  
rule a payment plan for the cost of restoring service credit under 2239  
section 145.31 or 145.311 of the Revised Code or purchasing any 2240  
service credit members of the public employees retirement system 2241  
may purchase under this chapter. The plan may provide for partial 2242  
payments and for payments by payroll deduction under division (A) 2243  
of this section. 2244

On receipt of a request from a member eligible to restore or 2245  
purchase service credit, the system shall determine and give 2246  
notice to the member of the total cost of the credit and the time 2247  
period in which the payments must be made for the credit to be 2248

available at that cost. The system may specify the amount and 2249  
frequency of payments for credit not purchased in a single 2250  
payment. 2251

**Sec. 145.295.** (A) As used in this section and section 2252  
145.2913 of the Revised Code: 2253

(1) "Uniform retirement system" or "uniform system" means the 2254  
Ohio police and fire pension fund or state highway patrol 2255  
retirement system. 2256

(2) "Military service credit" means credit purchased or 2257  
obtained under this chapter or Chapter 742. or 5505. of the 2258  
Revised Code for service in the armed forces of the United States. 2259

(B) A member of the public employees retirement system who 2260  
has contributions on deposit with, but is no longer contributing 2261  
to, a uniform retirement system shall, in computing years of 2262  
service, be given full credit for service credit earned under 2263  
Chapter 742. or 5505. of the Revised Code or for military service 2264  
credit if a transfer to the public employees retirement system is 2265  
made under this division. At the request of the member, a transfer 2266  
shall be made if all of the following conditions are met: 2267

(1) The member is eligible, or with the credit will be 2268  
eligible, for a retirement or disability benefit. 2269

(2) The member agrees to retire or accept a disability 2270  
benefit not later than ninety days after receiving notice from the 2271  
public employees retirement system that the credit has been 2272  
obtained; 2273

(3) For each year of service the uniform system shall 2274  
transfer transfers to the public employees retirement system, for 2275  
each year of service, the sum of the following: 2276

~~(1)~~(a) An amount equal to the member's accumulated 2277  
contributions to the uniform system making the transfer and any 2278

payments by the member for military service credit; 2279

~~(2)(b)~~ An amount equal to the lesser of the employer's 2280  
contributions to the uniform system or the amount that would have 2281  
been contributed by the employer for the service had the member 2282  
been employed by the member's current employer as a member of the 2283  
public employees retirement system at the time the credit was 2284  
earned; 2285

~~(3)(c)~~ Interest, determined as provided in division (H) of 2286  
this section, on the amounts specified in divisions (B)~~(1)(3)(a)~~ 2287  
and ~~(2)(b)~~ of this section for the period from the last day of the 2288  
year for which the service credit in the uniform system was earned 2289  
or in which the military service credit was purchased or obtained 2290  
to the date the transfer is made. 2291

(C) A member of the public employees retirement system who 2292  
has at least eighteen months of contributing service credit with 2293  
the public employees retirement system, who is a former member of 2294  
a uniform retirement system, and who has received a refund of the 2295  
member's accumulated contributions to that uniform system ~~shall,~~ 2296  
~~in computing years of service, be given full~~ may obtain credit for 2297  
service credit earned under Chapter 742. or 5505. of the Revised 2298  
Code or for military service credit if, ~~for~~ all of the following 2299  
conditions are met: 2300

(1) The member is eligible, or with the credit will be 2301  
eligible, for a retirement or disability benefit. 2302

(2) The member agrees to retire or accept a disability 2303  
benefit not later than ninety days after receiving notice from the 2304  
public employees retirement system that the credit has been 2305  
obtained. 2306

(3) For each year of service, the public employees retirement 2307  
system receives the sum of the following: 2308

~~(1)(a)~~ An amount, which shall be paid by the member, equal to 2309

the amount refunded by the uniform system to the member for that 2310  
year for accumulated contributions and payments for military 2311  
service credit, with interest at a rate established by the public 2312  
employees retirement board on that amount from the date of the 2313  
refund to the date of the payment; 2314

~~(2)~~(b) Interest, which shall be transferred by the uniform 2315  
system, on the amount refunded to the member that is attributable 2316  
to the year of service from the last day of the year for which the 2317  
service credit was earned or in which payment was made for 2318  
military service credit to the date the refund was made; 2319

~~(3)~~(c) An amount, which shall be transferred by the uniform 2320  
system, equal to ~~the lesser of~~ the employer's contributions to the 2321  
uniform system ~~or the amount that would have been contributed by~~ 2322  
~~the employer for the service had the member been employed by the~~ 2323  
~~member's current employer as a member of the public employees~~ 2324  
~~retirement system at the time the credit was earned,~~ with interest 2325  
on that amount from the last day of the year for which the service 2326  
credit was earned or in which payment was made for military 2327  
service credit to the date of the transfer. 2328

On receipt of payment from the member, the public employees 2329  
retirement system shall notify the uniform system, which, on 2330  
receipt of the notice, shall make the transfer required by this 2331  
division. Interest shall be determined as provided in division (H) 2332  
of this section. 2333

(D) A member of the public employees retirement system who 2334  
purchased credit under former division (A)(1) of this section, as 2335  
it existed before August 25, 1995, for service as a member of a 2336  
uniform retirement system may elect to have the amount the member 2337  
paid for this service credit refunded to the member under this 2338  
division if the member agrees to repurchase this service credit 2339  
pursuant to division (C) of this section. 2340

(E) Service credit purchased or otherwise obtained under this 2341  
section shall be considered the equivalent of Ohio service credit. 2342

The public employees retirement system shall withdraw the 2343  
credit and refund all amounts paid or transferred under this 2344  
section if either of the following occurs: 2345

(1) The member fails to retire or accept a disability benefit 2346  
not later than ninety days after receiving notice from the public 2347  
employees retirement system that credit has been obtained. 2348

(2) The member's application for a disability benefit is 2349  
denied. 2350

A member may choose to purchase only part of the credit the 2351  
member is eligible to purchase under division (C) of this section 2352  
~~in any one payment~~, subject to rules of the public employees 2353  
retirement board. A member is ineligible to purchase or otherwise 2354  
obtain credit under this section for service to be used in 2355  
calculation of any retirement benefit currently being paid or 2356  
payable to the member in the future under any other retirement 2357  
program or for service credit that may be transferred under 2358  
section 145.2913 of the Revised Code. 2359

(F) If a member of the public employees retirement system who 2360  
is not a current contributor elects to receive credit under 2361  
section 742.21 or 5505.40 of the Revised Code for service for 2362  
which the member contributed to the system or made payment for 2363  
military service credit, the system shall transfer to the Ohio 2364  
police and fire pension fund or the state highway patrol 2365  
retirement system, as applicable, the amount specified in division 2366  
(D) of section 742.21 or division (B)(2) of section 5505.40 of the 2367  
Revised Code. 2368

(G) A member of the public employees retirement system who 2369  
earned service credit in the public employees retirement system 2370  
for full-time service as a township or municipal police officer 2371

and received service credit in the Ohio police and fire pension 2372  
fund under section 742.511 or 742.512 of the Revised Code for such 2373  
service may elect to have the credit restored as public employees 2374  
retirement system service credit by paying the public employees 2375  
retirement system an amount equal to the accumulated contributions 2376  
paid by the member to the Ohio police and fire pension fund under 2377  
section 742.511 or 742.512 of the Revised Code. When such an 2378  
election is made, the Ohio police and fire pension fund shall 2379  
transfer to the public employees retirement system the amount 2380  
previously transferred under section 742.511 or 742.512 of the 2381  
Revised Code from the public employees retirement system to the 2382  
Ohio police and fire pension fund. 2383

(H) Interest charged under this section shall be calculated 2384  
separately for each year of service credit. Unless otherwise 2385  
specified in this section, it shall be calculated at the lesser of 2386  
the actuarial assumption rate for that year of the public 2387  
employees retirement system or of the uniform retirement system in 2388  
which the credit was earned. The interest shall be compounded 2389  
annually. 2390

(I) At the request of the public employees retirement system, 2391  
the uniform retirement system shall certify to the public 2392  
employees retirement system a copy of the records of the service 2393  
and contributions of a public employees retirement system member 2394  
who seeks service credit under this section. 2395

**Sec. 145.297.** (A) As used in this section, "employing unit" 2396  
means: 2397

(1) A municipal corporation, agency of a municipal 2398  
corporation designated by the legislative authority, park 2399  
district, conservancy district, sanitary district, health 2400  
district, township, department of a township designated by the 2401  
board of township trustees, metropolitan housing authority, public 2402

library, county law library, union cemetery, joint hospital, or 2403  
other political subdivision or unit of local government. 2404

(2) With respect to state employees, any entity of the state 2405  
including any department, agency, institution of higher education, 2406  
board, bureau, commission, council, office, or administrative body 2407  
or any part of such entity that is designated by the entity as an 2408  
employing unit. 2409

(3)(a) With respect to employees of a board of alcohol, drug 2410  
addiction, and mental health services, that board. 2411

(b) With respect to employees of a county board of 2412  
developmental disabilities, that board. 2413

(c) With respect to other county employees, the county or any 2414  
county agency designated by the board of county commissioners. 2415

(4) In the case of an employee whose employing unit is in 2416  
question, the employing unit is the unit through whose payroll the 2417  
employee is paid. 2418

(B) An employing unit may establish a retirement incentive 2419  
plan for its eligible employees. In the case of a county or county 2420  
agency, decisions on whether to establish a retirement incentive 2421  
plan for any employees other than employees of a board of alcohol, 2422  
drug addiction, and mental health services or county board of 2423  
developmental disabilities and on the terms of the plan shall be 2424  
made by the board of county commissioners. In the case of a 2425  
municipal corporation or an agency of a municipal corporation, 2426  
decisions on whether to establish a retirement incentive plan and 2427  
on the terms of the plan shall be made by the legislative 2428  
authority. 2429

All terms of a retirement incentive plan shall be in writing. 2430

A retirement incentive plan shall provide for purchase by the 2431  
employing unit of service credit for eligible employees who elect 2432

to participate in the plan and for payment by the employing unit 2433  
of the entire cost of the service credit purchased. 2434

Every retirement incentive plan shall remain in effect for at 2435  
least one year. The employing unit shall give employees at least 2436  
thirty days' notice before terminating the plan. 2437

Every retirement incentive plan shall include provisions for 2438  
the timely and impartial resolution of grievances and disputes 2439  
arising under the plan. 2440

No employing unit shall have more than one retirement 2441  
incentive plan in effect at any time. 2442

(C) Any classified or unclassified employee of the employing 2443  
unit who is a member of the public employees retirement system 2444  
shall be eligible to participate in the retirement incentive plan 2445  
established by the employee's employing unit if the employee meets 2446  
the following criteria: 2447

(1) The employee is not any of the following: 2448

(a) An elected official; 2449

(b) A member of a board or commission; 2450

(c) A person elected to serve a term of fixed length; 2451

(d) A person appointed to serve a term of fixed length, other 2452  
than a person appointed and employed by the person's employing 2453  
unit. 2454

(2) The employee is or will be eligible to retire under 2455  
section ~~145.32~~ 145.33, ~~145.34~~, 145.332, or 145.37, ~~or division (A)~~ 2456  
~~of section 145.33~~ of the Revised Code on or before the date of 2457  
termination of the retirement incentive plan. Service credit to be 2458  
purchased for the employee under the retirement incentive plan 2459  
shall be included in making such determination. 2460

(3) The employee agrees to retire under section ~~145.32~~ 2461  
145.33, ~~145.34~~, 145.332, or 145.37, ~~or division (A)~~ of section 2462



~~145.33~~ of the Revised Code within ninety days after receiving 2463  
notice from the public employees retirement system that service 2464  
credit has been purchased for the employee under this section. 2465

Participation in the plan shall be available to all eligible 2466  
employees except that the employing unit may limit the number of 2467  
participants in the plan to a specified percentage of its 2468  
employees who are members of the public employees retirement 2469  
system on the date the plan goes into effect. The percentage shall 2470  
not be less than five per cent of such employees. If participation 2471  
is limited, employees with more total service credit have the 2472  
right to elect to participate before employees with less total 2473  
service credit. In the case of employees with the same total 2474  
service credit, employees with a greater length of service with 2475  
the employing unit have the right to elect to participate before 2476  
employees with less service with the employing unit. Employees 2477  
with less than eighteen months of service with the employing unit 2478  
have the right to elect to participate only after all other 2479  
eligible employees have been given the opportunity to elect to 2480  
participate. For the purpose of determining which employees may 2481  
participate in a plan, total service credit includes service 2482  
credit purchased by the employee under this chapter after the date 2483  
on which the plan is established. 2484

A retirement incentive plan that limits participation may 2485  
provide that an employee who does not notify the employing unit of 2486  
the employee's decision to participate in the plan within a 2487  
specified period of time will lose priority to participate in the 2488  
plan ahead of other employees with less seniority. The time given 2489  
to an employee to elect to participate ahead of other employees 2490  
shall not be less than thirty days after the employee receives 2491  
written notice that the employee may participate in the plan. 2492

(D) A retirement incentive plan shall provide for purchase of 2493  
the same amount of service credit for each participating employee, 2494

except that the employer may not purchase more service credit for 2495  
any employee than the lesser of the following: 2496

(1) Five years of service credit; 2497

(2) An amount of service credit equal to one-fifth of the 2498  
total service credited to the participant under this chapter, 2499  
exclusive of service credit purchased under this section. 2500

For each year of service credit purchased under this section, 2501  
the employing unit shall pay an amount equal to the additional 2502  
liability resulting from the purchase of that year of service 2503  
credit, as determined by an actuary employed by the public 2504  
employees retirement board. 2505

(E) Upon the election by an eligible employee to participate 2506  
in the retirement incentive plan, the employee and the employing 2507  
unit shall agree upon a date for payment or contracting for 2508  
payment in installments to the public employees retirement system 2509  
of the cost of the service credit to be purchased. The employing 2510  
unit shall submit to the public employees retirement system a 2511  
written request for a determination of the cost of the service 2512  
credit, and within forty-five days after receiving the request, 2513  
the board shall give the employing unit written notice of the 2514  
cost. 2515

The employing unit shall pay or contract to pay in 2516  
installments the cost of the service credit to be purchased to the 2517  
public employees retirement system on the date agreed to by the 2518  
employee and the employing unit. The payment shall be made in 2519  
accordance with rules adopted by the public employees retirement 2520  
board. The rules may provide for payment in installments and for 2521  
crediting the purchased credit to the employee's account upon the 2522  
employer's contracting to pay the cost in installments. The board 2523  
shall notify the member when the member is credited with service 2524  
purchased under this section. If the employee does not retire 2525

within ninety days after receiving notice that the employee has 2526  
been credited with the purchased service credit, the system shall 2527  
refund to the employing unit the amount paid for the service 2528  
credit. 2529

No payment made to the public employees retirement system 2530  
under this section shall affect any payment required by section 2531  
145.48 of the Revised Code. 2532

(F) For the purpose of determining whether the cost of a 2533  
retirement incentive plan established by a county or county agency 2534  
under this section is an allowable cost for the purpose of federal 2535  
funding for any year, the cost shall be considered abnormal or 2536  
mass severance pay only if fifteen per cent or more of the county 2537  
or county agency's employees participate in the plan in that year. 2538

Nothing in this division shall relieve a county or county 2539  
agency from seeking federal approval for any early retirement 2540  
incentive plan that uses federal dollars in accordance with 2541  
federal law. 2542

**Sec. 145.298.** (A) As used in this section: 2543

(1) "State employing unit" means an employing unit described 2544  
in division (A)(2) of section 145.297 of the Revised Code, except 2545  
that it does not mean an employing unit with fifty or fewer 2546  
employees. 2547

(2) "State institution" means a state correctional facility, 2548  
a state institution for the mentally ill, or a state institution 2549  
for the care, treatment, and training of the mentally retarded. 2550

(B)(1) Prior to ~~the effective date of this amendment~~ July 17, 2551  
2009, in the event of a proposal to close a state institution or 2552  
lay off, within a six-month period, a number of persons employed 2553  
at an institution that equals or exceeds the lesser of fifty or 2554  
ten per cent of the persons employed at the institution, the 2555

employing unit responsible for the institution's operation shall 2556  
establish a retirement incentive plan for persons employed at the 2557  
institution. 2558

(2) On and after ~~the effective date of this amendment~~ July 2559  
17, 2009, in the event of a proposal to close a state institution 2560  
or lay off, within a six-month period, a number of persons 2561  
employed at an institution that equals or exceeds the lesser of 2562  
three hundred fifty or forty per cent of the persons employed at 2563  
the institution, the employing unit responsible for the 2564  
institution's operation shall establish a retirement incentive 2565  
plan for persons employed at the institution. 2566

(C)(1) Prior to ~~the effective date of this amendment~~ July 17, 2567  
2009, in the event of a proposal, other than the proposals 2568  
described in division (B) of this section, to lay off, within a 2569  
six-month period, a number of employees of a state employing unit 2570  
that equals or exceeds the lesser of fifty or ten per cent of the 2571  
employing unit's employees, the employing unit shall establish a 2572  
retirement incentive plan for employees of the employing unit. 2573

(2) On and after ~~the effective date of this amendment~~ July 2574  
17, 2009, in the event of a proposal, other than the proposals 2575  
described in division (B) of this section, to lay off, within a 2576  
six-month period, a number of employees of a state employing unit 2577  
that equals or exceeds the lesser of three hundred fifty or forty 2578  
per cent of the employing unit's employees, the employing unit 2579  
shall establish a retirement incentive plan for employees of the 2580  
employing unit. 2581

(D)(1) A retirement incentive plan established under this 2582  
section shall be consistent with the requirements of section 2583  
145.297 of the Revised Code, ~~except as provided in division (D)(2)~~ 2584  
~~of this section and except~~ that the plan shall go into effect at 2585  
the time the layoffs or proposed closings are announced and shall 2586  
remain in effect until the date of the layoffs or closings. 2587

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

~~(a) The employing unit shall purchase at least three years of service credit for each participating employee, except that it shall not purchase more service credit than the amount allowed by division (D) of section 145.297 of the Revised Code;~~

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

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

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

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

(1) The member is eligible to retire under this chapter or

will become eligible to retire as a result of purchasing the 2618  
credit. 2619

(2) The member agrees to retire within ninety days after 2620  
receiving notice of the additional liability under ~~division (C) of~~ 2621  
~~this~~ section 145.29 of the Revised Code. 2622

(3) The retirement system receives certification of the 2623  
member's service and compensation as a school board or governing 2624  
board member from the board of education or governing board of the 2625  
district or educational service center in which the member served 2626  
or, if that district or educational service center no longer 2627  
exists, the board or governing board that controls the territory, 2628  
or the largest part of the territory, of the district or 2629  
educational service center in which the member served. 2630

(C) Credit shall be purchased under this section in 2631  
accordance with section 145.29 of the Revised Code, except that 2632  
payment for the credit or portion of credit shall be paid in full 2633  
at the time of purchase. 2634

(D) The retirement system shall calculate the amount of 2635  
credit the member is eligible to purchase by dividing the 2636  
compensation received pursuant to section 3313.12 of the Revised 2637  
Code for each month served as a school board or governing board 2638  
member by the amount of compensation that, for the same month, the 2639  
retirement system considered equivalent to full-time service. 2640

(E) Credit may be purchased for service as a school board or 2641  
governing board member, other than service subject to the tax on 2642  
wages imposed by the "Federal Insurance Contributions Act," 68A 2643  
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended, between January 1, 2644  
1935, and the first day of January of the year in which the credit 2645  
is purchased. A member may purchase not more than one-twelfth of a 2646  
year's credit for each month of service as a school board or 2647  
governing board member. 2648

~~(C)~~ On receipt of a request from a member eligible to purchase credit under this section, the system shall obtain from its actuary certification of the additional liability to the system for each month of credit the member is eligible to purchase, and shall notify the member of such additional liability. The member may purchase in one month increments any portion of the credit the member is eligible to purchase. For each month of credit purchased, the member shall pay to the system an amount equal to the additional liability resulting from the purchase. Payment shall be made in full at the time of purchase.

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

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

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

(B) A member of the public employees retirement system who has contributions on deposit with, but is no longer contributing to, the Cincinnati retirement system shall, in computing years of service credit, be given 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 2680  
are met: 2681

(1) The member is eligible, or with the credit will be 2682  
eligible, for a retirement or disability benefit. 2683

(2) The member agrees to retire or accept a disability 2684  
benefit not later than ninety days after receiving notice from the 2685  
public employees retirement system that the credit has been 2686  
obtained. 2687

(3) For each year of service, the Cincinnati retirement 2688  
system transfers to the public employees retirement system the sum 2689  
of the following: 2690

~~(1)~~(a) The amount contributed by the member, or, in the case 2691  
of military service credit, paid by the member, that is 2692  
attributable to the year of service; 2693

~~(2)~~(b) An amount equal to ~~the lesser of~~ the employer's 2694  
contributions to the Cincinnati retirement system ~~or the amount~~ 2695  
~~that would have been contributed by the employer for the service~~ 2696  
~~had the member been employed by the member's current employer as a~~ 2697  
~~member of the public employees retirement system at the time the~~ 2698  
~~credit was earned;~~ 2699

~~(3)~~(c) Interest on the amounts specified in divisions 2700  
(B)~~(1)~~(3)(a) and ~~(2)~~(b) of this section from the last day of the 2701  
year for which the service credit was earned or in which payment 2702  
was made for military service credit to the date the transfer is 2703  
made. 2704

(C) A member of the public employees retirement system with 2705  
at least eighteen months of contributing service credit with the 2706  
public employees retirement system who has received a refund of 2707  
the member's contributions to the Cincinnati retirement system 2708  
~~shall, in computing years of service, be given~~ may obtain credit 2709  
for service credit earned under the Cincinnati retirement system 2710



or purchased or obtained as military service credit if, ~~for~~ all of 2711  
the following conditions are met: 2712

(1) The member is eligible, or with the credit will be 2713  
eligible, for a retirement or disability benefit. 2714

(2) The member agrees to retire or accept a disability 2715  
benefit not later than ninety days after receiving notice from the 2716  
public employees retirement system that the credit has been 2717  
obtained. 2718

(3) For each year of service, the public employees retirement 2719  
system receives the sum of the following: 2720

~~(1)~~(a) An amount, paid by the member, equal to the sum of the 2721  
following: 2722

~~(a)~~(i) The amount refunded by the Cincinnati retirement 2723  
system to the member for that year for contributions and payments 2724  
for military service, with interest at a rate established by the 2725  
public employees retirement board on that amount from the date of 2726  
the refund to the date of payment; 2727

~~(b)~~(ii) The amount of interest, if any, the member received 2728  
when the refund was made that is attributable to the year of 2729  
service. 2730

~~(2)~~(b) An amount, transferred by the Cincinnati retirement 2731  
system to the public employees retirement system, equal to the sum 2732  
of the following: 2733

~~(a)~~(i) Interest on the amount refunded to the member that is 2734  
attributable to the year of service from the last day of the year 2735  
for which the service credit was earned or in which payment was 2736  
made for military service credit to the date the refund was made; 2737

~~(b)~~(ii) An amount equal to ~~the lesser of~~ the employer's 2738  
contributions to the Cincinnati retirement system ~~or the amount~~ 2739  
~~that would have been contributed by the employer for the service~~ 2740

~~had the member been employed by the member's current employer as a~~ 2741  
~~member of the public employees retirement system at the time the~~ 2742  
~~credit was earned~~, with interest on that amount from the last day 2743  
of the year for which the service credit was earned to the date of 2744  
the transfer. 2745

(D) The amount transferred under division ~~(C)(2)(a)(3)(b)(i)~~ 2746  
of this section shall not include any amount of interest the 2747  
Cincinnati retirement system paid to the person when it made the 2748  
refund. 2749

(E) On receipt of payment from the member under division 2750  
~~(C)(1)(3)(a)~~ of this section, the public employees retirement 2751  
system shall notify the Cincinnati retirement system. On receipt 2752  
of the notice, the Cincinnati retirement system shall transfer the 2753  
amount described in division ~~(C)(2)(3)(b)~~ of this section. 2754

(F) Interest charged under this section shall be calculated 2755  
separately for each year of service credit. Unless otherwise 2756  
specified in this section, it shall be calculated at the lesser of 2757  
the actuarial assumption rate for that year of the public 2758  
employees retirement system or the Cincinnati retirement system. 2759  
The interest shall be compounded annually. 2760

(G) At the request of the public employees retirement system, 2761  
the Cincinnati retirement system shall certify to the public 2762  
employees retirement system a copy of the records of the service 2763  
and contributions of a member of the public employees retirement 2764  
system who seeks service credit under this section. 2765

(H) Service credit purchased or otherwise obtained under this 2766  
section shall be considered the equivalent of Ohio service credit. 2767

The public employees retirement system shall withdraw the 2768  
credit and refund all amounts paid or transferred under this 2769  
section if either of the following occurs: 2770

(1) The member fails to retire or accept a disability benefit 2771

not later than ninety days after receiving notice from the public 2772  
employees retirement system that credit has been obtained under 2773  
this section. 2774

(2) The member's application for a disability benefit is 2775  
denied. 2776

(I) A member may choose to purchase only part of the credit 2777  
the member is eligible to purchase under division (C) of this 2778  
section ~~in any one payment~~, subject to rules of the public 2779  
employees retirement board. 2780

(J) A member is ineligible to purchase or otherwise obtain 2781  
credit under this section for the service to be used in 2782  
calculation of any ~~retirement~~ retirement benefit currently being 2783  
paid or payable to the member in the future. 2784

**Sec. 145.2912.** (A) If the conditions described in division 2785  
(B) of section 145.2910 of the Revised Code are met and a person 2786  
who is a member or former member of the public employees 2787  
retirement system but not a current contributor and who is not 2788  
receiving a pension or benefit from the public employees 2789  
retirement system elects to receive credit under the Cincinnati 2790  
retirement system for service for which the person contributed to 2791  
the public employees retirement system or purchased or obtained as 2792  
military service credit, the public employees retirement system 2793  
shall transfer the amounts specified in divisions ~~(B)~~(A)(3)(a) and 2794  
~~(C)~~(b) of this section to the Cincinnati retirement system. A 2795  
person may obtain credit if all of the following conditions are 2796  
met: 2797

(1) The member is eligible, or with the credit will be 2798  
eligible, for a retirement or disability benefit. 2799

(2) The member agrees to retire or accept a disability 2800  
benefit not later than ninety days after receiving notice from the 2801

public employees retirement system that the credit has been 2802  
obtained. 2803

~~(B)(3)(a)~~ If the person has contributions on deposit with the 2804  
public employees retirement system, the public employees 2805  
retirement system ~~shall~~, for each year of service credit, ~~transfer~~ 2806  
transfers to the Cincinnati retirement system the sum of the 2807  
following: 2808

~~(1)(i)~~ An amount equal to the person's contributions to the 2809  
public employees retirement system and payments made by the member 2810  
for military service credit; 2811

~~(2)(ii)~~ An amount equal to ~~the lesser of~~ the employer's 2812  
contributions to the public employees retirement system ~~or the~~ 2813  
~~amount that would have been contributed by the employer for the~~ 2814  
~~service had the person been a member of the Cincinnati retirement~~ 2815  
~~system at the time the credit was earned;~~ 2816

~~(3)(iii)~~ Interest on the amounts specified in divisions 2817  
~~(B)(1)(A)(3)(a)(i)~~ and ~~(2)(ii)~~ of this section for the period from 2818  
the last day of the year for which the service credit was earned 2819  
or in which payment was made for military service credit to the 2820  
date the transfer was made. 2821

~~(C)(1)(b)~~ If the person has received a refund of accumulated 2822  
contributions to the public employees retirement system, the 2823  
public employees retirement system ~~shall~~, for each year of service 2824  
credit, ~~transfer~~ transfers to the Cincinnati retirement system the 2825  
sum of the following: 2826

~~(a)(i)~~ Interest on the amount refunded to the former member 2827  
that is attributable to the year of service from the last day of 2828  
the year for which the service credit was earned or in which 2829  
payment was made for military service credit to the date the 2830  
refund was made; 2831

~~(b)(ii)~~ An amount equal to ~~the lesser of~~ the employer's 2832

contributions to the public employees retirement system ~~or the~~ 2833  
~~amount that would have been contributed by the employer for the~~ 2834  
~~service had the person been a member of the Cincinnati retirement~~ 2835  
~~system at the time the credit was earned~~, with interest on that 2836  
amount from the last day of the year for which the service credit 2837  
was earned to the date of the transfer. 2838

~~(2)~~(B) The amount transferred under division ~~(C)~~~~(1)~~(A)(3)(b) 2839  
of this section shall not include any amount of the employer's 2840  
contributions or interest on employee contributions the person 2841  
received under section 145.40 of the Revised Code. 2842

~~(3)~~(C) On receipt of notice from the Cincinnati retirement 2843  
system that the Cincinnati retirement system has received payment 2844  
from a person described in division ~~(C)~~~~(1)~~(A)(3)(b) of this 2845  
section, the public employees retirement system shall transfer the 2846  
amount described in that division. 2847

(D) Interest charged under this section shall be calculated 2848  
separately for each year of service credit. Unless otherwise 2849  
specified in this section, it shall be calculated at the lesser of 2850  
the actuarial assumption rate for that year of the public 2851  
employees retirement system or the Cincinnati retirement system. 2852  
The interest shall be compounded annually. 2853

(E) The transfer of any amount under this section cancels an 2854  
equivalent amount of service credit. 2855

(F) At the request of the Cincinnati retirement system, the 2856  
public employees retirement system shall certify to the Cincinnati 2857  
retirement system a copy of the records of the service and 2858  
contributions of a member or former member of the public employees 2859  
retirement system who elects to receive service credit under the 2860  
Cincinnati retirement system. 2861

**Sec. 145.2913.** (A) As used in this section, "transferred" 2862

service credit" means service credit purchased or obtained under 2863  
section 742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of 2864  
the Revised Code prior to the date a member commenced the 2865  
employment covered by the public employees retirement system for 2866  
which the member is currently contributing to the system. 2867

(B) A member of the public employees retirement system who 2868  
has contributions on deposit with, but is no longer contributing 2869  
to, a uniform retirement system shall, in computing years of 2870  
service, be given full credit for transferred service credit if a 2871  
transfer to the public employees retirement system is made under 2872  
this ~~section~~ division. At the request of a member a transfer shall 2873  
be made if all of the following conditions are met: 2874

(1) The member is eligible, or with the credit will be 2875  
eligible, for a retirement or disability benefit. 2876

(2) The member agrees to retire or accept a disability 2877  
benefit not later than ninety days after receiving notice from the 2878  
public employees retirement system that the credit has been 2879  
obtained. 2880

(3) For each year of service, the uniform system shall 2881  
transfer transfers to the public employees retirement system the 2882  
sum of the following: 2883

~~(1)~~(a) An amount equal to the amounts transferred to the 2884  
uniform system under section 742.21, 742.214, 742.375, 5505.201, 2885  
5505.40, or 5505.41 of the Revised Code; 2886

~~(2)~~(b) Interest, determined as provided in division (E) of 2887  
this section, on the amount specified in division (B)~~(1)~~(3)(a) of 2888  
this section for the period from the last day of the year in which 2889  
the transfer under section 742.21, 742.214, 742.375, 5505.201, 2890  
5505.40, or 5505.41 of the Revised Code was made to the date a 2891  
transfer is made under this section. 2892

(C) A member of the public employees retirement system with 2893  
at least eighteen months of contributing service credit with the 2894  
public employees retirement system who has received a refund of 2895  
contributions to a uniform retirement system shall, in computing 2896  
years of service, be given full credit for transferred service 2897  
credit if, ~~for~~ all of the following conditions are met: 2898

(1) The member is eligible, or with the credit will be 2899  
eligible, for a retirement or disability benefit. 2900

(2) The member agrees to retire or accept a disability 2901  
benefit not later than ninety days after receiving notice from the 2902  
public employees retirement system that the credit has been 2903  
obtained. 2904

(3) For each year of service, the public employees retirement 2905  
system receives the sum of the following: 2906

~~(1)~~(a) An amount, which shall be paid by the member, equal to 2907  
the amount refunded by the uniform system to the member for that 2908  
year for transferred service credit, with interest on that amount 2909  
from the date of the refund to the date a payment is made under 2910  
this section; 2911

~~(2)~~(b) Interest, which shall be transferred by the uniform 2912  
system, on the amount refunded to the member for the period from 2913  
the last day of the year in which the transfer under section 2914  
742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the 2915  
Revised Code was made to the date the refund was made; 2916

~~(3)~~(c) If the uniform system retained any portion of the 2917  
amount transferred under section 742.21, 742.214, 742.375, 2918  
5505.201, 5505.40, or 5505.41 of the Revised Code, an amount, 2919  
which shall be transferred by the uniform system, equal to the 2920  
amount retained, with interest on that amount for the period from 2921  
the last day of the year in which the transfer under section 2922  
742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the 2923

Revised Code was made to the date a transfer is made under this 2924  
section. 2925

On receipt of payment from the member, the public employees 2926  
retirement system shall notify the uniform system, which, on 2927  
receipt of the notice, shall make the transfer required by this 2928  
division. Interest shall be determined as provided in division (E) 2929  
of this section. 2930

(D) Service credit purchased or obtained under this section 2931  
shall be considered the equivalent of Ohio service credit. A 2932  
member may choose to purchase only part of the credit the member 2933  
is eligible to purchase under division (C) of this section ~~in any~~ 2934  
~~one payment~~, subject to rules adopted by the public employees 2935  
retirement board. A member is ineligible to purchase or obtain 2936  
service credit under this section for service to be used in the 2937  
calculation of any retirement benefit currently being paid or 2938  
payable to the member in the future under any other retirement 2939  
program or for service credit that may be purchased or obtained 2940  
under section 145.295 of the Revised Code. 2941

(E) Interest charged under this section shall be calculated 2942  
separately for each year of service credit at the lesser of the 2943  
actuarial assumption rate for that year of the public employees 2944  
retirement system or of the uniform retirement system to which the 2945  
credit was transferred under section 742.21, 742.214, 742.375, 2946  
5505.201, 5505.40, or 5505.41 of the Revised Code. The interest 2947  
shall be compounded annually. 2948

(F) Any amounts transferred or paid under divisions (B) and 2949  
(C) of this section that are attributable to contributions made by 2950  
the member or to amounts paid to purchase service credit shall be 2951  
credited to the employees' savings fund created under section 2952  
145.23 of the Revised Code. Any remaining amounts shall be 2953  
credited to one or more of the funds created under that section as 2954  
determined by the board. 2955



(G) At the request of the public employees retirement system, 2956  
the uniform retirement system shall certify to the public 2957  
employees retirement system a copy of the records of the service 2958  
and contributions of a public employees retirement system member 2959  
who seeks service credit under this section. The uniform 2960  
retirement system shall specify the portions of the amounts 2961  
transferred that are attributable to employee contributions, 2962  
employer contributions, and interest. 2963

(H) If a member of the public employees retirement system who 2964  
is not a current contributor elects to receive service credit 2965  
under section 742.214 or 5505.41 of the Revised Code for 2966  
transferred service credit, as defined in those sections, the 2967  
system shall transfer to the uniform retirement system, as 2968  
applicable, the amount specified in division (B) or (C) of section 2969  
742.214 or division (B) or (C) of section 5505.41 of the Revised 2970  
Code. 2971

(I) The public employees retirement system shall withdraw the 2972  
credit and refund all amounts paid or transferred under this 2973  
section if either of the following occurs: 2974

(1) The member fails to retire or accept a disability benefit 2975  
not later than ninety days after receiving notice from the public 2976  
employees retirement system that credit has been obtained under 2977  
this section. 2978

(2) The member's application for a disability benefit is 2979  
denied. 2980

(J) The board may adopt rules to implement this section. 2981

**Sec. 145.2914.** (A) The public employees retirement board may 2982  
adopt rules in accordance with section 145.09 of the Revised Code 2983  
to establish a program under which service credit earned under 2984  
~~division (A) or (B)(2)(b) of section 145.33 of the Revised Code~~ or 2985

division (A)(2), (B)(2), or (C)(2) of section 145.332 of the 2986  
Revised Code is treated as service credit earned under division 2987  
~~(B)(2)(a)(A)(1), (B)(1), or (C)(1)~~ of ~~that~~ section 145.332 of the 2988  
Revised Code if the member ~~makes~~ elects to do one of the 2989  
following: 2990

(1) Have the amount of service credit earned under section 2991  
145.33 of the Revised Code or division (A)(2), (B)(2), or (C)(2) 2992  
of section 145.332 of the Revised Code reduced so there is no 2993  
additional liability to the public employees retirement system; 2994

(2) Make payment to the public employees retirement system in 2995  
accordance with the rules. The number of years of service credit 2996  
earned under section 145.33 of the Revised Code or division 2997  
(A)(2), (B)(2), or (C)(2) of section 145.332 of the Revised Code 2998  
that may be treated as service credit earned under division 2999  
(A)(1), (B)(1), or (C)(1) of section 145.332 of the Revised Code 3000  
shall not exceed five. 3001

(B) If the board adopts rules under division (A) of this 3002  
section, all of the following apply to payments made under 3003  
division (A)(2) of this section: 3004

(1) For each year or portion of a year of service credit 3005  
earned under ~~division (A) or (B)(2)(b)~~ of section 145.33 of the 3006  
Revised Code or division (A)(2), (B)(2), or (C)(2) of section 3007  
145.332 of the Revised Code that is to be treated as service 3008  
credit earned under ~~division (B)(2)(a)(A)(1), (B)(1), or (C)(1)~~ of 3009  
~~that~~ section 145.332 of the Revised Code, the member shall pay to 3010  
the retirement system an amount specified by the retirement board 3011  
that is not less than one hundred per cent of the additional 3012  
liability resulting from the purchase of that year, or portion of 3013  
a year, of service. 3014

~~(2) The number of years of service credit earned under~~ 3015  
~~division (A) or (B)(2)(b) of section 145.33 of the Revised Code~~ 3016

~~that may be treated as service credit earned under division (B)(2)(a) of that section shall not exceed five.~~ 3017  
3018

~~(3)~~ Any amounts paid under this section shall be credited to the employees' savings fund. 3019  
3020

~~(4)~~(3) The amounts paid by the member under this section are subject to the limits established by division (n) of section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415(n), as amended. 3021  
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(C) A member may make ~~payments~~ the election authorized by this section if the member is eligible to retire under this chapter or will become eligible to retire as a result of the ~~payment~~ election. The member shall agree to retire not later than ninety days after making the election under division (A)(1) of this section or receiving notice of the additional liability specified under division (B)(1) of this section. ~~Payment~~ If the member makes the election under division (A)(2) of this section, payment shall be made in full for any credit earned under ~~division (A) or (B)(2)(b) of section 145.33 of the Revised Code or division (A)(2), (B)(2), or (C)(2) of section 145.332 of the Revised Code~~ that is to be treated as service credit earned under division ~~(B)(2)(a)(A)(1), (B)(1), or (C)(1) of that section 145.332 of the Revised Code,~~ but the member may choose to make payment for only part of the credit for which the member is eligible. 3025  
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(D) If the member does not retire not later than ninety days after making the election under division (A)(1) of this section or the payment authorized by under division (A)(2) of this section, the system shall refund ~~the~~ any payment and shall not treat the credit ~~for which payment was made~~ as service credit earned under division ~~(B)(2)(a)(A)(1), (B)(1), or (C)(1) of section 145.33~~ 145.332 of the Revised Code. 3040  
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(E) The board's rules may deal with any other matter 3047

necessary to implement this section. 3048

Sec. 145.2915. (A) As used in this section, "workers' 3049  
compensation" means benefits paid under Chapter 4121. or 4123. of 3050  
the Revised Code. 3051

(B) A member of the public employees retirement system may 3052  
purchase service credit under this section for any period during 3053  
which the member was out of service and receiving workers' 3054  
compensation. 3055

(C) For credit purchased under this section: 3056

(1) If the member is employed by one public employer, for 3057  
each year of credit, the member shall pay to the system for credit 3058  
to the employees' savings fund an amount equal to the employee 3059  
contribution required under section 145.47 of the Revised Code 3060  
that would have been paid had the member not been out of service 3061  
based on the salary of the member before the member was out of 3062  
service. To this amount shall be added an amount equal to compound 3063  
interest at a rate established by the public employees retirement 3064  
board from the first date the member was out of service to the 3065  
final date of payment. 3066

(2) If the member is employed by more than one public 3067  
employer, the member is eligible to purchase credit under this 3068  
section and make payments under division (C)(1)(b) of this section 3069  
only for the position for which the member received workers' 3070  
compensation. For each year of credit, the member shall pay to the 3071  
system for credit to the employees' savings fund an amount equal 3072  
to the employee contribution required under section 145.47 of the 3073  
Revised Code that would have been paid had the member not been out 3074  
of service based on the salary of the member earned for the 3075  
position for which the member received workers' compensation 3076  
before the member was out of service. To this amount shall be 3077  
added an amount equal to compound interest at a rate established 3078

by the public employees retirement board from the first date the 3079  
member was out of service to the final date of payment. 3080

(D) The member may choose to purchase only part of such 3081  
credit in any one payment, subject to board rules. 3082

(E) If a member makes a payment under division (C) of this 3083  
section, the employer to which workers' compensation benefits are 3084  
attributed shall pay to the system for credit to the employers' 3085  
accumulation fund an amount equal to the employer contribution 3086  
required under section 145.48 of the Revised Code corresponding to 3087  
that payment that would have been paid had the member not been out 3088  
of service based on the salary of the member before the member was 3089  
out of service. 3090

Compound interest at a rate established by the board from the 3091  
later of the member's date of re-employment or the effective date 3092  
of this section to the date of payment shall be added to this 3093  
amount if the employer pays all or any portion of the amount later 3094  
than the earlier of five years or a period that is three times the 3095  
period during which the member was out of service and receiving 3096  
workers' compensation beginning from the later of the member's 3097  
date of re-employment or the effective date of this section. 3098

(F) The number of years purchased under this section shall 3099  
not exceed three. 3100

**Sec. 145.2916.** (A) When a member has been elected or 3101  
appointed to an office, the term of which is two or more years, 3102  
for which an annual salary is established, and in the event that 3103  
the salary of the office is increased and the member is denied the 3104  
additional salary by reason of any constitutional provision 3105  
prohibiting an increase in salary during a term of office, the 3106  
member may elect to have the amount of the member's and employer's 3107  
contributions calculated upon the basis of the increased salary 3108  
for the office. 3109

At the member's request and on notification to the public 3110  
employees retirement system, the public employees retirement board 3111  
shall compute the total additional amount the member and employer 3112  
would have contributed, or the amount by which each of the 3113  
member's and employer's contributions would have increased, had 3114  
the member received the increased salary for the office the member 3115  
holds. If the member elects to have the combined amount by which 3116  
the member's and employer's contribution would have increased 3117  
withheld from the member's salary, the member shall notify the 3118  
employer, and the employer shall make the withholding commensurate 3119  
with the period of denied salary and transmit it to the retirement 3120  
system. The payment of the amount by which the employer's 3121  
contribution would have increased shall be credited to the 3122  
employers' accumulation fund. 3123

If the payment of the increased contributions is made in 3124  
accordance with this section, the increased annual salary as 3125  
provided by law for the office for the period for which the member 3126  
paid increased contributions thereon shall be used in determining 3127  
the member's earnable salary for the purpose of computing the 3128  
member's final average salary. 3129

(B) If a member dies or withdraws from service, the payment 3130  
under division (A) of this section shall be considered as 3131  
accumulated contributions of the member. 3132

**Sec. 145.30.** (A)(1) As used in this section and section 3133  
145.301 of the Revised Code: 3134

~~(1)~~(a) "Armed forces" of the United States includes the 3135  
following: 3136

~~(a)~~(i) Army, navy, air force, marine corps, coast guard, 3137  
auxiliary corps as established by congress, red cross nurse 3138  
serving with the army, navy, air force, or hospital service of the 3139  
United States, army nurse corps, navy nurse corps, full-time 3140

service with the American red cross in a combat zone, and such 3141  
other service as may be designated by congress as included 3142  
therein; 3143

~~(b)~~(ii) Personnel of the Ohio national guard and the reserve 3144  
components of any of the armed forces enumerated in division 3145  
(A)(1) of this section who are called to active duty pursuant to 3146  
an executive order issued by the president of the United States or 3147  
an act of congress; 3148

~~(e)~~(iii) Persons on whom United States merchant marine 3149  
veteran status has been conferred for service aboard oceangoing 3150  
merchant ships in service to the United States during World War 3151  
II. 3152

~~(2)~~(b) "State retirement system" means any of the following: 3153  
the Ohio police and fire pension fund, public employees retirement 3154  
system, school employees retirement system, state highway patrol 3155  
retirement system, or the state teachers retirement system. 3156

(2) This section applies only to service in the armed forces 3157  
that occurred prior to October 13, 1994, the date on which the 3158  
"Uniformed Services Employment and Reemployment Rights Act of 3159  
1994," 108 Stat. 3149, 38 U.S.C. 101, became a public law. 3160

(B) ~~Upon~~ Except as otherwise provided in this division, upon 3161  
reemployment in the public service and completion of one year of 3162  
service credit as covered by a state retirement system or the 3163  
Cincinnati retirement system, within two years after service in 3164  
the armed forces that is terminated in a manner other than as 3165  
described in section 4304 of Title 38 of the United States Code, 3166  
"Uniformed Services Employment and Reemployment Rights Act of 3167  
1994," 108 Stat. 3149, 38 U.S.C.A. 4304, and presentation of 3168  
documentation of the service and subject to rules adopted by the 3169  
retirement board, any member of the public employees retirement 3170  
system who was a member with not less than one year of payroll 3171

deductions before entering active duty with the armed forces and 3172  
maintained membership in the public employees retirement system as 3173  
provided by section 145.41 of the Revised Code, and who was or is 3174  
out of active service as a public employee by reason of having 3175  
become a member of the armed forces of the United States on active 3176  
duty or service shall have such service, not in excess of ten 3177  
years, ~~considered~~ included as ~~the equivalent of~~ prior military 3178  
service. Service Except as otherwise provided in this division, 3179  
service in the armed forces as established by documentation of the 3180  
service, not in excess of ten years, shall also be ~~considered~~ 3181  
included as prior military service for a person who was a public 3182  
employee and who has acquired service credit for five years prior 3183  
to, and within the one year preceding, the date of entering on 3184  
active duty in the armed forces of the United States if such 3185  
person was reemployed in the public service within one year after 3186  
service in the armed forces that is terminated in a manner other 3187  
than as described in section 4304 of Title 38 of the United States 3188  
Code, "Uniformed Services Employment and Reemployment Rights Act 3189  
of 1994," ~~108 Stat. 3149,~~ 38 U.S.C.A. 4304, and established total 3190  
service credit as defined in section 145.01 of the Revised Code of 3191  
twenty years exclusive of credit for service in the uniformed 3192  
services, as defined in section 145.302 of the Revised Code. This 3193  
division shall not serve to cancel any military service credit 3194  
earned or granted prior to November 1, 1965. 3195

If the public employees retirement board adopts a rule 3196  
requiring payment for service credit granted under this section, 3197  
the credit shall be granted only if payment is made. The rule 3198  
shall not require payment of more than the additional liability to 3199  
the retirement system resulting from granting the credit. A member 3200  
may choose to purchase only part of the credit in any one payment. 3201

(C) A member of the public employees retirement system is 3202  
ineligible to receive service credit under this section for any 3203



year of military service credit used ~~in the calculation of any~~ 3204  
~~retirement benefit currently being paid to the member or payable~~ 3205  
~~in the future under any other retirement program, except social~~ 3206  
~~security, or used~~ to obtain service credit pursuant to section 3207  
145.301 or 145.302 of the Revised Code. At the time such credit is 3208  
requested, the member shall certify on a form supplied by the 3209  
retirement board that the member does and will conform to this 3210  
requirement. This division does not cancel any military service 3211  
credit earned prior to March 15, 1979. 3212

**Sec. 145.301.** (A) As used in this section: 3213

(1) "Prisoner of war" means any regularly appointed, 3214  
enrolled, enlisted, or inducted member of the armed forces of the 3215  
United States, reserves, or Ohio national guard who was captured, 3216  
separated, and incarcerated by an enemy of the United States. 3217

(2) "Reserves" means personnel of the reserve components of 3218  
any of the armed forces of the United States enumerated in 3219  
division (A)(1)(a) of section 145.30 of the Revised Code. 3220

(B)(1) A member may purchase service credit that shall be 3221  
considered as the equivalent of Ohio service for each year or 3222  
portion of a year of service incurred by reason of having been on 3223  
active duty as a member of the armed forces of the United States, 3224  
as defined in section 145.30 of the Revised Code. 3225

(2) On presentation of documentation of the service and 3226  
subject to public employees retirement board rules, a member may 3227  
purchase service credit for each year or portion of a year of 3228  
service incurred by reason of having been on active duty as a 3229  
member of the reserves or the Ohio national guard for which the 3230  
member is not eligible to purchase credit under division (B)(1) of 3231  
this section. Any credit purchased under this section shall be 3232  
considered as the equivalent of Ohio service credit. For purposes 3233  
of division (B)(2) of this section, active duty in the reserves or 3234

the Ohio national guard includes assembly for drill and 3235  
instruction; training at encampments, maneuvers, outdoor target 3236  
practice, or other exercises; and any training or duty in this 3237  
state ordered by the governor. 3238

(3) Credit shall not be granted for any period of duty during 3239  
which the member was contributing to the retirement system. 3240

The credit may be purchased at any time prior to receipt of a 3241  
retirement allowance. The number of years purchased shall not 3242  
exceed five. The member may choose to purchase only part of such 3243  
credit in any one payment, subject to public employees retirement 3244  
board rules. 3245

(C) A member may purchase service credit that shall be 3246  
considered as the equivalent of Ohio service for each year of 3247  
service such member was a prisoner of war. The number of years 3248  
purchased under this division shall not exceed five. Service 3249  
credit may be purchased under this division for the same years of 3250  
service used to purchase service credit under division (B) of this 3251  
section. The member may choose to purchase only part of such 3252  
credit in any one payment, subject to board rules. 3253

(D) The total number of years purchased under this section 3254  
shall not exceed the member's total accumulated number of years of 3255  
Ohio service. 3256

(E)(1) For each year or portion of a year of service 3257  
purchased under division (B)(1) or (C) of this section, the member 3258  
shall pay to the public employees retirement system for credit to 3259  
the member's accumulated account an amount specified by the 3260  
retirement board that shall be not less than fifty per cent of the 3261  
additional liability resulting from the purchase of that year or 3262  
portion of a year of service as determined by an actuary employed 3263  
by the board. 3264

(2) For each year or portion of a year of service credit 3265

purchased under division (B)(2) of this section, the member shall 3266  
pay to the public employees retirement system for credit to the 3267  
member's accumulated account an amount equal to one hundred per 3268  
cent of the additional liability resulting from the purchase of 3269  
that year or portion of a year of service as determined by an 3270  
actuary employed by the board. 3271

The retirement system shall calculate the number of years or 3272  
portion of a year of credit the member is eligible to purchase 3273  
under division (B)(2) of this section by dividing the number of 3274  
days actually served by three hundred sixty-five. 3275

(F) A member is ineligible to purchase service credit under 3276  
this section for any year of military service that was+ 3277

~~(1) Used in the calculation of any retirement benefit 3278  
currently being paid to the member or payable in the future under 3279  
any other retirement program, except social security, or for 3280  
retired pay for nonregular service under Chapter 1223 of Section 3281  
1662 of Title XVI of the "National Defense Authorization Act for 3282  
Fiscal Year 1995," 108 Stat. 2998 (1994), 10 U.S.C.A. 12731 to 3283  
12739; 3284~~

~~(2) Used used to obtain service credit pursuant to section 3285  
145.30 or 145.302 of the Revised Code. 3286~~

At the time the credit is purchased, the member shall certify 3287  
on a form furnished by the retirement board that the member does 3288  
and will conform to this requirement. 3289

(G) A member who, on March 17, 2000, is purchasing service 3290  
credit under this section by making installment payments to the 3291  
system or by a payroll deduction plan authorized under section 3292  
145.294 of the Revised Code may elect, on a form provided by the 3293  
board, to have a portion of the cost of the service credit 3294  
recalculated under division (E) of this section as amended by 3295  
House Bill 186 of the 123rd general assembly. The recalculation 3296

shall apply only to the amount still owed by the member as of the 3297  
date the election is filed with the board. 3298

For each member who makes an election, the board shall do all 3299  
of the following: 3300

(1) Determine the amount of the total cost of the service 3301  
credit still owed by the member as of the date the election is 3302  
filed with the board and the number of years or portion of a year 3303  
of service credit attributable to that amount; 3304

(2) Recalculate under division (E) of this section the cost 3305  
of the service credit described in division (G)(1) of this 3306  
section; 3307

(3) Notify the member of the recalculated amount. 3308

If the recalculated amount is less than the amount still owed 3309  
by the member as of the date the election is filed, the 3310  
recalculated amount shall be the amount owed by the member. 3311

(H) Credit purchased under this section may be combined 3312  
pursuant to section 145.37 with credit for military service 3313  
purchased under sections 3307.751 and 3309.021, except that not 3314  
more than an aggregate total of five years of credit purchased 3315  
under division (B) of this section, division (A) of section 3316  
3307.751, and division (A) of section 3309.021, and not more than 3317  
an aggregate total of five years of credit purchased under 3318  
division (C) of this section, division (B) of section 3307.751, 3319  
and division (B) of section 3309.021 shall be used in determining 3320  
retirement eligibility or calculating benefits under section 3321  
145.37 of the Revised Code. 3322

**Sec. 145.31. (A)** Except as provided in this section, a member 3323  
or former member of the public employees retirement system with at 3324  
least eighteen months of contributing service credit in this 3325  
system, the state teachers retirement system, the school employees 3326

retirement system, the Ohio police and fire pension fund, or the 3327  
state highway patrol retirement system, after the withdrawal of 3328  
accumulated contributions and cancellation of service credit in 3329  
this system, may restore such service credit by redepositing the 3330  
amount withdrawn, with interest on such amount compounded annually 3331  
at a rate to be determined by the public employees retirement 3332  
board from the first day of the month of withdrawal to and 3333  
including the month of redeposit. The amount redeposited shall be 3334  
credited as follows: 3335

~~(A)~~(1) The amount that equals the amount, if any, included 3336  
under section 145.401 of the Revised Code in the withdrawal of 3337  
accumulated contributions under section 145.40 of the Revised Code 3338  
shall be credited to the employers' accumulation fund. 3339

~~(B)~~(2) The remaining amount shall be credited to the member's 3340  
account in the employees' savings fund. 3341

The member may choose to purchase only part of such credit in 3342  
any one payment, subject to board rules. Except for any amount 3343  
included under section 145.401 of the Revised Code in the 3344  
withdrawal of accumulated contributions under section 145.40 of 3345  
the Revised Code, the total payment to restore canceled service 3346  
credit, plus any interest credited thereto, shall be considered as 3347  
accumulated contributions of the member. If a former member is 3348  
eligible to buy the service credit as a member of the Ohio police 3349  
and fire pension fund, state highway patrol retirement system, or 3350  
the city of Cincinnati retirement system, the former member is 3351  
ineligible to restore that service credit under this section. 3352

Any employee who has been refunded the employee's accumulated 3353  
contributions to the public employees retirement system solely by 3354  
reason of membership in a former firemen's relief and pension fund 3355  
or a former police relief and pension fund may restore membership 3356  
in the public employees retirement system by redepositing with the 3357

system the amount refunded, with interest on such amount 3358  
compounded annually at a rate to be determined by the board from 3359  
the month of refund to and including the month of redeposit. The 3360  
member may choose to purchase only part of such credit in any one 3361  
payment, subject to board rules. 3362

(B) In lieu of an amount required by division (A) of this 3363  
section, the board may by rule require deposit of an amount 3364  
specified in the rule. The amount shall not exceed the additional 3365  
liability to the retirement system that results from granting the 3366  
credit. 3367

Sec. 145.32. Eligibility of members of the public employees 3368  
retirement system, other than those subject to section 145.332 of 3369  
the Revised Code, for age and service retirement shall be 3370  
determined under this section. 3371

(A) A member, who has passed his sixtieth birthday and has is 3372  
eligible for age and service retirement under this division if, 3373  
not later than five years after the effective date of this 3374  
amendment, the member meets one of the following requirements: 3375

(1) Has five or more years of total service credit, or has 3376  
and has attained age sixty; 3377

(2) Has twenty-five or more years of total service credit and 3378  
has attained his fifty-fifth birthday, or has age fifty-five; 3379

(3) Has thirty or more years of total Ohio service credit, 3380  
regardless of at any age, may file. 3381

(B)(1) A member who would be eligible to retire not later 3382  
than ten years after the effective date of this amendment if the 3383  
requirements of this section as they existed immediately prior to 3384  
the effective date of this amendment were still in effect is 3385  
eligible to retire under this division if the member meets one of 3386  
the following requirements: 3387

<u>(a) Has five or more years of total service credit and has attained age sixty;</u>	3388
	3389
<u>(b) Has twenty-five or more years of total service credit and has attained age fifty-five;</u>	3390
	3391
<u>(c) Has thirty-one or more years of total service credit and has attained age fifty-two;</u>	3392
	3393
<u>(d) Has thirty-two or more years of total Ohio service credit at any age.</u>	3394
	3395
<u>(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.</u>	3396
	3397
	3398
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	3401
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<u>(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:</u>	3404
	3405
	3406
	3407
	3408
<u>(1) Has five years or more of total service credit and has attained age sixty-two;</u>	3409
	3410
<u>(2) Has twenty-five years or more of total service credit and has attained age fifty-seven;</u>	3411
	3412
<u>(3) Has thirty-two years or more of total service credit and has attained age fifty-five.</u>	3413
	3414
<u>(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)</u>	3415
	3416
	3417

of this section only if both of the following apply: 3418

(1)(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; 3419  
3420  
3421

(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. 3422  
3423  
3424

(2) 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. 3425  
3426  
3427

(E) A member seeking to retire shall file with the public employees retirement board an application for retirement- 3428  
3429

Service. Service retirement shall be effective on the first day of the month immediately following the later of: 3430  
3431

~~(A)~~(1) The last day for which compensation was paid; 3432

~~(B)~~(2) The attainment of minimum age or service credit eligibility provided under this section; 3433  
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(3) Ninety days prior to receipt by the board of the member's completed application for retirement. 3435  
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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 age of seventy years. A member may at the time of ~~his~~ retirement by written designation duly executed and filed with the public employees retirement board designate a beneficiary to receive any installment which may remain unpaid at the time of ~~his~~ death. 3437  
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computed as provided in section 145.46 of the Revised Code as 3448  
"plan A," or "plan C," or ~~"plan D."~~ 3449

**Sec. 145.323.** (A) The Except as otherwise provided in this 3450  
section, the public employees retirement board shall annually 3451  
increase each allowance, pension, or benefit payable under this 3452  
chapter by three per cent, except that no allowance, pension, or 3453  
benefit shall exceed the limit established by section 415 of the 3454  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 3455  
as amended. 3456

Until the last day of December of the fifth full calendar 3457  
year after the effective date of this amendment, the increase 3458  
shall be three per cent. For each succeeding calendar year, the 3459  
increase shall be as follows: 3460

(1) For each allowance, pension, or benefit granted not later 3461  
than the effective date of this amendment, three per cent; 3462

(2) For each allowance, pension, or benefit granted on or 3463  
after the effective date of this amendment, the percentage 3464  
increase in the consumer price index, not exceeding three per 3465  
cent, as determined by the United States bureau of labor 3466  
statistics (U.S. city average for urban wage earners and clerical 3467  
workers: "all items 1982-84=100") for the twelve-month period 3468  
ending on the thirtieth day of June of the immediately preceding 3469  
calendar year. If the consumer price index for that period did not 3470  
increase, no increase shall be made under division (A)(2) of this 3471  
section. 3472

No allowance, pension, or benefit shall exceed the limit 3473  
established by section 415 of the "Internal Revenue Code of 1986," 3474  
100 Stat. 2085, 26 U.S.C. 415, as amended. 3475

The first increase is payable to all persons becoming 3476  
eligible after June 30, 1971, upon such persons receiving an 3477

allowance for twelve months. The increased amount is payable for 3478  
the ensuing twelve-month period or until the next increase is 3479  
granted under this section, whichever is later. Subsequent 3480  
increases shall be determined from the date of the first increase 3481  
paid to the former member in the case of an allowance being paid a 3482  
beneficiary under an option, or from the date of the first 3483  
increase to the survivor first receiving an allowance or benefit 3484  
in the case of an allowance or benefit being paid to the 3485  
subsequent survivors of the former member. 3486

The date of the first increase under this section becomes the 3487  
anniversary date for any future increases. 3488

The allowance or benefit used in the first calculation of an 3489  
increase under this section shall remain as the base for all 3490  
future increases, unless a new base is established. 3491

(B) If payment of a portion of a benefit is made to an 3492  
alternate payee under section 145.571 of the Revised Code, 3493  
increases under this section granted while the order is in effect 3494  
shall be apportioned between the alternate payee and the benefit 3495  
recipient in the same proportion that the amount being paid to the 3496  
alternate payee bears to the amount paid to the benefit recipient. 3497

If payment of a portion of a benefit is made to one or more 3498  
beneficiaries under "plan F C" under ~~division (B)(3)(e)~~ of section 3499  
145.46 of the Revised Code, each increase under this section 3500  
granted while the plan of payment is in effect shall be divided 3501  
among the designated beneficiaries in accordance with the portion 3502  
each beneficiary has been allocated. 3503

(C) The board shall make all rules necessary to carry out 3504  
this section. 3505

**Sec. 145.33.** (A) ~~(1)~~ Except as provided in ~~division (B) or (C)~~ 3506  
~~of this section, a member with at least five years of total~~ 3507

~~service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:~~ 3508  
3509  
3510

~~(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;~~ 3511  
3512

~~(2) A pension equal to the annuity provided by division (A)(1) of this section;~~ 3513  
3514

~~(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;~~ 3515  
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~~(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.~~ 3519  
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~~(5) When 145.332 of the Revised Code, when a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base an amount adjusted in accordance with division (A)(~~5~~)(2) or (B) of this section and determined by multiplying the member's total service credit by the greater of the following:~~ 3524  
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~~(a) Eighty six dollars;~~ 3531

~~(b) Two If the member is eligible for age and service retirement under division (A) or (B) of section 145.32 of the Revised Code, two and two-tenths per cent of the member's final average salary for each of the first thirty years of service plus two and one-half per cent of the member's final average salary for each subsequent year of service.~~ 3532  
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The (b) If the member is eligible for age and service retirement under division (C) of section 145.32 of the Revised Code, two and two-tenths per cent of the member's final average salary for each of the first thirty-five years of service plus two and one-half per cent of the member's final average salary for each subsequent year of service. 3538  
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(2)(a) For a member eligible to retire under division (A) of section 145.32 of the Revised Code, the member's allowance under division (A)(1) of this section shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule: 3544  
3545  
3546  
3547  
3548

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	3549
59		26	80	3550
60		27	85	3551
61		28	88	3552
62		28	90	3553
63		28	91	3554
64		29	94	3555
65		29	95	3556
65		30 or more	97	3557
		30 or more	100	3558

~~Members shall vest~~ (b) For a member eligible to retire under division (B) of section 145.32 of the Revised Code, the member's allowance under division (A)(1) of this section shall be reduced by a percentage determined by the board's actuary for each year the member retires before whichever of the following occurs first: attaining age sixty-five or earning thirty years of total service credit. 3562  
3563  
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3566  
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(c) For a member eligible to retire under division (C) of 3569

section 145.32 of the Revised Code, the member's allowance under 3570  
division (A)(1) of this section shall be reduced by a percentage 3571  
determined by the board's actuary for each year the member retires 3572  
before whichever of the following occurs first: attaining age 3573  
sixty-seven, or attaining age fifty-five with thirty-two years of 3574  
total service credit. 3575

(d) The actuary may use an actuarially based average 3576  
percentage reduction for purposes of division (B)(2)(b) or (c) of 3577  
this section. 3578

(3) For a member eligible to retire under division (A) or (B) 3579  
of section 145.32 of the Revised Code, the right to a benefit 3580  
shall vest in accordance with the following schedule, based on the 3581  
member's attained age by September 1, 1976: 3582

	Percentage	
Attained	of	
Birthday	Base Amount	
66	102	3586
67	104	3587
68	106	3588
69	108	3589
70 or more	110	3590

~~(6)(B)~~ The total annual single lifetime allowance that a 3591  
member shall receive under division (A)(5) of this section shall 3592  
not exceed the lesser of one the following: 3593

(1) Any limit established under section 145.333 of the 3594  
Revised Code; 3595

(2) One hundred per cent of the member's final average salary 3596  
or the; 3597

(3) The limit established by section 415 of the "Internal 3598  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 3599  
amended. 3600

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

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

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

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

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

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

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

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

~~(4) A member with at least fifteen years of total service~~

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

<del>Attained Age</del>	<del>Reduced Benefit</del>	
<del>48</del>	<del>75% of the benefit payable under division (B)(3) of this section</del>	<del>3652</del>
<del>49</del>	<del>80% of the benefit payable under division (B)(3) of this section</del>	<del>3654</del>
<del>50</del>	<del>86% of the benefit payable under division (B)(3) of this section</del>	<del>3656</del>
<del>51</del>	<del>93% of the benefit payable under division (B)(3) of this section</del>	<del>3658</del>

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

~~the member becomes eligible to receive the reduced benefit.~~ 3663

~~(3) Once a member elects to receive a reduced benefit 3664  
determined by the schedule in division (C)(1) of this section and 3665  
has received a payment, the member may not reelect to change that 3666  
election. 3667~~

~~(4) If a member who has resigned or been discharged has left 3668  
on deposit the member's accumulated contributions in the 3669  
employees' savings fund and has not elected to receive a reduced 3670  
benefit determined by the schedule in division (C)(1) of this 3671  
section, upon attaining fifty two years of age, the member shall 3672  
be entitled to receive a benefit computed and paid under division 3673  
(B)(3) of this section. 3674~~

~~(D) A benefit paid under division (B) or (C) of this section 3675  
shall not exceed the lesser of ninety per cent of the member's 3676  
final average salary or the limit established by section 415 of 3677  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 3678  
415, as amended. 3679~~

~~(E)(1) A member with service credit as a PERS law enforcement 3680  
officer or a PERS public safety officer and other service credit 3681  
under this chapter may elect one of the following: 3682~~

~~(a) To have all the member's service credit under this 3683  
chapter, including credit for service as a PERS law enforcement 3684  
officer or PERS public safety officer, used in calculating a 3685  
retirement allowance under division (A) of this section if the 3686  
member qualifies for an allowance under that division; 3687~~

~~(b) If the member qualifies for an allowance under division 3688  
(B)(2)(a) of this section, to have the member's service credit as 3689  
a PERS law enforcement officer used in calculating a benefit under 3690  
that division and the member's credit for all service other than 3691  
PERS law enforcement service used in calculating a benefit 3692  
consisting of a single life annuity having a reserve equal to the 3693~~



~~amount of the member's accumulated contributions for all service 3694  
other than PERS law enforcement service and an equal amount of 3695  
employer contributions. 3696~~

~~(c) If the member qualifies for an allowance under division 3697  
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 3698  
member's service credit as a PERS law enforcement officer or PERS 3699  
public safety officer used in calculating a benefit under the 3700  
appropriate division and the member's credit for all service other 3701  
than PERS law enforcement service or service as a PERS public 3702  
safety officer under this chapter used in calculating a benefit 3703  
consisting of a single life annuity having a reserve equal to the 3704  
amount of the member's accumulated contributions for all service 3705  
other than PERS law enforcement service or PERS public safety 3706  
officer service and an equal amount of the employer's 3707  
contributions. 3708~~

~~(2) Notwithstanding sections 145.01 and 145.30 of the Revised 3709  
Code, no more than four years of military service credit granted 3710  
under section 145.30 of the Revised Code and five years of 3711  
military service credit purchased under section 145.301 or 145.302 3712  
of the Revised Code shall be used in calculating service as a PERS 3713  
law enforcement officer or PERS public safety officer or the total 3714  
service credit of that person. 3715~~

~~(3) Only credit for the member's service as a PERS law 3716  
enforcement officer, PERS public safety officer, or service credit 3717  
obtained as a police officer or state highway patrol trooper shall 3718  
be used in computing the benefit of a member who qualifies for a 3719  
benefit under division (B) or (C) of this section for the 3720  
following: 3721~~

~~(a) Any person who originally is commissioned and employed as 3722  
a deputy sheriff by the sheriff of any county, or who originally 3723  
is elected sheriff, on or after January 1, 1975; 3724~~

<del>(b) Any deputy sheriff who originally is employed as a</del>	3725
<del>criminal bailiff or court constable on or after April 16, 1993;</del>	3726
<del>(c) Any person who originally is appointed as a township</del>	3727
<del>constable or police officer in a township police department or</del>	3728
<del>district on or after January 1, 1981;</del>	3729
<del>(d) Any person who originally is employed as a county</del>	3730
<del>narcotics agent on or after September 26, 1984;</del>	3731
<del>(e) Any person who originally is employed as an undercover</del>	3732
<del>drug agent as defined in section 109.79 of the Revised Code,</del>	3733
<del>department of public safety enforcement agent who prior to June</del>	3734
<del>30, 1999, was a liquor control investigator, park officer, forest</del>	3735
<del>officer, wildlife officer, state watercraft officer, park district</del>	3736
<del>police officer, conservancy district officer, veterans' home</del>	3737
<del>police officer, special police officer for a mental health</del>	3738
<del>institution, special police officer for an institution for the</del>	3739
<del>mentally retarded and developmentally disabled, or municipal</del>	3740
<del>police officer on or after December 15, 1988;</del>	3741
<del>(f) Any person who originally is employed as a state</del>	3742
<del>university law enforcement officer on or after November 6, 1996;</del>	3743
<del>(g) Any person who is originally employed as a state</del>	3744
<del>university law enforcement officer by the university of Akron on</del>	3745
<del>or after September 16, 1998;</del>	3746
<del>(h) Any person who originally is employed as a preserve</del>	3747
<del>officer on or after March 18, 1999;</del>	3748
<del>(i) Any person who originally is employed as a natural</del>	3749
<del>resources law enforcement staff officer on or after March 18,</del>	3750
<del>1999;</del>	3751
<del>(j) Any person who is originally employed as a department of</del>	3752
<del>public safety enforcement agent on or after June 30, 1999;</del>	3753
<del>(k) Any person who is originally employed as a house sergeant</del>	3754

~~at arms or assistant house sergeant at arms on or after September 5, 2001;~~ 3755  
3756

~~(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;~~ 3757  
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3759

~~(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.~~ 3760  
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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.~~ 3763  
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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. 3771  
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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.~~ 3773  
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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 retirement under this section. Retirement shall be effective on the first day of the first month following the last day for which the disability allowance is paid. 3777  
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(B) The annual allowance payable under this section shall consist of the sum of the amounts determined under divisions 3783  
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(B)(1) and (2) of this section:	3785
(1) The greater of the following:	3786
(a) An allowance calculated as provided in section 145.33 or <del>145.34</del> <u>145.332</u> of the Revised Code, excluding any period during which the applicant received a disability benefit under section 145.361 of the Revised Code;	3787 3788 3789 3790
(b) An allowance calculated by multiplying the applicant's total service credit, including service credit for the last continuous period during which the applicant received a disability benefit under section 145.361 of the Revised Code, by two and two-tenths per cent of the applicant's final average salary, except that the allowance shall not exceed forty-five per cent of the applicant's final average salary.	3791 3792 3793 3794 3795 3796 3797
(2) An amount equal to the additional allowance the recipient would receive under section 145.323 of the Revised Code, plus any other additional amount the recipient would receive under this chapter, had the recipient retired under section 145.33 or <del>145.34</del> <u>145.332</u> of the Revised Code effective on the effective date of the recipient's most recent continuous period of receipt of a disability benefit under section 145.361 of the Revised Code.	3798 3799 3800 3801 3802 3803 3804
(C) The allowance calculated under division (B) of this section, exclusive of any amount added under division (B)(2) of this section based on section 145.323 of the Revised Code, shall be the base for all future additional allowances under section 145.323 of the Revised Code.	3805 3806 3807 3808 3809
The anniversary date for future additional allowances under section 145.323 of the Revised Code shall be the effective date of the recipient's most recent continuous period of receipt of a disability benefit under section 145.361 of the Revised Code.	3810 3811 3812 3813
(D) The retirement allowance determined under this section shall be paid as provided in section 145.46 of the Revised Code.	3814 3815

Sec. 145.332. Eligibility of members of the public employees retirement system, other than those subject to section 145.32 of the Revised Code, for age and service retirement shall be determined under this section. 3816  
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(A) A member of the public employees retirement system is eligible for age and service retirement under this division if, not later than five years after the effective date of this section, the member meets one of the following requirements: 3820  
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3822  
3823

(1) Has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer; 3824  
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(2) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit; 3826  
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(3) Has attained age sixty-two and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer. 3831  
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(B)(1) A member who would be eligible to retire not later than ten years after the effective date of this amendment if the requirements of section 145.33 of the Revised Code as they existed immediately prior to the effective date of this amendment were still in effect is eligible to retire under this division if the member meets one of the following requirements: 3834  
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(a) Has attained age fifty and has at least twenty-five years of total service credit as a PERS law enforcement officer; 3840  
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(b) Has attained age fifty-four and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least 3842  
3843  
3844  
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twenty-five years of total service credit; 3846

(c) Has attained age sixty-four and has at least fifteen 3847  
years of total service credit as a PERS law enforcement officer or 3848  
PERS public safety officer. 3849

(2) A member who on the effective date of this amendment has 3850  
twenty or more years of total service credit is eligible for age 3851  
and service retirement under this division on meeting one of the 3852  
requirements of division (B)(1) of this section, regardless of 3853  
when the member meets the requirement unless, between the 3854  
effective date of this section and the date the member meets the 3855  
requirement, the member receives a refund of accumulated 3856  
contributions under section 145.40 of the Revised Code. 3857

(C) A member who is not eligible for age and service 3858  
retirement under division (A) or (B) of this section is eligible 3859  
under this division if the member meets one of the following 3860  
requirements: 3861

(1) Has attained age fifty-two and has at least twenty-five 3862  
years of total service credit as a PERS law enforcement officer; 3863

(2) Has attained age fifty-six and has at least twenty-five 3864  
years of total service credit as a PERS public safety officer or 3865  
has service as a PERS public safety officer and service as a PERS 3866  
law enforcement officer that when combined equal at least 3867  
twenty-five years of total service credit; 3868

(3) Has attained age sixty-four and has at least fifteen 3869  
years of total service credit as a PERS law enforcement officer or 3870  
PERS public safety officer. 3871

(D)(1) A member with at least twenty-five years of total 3872  
service credit who would be eligible to retire under division 3873  
(B)(1) of this section had the member attained age fifty and who 3874  
voluntarily resigns or is discharged for any reason except death, 3875  
dishonesty, cowardice, intemperate habits, or conviction of a 3876

felony, on or after attaining age forty-eight, but before 3877  
attaining age fifty, may elect to receive a reduced benefit. The 3878  
benefit shall be the actuarial equivalent of the allowance 3879  
calculated under division (E) of this section adjusted for age. 3880

(2) A member with at least twenty-five years of total service 3881  
credit who would be eligible to retire under division (C)(1) of 3882  
this section had the member attained age fifty-two and who 3883  
voluntarily resigns or is discharged for any reason except death, 3884  
dishonesty, cowardice, intemperate habits, or conviction of a 3885  
felony, on or after attaining age forty-eight, but before 3886  
attaining age fifty-two, may elect to receive a reduced benefit. 3887  
The benefit shall be the actuarial equivalent of the allowance 3888  
calculated under division (E) of this section adjusted for age. 3889

(3) A member with at least twenty-five years of total service 3890  
credit who would be eligible to retire under division (A)(2) of 3891  
this section had the member attained age fifty-two and who 3892  
voluntarily resigns or is discharged for any reason except death, 3893  
dishonesty, cowardice, intemperate habits, or conviction of a 3894  
felony, on or after attaining age forty-eight, but before 3895  
attaining age fifty-two, may elect to receive a reduced benefit. 3896

(a) If eligibility to make the election under division (D)(3) 3897  
of this section occurs not later than five years after the 3898  
effective date of this section, the benefit shall be calculated in 3899  
accordance with the following schedule: 3900

<u>Attained Age</u>	<u>Reduced Benefit</u>	
<u>48</u>	<u>75% of the benefit payable under</u>	3902
	<u>division (E) of this section</u>	
<u>49</u>	<u>80% of the benefit payable under</u>	3903
	<u>division (E) of this section</u>	
<u>50</u>	<u>86% of the benefit payable under</u>	3904
	<u>division (E) of this section</u>	
<u>51</u>	<u>93% of the benefit payable under</u>	3905

division (E) of this section

(b) If eligibility to make the election occurs after the date 3906  
determined under division (D)(3)(a) of this section, the benefit 3907  
shall be the actuarial equivalent of the allowance calculated 3908  
under division (E) of this section adjusted for age. 3909

(4) A member with at least twenty-five years of total service 3910  
credit who would be eligible to retire under division (B)(2) of 3911  
this section had the member attained age fifty-four and who 3912  
voluntarily resigns or is discharged for any reason except death, 3913  
dishonesty, cowardice, intemperate habits, or conviction of a 3914  
felony, on or after attaining age forty-eight, but before 3915  
attaining age fifty-four, may elect to receive a reduced benefit. 3916  
The benefit shall be the actuarial equivalent of the allowance 3917  
calculated under division (E) of this section adjusted for age. 3918

(5) A member with at least twenty-five years of total service 3919  
credit who would be eligible to retire under division (C)(2) of 3920  
this section had the member attained age fifty-six and who 3921  
voluntarily resigns or is discharged for any reason except death, 3922  
dishonesty, cowardice, intemperate habits, or conviction of a 3923  
felony, on or after attaining age fifty-two, but before attaining 3924  
age fifty-six, may elect to receive a reduced benefit. The benefit 3925  
shall be the actuarial equivalent of the allowance calculated 3926  
under division (E) of this section adjusted for age. 3927

(6) If a member elects to receive a reduced benefit under 3928  
division (D)(1), (2), (3), (4), or (5) of this section, the 3929  
reduced benefit shall be based on the member's age on the member's 3930  
most recent birthday. Once a member elects to receive a reduced 3931  
benefit and has received a payment, the member may not change that 3932  
election. 3933

(E) A benefit paid under division (A), (B), or (C) of this 3934  
section shall consist of an annual single lifetime allowance equal 3935  
to the sum of two and one-half per cent of the member's final 3936



average salary multiplied by the first twenty-five years of the 3937  
member's total service credit plus two and one-tenth per cent of 3938  
the member's final average salary multiplied by the number of 3939  
years of the member's total service credit in excess of 3940  
twenty-five years. 3941

(F) A member with at least fifteen years of total service 3942  
credit as a PERS law enforcement officer or PERS public safety 3943  
officer who voluntarily resigns or is discharged for any reason 3944  
except death, dishonesty, cowardice, intemperate habits, or 3945  
conviction of a felony may apply for an age and service retirement 3946  
benefit, which shall consist of an annual single lifetime 3947  
allowance equal to one and one-half per cent of the member's final 3948  
average salary multiplied by the number of years of the member's 3949  
total service credit. 3950

(1) If the member will attain age fifty-two not later than 3951  
ten years after the effective date of this section, the retirement 3952  
allowance shall commence on the first day of the calendar month 3953  
following the month in which application is filed with the board 3954  
on or after the member's attainment of age fifty-two. 3955

(2) If the member will not attain age fifty-two on or before 3956  
the date determined under division (F)(1) of this section, the 3957  
retirement allowance shall commence on the first day of the 3958  
calendar month following the month in which application is filed 3959  
with the board on or after the member's attainment of age 3960  
fifty-six. 3961

(G) A benefit paid under this section shall not exceed the 3962  
lesser of ninety per cent of the member's final average salary or 3963  
the limit established by section 415 of the "Internal Revenue Code 3964  
of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 3965

(H) A member with service credit as a PERS law enforcement 3966  
officer or PERS public safety officer and other service credit 3967

under this chapter may elect one of the following: 3968

(1) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or PERS public safety officer, used in calculating a retirement allowance under section 145.33 of the Revised Code if the member qualifies for an allowance under that section; 3969  
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(2) If the member qualifies for an allowance under division (A)(1), (B)(1), (C)(1), or (D)(1) or (2) of this section, to receive all of the following: 3974  
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3976

(a) A benefit under division (A)(1), (B)(1), (C)(1), or (D)(1) or (2) of this section for the member's service credit as a PERS law enforcement officer; 3977  
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(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; 3980  
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(c) A pension equal to the annuity provided under division (H)(2)(b) of this section, excluding amounts of the member's accumulated contributions deposited under former division (Y) of section 145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised Code for the purchase of service credit. 3983  
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(3) If the member qualifies for an allowance under division (A)(2), (B)(2), (C)(2), or (D)(3), (4), or (5) of this section, to receive all of the following: 3990  
3991  
3992

(a) A benefit under division (A)(2), (B)(2), (C)(2), or (D)(3), (4), or (5) of this section for the member's service credit as a PERS law enforcement officer or PERS public safety officer; 3993  
3994  
3995  
3996

(b) A single life annuity having a reserve equal to the 3997

amount of the member's accumulated contributions for all service 3998  
other than PERS law enforcement service or PERS public safety 3999  
officer service; 4000

(c) A pension equal to the annuity provided under division 4001  
(H)(3)(b) of this section, excluding amounts of the member's 4002  
accumulated contributions deposited under former division (Y) of 4003  
section 145.01 or former sections 145.02, 145.29, 145.292, and 4004  
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 4005  
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 4006  
Revised Code for the purchase of service credit. 4007

(I) For the purposes of this section, "total service credit" 4008  
includes credit for military service to the extent permitted by 4009  
division (J) of this section and credit for service as a police 4010  
officer or state highway patrol trooper to the extent permitted by 4011  
division (K) of this section. 4012

(J) Notwithstanding sections 145.01 and 145.30 of the Revised 4013  
Code, not more than four years of military service credit granted 4014  
or purchased under section 145.30 of the Revised Code and five 4015  
years of military service credit purchased under section 145.301 4016  
or 145.302 of the Revised Code shall be used in calculating 4017  
service as a PERS law enforcement officer or PERS public safety 4018  
officer or the total service credit of that person. 4019

(K)(1) Only credit for the member's service as a PERS law 4020  
enforcement officer, PERS public safety officer, or service credit 4021  
obtained as a police officer or state highway patrol trooper shall 4022  
be used in computing the benefit of a member who qualifies for a 4023  
benefit under this section for the following: 4024

(a) Any person who originally is commissioned and employed as 4025  
a deputy sheriff by the sheriff of any county, or who originally 4026  
is elected sheriff, on or after January 1, 1975; 4027

(b) Any deputy sheriff who originally is employed as a 4028

<u>criminal bailiff or court constable on or after April 16, 1993;</u>	4029
<u>(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;</u>	4030 4031 4032
<u>(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;</u>	4033 4034
<u>(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the developmentally disabled, or municipal police officer on or after December 15, 1988;</u>	4035 4036 4037 4038 4039 4040 4041 4042 4043 4044
<u>(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;</u>	4045 4046
<u>(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;</u>	4047 4048 4049
<u>(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;</u>	4050 4051
<u>(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;</u>	4052 4053 4054
<u>(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;</u>	4055 4056
<u>(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September</u>	4057 4058

5, 2001; 4059

(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; 4060  
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4062

(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. 4063  
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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. 4066  
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(L) 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. 4074  
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(M) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code. 4078  
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(N) A member seeking to retire under this section shall file an application with the public employees retirement board. 4080  
4081

Service retirement shall be effective as provided in division (E) of section 145.32 of the Revised Code. 4082  
4083

(O) 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. 4084  
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Sec. 145.333. (A) As used in this section: 4088

(1) "Retirement allowance" means either of the following as appropriate: 4089  
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(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 (H)(2)(b) and (c) or (H)(3)(b) and (c) of section 145.332 of the Revised Code; 4091  
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(b) An allowance calculated under division (A) of section 145.45 of the Revised Code. 4097  
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(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. 4099  
4100  
4101

(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. 4102  
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(C) Prior to paying a retirement allowance, the public employees retirement system shall make the following calculations: 4106  
4107

(1) Determine an amount equal to the value of the member's accumulated contributions, including any contributions made under section 145.483 of the Revised Code that represent member contributions and 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; 4108  
4109  
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(2) Determine the amount of a single life annuity that is the actuarial equivalent of the amount determined under division (C)(1) of this section, adjusted for age of the member at the time of retirement or, when appropriate, the age at the time of the member's death; 4114  
4115  
4116  
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(3) Multiply the annuity amount determined under division (C) 4119  
(2) of this section by the CBBC factor. 4120

(D) The amount determined under division (C)(3) of this 4121  
section is the member's CBBC. If the retirement allowance the 4122  
member would receive exceeds the member's CBBC, the allowance 4123  
shall be reduced to an amount equal to the member's CBBC. 4124

**Sec. 145.35.** (A) As used in this section, "on-duty illness or 4125  
injury" means an illness or injury that occurred during or 4126  
resulted from performance of duties under the direct supervision 4127  
of a ~~member's appointing authority~~ public employer. 4128

(B) The public employees retirement system shall provide 4129  
disability coverage to each member who has at least five years of 4130  
total service credit and disability coverage for on-duty illness 4131  
or injury to each member who is a PERS law enforcement officer or 4132  
PERS public safety officer, regardless of length of service. 4133

The coverage shall extend only to illness or injury that 4134  
occurs before the member's contributing service terminates or, in 4135  
the case of illness or injury that results from contributing 4136  
service, becomes evident not later than two years after the date 4137  
the contributing service ends. The coverage shall not extend to 4138  
disability resulting from elective cosmetic surgery other than 4139  
reconstructive surgery. 4140

Not later than October 16, 1992, the public employees 4141  
retirement board shall give each person who is a member on July 4142  
29, 1992, the opportunity to elect disability coverage either 4143  
under section 145.36 of the Revised Code or under section 145.361 4144  
of the Revised Code. The board shall mail notice of the election, 4145  
accompanied by an explanation of the coverage under each of the 4146  
Revised Code sections and a form on which the election is to be 4147  
made, to each member at the member's last known address. The board 4148  
shall also provide the explanation and form to any member on 4149

request. 4150

Regardless of whether the member actually receives notice of 4151  
the right to make an election, a member who fails to file a valid 4152  
election under this section shall be considered to have elected 4153  
disability coverage under section 145.36 of the Revised Code. To 4154  
be valid, an election must be made on the form provided by the 4155  
retirement board, signed by the member, and filed with the board 4156  
not later than one hundred eighty days after the date the notice 4157  
was mailed, or, in the case of a form provided at the request of a 4158  
member, a date specified by rule of the retirement board. Once 4159  
made, an election is irrevocable, but if the member ceases to be a 4160  
member of the retirement system, the election is void. If a person 4161  
who makes an election under this section also makes an election 4162  
under section 3307.62 or 3309.39 of the Revised Code, the election 4163  
made for the system that pays a disability benefit to that person 4164  
shall govern the benefit. 4165

Disability coverage shall be provided under section 145.361 4166  
of the Revised Code for persons who become members after July 29, 4167  
1992, and for members who elect under this division to be covered 4168  
under section 145.361 of the Revised Code. 4169

The retirement board may adopt rules governing elections made 4170  
under this division. 4171

(C) Application for a disability benefit may be made by a 4172  
member, by a person acting in the member's behalf, or by the 4173  
member's employer, provided the member has disability coverage 4174  
under section 145.36 or 145.361 of the Revised Code and is not 4175  
receiving a disability benefit under any other Ohio state or 4176  
municipal retirement program. Application must be made within two 4177  
years from the date the member's contributing service under the 4178  
PERS defined benefit plan terminated or the date the member ceased 4179  
to make contributions to the PERS defined benefit plan under 4180  
section 145.814 of the Revised Code, unless the retirement board 4181



determines that the member's medical records demonstrate 4182  
conclusively that at the time the two-year period expired, the 4183  
member was physically or mentally incapacitated for duty and 4184  
unable to make an application. Application may not be made by or 4185  
for any person receiving age and service retirement benefits under 4186  
section 145.33, 145.331, ~~145.34~~, 145.332, or 145.37 or former 4187  
section 145.34 of the Revised Code or any person who, pursuant to 4188  
section 145.40 of the Revised Code, has been paid the accumulated 4189  
contributions standing to the credit of the person's individual 4190  
account in the employees' savings fund. The application shall be 4191  
made on a form provided by the retirement board. 4192

(D) The benefit payable to any member who is approved for a 4193  
disability benefit shall become effective on the first day of the 4194  
month immediately following the later of the following: 4195

(1) The last day for which compensation was paid; 4196

(2) The attainment of eligibility for a disability benefit. 4197

(E) Medical examination of a member who has applied for a 4198  
disability benefit shall be conducted by a competent disinterested 4199  
physician or physicians selected by the board to determine whether 4200  
the member is mentally or physically incapacitated for the 4201  
performance of duty by a disabling condition either permanent or 4202  
presumed to be permanent. The disability must have occurred since 4203  
last becoming a member or have increased since last becoming a 4204  
member to such extent as to make the disability permanent or 4205  
presumed to be permanent. A disability is presumed to be permanent 4206  
if it is expected to last for a continuous period of not less than 4207  
twelve months following the filing of the application. 4208

The standard used to determine whether a member is 4209  
incapacitated for duty is that the member is mentally or 4210  
physically incapable of performing the duties of the position the 4211  
member held at the time the disabling condition began or of a 4212

position with similar duties. 4213

If the physician or physicians determine that the member 4214  
qualifies for a disability benefit, the board concurs with the 4215  
determination, and the member agrees to medical treatment as 4216  
specified in division (F) of this section, the member shall 4217  
receive a disability benefit under section 145.36 or 145.361 of 4218  
the Revised Code. The action of the board shall be final. 4219

(F) The public employees retirement board shall adopt rules 4220  
requiring a disability benefit recipient, as a condition of 4221  
continuing to receive a disability benefit, to agree in writing to 4222  
obtain any medical treatment recommended by the board's physician 4223  
and submit medical reports regarding the treatment. If the board 4224  
determines that a disability benefit recipient is not obtaining 4225  
the medical treatment or the board does not receive a required 4226  
medical report, the disability benefit shall be suspended until 4227  
the treatment is obtained, the report is received by the board, or 4228  
the board's physician certifies that the treatment is no longer 4229  
helpful or advisable. Should the recipient's failure to obtain 4230  
treatment or submit a medical report continue for one year, the 4231  
recipient's right to the disability benefit shall be terminated as 4232  
of the effective date of the original suspension. 4233

The board shall require the recipient of a disability benefit 4234  
who is described in section 145.363 of the Revised Code to comply 4235  
with that section. 4236

(G) A disability benefit that has been granted a member but 4237  
has not commenced shall not be paid if the member continues in or 4238  
returns to employment with the same employer in the same position 4239  
or in a position with duties similar to those of the position the 4240  
member held at the time the benefit was granted. 4241

(H) In the event an employer files an application for a 4242  
disability benefit as a result of a member having been separated 4243

from service because the member is considered to be mentally or 4244  
physically incapacitated for the performance of the member's 4245  
present duty, and the physician or physicians selected by the 4246  
board reports to the board that the member is physically and 4247  
mentally capable of performing service similar to that from which 4248  
the member was separated and the board concurs in the report, the 4249  
board shall so certify to the employer and the employer shall 4250  
restore the member to the member's previous position and salary or 4251  
to a similar position and salary. 4252

**Sec. 145.36.** A member who has elected disability coverage 4253  
under this section, has not attained the applicable age ~~sixty~~, and 4254  
is determined by the public employees retirement board under 4255  
section 145.35 of the Revised Code to qualify for a disability 4256  
benefit shall be retired on disability under this section. 4257

The applicable age is sixty if the member is described in 4258  
division (A) or (B) of section 145.32 or division (A), (B), or 4259  
(D)(1), (3), or (4) of section 145.332 of the Revised Code. It is 4260  
sixty-two if the member is described in division (C) of section 4261  
145.32 or division (D)(2) or (5) of section 145.332 of the Revised 4262  
Code. 4263

Upon disability retirement, a member shall receive an annual 4264  
amount that shall consist of: 4265

(A) An annuity having a reserve equal to the amount of the 4266  
retirant's accumulated contributions; 4267

(B) A pension that shall be the difference between the 4268  
member's annuity and an annual amount determined by multiplying 4269  
the total service credit of the retirant, and in addition thereto 4270  
the projected number of years and fractions thereof between the 4271  
effective date of the member's disability retirement and ~~attained~~ 4272  
attainment of the applicable age ~~sixty~~, assuming continuous 4273  
service, by ~~eighty-six dollars or~~ two and two-tenths per cent of 4274

the member's final average salary, ~~whichever is greater~~. 4275

Where the recipient is not receiving a disability benefit 4276  
under section 145.37 of the Revised Code and is receiving a 4277  
disability benefit from either the state teachers retirement 4278  
system or the school employees retirement system, the recipient 4279  
shall not be eligible for service credit based upon the number of 4280  
years and fractions thereof between the date of disability and 4281  
attained age sixty as provided for in this division. 4282

In no case shall disability retirement be less than thirty 4283  
per cent or more than seventy-five per cent of the member's final 4284  
average salary, except that it shall not exceed any limit to which 4285  
the retirement system is subject under section 415 of the 4286  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 4287  
as amended. 4288

A year of service for the purpose of disability retirement is 4289  
a complete year of full-time employment, or the equivalent 4290  
thereof. The public employees retirement board is the final 4291  
authority in determining the eligibility of a member for 4292  
disability retirement. 4293

**Sec. 145.361.** (A) A member with disability coverage under 4294  
this section who is determined by the public employees retirement 4295  
board under section 145.35 of the Revised Code to qualify for a 4296  
disability benefit shall receive a disability allowance under this 4297  
section. The allowance shall be an annual amount equal to the 4298  
greater of the following: 4299

(1) Forty-five per cent of the member's final average salary; 4300

(2) The member's total service credit multiplied by two and 4301  
two-tenths per cent of the member's final average salary, not 4302  
exceeding sixty per cent of the member's final average salary. 4303

(B) Sufficient reserves for payment of the disability 4304

allowance shall be transferred to the annuity and pension reserve 4305  
fund from the employers' contribution fund. The accumulated 4306  
contributions of the member shall remain in the employees' savings 4307  
fund. No part of the allowance paid under this section shall be 4308  
charged against the member's accumulated contributions. 4309

(C) A disability allowance paid under this section shall 4310  
terminate at the earliest of the following: 4311

(1) The effective date of age and service retirement under 4312  
sections 145.32 ~~and~~, 145.33, ~~and~~ 145.332, or section ~~145.34~~ ~~or~~ 4313  
145.37 or former section 145.34 of the Revised Code; 4314

(2) The date the allowance is terminated under section 4315  
145.362 of the Revised Code; 4316

(3) The later of the last day of the month in which the 4317  
recipient attains age sixty-five, or the last day of the month in 4318  
which the benefit period ends as follows: 4319

Attained Age at		4320
Effective Date of		4321
Disability Allowance	Benefit Period	4322
60 or 61	60 months	4323
62 or 63	48 months	4324
64 or 65	36 months	4325
66, 67, or 68	24 months	4326
69 or older	12 months	4327

**Sec. 145.362.** A disability benefit recipient whose 4328  
application for a disability benefit was received by the public 4329  
employees retirement system before the effective date of this 4330  
amendment shall, regardless of when the disability occurred, 4331  
retain membership status and shall be considered on leave of 4332  
absence from employment during the first five years following the 4333  
effective date of a disability benefit, notwithstanding any 4334  
contrary provisions in this chapter. 4335

A disability benefit recipient whose application for a disability benefit is received by the system on or after the effective date of this amendment shall, regardless of when the disability occurred, retain membership status and shall be considered on leave of absence from employment during the first three years following the effective date of a disability benefit, except that, if the member is receiving rehabilitative services acceptable to a physician or physicians selected by the board, the board may permit the recipient to retain membership status and be considered on leave of absence from employment for up to five years following the effective date of a disability benefit.

The public employees retirement board shall require any disability benefit recipient to undergo an annual medical examination, except that the board may waive the medical examination if the board's physician or physicians certify that the recipient's disability is ongoing. If any disability benefit recipient refuses to submit to a medical examination, the recipient's disability benefit shall be suspended until withdrawal of the refusal. Should the refusal continue for one year, all the recipient's rights in and to the disability benefit shall be terminated as of the effective date of the original suspension.

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

(A) Regardless of when the disability occurred, if the recipient's application for a disability benefit was received by the system before the effective date of this amendment, or, if after that date, the recipient has been receiving the benefit for less than three years or is receiving rehabilitative services acceptable to the physician or physicians and considered on leave

of absence, or, if, when the disability occurred, the recipient 4368  
was a PERS law enforcement officer or PERS public safety officer, 4369  
the standard for termination is that the recipient is no longer 4370  
physically and mentally incapable of resuming the service from 4371  
which the recipient was found disabled. ¶f 4372

(B) Regardless of when the disability occurred, if the 4373  
recipient's application for a disability benefit is received by 4374  
the system on or after the effective date of this amendment the 4375  
recipient has been receiving the benefit for three years or 4376  
longer, the recipient was not a PERS law enforcement officer or 4377  
PERS public safety officer when the disability occurred, and the 4378  
recipient is not receiving rehabilitative services acceptable to 4379  
the physician or physicians, the standard for termination is that 4380  
the recipient is not physically or mentally incapable of 4381  
performing the duties of any position that meets all of the 4382  
following criteria: 4383

(1) Replaces not less than seventy-five per cent of the 4384  
member's final average salary, adjusted each year by the actual 4385  
average increase in the consumer price index prepared by the 4386  
United States bureau of labor statistics (U.S. city average for 4387  
urban wage earners and clerical workers: "all items 4388  
1982-1984=100"); 4389

(2) Is reasonably to be found in the member's regional job 4390  
market; 4391

(3) Is one that the member is qualified for by experience or 4392  
education. 4393

If the board concurs in the report that the disability 4394  
benefit recipient is no longer incapable meets the applicable 4395  
standard for termination of a disability benefit, the payment of 4396  
the disability benefit shall be terminated not later than three 4397  
months after the date of the board's concurrence or upon 4398

employment as a public employee. If the leave of absence has not 4399  
expired, the retirement board shall certify to the disability 4400  
benefit recipient's last employer before being found disabled that 4401  
the recipient is no longer physically and mentally incapable of 4402  
resuming service that is the same or similar to that from which 4403  
the recipient was found disabled. The employer shall restore the 4404  
recipient to the recipient's previous position and salary or to a 4405  
position and salary similar thereto, unless the recipient was 4406  
dismissed or resigned in lieu of dismissal for dishonesty, 4407  
misfeasance, malfeasance, or conviction of a felony. 4408

Each disability benefit recipient shall file with the board 4409  
an annual statement of earnings, current medical information on 4410  
the recipient's condition, and any other information required in 4411  
rules adopted by the board. The board may waive the requirement 4412  
that a disability benefit recipient file an annual statement of 4413  
earnings or current medical information if the board's physician 4414  
certifies that the recipient's disability is ongoing. 4415

The board shall annually examine the information submitted by 4416  
the recipient. If a disability benefit recipient refuses to file 4417  
the statement or information, the disability benefit shall be 4418  
suspended until the statement and information are filed. If the 4419  
refusal continues for one year, the recipient's right to the 4420  
disability benefit shall be terminated as of the effective date of 4421  
the original suspension. 4422

If a disability benefit recipient is restored to service by, 4423  
or elected to an elective office with, an employer covered by this 4424  
chapter, the recipient's disability benefit shall cease. 4425

The board may terminate a disability benefit at the request 4426  
of the recipient. 4427

If disability retirement under section 145.36 of the Revised 4428  
Code is terminated for any reason, the annuity and pension 4429



reserves at that time in the annuity and pension reserve fund 4430  
shall be transferred to the employees' savings fund and the 4431  
employers' accumulation fund, respectively. If the total 4432  
disability benefit paid is less than the amount of the accumulated 4433  
contributions of the member transferred to the annuity and pension 4434  
reserve fund at the time of the member's disability retirement, 4435  
the difference shall be transferred from the annuity and pension 4436  
reserve fund to another fund as may be required. In determining 4437  
the amount of a member's account following the termination of 4438  
disability retirement for any reason, the total amount paid shall 4439  
be charged against the member's refundable account. 4440

If a disability allowance paid under section 145.361 of the 4441  
Revised Code is terminated for any reason, the reserve on the 4442  
allowance at that time in the annuity and pension reserve fund 4443  
shall be transferred from that fund to the employers' accumulation 4444  
fund. 4445

If a former disability benefit recipient again becomes a 4446  
contributor, other than as an other system retirant under section 4447  
145.38 of the Revised Code, to this system, the state teachers 4448  
retirement system, or the school employees retirement system, and 4449  
completes an additional two years of service credit, the former 4450  
disability benefit recipient shall be entitled to full service 4451  
credit, not exceeding five years' service credit, for the period 4452  
as a disability benefit recipient, except that if the board adopts 4453  
a rule requiring payment for the service credit it shall be 4454  
granted only if the former disability benefit recipient pays an 4455  
amount determined under the rule. The rule shall not require 4456  
payment of more than the additional liability to the retirement 4457  
system resulting from granting the credit. The former recipient 4458  
may choose to purchase only part of the credit in any one payment. 4459

If any employer employs any member who is receiving a 4460  
disability benefit, the employer shall file notice of employment 4461

with the retirement board, designating the date of employment. In 4462  
case the notice is not filed, the total amount of the benefit paid 4463  
during the period of employment prior to notice shall be charged 4464  
to and paid by the employer. 4465

Sec. 145.363. This section does not apply to a disability 4466  
recipient who, when the disability occurred, was a PERS law 4467  
enforcement officer or PERS public safety officer. 4468

(A) A recipient of a disability benefit granted under this 4469  
chapter whose application for such benefit is received by the 4470  
public employees retirement system on or after the effective date 4471  
of this section shall, regardless of when the disability occurred, 4472  
apply for social security disability insurance benefit payments 4473  
under 42 U.S.C. 423 if the recipient meets the requirements of 4474  
divisions (a)(1)(A), (B), and (C) of that section. The application 4475  
for a social security disability insurance benefit shall be made 4476  
not later than ninety days after the recipient is granted a 4477  
disability benefit under this chapter unless the public employees 4478  
retirement board determines from the member's medical records that 4479  
the member is physically or mentally unable to make the 4480  
application. The recipient shall file a copy of the completed 4481  
application with the public employees retirement system and the 4482  
system shall accept the copy as evidence of the member's 4483  
application. If a recipient fails without just cause to apply for 4484  
social security disability insurance benefit payments or to file a 4485  
copy of the application with the system, the disability benefit 4486  
under this chapter shall be suspended until application is made 4487  
and a copy of the application filed with the system. 4488

(B) Regardless of whether the recipient's disability is 4489  
ongoing, a recipient of a disability benefit under this chapter 4490  
who also receives social security disability insurance benefit 4491  
payments shall file an annual statement of earnings under section 4492

145.362 of the Revised Code and include a copy of the social security disability insurance benefit annual reward letter that specifies the amount of the social security disability insurance program benefit.

(C) Except as provided in division (D) of this section, if any year the total of a disability benefit recipient's benefit under this chapter and social security disability insurance benefit payments exceeds the recipient's adjusted final average salary, the annual benefit under this chapter shall be reduced so that the annual total equals the recipient's adjusted final average salary.

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

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

(D) The reductions required by division (C) of this section do not apply to a recipient of a disability benefit under this chapter who has not less than five years of service credit for periods during which the recipient had earnings from other

employment that was subject to the tax imposed by the "Federal 4525  
Insurance Contributions Act," 26 U.S.C. 3101. 4526

**Sec. 145.37.** (A) As used in this section: 4527

(1) "State retirement system" means the public employees 4528  
retirement system, school employees retirement system, or state 4529  
teachers retirement system. 4530

(2) "Total service credit" means all service credit earned in 4531  
the state retirement systems, except credit for service subject to 4532  
section 145.38 of the Revised Code. Total service credit shall not 4533  
exceed one year of credit for any twelve-month period. 4534

(3) In addition to the meaning given in division (N) of 4535  
section 145.01 of the Revised Code, "disability benefit" means 4536  
"disability benefit" as defined in sections 3307.01 and 3309.01 of 4537  
the Revised Code. 4538

(B) To coordinate and integrate membership in the state 4539  
retirement systems, the following provisions apply: 4540

(1) ~~At~~ Subject to division (B)(2) of this section, at the 4541  
~~option~~ election of a member, total contributions and service 4542  
credit in all state retirement systems, including amounts paid to 4543  
restore service credit under sections 145.311, 3307.711, and 4544  
3309.261 of the Revised Code, shall be used in determining the 4545  
eligibility and total retirement or disability benefit payable. 4546  
When total contributions and service credit are so combined, the 4547  
following provisions apply: 4548

(a) Age and service retirement ~~or disability benefits are~~ 4549  
shall be effective on the first day of the month immediately 4550  
following the later of: 4551

(i) The last day for which compensation was paid; 4552

(ii) The attainment of minimum age or service credit 4553  
eligibility for benefits provided under this section; 4554

(iii) Ninety days prior to receipt by the board of the 4555  
member's completed application for retirement. 4556

(b) ~~In determining eligibility~~ Disability benefits shall be 4557  
effective on the first day of the month immediately following the 4558  
later of the following: 4559

(i) The last day for which compensation was paid; 4560

(ii) The attainment of eligibility for a disability benefit. 4561

(c) Eligibility for a disability benefit, ~~the medical~~ 4562  
examiner's report to shall be determined by the retirement board 4563  
of any the state retirement system, ~~showing~~ that will calculate 4564  
and pay the member's disability incapacitates the member for the 4565  
performance of duty, may benefit, as provided in division 4566  
(B)(1)(d) of this section. The state retirement system calculating 4567  
and paying the disability benefit shall certify the determination 4568  
to the board of each other state retirement system in which the 4569  
member has service credit and shall be accepted by the state 4570  
retirement boards that board as sufficient for granting a 4571  
disability benefit. 4572

~~(e)~~(d) The board of the state retirement system in which the 4573  
member had the greatest service credit, without adjustment, shall 4574  
~~determine~~ calculate and pay the total retirement or disability 4575  
benefit. Where the member's credit is equal in two or more state 4576  
retirement systems, the system having the largest total 4577  
contributions of the member shall ~~determine~~ calculate and pay the 4578  
total benefit. 4579

~~(d)~~(e) In determining the total credit to be used in 4580  
calculating a retirement or disability benefit, ~~credit shall not~~ 4581  
~~be reduced below that certified by the system or systems~~ 4582  
~~transferring credit, except that such~~ total combined service 4583  
credit shall not exceed one year of credit for any one "year" as 4584  
defined in the law of the system making the calculation. 4585

~~(e)~~(f) The state retirement system ~~determining~~ calculating 4586  
and paying a retirement or disability benefit shall receive from 4587  
the other system or systems ~~the member's refundable account at~~ 4588  
~~retirement or the effective date of a disability benefit plus an~~ 4589  
~~amount from the employers' accumulation fund equal to the member's~~ 4590  
~~refundable account less interest credited under section 145.471,~~ 4591  
~~145.472, or 3307.563 of the Revised Code~~ all of the following for 4592  
each year of service: 4593

(i) The amount contributed by the member, or, in the case of 4594  
service credit purchased by the member, paid by the member, that 4595  
is attributable to the year of service; 4596

(ii) An amount equal to the lesser of the employer's 4597  
contributions made on behalf of the member to the retirement 4598  
system for that year of service or the amount that would have been 4599  
contributed by the employer for the service had the member been a 4600  
member of the public employees retirement system at the time the 4601  
credit was earned; 4602

(iii) Interest on the amounts specified in divisions 4603  
(B)(1)(f)(i) and (ii) of this section at the actuarial assumption 4604  
rate of the retirement system determining and paying the benefit. 4605  
~~if~~ 4606

If applicable, the public employees retirement system shall 4607  
pay to the retirement system ~~determining~~ calculating and paying 4608  
the benefit a portion of the amount paid on behalf of the member 4609  
by an employer under section 145.483 of the Revised Code. The 4610  
portion shall be paid from the employers' accumulation fund and 4611  
shall equal the product obtained by multiplying by two the amount 4612  
the member would have contributed during the period the employer 4613  
failed to deduct contributions, as described in section 145.483 of 4614  
the Revised Code. 4615

~~(i)~~(g) The annuity rates and mortality tables of the state 4616

retirement system making the calculation and paying the benefit 4617  
shall be exclusively applicable. 4618

~~(ii)~~(h) Deposits made for the purpose of an additional 4619  
annuity, ~~and including guaranteed interest together with earnings~~ 4620  
as provided in section 145.62 of the Revised Code, upon the 4621  
request of the member, shall be transferred to the state 4622  
retirement system paying the benefit. The return upon such 4623  
deposits shall be that offered by the state retirement system 4624  
making the calculation and paying the benefit. 4625

(2) A former member receiving a retirement or disability 4626  
benefit under this section, who accepts employment amenable to 4627  
coverage in any state retirement system that participated in the 4628  
former member's combined benefit, shall be subject to the 4629  
applicable provisions of law governing such re-employment. If a 4630  
former member should be paid any amount in a retirement benefit, 4631  
to which the former member is not entitled under the applicable 4632  
provisions of law governing such re-employment, such amount shall 4633  
be recovered by the state retirement system paying such benefit by 4634  
utilizing any recovery procedure available under the code 4635  
provisions of the state retirement system covering such 4636  
re-employment. 4637

(C) A PERS retirant or other system retirant, as defined in 4638  
section 145.38 of the Revised Code, is not eligible to receive any 4639  
benefit under this section for service subject to section 145.38 4640  
of the Revised Code. 4641

**Sec. 145.38.** (A) As used in this section and sections 145.381 4642  
and 145.384 of the Revised Code: 4643

(1) "PERS retirant" means a former member of the public 4644  
employees retirement system who is receiving one of the following: 4645

(a) Age and service retirement benefits under section 145.32, 4646

145.33, 145.331, ~~145.34~~, 145.332, or 145.46 or former section 4647  
145.34 of the Revised Code; 4648

(b) Age and service retirement benefits paid by the public 4649  
employees retirement system under section 145.37 of the Revised 4650  
Code; 4651

(c) Any benefit paid under a PERS defined contribution plan. 4652

(2) "Other system retirant" means both of the following: 4653

(a) A member or former member of the Ohio police and fire 4654  
pension fund, state teachers retirement system, school employees 4655  
retirement system, state highway patrol retirement system, or 4656  
Cincinnati retirement system who is receiving age and service or 4657  
commuted age and service retirement benefits or a disability 4658  
benefit from a system of which the person is a member or former 4659  
member; 4660

(b) A member or former member of the public employees 4661  
retirement system who is receiving age and service retirement 4662  
benefits or a disability benefit under section 145.37 of the 4663  
Revised Code paid by the school employees retirement system or the 4664  
state teachers retirement system. 4665

(B)(1) Subject to this section and section 145.381 of the 4666  
Revised Code, a PERS retirant or other system retirant may be 4667  
employed by a public employer. If so employed, the PERS retirant 4668  
or other system retirant shall contribute to the public employees 4669  
retirement system in accordance with section 145.47 of the Revised 4670  
Code, and the employer shall make contributions in accordance with 4671  
section 145.48 of the Revised Code. 4672

(2) A public employer that employs a PERS retirant or other 4673  
system retirant, or enters into a contract for services as an 4674  
independent contractor with a PERS retirant, shall notify the 4675  
retirement board of the employment or contract not later than the 4676  
end of the month in which the employment or contract commences. 4677



Any overpayment of benefits to a PERS retirant by the retirement 4678  
system resulting from delay or failure of the employer to give the 4679  
notice shall be repaid to the retirement system by the employer. 4680

(3) On receipt of notice from a public employer that a person 4681  
who is an other system retirant has been employed, the retirement 4682  
system shall notify the retirement system of which the other 4683  
system retirant was a member of such employment. 4684

(4)(a) A PERS retirant who has received a retirement 4685  
allowance for less than two months when employment subject to this 4686  
section commences shall forfeit the retirement allowance for any 4687  
month the PERS retirant is employed prior to the expiration of the 4688  
two-month period. Service and contributions for that period shall 4689  
not be included in calculation of any benefits payable to the PERS 4690  
retirant, and those contributions shall be refunded on the 4691  
retirant's death or termination of the employment. 4692

(b) An other system retirant who has received a retirement 4693  
allowance or disability benefit for less than two months when 4694  
employment subject to this section commences shall forfeit the 4695  
retirement allowance or disability benefit for any month the other 4696  
system retirant is employed prior to the expiration of the 4697  
two-month period. Service and contributions for that period shall 4698  
not be included in the calculation of any benefits payable to the 4699  
other system retirant, and those contributions shall be refunded 4700  
on the retirant's death or termination of the employment. 4701

(c) Contributions made on compensation earned after the 4702  
expiration of the two-month period shall be used in the 4703  
calculation of the benefit or payment due under section 145.384 of 4704  
the Revised Code. 4705

(5) On receipt of notice from the Ohio police and fire 4706  
pension fund, school employees retirement system, or state 4707  
teachers retirement system of the re-employment of a PERS 4708

retirant, the public employees retirement system shall not pay, or 4709  
if paid, shall recover, the amount to be forfeited by the PERS 4710  
retirant in accordance with section 742.26, 3307.35, or 3309.341 4711  
of the Revised Code. 4712

(6) A PERS retirant who enters into a contract to provide 4713  
services as an independent contractor to the employer by which the 4714  
retirant was employed at the time of retirement or, less than two 4715  
months after the retirement allowance commences, begins providing 4716  
services as an independent contractor pursuant to a contract with 4717  
another public employer, shall forfeit the pension portion of the 4718  
retirement benefit for the period beginning the first day of the 4719  
month following the month in which the services begin and ending 4720  
on the first day of the month following the month in which the 4721  
services end. The annuity portion of the retirement allowance 4722  
shall be suspended on the day services under the contract begin 4723  
and shall accumulate to the credit of the retirant to be paid in a 4724  
single payment after services provided under the contract 4725  
terminate. A PERS retirant subject to division (B)(6) of this 4726  
section shall not contribute to the retirement system and shall 4727  
not become a member of the system. 4728

(7) As used in this division, "employment" includes service 4729  
for which a PERS retirant or other system retirant, the retirant's 4730  
employer, or both, have waived any earnable salary for the 4731  
service. 4732

(C)(1) Except as provided in division (C)(3) of this section, 4733  
this division applies to both of the following: 4734

(a) A PERS retirant who, prior to September 14, 2000, was 4735  
subject to division (C)(1)(b) of this section as that division 4736  
existed immediately prior to September 14, 2000, and has not 4737  
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 4738  
assembly to cease to be subject to that division; 4739

(b) A PERS retirant to whom both of the following apply: 4740

(i) The retirant held elective office in this state, or in 4741  
any municipal corporation, county, or other political subdivision 4742  
of this state at the time of retirement under this chapter. 4743

(ii) The retirant was elected or appointed to the same office 4744  
for the remainder of the term or the term immediately following 4745  
the term during which the retirement occurred. 4746

(2) A PERS retirant who is subject to this division is a 4747  
member of the public employees retirement system with all the 4748  
rights, privileges, and obligations of membership, except that the 4749  
membership does not include survivor benefits provided pursuant to 4750  
section 145.45 of the Revised Code or, beginning on the ninetieth 4751  
day after September 14, 2000, any amount calculated under section 4752  
145.401 of the Revised Code. The pension portion of the PERS 4753  
retirant's retirement allowance shall be forfeited until the first 4754  
day of the first month following termination of the employment. 4755  
The annuity portion of the retirement allowance shall accumulate 4756  
to the credit of the PERS retirant to be paid in a single payment 4757  
after termination of the employment. The retirement allowance 4758  
shall resume on the first day of the first month following 4759  
termination of the employment. On termination of the employment, 4760  
the PERS retirant shall elect to receive either a refund of the 4761  
retirant's contributions to the retirement system during the 4762  
period of employment subject to this section or a supplemental 4763  
retirement allowance based on the retirant's contributions and 4764  
service credit for that period of employment. 4765

(3) This division does not apply to any of the following: 4766

(a) A PERS retirant elected to office who, at the time of the 4767  
election for the retirant's current term, was not retired but, not 4768  
less than ninety days prior to the primary election for the term 4769  
or the date on which a primary for the term would have been held, 4770

filed a written declaration of intent to retire before the end of 4771  
the term with the director of the board of elections of the county 4772  
in which petitions for nomination or election to the office are 4773  
filed; 4774

(b) A PERS retirant elected to office who, at the time of the 4775  
election for the retirant's current term, was a retirant and had 4776  
been retired for not less than ninety days; 4777

(c) A PERS retirant appointed to office who, at the time of 4778  
appointment to the retirant's current term, notified the person or 4779  
entity making the appointment that the retirant was already 4780  
retired or intended to retire before the end of the term. 4781

(D)(1) Except as provided in division (C) of this section, a 4782  
PERS retirant or other system retirant subject to this section is 4783  
not a member of the public employees retirement system, and, 4784  
except as specified in this section does not have any of the 4785  
rights, privileges, or obligations of membership. Except as 4786  
specified in division (D)(2) of this section, the retirant is not 4787  
eligible to receive health, medical, hospital, or surgical 4788  
benefits under section 145.58 of the Revised Code for employment 4789  
subject to this section. 4790

(2) A PERS retirant subject to this section shall receive 4791  
primary health, medical, hospital, or surgical insurance coverage 4792  
from the retirant's employer, if the employer provides coverage to 4793  
other employees performing comparable work. Neither the employer 4794  
nor the PERS retirant may waive the employer's coverage, except 4795  
that the PERS retirant may waive the employer's coverage if the 4796  
retirant has coverage comparable to that provided by the employer 4797  
from a source other than the employer or the public employees 4798  
retirement system. If a claim is made, the employer's coverage 4799  
shall be the primary coverage and shall pay first. The benefits 4800  
provided under section 145.58 of the Revised Code shall pay only 4801  
those medical expenses not paid through the employer's coverage or 4802

coverage the PERS retirant receives through a source other than 4803  
the retirement system. 4804

(E) If the disability benefit of an other system retirant 4805  
employed under this section is terminated, the retirant shall 4806  
become a member of the public employees retirement system, 4807  
effective on the first day of the month next following the 4808  
termination with all the rights, privileges, and obligations of 4809  
membership. If such person, after the termination of the 4810  
disability benefit, earns two years of service credit under this 4811  
system or under the Ohio police and fire pension fund, state 4812  
teachers retirement system, school employees retirement system, or 4813  
state highway patrol retirement system, the person's prior 4814  
contributions as an other system retirant under this section shall 4815  
be included in the person's total service credit as a public 4816  
employees retirement system member, and the person shall forfeit 4817  
all rights and benefits of this section. Not more than one year of 4818  
credit may be given for any period of twelve months. 4819

(F) This section does not affect the receipt of benefits by 4820  
or eligibility for benefits of any person who on August 20, 1976, 4821  
was receiving a disability benefit or service retirement pension 4822  
or allowance from a state or municipal retirement system in Ohio 4823  
and was a member of any other state or municipal retirement system 4824  
of this state. 4825

(G) The public employees retirement board may adopt rules to 4826  
carry out this section. 4827

**Sec. 145.383.** (A) As used in this section: 4828

(1) "Compensation" has the same meaning as in section 3307.01 4829  
or 3309.01 of the Revised Code, as appropriate. 4830

(2) "PERS position" means a position for which a member of 4831  
the public employees retirement system is making contributions to 4832

the system. 4833

(3) "Other state retirement system" means the state teachers 4834  
retirement system or the school employees retirement system. 4835

(4) "State retirement system" means the public employees 4836  
retirement system, state teachers retirement system, or the school 4837  
employees retirement system. 4838

(B)(1) A member of the public employees retirement system who 4839  
holds two or more PERS positions may retire under section 145.32, 4840  
145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised 4841  
Code from the position for which the annual earnable salary at the 4842  
time of retirement is highest and continue to contribute to the 4843  
retirement system for the other PERS position or positions. 4844

(2) A member of the public employees retirement system who 4845  
also holds one or more other positions covered by the other state 4846  
retirement systems may retire under section 145.32, 145.33, 4847  
145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised Code 4848  
from the PERS position and continue contributing to the other 4849  
state retirement systems if the annual earnable salary for the 4850  
PERS position at the time of retirement is greater than annual 4851  
compensation for the position, or any of the positions, covered by 4852  
the other state retirement systems. 4853

(3) A member of the public employees retirement system who 4854  
holds two or more PERS positions and at least one other position 4855  
covered by one of the other state retirement systems may retire 4856  
under section 145.32, 145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 4857  
145.46 of the Revised Code from one of the PERS positions and 4858  
continue contributing to the public employees retirement system 4859  
and the other state retirement system if the annual earnable 4860  
salary for the PERS position from which the member is retiring is, 4861  
at the time of retirement, greater than the annual compensation or 4862  
earnable salary for any of the positions for which the member is 4863

continuing to make contributions. 4864

(4) A member of the public employees retirement system who 4865  
has retired as provided in division (B)(2) or (3) of section 4866  
3307.351 or division (B)(2) or (3) of section 3309.343 of the 4867  
Revised Code may continue to contribute to the public employees 4868  
retirement system for a PERS position if the member held the 4869  
position at the time of retirement from the other state retirement 4870  
system. 4871

(5) A member who contributes to the public employees 4872  
retirement system in accordance with division (B)(1), (3), or (4) 4873  
of this section shall contribute in accordance with section 145.47 4874  
of the Revised Code. The member's employer shall contribute as 4875  
provided in section 145.48 of the Revised Code. Neither the member 4876  
nor the member's survivors are eligible for any benefits based on 4877  
those contributions other than those provided under section 4878  
145.384, 3307.352, or 3309.344 of the Revised Code. 4879

(C)(1) In determining retirement eligibility and the annual 4880  
retirement allowance of a member who retires as provided in 4881  
division (B)(1), (2), or (3) of this section, the following shall 4882  
be used to the date of retirement: 4883

(a) The member's earnable salary and compensation for all 4884  
positions covered by a state retirement system; 4885

(b) Total service credit in any state retirement system, 4886  
except that the credit shall not exceed one year of credit for any 4887  
period of twelve months; 4888

(c) The member's accumulated contributions. 4889

(2) A member who retires as provided in division (B)(1), (2), 4890  
or (3) of this section is a retirant for all purposes of this 4891  
chapter, except that the member is not subject to section 145.38 4892  
of the Revised Code for a position or positions for which 4893  
contributions continue under those divisions or division (B)(4) of 4894

this section. 4895

(D) A retired member receiving a benefit under section 4896  
145.384 of the Revised Code based on employment subject to this 4897  
section is not a member of the public employees retirement system 4898  
and does not have any rights, privileges, or obligations of 4899  
membership. The retired member is a PERS retirant for purposes of 4900  
section 145.38 of the Revised Code. 4901

(E) The public employees retirement board may adopt rules to 4902  
carry out this section. 4903

**Sec. 145.384.** (A) As used in this section, "PERS retirant" 4904  
means a PERS retirant who is not subject to division (C) of 4905  
section 145.38 of the Revised Code. For purposes of this section, 4906  
"PERS retirant" also includes both of the following: 4907

(1) A member who retired under section 145.383 of the Revised 4908  
Code; 4909

(2) A retirant whose retirement allowance resumed under 4910  
section 145.385 of the Revised Code. 4911

(B)(1) An other system retirant or PERS retirant who has made 4912  
contributions under section 145.38 or 145.383 of the Revised Code 4913  
or, in the case of a retirant described in division (A)(2) of this 4914  
section, section 145.47 of the Revised Code may file an 4915  
application with the public employees retirement system to receive 4916  
either a benefit, as provided in division (B)(2) of this section, 4917  
or payment of the retirant's contributions made under those 4918  
sections, as provided in division (H) of this section. 4919

(2) A benefit under this section shall consist of an annuity 4920  
having a reserve equal to the amount of the retirant's accumulated 4921  
contributions for the period of employment, other than the 4922  
contributions excluded pursuant to division (B)(4)(a) or (b) of 4923  
section 145.38 of the Revised Code, and an amount of the 4924



employer's contributions determined by the board. 4925

(a) Unless, as described in division (I) of this section, the 4926  
application is accompanied by a statement of the spouse's consent 4927  
to another form of payment or the board waives the requirement of 4928  
spousal consent, a PERS retirant or other system retirant who is 4929  
married at the time of application for a benefit under this 4930  
section shall receive a monthly annuity under which the actuarial 4931  
equivalent of the retirant's single life annuity is paid in a 4932  
lesser amount for life and one-half of the lesser amount continues 4933  
after the retirant's death to the surviving spouse. 4934

(b) A PERS retirant or other system retirant who is not 4935  
subject to division (B)(2)(a) of this section shall elect either 4936  
to receive the benefit as a monthly annuity or a lump sum payment 4937  
discounted to the present value using a rate of interest 4938  
determined by the board. A retirant who elects to receive a 4939  
monthly annuity shall select one of the following as the plan of 4940  
payment: 4941

(i) The retirant's single life annuity; 4942

(ii) The actuarial equivalent of the retirant's single life 4943  
annuity in an equal or lesser amount for life and continuing after 4944  
death to a surviving beneficiary designated at the time the plan 4945  
of payment is selected. 4946

If a retirant who is eligible to select a plan of payment 4947  
under division (B)(2)(b) of this section fails to do so, the 4948  
benefit shall be paid as a monthly annuity under the plan of 4949  
payment specified in rules adopted by the public employees 4950  
retirement board. 4951

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 4952  
section, if a monthly annuity would be less than twenty-five 4953  
dollars per month, the retirant shall receive a lump sum payment. 4954

(C)(1) The death of a spouse or other designated beneficiary 4955

under a plan of payment described in division (B)(2) of this 4956  
section cancels that plan of payment. The PERS retirant or other 4957  
system retirant shall receive the equivalent of the retirant's 4958  
single life annuity, as determined by the board, effective the 4959  
first day of the month following receipt by the board of notice of 4960  
the death. 4961

(2) On divorce, annulment, or marriage dissolution, a PERS 4962  
retirant or other system retirant receiving a benefit described in 4963  
division (B)(2) of this section under which the beneficiary is the 4964  
spouse may, with the written consent of the spouse or pursuant to 4965  
an order of the court with jurisdiction over the termination of 4966  
the marriage, elect to cancel the plan and receive the equivalent 4967  
of the retirant's single life annuity as determined by the board. 4968  
The election shall be made on a form provided by the board and 4969  
shall be effective the month following its receipt by the board. 4970

(D) Following a marriage or remarriage, a PERS retirant or 4971  
other system retirant who is receiving a benefit described in 4972  
division (B)(2)(b)(i) of this section may elect a new plan of 4973  
payment under division (B)(2)(b) of this section based on the 4974  
actuarial equivalent of the retirant's single life annuity as 4975  
determined by the board. 4976

If the marriage or remarriage occurs on or after ~~the~~ 4977  
~~effective date of this amendment~~ June 6, 2005, the election must 4978  
be made not later than one year after the date of the marriage or 4979  
remarriage. 4980

The plan elected under this division shall be effective on 4981  
the date of receipt by the board of an application on a form 4982  
approved by the board, but any change in the amount of the benefit 4983  
shall commence on the first day of the month following the 4984  
effective date of the plan. 4985

(E) A benefit payable under division (B)(2) of this section 4986

shall commence on the latest of the following: 4987

(1) The last day for which compensation for all employment 4988  
subject to section 145.38, 145.383, or 145.385 of the Revised Code 4989  
was paid; 4990

(2) Attainment by the PERS retirant or other system retirant 4991  
of age sixty-five; 4992

(3) If the PERS retirant or other system retirant was 4993  
previously employed under section 145.38, 145.383, or 145.385 of 4994  
the Revised Code and is receiving or previously received a benefit 4995  
under this section, completion of a period of twelve months since 4996  
the effective date of the last benefit under this section; 4997

(4) Ninety days prior to receipt by the board of the member's 4998  
completed application for retirement; 4999

(5) A date specified by the retirant. 5000

(F)(1) If a PERS retirant or other system retirant dies while 5001  
employed in employment subject to section 145.38, 145.383, or 5002  
145.385 of the Revised Code, a lump sum payment ~~calculated in~~ 5003  
~~accordance with division (B)(2) of this section~~ shall be paid to 5004  
the retirant's beneficiary under division (G) of this section. The 5005  
lump sum shall be calculated in accordance with division (H) of 5006  
this section if the retirant was under age sixty-five at the time 5007  
of death. It shall be calculated in accordance with division 5008  
(B)(2) of this section if the retirant was age sixty-five or older 5009  
at the time of death. 5010

(2) If at the time of death a PERS retirant or other system 5011  
retirant receiving a monthly annuity under division (B)(2)(b)(i) 5012  
of this section has received less than the retirant would have 5013  
received as a lump sum payment, the difference between the amount 5014  
received and the amount that would have been received as a lump 5015  
sum payment shall be paid to the retirant's beneficiary under 5016  
division (G) of this section. 5017

(3) If a beneficiary receiving a monthly annuity under 5018  
division (B)(2) of this section dies and, at the time of the 5019  
beneficiary's death, the total of the amounts paid to the retirant 5020  
and beneficiary are less than the amount the retirant would have 5021  
received as a lump sum payment, the difference between the total 5022  
of the amounts received by the retirant and beneficiary and the 5023  
amount that the retirant would have received as a lump sum payment 5024  
shall be paid to the beneficiary's estate. 5025

(G) A PERS retirant or other system retirant employed under 5026  
section 145.38, 145.383, or 145.385 of the Revised Code may 5027  
designate one or more persons as beneficiary to receive any 5028  
benefits payable under division (B)(2)(b) of this section due to 5029  
death. The designation shall be in writing duly executed on a form 5030  
provided by the public employees retirement board, signed by the 5031  
PERS retirant or other system retirant, and filed with the board 5032  
prior to death. The last designation of a beneficiary revokes all 5033  
previous designations. The PERS retirant's or other system 5034  
retirant's marriage, divorce, marriage dissolution, legal 5035  
separation, withdrawal of account, birth of a child, or adoption 5036  
of a child revokes all previous designations. If there is no 5037  
designated beneficiary, the beneficiary is the beneficiary 5038  
determined under division (D) of section 145.43 of the Revised 5039  
Code. If any benefit payable under this section due to the death 5040  
of a PERS retirant or other system retirant is not claimed by a 5041  
beneficiary within five years after the death, the amount payable 5042  
shall be transferred to the income fund and thereafter paid to the 5043  
beneficiary or the estate of the PERS retirant or other system 5044  
retirant on application to the board. 5045

(H)(1) A PERS retirant or other system retirant who applies 5046  
under division (B)(1) of this section for payment of the 5047  
retirant's contributions and is unmarried or is married and, 5048  
unless the board has waived the requirement of spousal consent, 5049

includes with the application a statement of the spouse's consent 5050  
to the payment, shall be paid the contributions made under section 5051  
145.38 or 145.383 of the Revised Code or, in the case of a 5052  
retirant described in division (A)(2) of this section, section 5053  
145.47 of the Revised Code, plus interest as provided in section 5054  
145.471 of the Revised Code, if the following conditions are met: 5055

(a) The retirant has not attained sixty-five years of age and 5056  
has terminated employment subject to section 145.38, 145.383, or 5057  
145.385 of the Revised Code for any cause other than death or the 5058  
receipt of a benefit under this section. 5059

(b) Three months have elapsed since the termination of the 5060  
retirant's employment subject to section 145.38, 145.383, or 5061  
145.385 of the Revised Code, other than employment exempted from 5062  
contribution pursuant to section 145.03 of the Revised Code. 5063

(c) The retirant has not returned to public service, other 5064  
than service exempted from contribution pursuant to section 145.03 5065  
of the Revised Code, during the three-month period. 5066

(2) Payment of a retirant's contributions cancels the 5067  
retirant's right to a benefit under division (B)(2) of this 5068  
section. 5069

(I) A statement of a spouse's consent under division (B)(2) 5070  
of this section to the form of a benefit or under division (H) of 5071  
this section to a payment of contributions is valid only if signed 5072  
by the spouse and witnessed by a notary public. The board may 5073  
waive the requirement of spousal consent if the spouse is 5074  
incapacitated or cannot be located, or for any other reason 5075  
specified by the board. Consent or waiver is effective only with 5076  
regard to the spouse who is the subject of the consent or waiver. 5077

(J) No amount received under this section shall be included 5078  
in determining an additional benefit under section 145.323 of the 5079  
Revised Code or any other post-retirement benefit increase. 5080

**Sec. 145.39.** Whenever the limits established by section 415 5081  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 5082  
U.S.C.A. 415, as amended, are raised, the public employees 5083  
retirement board shall increase the amount of the pension, 5084  
benefit, or allowance of any person whose pension, benefit, or 5085  
allowance payable under section 145.323, 145.33, 145.331, ~~145.34,~~ 5086  
145.332, 145.36, or 145.361 or former section 145.34 of the 5087  
Revised Code was limited by the application of section 415. The 5088  
amount of the increased pension, benefit, or allowance shall not 5089  
exceed the lesser of the amount the person would have received if 5090  
the limits established by section 415 had not been applied or the 5091  
amount the person is eligible to receive subject to the new limits 5092  
established by section 415. 5093

**Sec. 145.40.** (A)(1) Subject to the provisions of section 5094  
145.57 of the Revised Code and except as provided in section 5095  
145.402 of the Revised Code and division (B) of this section, if a 5096  
member elects to become exempt from contribution to the public 5097  
employees retirement system pursuant to section 145.03 of the 5098  
Revised Code or ceases to be a public employee for any cause other 5099  
than death, retirement, receipt of a disability benefit, or 5100  
current employment in a position in which the member has elected 5101  
to participate in an alternative retirement plan under section 5102  
3305.05 or 3305.051 of the Revised Code, upon application the 5103  
public employees retirement board shall pay the member the 5104  
member's accumulated contributions, plus any applicable amount 5105  
calculated under section 145.401 of the Revised Code, provided 5106  
that both the following apply: 5107

(a) Three months have elapsed since the member's service 5108  
subject to this chapter, other than service exempted from 5109  
contribution pursuant to section 145.03 of the Revised Code, was 5110  
terminated; 5111

(b) The member has not returned to service subject to this 5112  
chapter, other than service exempted from contribution pursuant to 5113  
section 145.03 of the Revised Code, during that three-month 5114  
period. 5115

The payment of such accumulated contributions shall cancel 5116  
the total service credit of such member in the public employees 5117  
retirement system. 5118

(2) A member described in division (A)(1) of this section who 5119  
is married at the time of application for payment and is eligible 5120  
for age and service retirement under section 145.32, 145.33, 5121  
145.331, or ~~145.34~~ 145.332 of the Revised Code or would be 5122  
eligible for age and service retirement under any of those 5123  
sections but for a forfeiture ordered under division (A) or (B) of 5124  
section 2929.192 of the Revised Code shall submit with the 5125  
application a written statement by the member's spouse attesting 5126  
that the spouse consents to the payment of the member's 5127  
accumulated contributions. Consent shall be valid only if it is 5128  
signed and witnessed by a notary public. 5129

The board may waive the requirement of consent if the spouse 5130  
is incapacitated or cannot be located, or for any other reason 5131  
specified by the board. Consent or waiver is effective only with 5132  
regard to the spouse who is the subject of the consent or waiver. 5133

(B) This division applies to any member who is employed in a 5134  
position in which the member has made an election under section 5135  
3305.05 or 3305.051 of the Revised Code and due to the election 5136  
ceases to be a public employee for purposes of that position. 5137

Subject to section 145.57 of the Revised Code, the public 5138  
employees retirement system shall do the following: 5139

(1) On receipt of a certified copy of a form evidencing an 5140  
election under section 3305.05 or 3305.051 of the Revised Code, 5141  
pay to the appropriate provider, in accordance with section 5142

3305.052 of the Revised Code, the amount described in section 5143  
3305.052 of the Revised Code; 5144

(2) If a member has accumulated contributions, in addition to 5145  
those subject to division (B)(1) of this section, standing to the 5146  
credit of the member's individual account and is not otherwise 5147  
employed in a position in which the member is considered a public 5148  
employee for the purposes of that position, pay, to the provider 5149  
the member selected pursuant to section 3305.05 or 3305.051 of the 5150  
Revised Code, the member's accumulated contributions. The payment 5151  
shall be made on the member's application. 5152

(C) Payment of a member's accumulated contributions under 5153  
division (B) of this section cancels the member's total service 5154  
credit in the public employees retirement system. A member whose 5155  
accumulated contributions are paid to a provider pursuant to 5156  
division (B) of this section is forever barred from claiming or 5157  
purchasing service credit under the public employees retirement 5158  
system for the period of employment attributable to those 5159  
contributions. 5160

**Sec. 145.401.** (A) As used in this section+ 5161

~~(1) "Eligible contributions" means amounts contributed under 5162  
section 145.47 of the Revised Code, amounts received from a member 5163  
or transferred under section 145.20, 145.295, 145.302, or 145.44 5164  
of the Revised Code, and any interest credited under section 5165  
145.471 or 145.472 of the Revised Code. "Eligible contributions" 5166  
does not include contributions that were used in the payment of a 5167  
disability benefit or, as provided in rules adopted by the board, 5168  
were refunded to a member because the system was not authorized to 5169  
accept the contributions. 5170~~

~~(2) "Service, "service credit" means service credit earned 5171  
for periods for which contributions were made under section 145.47 5172  
of the Revised Code and, if applicable, periods for which service 5173~~



credit was purchased or ~~transferred~~ restored under section ~~145.20,~~ 5174  
~~145.295,~~ 145.302, or ~~145.44~~ 145.31 of the Revised Code. 5175

(B) If a member has, or at the time of death had, at least 5176  
five years of service credit, the public employees retirement 5177  
board shall include the amount specified in ~~division (B)(1) or (2)~~ 5178  
~~of this section~~ rules adopted by the board in the amount payable 5179  
under section 145.40 of the Revised Code to the member, or under 5180  
division (B) of section 145.43 of the Revised Code to a 5181  
beneficiary or beneficiaries of the member, unless at the time of 5182  
death the member was a disability benefit recipient. The amount 5183  
specified in ~~division (B)(1) or (2) of this section~~ rules shall be 5184  
paid from the employers' accumulation fund. 5185

~~(1) If the member has, or had at the time of death, at least~~ 5186  
~~five but less than ten years of service credit, the amount~~ 5187  
~~included shall be equal to thirty three per cent of the member's~~ 5188  
~~eligible contributions.~~ 5189

~~(2) If the member has, or had at the time of death, at least~~ 5190  
~~ten years of service credit, the amount included shall be equal to~~ 5191  
~~sixty seven per cent of the member's eligible contributions (C)~~ 5192  
The public employees retirement board shall adopt rules under 5193  
section 145.09 of the Revised Code specifying the additional 5194  
amounts that may be provided a member under section 145.40 of the 5195  
Revised Code or a beneficiary or beneficiaries under division (B) 5196  
of section 145.43 of the Revised Code. The additional amounts may 5197  
vary depending on the amount of service credit the member has 5198  
accrued. 5199

**Sec. 145.41.** Membership shall cease upon refund of 5200  
accumulated contributions, death, or retirement except as provided 5201  
in section 145.362 of the Revised Code. A member who separates 5202  
from service for any reason other than death or retirement or who 5203  
otherwise ceases to be a public employee for any reason other than 5204

death or retirement may leave the member's accumulated 5205  
contributions on deposit with the public employees retirement 5206  
board and, for the purposes of the public employees retirement 5207  
system, be considered on a membership leave of absence. The 5208  
member's membership rights shall continue until the member has 5209  
withdrawn the member's accumulated contributions, retired on a 5210  
retirement allowance as provided in section 145.33, 145.331, or 5211  
~~145.34~~ 145.332 of the Revised Code, or died. The account of such a 5212  
member shall remain in the employees' savings fund, except that 5213  
the account of a member who has less than five calendar years of 5214  
contributing service credit or is a member of the state teachers 5215  
retirement system or the school employees retirement system may be 5216  
transferred to the income fund if by the end of the fifth calendar 5217  
year following the calendar year in which the last contribution 5218  
was received the member has not died, claimed a refund of 5219  
contributions, or requested the retirement board to continue the 5220  
member's membership on a leave of absence basis. In case such a 5221  
member later requests a refund, the member's account shall be 5222  
restored to the employees' savings account and refunded therefrom. 5223  
Members on such leaves of absence shall retain all rights, 5224  
obligations, and privileges of membership in the public employees 5225  
retirement system. A "contributor," as defined in division (F) of 5226  
section 145.01 of the Revised Code, who formerly lost membership 5227  
through termination of membership leave of absence and who has not 5228  
withdrawn the contributor's account shall be reinstated as a 5229  
member with all the rights, privileges, and obligations of 5230  
membership in the system. In no case shall a member on leave of 5231  
absence as provided in this section add to the member's total 5232  
number of years of service credit by reason of such leave of 5233  
absence, unless such member ~~was receiving benefits from the state~~ 5234  
~~insurance fund and by reason of such benefits qualified for~~ 5235  
~~additional service credit as provided in division (H) of section~~ 5236  
~~145.01 of the Revised Code, or was~~ is eligible to and does make a 5237

payment as provided in section 145.291 of the Revised Code. 5238

**Sec. 145.43.** (A) As used in this section and in section 5239  
145.45 of the Revised Code: 5240

(1) "Child" means a biological or legally adopted child of a 5241  
deceased member. If a court hearing for an interlocutory decree 5242  
for adoption was held prior to the member's death, "child" 5243  
includes the child who was the subject of the hearing 5244  
notwithstanding the fact that the final decree of adoption, 5245  
adjudging the surviving spouse as the adoptive parent, is made 5246  
subsequent to the member's death. 5247

(2) "Parent" is a parent or legally adoptive parent of a 5248  
deceased member. 5249

(3) "Dependent" means a beneficiary who receives one-half of 5250  
the beneficiary's support from a member during the twelve months 5251  
prior to the member's death. 5252

(4) "Surviving spouse" means an individual who establishes a 5253  
valid marriage to a member at the time of the member's death by 5254  
marriage certificate or pursuant to division (E) of this section. 5255

(5) "Survivor" means a surviving spouse, child, or parent. 5256

(6) "Accumulated contributions" has the meaning given in 5257  
section 145.01 of the Revised Code, except that, notwithstanding 5258  
that section, it does not include additional amounts deposited in 5259  
the employees' savings fund pursuant to the version of division 5260  
(C) of section 145.23 of the Revised Code as it existed 5261  
immediately prior to ~~the effective date of this amendment~~ April 6, 5262  
2007, or pursuant to section 145.62 of the Revised Code. 5263

(B) Except as provided in division (C)(1) of section 145.45 5264  
of the Revised Code, should a member die before age and service 5265  
retirement, the member's accumulated contributions and any 5266  
applicable amount calculated under section 145.401 of the Revised 5267

Code, shall be paid to the person or persons the member has 5268  
designated in writing ~~duly executed on a form provided by the~~ 5269  
~~public employees retirement board, signed by the member, and filed~~ 5270  
~~with the board prior to the member's death~~ under section 145.431 5271  
of the Revised Code. A member may designate two or more persons as 5272  
beneficiaries to be paid the accumulated account in a lump sum. 5273  
Subject to rules adopted by the public employees retirement board, 5274  
a member who designates two or more persons as beneficiaries ~~under~~ 5275  
~~this division~~ shall specify the percentage of the lump sum that 5276  
each beneficiary is to be paid. If the member has not specified 5277  
the percentages, the lump sum shall be divided equally among the 5278  
beneficiaries. 5279

The last designation of any beneficiary revokes all previous 5280  
designations. The member's marriage, divorce, marriage 5281  
dissolution, legal separation, or withdrawal of account, or the 5282  
birth of the member's child, or adoption of a child, shall 5283  
constitute an automatic revocation of the member's previous 5284  
designation. If a deceased member was also a member of the school 5285  
employees retirement system or the state teachers retirement 5286  
system, the beneficiary last established among the systems shall 5287  
be the sole beneficiary in all the systems. 5288

If the accumulated contributions of a deceased member are not 5289  
claimed by a beneficiary or by the estate of the deceased member 5290  
within five years after the death, the contributions shall remain 5291  
in the employees' savings fund or may be transferred to the income 5292  
fund and thereafter shall be paid to the beneficiary or to the 5293  
member's estate upon application to the board. The board shall 5294  
formulate and adopt the necessary rules governing all designations 5295  
of beneficiaries. 5296

(C) Except as provided in division (C)(1) of section 145.45 5297  
of the Revised Code, if a member dies before age and service 5298  
retirement and is not survived by a designated beneficiary, the 5299

following shall qualify, with all attendant rights and privileges, 5300  
in the following order of precedence, the member's: 5301

(1) Surviving spouse; 5302

(2) Children, share and share alike; 5303

(3) A dependent parent, if that parent takes survivor 5304  
benefits under division (B) of section 145.45 of the Revised Code; 5305

(4) Parents, share and share alike; 5306

(5) Estate. 5307

If the beneficiary is deceased or is not located within 5308  
ninety days, the beneficiary ceases to qualify for any benefit and 5309  
the beneficiary next in order of precedence shall qualify as a 5310  
beneficiary. 5311

Any payment made to a beneficiary as determined by the board 5312  
shall be a full discharge and release to the board from any future 5313  
claims. 5314

(D) Any amount due a retirant or disability benefit recipient 5315  
receiving a monthly benefit and unpaid to the retirant or 5316  
recipient at death shall be paid to the beneficiary designated ~~in~~ 5317  
~~writing on a form approved by the board, signed by the retirant or~~ 5318  
~~recipient and filed with the board~~ under section 145.431 of the 5319  
Revised Code. If no such designation has been filed, or if the 5320  
designated beneficiary is not located within ninety days, any 5321  
amounts payable under this chapter due to the death of the 5322  
retirant or recipient shall be paid in the following order of 5323  
precedence to the retirant's or recipient's: 5324

(1) Surviving spouse; 5325

(2) Children, share and share alike; 5326

(3) Parents, share and share alike; 5327

(4) Estate. 5328

The payment shall be a full discharge and release to the board from any future claim for the payment.

Any amount due a beneficiary receiving a monthly benefit and unpaid to the beneficiary at the beneficiary's death shall be paid to the beneficiary's estate.

(E) If the validity of marriage cannot be established to the satisfaction of the board for the purpose of disbursing any amount due under this section or section 145.45 of the Revised Code, the board may accept a decision rendered by a court having jurisdiction in the state in which the member was domiciled at the time of death that the relationship constituted a valid marriage at the time of death, or the "spouse" would have the same status as a widow or widower for purposes of sharing the distribution of the member's intestate personal property.

(F) As used in this division, "recipient" means an individual who is receiving or may be eligible to receive an allowance or benefit under this chapter based on the individual's service to a public employer.

If the death of a member, a recipient, or any individual who would be eligible to receive an allowance or benefit under this chapter by virtue of the death of a member or recipient is caused by one of the following beneficiaries, no amount due under this chapter to the beneficiary shall be paid to the beneficiary in the absence of a court order to the contrary filed with the board:

(1) A beneficiary who is convicted of, pleads guilty to, or is found not guilty by reason of insanity of a violation of or complicity in the violation of either of the following:

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code;

(b) An existing or former law of any other state, the United States, or a foreign nation that is substantially equivalent to section 2903.01, 2903.02, or 2903.03 of the Revised Code.

(2) A beneficiary who is indicted for a violation of or 5360  
complicity in the violation of the sections or laws described in 5361  
division (F)(1)(a) or (b) of this section and is adjudicated 5362  
incompetent to stand trial; 5363

(3) A beneficiary who is a juvenile found to be a delinquent 5364  
child by reason of committing an act that, if committed by an 5365  
adult, would be a violation of or complicity in the violation of 5366  
the sections or laws described in division (F)(1)(a) or (b) of 5367  
this section. 5368

Sec. 145.431. Designation of a beneficiary for the purposes 5369  
of section 145.40 of the Revised Code or payment of benefits or 5370  
return of contributions to the beneficiary of a member 5371  
participating in a PERS defined contribution plan shall be made 5372  
under this section. A beneficiary shall be designated in writing 5373  
duly executed on a form provided by the public employees 5374  
retirement board and signed by the member. A designation under 5375  
this section is not valid unless received by the board prior to 5376  
the member's death. 5377

A beneficiary designation made under this section applies to 5378  
the PERS defined benefit plan or PERS defined contribution plan in 5379  
which the member participated or, if the member participated in 5380  
both the defined benefit plan and one or more defined contribution 5381  
plans, to both the defined benefit plan and the defined 5382  
contribution plans. 5383

The last designation of any beneficiary revokes all previous 5384  
designations. The member's marriage, divorce, marriage 5385  
dissolution, legal separation, or withdrawal of account, or the 5386  
birth of the member's child, or adoption of a child, shall 5387  
constitute an automatic revocation of the member's previous 5388  
designation. 5389

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

(A)(1) If a deceased member was eligible for a service retirement benefit as provided in section 145.33, 145.331, or ~~145.34~~ 145.332 of the Revised Code, a surviving spouse or other sole dependent beneficiary may elect to receive a monthly benefit computed as the joint-survivor benefit designated as "plan ~~D~~ A" in section 145.46 of the Revised Code, which the member would have received had the member retired on the last day of the month of death and had the member at that time selected such joint-survivor plan. Payment shall begin with the month subsequent to the member's death, except that a surviving spouse who is less than sixty-five years old may defer receipt of such benefit. Upon receipt, the benefit shall be calculated based upon the spouse's age at the time of first payment, and shall accrue regular interest during the time of deferral.

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

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

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



The total amount paid as a lump sum and a monthly benefit 5421  
shall be the actuarial equivalent of the amount that would have 5422  
been paid had the lump sum not been selected. 5423

The lump sum amount designated by the surviving spouse or 5424  
other sole dependent beneficiary under division (A)(2)(a) of this 5425  
section shall be not less than six times and not more than 5426  
thirty-six times the monthly amount that would be payable to the 5427  
surviving spouse or other sole dependent beneficiary under 5428  
division (A)(1) of this section and shall not result in a monthly 5429  
payment that is less than fifty per cent of that monthly amount. 5430

(B) If a deceased member had, except as provided in division 5431  
(B)(7) of this section, at least one and one-half years of 5432  
contributing service credit, with, except as provided in division 5433  
(B)(7) of this section, at least one-quarter year of contributing 5434  
service credit within the two and one-half years prior to the date 5435  
of death, or was receiving at the time of death a disability 5436  
benefit as provided in section 145.36, 145.361, or 145.37 of the 5437  
Revised Code, qualified survivors who elect to receive monthly 5438  
benefits shall receive the greater of the benefits provided in 5439  
division (B)(1)(a) or (b) and (4) of this section as allocated in 5440  
accordance with division (B)(5) of this section. 5441

(1)(a) Number		Or	5442
of Qualified		Monthly	5443
survivors	Annual Benefit as a Per	Benefit	5444
affecting	Cent of Decedent's Final	shall not be	5445
the benefit	Average Salary	less than	5446
1	25%	\$250	5447
2	40	400	5448
3	50	500	5449
4	55	500	5450
5 or more	60	500	5451
(b) Years of	Annual Benefit as a Per Cent		5452

Service	of Member's Final Average	
	Salary	5453
		5454
20	29%	5455
21	33	5456
22	37	5457
23	41	5458
24	45	5459
25	48	5460
26	51	5461
27	54	5462
28	57	5463
29 or more	60	5464

(2) Benefits shall begin as qualified survivors meet 5465  
eligibility requirements as follows: 5466

(a) A qualified spouse is the surviving spouse of the 5467  
deceased member, who is age sixty-two, or regardless of age meets 5468  
one of the following qualifications: 5469

(i) Except as provided in division (B)(7) of this section, 5470  
the deceased member had ten or more years of Ohio service credit. 5471

(ii) The spouse is caring for a qualified child. 5472

(iii) The spouse is adjudged physically or mentally 5473  
incompetent. 5474

A spouse of a member who died prior to August 27, 1970, whose 5475  
eligibility was determined at the member's death, and who is 5476  
physically or mentally incompetent on or after August 20, 1976, 5477  
shall be paid the monthly benefit which that person would 5478  
otherwise receive when qualified by age. 5479

(b) A qualified child is any child of the deceased member who 5480  
has never been married and to whom one of the following applies: 5481

(i) Is under age eighteen, or under age twenty-two if the 5482  
child is attending an institution of learning or training pursuant 5483

to a program designed to complete in each school year the 5484  
equivalent of at least two-thirds of the full-time curriculum 5485  
requirements of such institution and as further determined by 5486  
board policy; 5487

(ii) Regardless of age, is adjudged physically or mentally 5488  
incompetent at the time of the member's death. 5489

(c) A qualified parent is a dependent parent aged sixty-five 5490  
or older or regardless of age if physically or mentally 5491  
incompetent, a dependent parent whose eligibility was determined 5492  
by the member's death prior to August 20, 1976, and who is 5493  
physically or mentally incompetent on or after August 20, 1976, 5494  
shall be paid the monthly benefit for which that person would 5495  
otherwise qualify. 5496

(3) "Physically or mentally incompetent" as used in this 5497  
section may be determined by a court of jurisdiction, or by a 5498  
physician appointed by the retirement board. Incapability of 5499  
making a living because of a physically or mentally disabling 5500  
condition shall meet the qualifications of this division. 5501

(4) Benefits to a qualified survivor shall terminate upon 5502  
ceasing to meet eligibility requirements as provided in this 5503  
division, a first marriage, abandonment, adoption, or during 5504  
active military service. Benefits to a deceased member's surviving 5505  
spouse that were terminated under a former version of this section 5506  
that required termination due to remarriage and were not resumed 5507  
prior to September 16, 1998, shall resume on the first day of the 5508  
month immediately following receipt by the board of an application 5509  
on a form provided by the board. 5510

Upon the death of any subsequent spouse who was a member of 5511  
the public employees retirement system, state teachers retirement 5512  
system, or school employees retirement system, the surviving 5513  
spouse of such member may elect to continue receiving benefits 5514

under this division, or to receive survivor's benefits, based upon 5515  
the subsequent spouse's membership in one or more of the systems, 5516  
for which such surviving spouse is eligible under this section or 5517  
section 3307.66 or 3309.45 of the Revised Code. If the surviving 5518  
spouse elects to continue receiving benefits under this division, 5519  
such election shall not preclude the payment of benefits under 5520  
this division to any other qualified survivor. 5521

Benefits shall begin or resume on the first day of the month 5522  
following the attainment of eligibility and shall terminate on the 5523  
first day of the month following loss of eligibility. 5524

(5)(a) If a benefit is payable under division (B)(1)(a) of 5525  
this section, benefits to a qualified spouse shall be paid in the 5526  
amount determined for the first qualifying survivor in division 5527  
(B)(1)(a) of this section. All other qualifying survivors shall 5528  
share equally in the benefit or remaining portion thereof. 5529

(b) All qualifying survivors shall share equally in a benefit 5530  
payable under division (B)(1)(b) of this section, except that if 5531  
there is a surviving spouse, the surviving spouse shall receive 5532  
not less than the amount determined for the first qualifying 5533  
survivor in division (B)(1)(a) of this section. 5534

(6) The beneficiary of a member who is also a member of the 5535  
state teachers retirement system or of the school employees 5536  
retirement system, must forfeit the member's accumulated 5537  
contributions in those systems and in the public employees 5538  
retirement system, if the beneficiary takes a survivor benefit. 5539  
Such benefit shall be exclusively governed by section 145.37 of 5540  
the Revised Code. 5541

(7) The following restrictions do not apply if the deceased 5542  
member was contributing toward benefits under ~~division (B) or (C)~~ 5543  
~~of section 145.33~~ 145.332 of the Revised Code at the time of 5544  
death: 5545

(a) That the deceased member have had at least one and 5546  
one-half years of contributing service credit, with at least 5547  
one-quarter year of contributing service within the two and 5548  
one-half years prior to the date of death; 5549

(b) If the deceased member was killed in the line of duty, 5550  
that the deceased member have had ten or more years of Ohio 5551  
service credit as described in division (B)(2)(a)(i) of this 5552  
section. 5553

For the purposes of division (B)(7)(b) of this section, 5554  
"killed in the line of duty," means either that death occurred in 5555  
the line of duty or that death occurred as a result of injury 5556  
sustained in the line of duty. 5557

(C)(1) Regardless of whether the member is survived by a 5558  
spouse or designated beneficiary, if the public employees 5559  
retirement system receives notice that a deceased member described 5560  
in division (A) or (B) of this section has one or more qualified 5561  
children, all persons who are qualified survivors under division 5562  
(B) of this section shall receive monthly benefits as provided in 5563  
division (B) of this section. 5564

If, after determining the monthly benefits to be paid under 5565  
division (B) of this section, the system receives notice that 5566  
there is a qualified survivor who was not considered when the 5567  
determination was made, the system shall, notwithstanding section 5568  
145.561 of the Revised Code, recalculate the monthly benefits with 5569  
that qualified survivor included, even if the benefits to 5570  
qualified survivors already receiving benefits are reduced as a 5571  
result. The benefits shall be calculated as if the qualified 5572  
survivor who is the subject of the notice became eligible on the 5573  
date the notice was received and shall be paid to qualified 5574  
survivors effective on the first day of the first month following 5575  
the system's receipt of the notice. 5576

If the retirement system did not receive notice that a 5577  
deceased member has one or more qualified children prior to making 5578  
payment under section 145.43 of the Revised Code to a beneficiary 5579  
as determined by the retirement system, the payment is a full 5580  
discharge and release of the system from any future claims under 5581  
this section or section 145.43 of the Revised Code. 5582

(2) If benefits under division (C)(1) of this section to all 5583  
persons, or to all persons other than a surviving spouse or other 5584  
sole beneficiary, terminate, there are no children under the age 5585  
of twenty-two years, and the surviving spouse or beneficiary 5586  
qualifies for benefits under division (A) of this section, the 5587  
surviving spouse or beneficiary may elect to receive benefits 5588  
under division (A) of this section. The benefits shall be 5589  
effective on the first day of the month immediately following the 5590  
termination. 5591

(D) The final average salary used in the calculation of a 5592  
benefit payable pursuant to division (A) or (B) of this section to 5593  
a survivor or beneficiary of a disability benefit recipient shall 5594  
be adjusted for each year between the disability benefit's 5595  
effective date and the recipient's date of death by the lesser of 5596  
three per cent or the actual average percentage increase in the 5597  
consumer price index prepared by the United States bureau of labor 5598  
statistics (U.S. city average for urban wage earners and clerical 5599  
workers: "all items 1982-84=100"). 5600

(E) If the survivor benefits due and paid under this section 5601  
are in a total amount less than the member's accumulated account 5602  
that was transferred from the public employees' savings fund to 5603  
the survivors' benefit fund, then the difference between the total 5604  
amount of the benefits paid shall be paid to the beneficiary under 5605  
section 145.43 of the Revised Code. 5606

~~Sec. 145.452. Upon the death of a member prior to receipt of~~ 5607

~~service retirement, the surviving spouse or dependents of the~~ 5608  
~~deceased member shall have the right to purchase any service~~ 5609  
~~credit the member, had the member not died, would have been~~ 5610  
~~eligible to purchase under this chapter upon the same terms and~~ 5611  
~~conditions that the deceased member could have purchased such~~ 5612  
~~service credit had the member not died~~ The surviving spouse of a 5613  
member who dies on or after the effective date of this amendment 5614  
may continue any service credit purchase the member initiated 5615  
before death. A purchase shall be considered to have been 5616  
initiated before the member's death if the member made one or more 5617  
payments for the purchase before death. Any 5618

Any service credit purchased under this section shall be 5619  
applied under the provisions of this chapter in the same manner as 5620  
it would have been applied had it been purchased by the deceased 5621  
member during the deceased member's lifetime. 5622

**Sec. 145.46.** (A) A retirement allowance calculated under 5623  
section 145.33, 145.331, or ~~145.34~~ 145.332 of the Revised Code 5624  
shall be paid as provided in this section. ~~If the member is~~ 5625  
~~eligible to elect a plan of payment under this section, the~~ 5626  
~~election shall be made on a form provided by the public employees~~ 5627  
~~retirement board. A plan of payment elected under this section~~ 5628  
~~shall be effective only if approved by the board, which shall~~ 5629  
~~approve it only if it is certified by an actuary engaged by the~~ 5630  
~~board to be the actuarial equivalent of the retirement allowance~~ 5631  
~~calculated under section 145.33, 145.331, or 145.34 of the Revised~~ 5632  
~~Code.~~ 5633

~~(B)(1)(a) Except as provided in divisions (B)(1)(b) and (c)~~ 5634  
~~of this section, a member who retires under section 145.32,~~ 5635  
~~145.331, or 145.34 of the Revised Code shall receive a retirement~~ 5636  
~~allowance under "plan A," which shall consist of the actuarial~~ 5637  
~~equivalent of the member's retirement allowance determined under~~ 5638

~~section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for life and one half of such allowance continuing after death to the member's surviving spouse for the life of the spouse.~~

~~(b) A member may receive a retirement allowance under a plan of payment other than "plan A" if either of the following is the case:~~

~~(i) The member is not married or either the member's spouse consents in writing to the member's election of a plan of payment other than "plan A" or the board waives the requirement that the spouse consent;~~

~~(ii) A plan of payment providing for payment in a specified 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.~~

~~(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.~~

(B) The following plans of payment shall be offered by the



public employees retirement system: 5670

(1) "Plan A," an allowance that consists of the actuarial 5671  
equivalent of the member's retirement allowance determined under 5672  
section 145.33, 145.331, or 145.332 of the Revised Code in a 5673  
lesser amount payable for life and one-half or some other portion 5674  
of the allowance continuing after death to the member's designated 5675  
beneficiary for the beneficiary's life. The beneficiary shall be 5676  
nominated by written designation filed with the retirement board. 5677  
The amount payable to the beneficiary shall not exceed the amount 5678  
payable to the member. 5679

(2) "Plan B," the member's retirement allowance determined 5680  
under section 145.33, 145.331, or 145.332 of the Revised Code; 5681

(3) "Plan C," an allowance that consists of the actuarial 5682  
equivalent of the member's retirement allowance determined under 5683  
section 145.33, 145.331, or 145.332 of the Revised Code in a 5684  
lesser amount payable to the retirant for life and some portion of 5685  
the lesser amount continuing after death to two, three, or four 5686  
surviving beneficiaries designated at the time of the member's 5687  
retirement. Unless required under division (C) of this section, no 5688  
portion allocated under this plan of payment shall be less than 5689  
ten per cent. The total of the portions allocated shall not exceed 5690  
one hundred per cent of the member's lesser allowance. 5691

(C) A member shall select a plan of payment as follows: 5692

(1) Subject to division (C)(2) of this section, if the member 5693  
is married at the time of retirement, the member shall select 5694  
"plan A" and receive a plan of payment that consists of the 5695  
actuarial equivalent of the member's retirement allowance 5696  
determined under section 145.33, 145.331, or 145.332 of the 5697  
Revised Code in a lesser amount payable for life and one-half of 5698  
such allowance continuing after death to the member's surviving 5699  
spouse for the life of the spouse. A married member is not 5700

required to select this plan of payment if the member's spouse 5701  
consents in writing to the member's election of a plan of payment 5702  
other than described in this division or the board waives the 5703  
requirement that the spouse consent; 5704

(2) If prior to the effective date of the member's 5705  
retirement, the public employees retirement board receives a copy 5706  
of a court order issued under section 3105.171 or 3105.65 of the 5707  
Revised Code or the laws of another state regarding division of 5708  
marital property the board shall accept the member's election of a 5709  
plan of payment under this section only if the member complies 5710  
with both of the following: 5711

~~(i)(a)~~ The member elects a plan of payment that is in 5712  
accordance with the order ~~described in division (B)(1)(b)(ii) of~~ 5713  
~~this section.~~ 5714

~~(ii)(b)~~ If the member is married, the member elects "~~plan F~~" 5715  
"plan C" and designates the member's current spouse as a 5716  
beneficiary under that plan unless that spouse consents in writing 5717  
to not being designated a beneficiary under any plan of payment or 5718  
the board waives the requirement that the current spouse consent. 5719

~~(2)(D)~~ An application for retirement shall include an 5720  
explanation of all of the following: 5721

~~(a)(1)~~ That, if the member is married, unless the spouse 5722  
consents to another plan of payment or there is a court order 5723  
dividing marital property issued under section 3105.171 or 3105.65 5724  
of the Revised Code or the laws of another state regarding the 5725  
division of marital property that provides for payment in a 5726  
specified amount, the member's retirement allowance will be paid 5727  
under "plan A<sub>7</sub>" ~~which consists~~ and consist of the actuarial 5728  
equivalent of the member's retirement allowance in a lesser amount 5729  
payable for life and one-half of the allowance continuing after 5730  
death to the surviving spouse for the life of the spouse; 5731

(b) A description of the alternative plans of payment, 5732  
including all plans described in ~~divisions~~ division (B)(2) and (3) 5733  
of this section, available with the consent of the spouse; 5734

(c) That the spouse may consent to another plan of payment 5735  
and the procedure for giving consent; 5736

(d) That consent is irrevocable once notice of consent is 5737  
filed with the board. 5738

Consent shall be valid only if it is signed, in writing, and 5739  
witnessed by a notary public. The board may waive the requirement 5740  
of consent if the spouse is incapacitated or cannot be located or 5741  
for any other reason specified by the board. Consent or waiver is 5742  
effective only with regard to the spouse who is the subject of the 5743  
consent or waiver. 5744

~~(3) A member eligible to elect to receive the member's 5745  
retirement allowance under a plan of payment other than "plan A" 5746  
shall receive the member's retirement allowance under the plan 5747  
described in division (B)(4) of this section or one of the 5748  
following plans:~~ 5749

~~(a) "Plan B," which shall consist of an allowance determined 5750  
under section 145.33, 145.331, or 145.34 of the Revised Code;~~ 5751

~~(b) "Plan C," which shall consist of the actuarial equivalent 5752  
of the member's retirement allowance determined under section 5753  
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5754  
payable for life and one half or some other portion of the 5755  
allowance continuing after death to the member's sole surviving 5756  
beneficiary designated at the time of the member's retirement, 5757  
provided that the amount payable to the beneficiary does not 5758  
exceed the amount payable to the member;~~ 5759

~~(c) "Plan D," which shall consist of the actuarial equivalent 5760  
of the member's retirement allowance determined under section 5761  
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5762~~

~~payable for life and continuing after death to a surviving 5763  
beneficiary designated at the time of the member's retirement; 5764~~

~~(d) "Plan E," which shall consist of the actuarial equivalent 5765  
of the member's retirement allowance determined under section 5766  
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5767  
payable for a certain period from the member's retirement date as 5768  
elected by the member and approved by the retirement board, and on 5769  
the member's death before the expiration of that certain period 5770  
the member's lesser retirement allowance payable for the remainder 5771  
of that period to the member's surviving designated beneficiary 5772  
nominated by written designation filed with the retirement board. 5773~~

~~Should the nominated beneficiary designated in writing die 5774  
prior to the expiration of the guarantee period, then for the 5775  
purpose of completing payment for the remainder of the guarantee 5776  
period, the present value of such payments shall be paid to the 5777  
estate of the beneficiary last receiving. 5778~~

~~(e) "Plan F," which shall consist of the actuarial equivalent 5779  
of the member's retirement allowance determined under section 5780  
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5781  
payable to the retirant for life and some portion of the lesser 5782  
amount continuing after death to two, three, or four surviving 5783  
beneficiaries designated at the time of the member's retirement. 5784  
The portion of the lesser allowance that continues after the 5785  
member's death shall be allocated among the beneficiaries at the 5786  
time of the member's retirement. If the member elects this plan as 5787  
required by a court order issued under section 3105.171 or 3105.65 5788  
of the Revised Code or the laws of another state regarding the 5789  
division of marital property and compliance with the court order 5790  
requires the allocation of a portion less than ten per cent to any 5791  
beneficiary, the member shall allocate a portion less than ten per 5792  
cent to that beneficiary in accordance with that order. In all 5793  
other circumstances, no portion allocated under this plan of 5794~~

~~payment shall be less than ten per cent. The total of the portions 5795  
allocated shall not exceed one hundred per cent of the member's 5796  
lesser allowance. 5797~~

~~(4)(a)(E)(1) Beginning on a date selected by the retirement 5798  
board, which shall be not later than July 1, 2004, a member may 5799  
elect to receive a retirement allowance under a plan of payment 5800  
consisting of both a lump sum in an amount the member designates 5801  
that constitutes a portion of the member's retirement allowance 5802  
under a plan described in division (B) of this section and the 5803  
remainder as a monthly allowance under that plan. 5804~~

~~The total amount paid as a lump sum and a monthly benefit 5805  
shall be the actuarial equivalent of the amount that would have 5806  
been paid had the lump sum not been selected. 5807~~

~~(b)(2) The lump sum designated by a member shall be not less 5808  
than six times and not more than thirty-six times the monthly 5809  
amount that would be payable to the member under the plan of 5810  
payment elected under division (B)(4)(a) of this section had the 5811  
lump sum not been elected and shall not result in a monthly 5812  
allowance that is less than fifty per cent of that monthly amount. 5813~~

~~(5) An election under division (B)(3) or (4) of this section 5814  
shall be made at the time the member makes application for 5815  
retirement. 5816~~

~~(6) A member eligible to elect to receive the member's 5817  
retirement allowance under a plan of payment other than "plan A" 5818  
because the member is unmarried who fails to make an election on 5819  
retirement shall receive the member's retirement allowance under 5820  
"plan B." 5821~~

~~(C)(F) If the retirement allowances, as a single life annuity 5822  
or payment plan as provided in this section, due and paid are in a 5823  
total amount less than (1) the accumulated contributions, and (2) 5824  
other deposits made by the member as provided by this chapter, 5825~~

standing to the credit of the member at the time of retirement, 5826  
then the difference between the total amount of the allowances 5827  
paid and the accumulated contributions and other deposits shall be 5828  
paid to the beneficiary provided under division (D) of section 5829  
145.43 of the Revised Code. 5830

~~(D)~~(G)(1) The death of a spouse or any designated beneficiary 5831  
following retirement shall cancel the portion of the plan of 5832  
payment providing continuing lifetime benefits to the deceased 5833  
spouse or deceased designated beneficiary. The retirant shall 5834  
receive the actuarial equivalent of the retirant's single lifetime 5835  
benefit, as determined by the board, based on the number of 5836  
remaining beneficiaries, with no change in the amount payable to 5837  
any remaining beneficiary. The change shall be effective the month 5838  
following receipt by the board of notice of the death. 5839

(2) On divorce, annulment, or marriage dissolution, a 5840  
retirant receiving a retirement allowance under a plan that 5841  
provides for continuation of all or part of the allowance after 5842  
death for the lifetime of the retirant's surviving spouse may, 5843  
with the written consent of the spouse or pursuant to an order of 5844  
the court with jurisdiction over the termination of the marriage, 5845  
elect to cancel the portion of the plan providing continuing 5846  
lifetime benefits to that spouse. The retirant shall receive the 5847  
actuarial equivalent of the retirant's single lifetime benefit as 5848  
determined by the retirement board based on the number of 5849  
remaining beneficiaries, with no change in amount payable to any 5850  
remaining beneficiary. The election shall be made on a form 5851  
provided by the board and shall be effective the month following 5852  
its receipt by the board. 5853

~~(E)~~(H)(1) Following a marriage or remarriage, both of the 5854  
following apply: 5855

(a) A retirant who is receiving the retirant's retirement 5856  
allowance under "plan B" may elect a new plan of payment under 5857

division (B)(1), ~~(3)(b)~~, or (3)~~(e)~~ of this section based on the 5858  
actuarial equivalent of the retirant's single lifetime benefit as 5859  
determined by the board. 5860

(b) A retirant who is receiving a retirement allowance 5861  
pursuant to a plan of payment providing for payment to a former 5862  
spouse pursuant to a court order described in division 5863  
~~(B)(1)(b)(ii)~~(C)(2) of this section may elect a new plan of 5864  
payment under ~~"plan F"~~ "plan C" based on the actuarial equivalent 5865  
of the retirant's single lifetime retirement allowance as 5866  
determined by the board if the new plan of payment elected does 5867  
not reduce the payment to the former spouse. 5868

(2) If the marriage or remarriage occurs on or after ~~the~~ 5869  
~~effective date of this amendment~~ June 6, 2005, the election must 5870  
be made not later than one year after the date of the marriage or 5871  
remarriage. 5872

The plan elected under this division shall become effective 5873  
on the date of receipt by the board of an application on a form 5874  
approved by the board, but any change in the amount of the 5875  
retirement allowance shall commence on the first day of the month 5876  
following the effective date of the plan. 5877

~~(F)~~(I) Any person who, prior to July 24, 1990, selected an 5878  
optional plan of payment at retirement that provided for a return 5879  
to the single life benefit after the designated beneficiary's 5880  
death shall have the retirant's benefit adjusted to the optional 5881  
plan equivalent without such provision. 5882

~~(G)~~(J) A retirant's receipt of the first month's retirement 5883  
allowance constitutes the retirant's final acceptance of the plan 5884  
of payment and may be changed only as provided in this chapter. 5885

**Sec. 145.47.** (A) Each public employee who is a contributor to 5886  
the public employees retirement system shall contribute eight per 5887

cent of the contributor's earnable salary to the employees' 5888  
savings fund, except that the public employees retirement board 5889  
may raise the contribution rate to a rate not greater than ten per 5890  
cent of the employee's earnable salary and except as provided in 5891  
division (C) of this section. 5892

(B) The head of each state department, institution, board, 5893  
and commission, and the fiscal officer of each local authority 5894  
subject to this chapter, shall deduct from the earnable salary of 5895  
each contributor on every payroll of such contributor for each 5896  
payroll period subsequent to the date of coverage, an amount equal 5897  
to the applicable per cent of the contributor's earnable salary. 5898  
The head of each state department and the fiscal officer of each 5899  
local authority subject to this chapter shall transmit promptly to 5900  
the system a report of contributions at such intervals and in such 5901  
form as the system shall require, showing thereon all deductions 5902  
for the system made from the earnable salary of each contributor 5903  
employed, together with warrants, checks, or electronic payments 5904  
covering the total of such deductions. A penalty shall be added 5905  
when such report, together with warrants, checks, or electronic 5906  
payments to cover the total amount due from the earnable salary of 5907  
all amenable employees of such employer, is filed thirty or more 5908  
days after the last day of such reporting period. The system, 5909  
after making a record of all receipts under this division, shall 5910  
deposit the receipts with the treasurer of state for use as 5911  
provided by this chapter. 5912

(C) Unless the board adopts a rule under division (D) of this 5913  
section, the penalty described in division (B) of this section for 5914  
failing to timely transmit a report, pay the total amount due, or 5915  
both is as follows: 5916

(1) At least one but not more than ten days past due, an 5917  
amount equal to one per cent of the total amount due; 5918

(2) At least eleven but not more than thirty days past due, 5919



an amount equal to two and one-half per cent of the total amount 5920  
due; 5921

(3) Thirty-one or more days past due, an amount equal to five 5922  
per cent of the total amount due. 5923

The penalty described in this division shall be added to and 5924  
collected on the next succeeding regular employer billing. 5925  
Interest at a rate set by the retirement board shall be charged on 5926  
the amount of the penalty in case such penalty is not paid within 5927  
thirty days after it is added to the regular employer billing. 5928

(D) The board may adopt rules to establish penalties in 5929  
amounts that do not exceed the amounts specified in divisions 5930  
(C)(1) to (3) of this section. 5931

(E) In addition to the periodical reports of deduction 5932  
required by this section, the fiscal officer of each local 5933  
authority subject to this chapter shall submit to the system at 5934  
least once each year a complete listing of all noncontributing 5935  
appointive employees. Where an employer fails to transmit 5936  
contributions to the system, the system may make a determination 5937  
of the employees' liability for contributions and certify to the 5938  
employer the amounts due for collection in the same manner as 5939  
payments due the employers' accumulation fund. Any amounts so 5940  
collected shall be held in trust pending receipt of a report of 5941  
contributions for such public employees for the period involved as 5942  
provided by law and, thereafter, the amount in trust shall be 5943  
transferred to the employees' savings fund to the credit of the 5944  
employees. Any amount remaining after the transfer to the 5945  
employees' savings fund shall be transferred to the employers' 5946  
accumulation fund as a credit of such employer. 5947

(F) The fiscal officer of each local authority subject to 5948  
this chapter shall require each new contributor to submit to the 5949  
system a detailed report of all the contributor's previous service 5950

as a public employee along with such other facts as the board 5951  
requires for the proper operation of the system. 5952

(G) Any member who, because of the member's own illness, 5953  
injury, or other reason which may be approved by the member's 5954  
employer is prevented from making the member's contribution to the 5955  
system for any payroll period, may ~~pay such deductions as a back~~ 5956  
~~payment~~ purchase service credit for the period of absence within 5957  
one year. Credit shall be purchased under this division in 5958  
accordance with section 145.29 of the Revised Code. 5959

**Sec. 145.473.** (A) ~~Except as provided in division (C) of this~~ 5960  
~~section, the~~ The rate of interest credited to individual accounts 5961  
of contributors under sections 145.471 and 145.472 of the Revised 5962  
Code shall be as follows: 5963

(1) Four per cent per annum, compounded annually, to and 5964  
including December 31, 1955; 5965

(2) Three per cent per annum, compounded annually, from 5966  
January 1, 1956, to and including December 31, 1963; 5967

(3) Three and one-quarter per cent per annum, compounded 5968  
annually, from January 1, 1964, to and including December 31, 5969  
1969; 5970

(4) Four per cent per annum, compounded annually, from 5971  
January 1, 1970, to and including the day before December 13, 5972  
2000; 5973

(5) An amount determined by the public employees retirement 5974  
board that is not greater than six per cent per annum, compounded 5975  
annually, on and after December 13, 2000. 5976

(B) ~~Except as provided in division (C) of this section, for~~ 5977  
For the purpose of determining the reserve value of a 5978  
contributor's annuity, the rate of interest shall be as follows: 5979

(1) Four per cent per annum, compounded annually, for 5980

contributors retiring before October 1, 1956; 5981

(2) Three per cent per annum, compounded annually, for 5982  
contributors retiring on or after October 1, 1956, but before 5983  
January 1, 1964; 5984

(3) Three and one-quarter per cent per annum, compounded 5985  
annually, for contributors retiring on or after January 1, 1964, 5986  
but before January 1, 1970; 5987

(4) Four per cent per annum, compounded annually, for 5988  
contributors retiring on or after January 1, 1970, but before 5989  
December 13, 2000; 5990

(5) An amount determined by the board based on the 5991  
recommendation of the board's actuary, compounded annually, for 5992  
contributors retiring on or after December 13, 2000. 5993

~~(C) For a PERS retirant who is not subject to division (C) of 5994  
section 145.38 of the Revised Code or an other system retirant, as 5995  
those terms are defined in section 145.38 of the Revised Code, or 5996  
a member of the public employees retirement system who retires in 5997  
accordance with section 145.383 of the Revised Code, the rate of 5998  
interest shall be the current actuarial assumption rate of 5999  
interest, as determined by the board's actuary, for the purposes 6000  
described in divisions (A) and (B) of this section. 6001~~

**Sec. 145.48.** (A) Each employer shall pay to the public 6002  
employees retirement system an amount that shall be a certain per 6003  
cent of the earnable salary of all contributors to be known as the 6004  
"employer contribution," except that the public employees 6005  
retirement board may raise the employer contribution to a rate not 6006  
to exceed fourteen per cent of the earnable salaries of all 6007  
contributors. 6008

(B)(1) On the basis of regular interest and of such mortality 6009  
and other tables as are adopted by the public employees retirement 6010

board, the actuary for the board shall determine the liabilities 6011  
and employer rates of contribution as follows: 6012

(a) The percentage of earnable salary that, when added to the 6013  
per cent of earnable salary contributed by each member, will cover 6014  
the costs of benefits to be paid to members for each year of 6015  
service rendered; 6016

(b) The percentage of earnable salary that, if paid over a 6017  
period of future years, will discharge fully the system's unfunded 6018  
actuarial accrued pension liability; 6019

(c) The percentage of earnable salary designated by the board 6020  
to pay benefits authorized under section 145.58 of the Revised 6021  
Code. 6022

(2) If recognized assets exceed the liabilities for service 6023  
previously rendered, on approval of the board, a percentage of 6024  
earnable salary may be deducted from the employer rates of 6025  
contribution that, if deducted annually over a period of future 6026  
years, will eliminate the excess. 6027

~~(C) Any publicly owned utility that became subject to this 6028  
chapter subsequent to July 1, 1938, shall assume before January 1, 6029  
1967, the obligation to pay those of its employees entitled to any 6030  
prior service credit a pension for such service that is in an 6031  
amount at least equal to the pension provided for other public 6032  
employees under this chapter. No employers' contributions for 6033  
prior service credit shall be required of such publicly owned 6034  
utility. The public employees retirement system has no obligation 6035  
to pay a prior service pension to any such employees of a publicly 6036  
owned utility, nor is it obligated to grant any service credit for 6037  
service with such utility prior to May 1, 1942, or prior to the 6038  
date such utility became subject to this chapter, whichever is the 6039  
later date. 6040~~

**Sec. 145.483.** Upon a finding that an employer failed to 6041  
deduct contributions pursuant to section 145.47 of the Revised 6042  
Code during a period of employment for which such contributions 6043  
were required, a statement of delinquent contributions shall be 6044  
prepared showing the amount the contributor and employer would 6045  
have contributed had regular payroll deductions been taken. Simple 6046  
interest from the end of each calendar year at a rate ~~set by the~~ 6047  
~~public employees retirement board~~ equal to the assumed actuarial 6048  
rate of interest at the time the statement is prepared shall be 6049  
included. If delinquent contribution statements are ~~not~~ paid ~~not~~ 6050  
later than thirty days after the end of the month in which they 6051  
become an obligation of the employer, any balance remaining shall 6052  
be collected with penalties and interest pursuant to section 6053  
145.51 of the Revised Code. 6054

Any amount paid under this section by an employer shall be 6055  
credited in accordance with section 145.23 of the Revised Code. 6056

**Sec. 145.49.** (A) Notwithstanding section 145.47 of the 6057  
Revised Code: 6058

(1) The public employees retirement system shall be 6059  
authorized to calculate the employee contribution rates separately 6060  
for those public employees contributing toward benefits as PERS 6061  
public safety officers under section ~~145.33~~ 145.332 of the Revised 6062  
Code. 6063

(2) Each public employee contributing toward benefits as PERS 6064  
law enforcement officers under section ~~145.33~~ 145.332 of the 6065  
Revised Code shall contribute to the employees' savings fund the 6066  
rate determined under division (A)(1) of this section plus an 6067  
additional percentage specified by the public employees retirement 6068  
board, which shall initially be one per cent of the employee's 6069  
earnable salary and shall not be increased to more than two per 6070

cent of the employee's earnable salary. 6071

(B) Notwithstanding section 145.48 of the Revised Code, the 6072  
public employees retirement system shall be authorized to 6073  
calculate the employer contribution rates separately for those 6074  
public employees contributing toward benefits as PERS public 6075  
safety officers under section ~~145.33~~ 145.332 of the Revised Code 6076  
or as PERS law enforcement officers under that section, except 6077  
that the employer contribution rate shall not exceed eighteen and 6078  
one-tenth per cent of the earnable salaries of those employees. 6079

(C) If the public employees retirement board adopts a rule 6080  
under division (O) of section 145.332 of the Revised Code under 6081  
which service as a public safety officer is treated as service as 6082  
a law enforcement officer, the contributions for service as a 6083  
public safety officer shall be at the rate for service as a law 6084  
enforcement officer. 6085

**Sec. 145.51.** (A) Each employer described in division (D) of 6086  
section 145.01 of the Revised Code shall pay into the employers' 6087  
accumulation fund, in monthly installments, an amount certified by 6088  
the public employees retirement board, which equals the employer 6089  
obligation as described in section 145.12 or 145.69 of the Revised 6090  
Code. In addition, the board shall add to the employer billing 6091  
next succeeding the amount, with interest, to be paid by the 6092  
employer to provide the member with contributing service credit 6093  
for the service prior to the date of initial contribution to the 6094  
system for which the member has made additional payments, except 6095  
payments made pursuant to former section 145.29 or sections 145.28 6096  
and ~~145.29~~ 145.292 of the Revised Code. 6097

(B) Except as provided in section 145.52 of the Revised Code, 6098  
all employer obligations described in division (A) of this section 6099  
must be received by the public employees retirement system not 6100  
later than the thirtieth day after the last day of the calendar 6101

month for which related member contributions are withheld. 6102

(C) Unless the board adopts a rule under division (F) of this 6103  
section establishing a different interest rate or penalty, 6104  
interest and penalties for failing to pay the employer obligation 6105  
when due under division (B) of this section shall be as follows: 6106

(1) Interest, compounded annually and charged monthly, for 6107  
each day after the due date that the employer obligation remains 6108  
unpaid in an amount equal to six per cent per annum of the past 6109  
due amount of the employer obligation and any penalties imposed 6110  
under this section; 6111

(2) The penalty for failing to pay the employer obligation 6112  
when due under division (B) is as follows: 6113

(a) At least eleven but not more than thirty days past due, 6114  
an amount equal to one per cent of the past due obligation; 6115

(b) At least thirty-one but not more than sixty days past 6116  
due, an additional amount equal to one and one-half per cent of 6117  
the past due obligation; 6118

(c) Sixty-one or more days past due, an additional amount 6119  
equal to two and one-half per cent of the past due obligation. 6120

(D) The aggregate of all payments by employers under this 6121  
section shall be sufficient, when combined with the amount in the 6122  
employers' accumulation fund, to provide amounts payable under 6123  
this chapter out of the fund, and if not, the additional amount so 6124  
required shall be collected by means of an increased rate per 6125  
cent, which shall be certified to such employers by the board. 6126

(E) Upon certification by the board to the director of budget 6127  
and management, or to the county auditor, of an amount due from an 6128  
employer within any county who is subject to this chapter, by 6129  
reason of such employer's delinquency in making payments into the 6130  
employers' accumulation fund for past billings, such amount shall 6131

be withheld from such employer from any funds subject to the 6132  
control of the director or the county auditor to such employer and 6133  
shall be paid to the public employees retirement system. 6134

(F) The board may adopt rules to do any of the following: 6135

(1) Establish interest at a rate that does not exceed the 6136  
annual rate described in division (C)(1) of this section; 6137

(2) Establish penalties in amounts that do not exceed the 6138  
amounts described in division (C)(2) of this section; 6139

(3) Permit the board to lengthen the periods of time or enter 6140  
into repayment agreements for employers to comply with divisions 6141  
(B) and (C) of this section. 6142

**Sec. 145.54.** The public employees retirement board shall 6143  
estimate annually the amount required to defray the expenses of 6144  
the administration of the public employees retirement system in 6145  
the ensuing year. If in the judgment of the board, as evidenced by 6146  
a resolution of that board in its minutes, the amount in the 6147  
income fund exceeds the amount necessary to cover the ordinary 6148  
requirements of that fund, the board may transfer to the expense 6149  
fund such excess amount not exceeding the entire amount required 6150  
to cover the expenses as estimated for the year. The If the amount 6151  
in the expense fund, including any amount transferred from the 6152  
income fund, is not sufficient to defray the expenses of 6153  
administration of the system in the ensuing year, the board may 6154  
~~then apportion~~ transfer any remaining amount required for the 6155  
expense fund ~~for the year then current among contributors. The~~ 6156  
~~amount so apportioned in any year shall not exceed three dollars~~ 6157  
~~per contributor~~ to that fund from the employer's accumulation 6158  
fund. 6159

**Sec. 145.56.** The right of an individual to a pension, an 6160  
annuity, or a retirement allowance itself, the right of an 6161



individual to any optional benefit, any other right accrued or 6162  
accruing to any individual, under this chapter, or under any 6163  
municipal retirement system established subject to this chapter 6164  
under the laws of this state or any charter, the various funds 6165  
created by this chapter, or under such municipal retirement 6166  
system, and all moneys, investments, and income from moneys or 6167  
investments are exempt from any state tax, except the tax imposed 6168  
by section 5747.02 of the Revised Code, and are exempt from any 6169  
county, municipal, or other local tax, except income taxes imposed 6170  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 6171  
Code, and, except as provided in sections 145.57, 145.572, 6172  
145.573, 145.574, 3105.171, 3105.65, and 3115.32 and Chapters 6173  
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 6174  
subject to execution, garnishment, attachment, the operation of 6175  
bankruptcy or insolvency laws, or other process of law whatsoever, 6176  
and shall be unassignable except as specifically provided in this 6177  
chapter and sections 3105.171, 3105.65, and 3115.32 and Chapters 6178  
3119., 3121., 3123., and 3125. of the Revised Code. 6179

**Sec. 145.561.** (A) Except as provided in division (B) of this 6180  
section and section 145.363, 145.573, or 145.574 of the Revised 6181  
Code, the granting of a retirement allowance, annuity, pension, or 6182  
other benefit to any person pursuant to action of the public 6183  
employees retirement board vests a right in such person, so long 6184  
as the person remains the recipient of any benefit of the funds 6185  
established by section 145.23 of the Revised Code, to receive such 6186  
retirement allowance, annuity, pension, or other benefit at the 6187  
rate fixed at the time of granting such retirement allowance, 6188  
annuity, pension, or other benefit. Such right shall also be 6189  
vested with equal effect in the recipient of a grant heretofore 6190  
made from any of the funds named in section 145.23 of the Revised 6191  
Code. 6192

(B) This section does not apply to an increase made under 6193

section 145.323 of the Revised Code on or after the effective date 6194  
of this amendment. 6195

**Sec. 145.563.** If the Notwithstanding section 145.561 of the 6196  
Revised Code: 6197

(A) The public employees retirement system may adjust an 6198  
allowance or benefit payable under this chapter if an error 6199  
occurred in calculation of the allowance or benefit; 6200

(B) If any person who is a member, former member, 6201  
contributor, former contributor, retirant, beneficiary, or 6202  
alternate payee, as defined in section 3105.80 of the Revised 6203  
Code, is paid any benefit or payment by the public employees 6204  
retirement system, including any payment made to a third party on 6205  
the person's behalf, to which the person is not entitled, the 6206  
benefit or payment shall be repaid to the retirement system by the 6207  
person or third party. If the person or third party fails to make 6208  
the repayment, the retirement system shall withhold the amount or 6209  
a portion of the amount due from any benefit or payment due the 6210  
person or the person's beneficiary under this chapter, or may 6211  
collect the amount in any other manner provided by law. 6212

**Sec. 145.574.** Notwithstanding any other provision of this 6213  
chapter, any right of a member of the public employees retirement 6214  
system to a disability benefit is subject to a forfeiture order 6215  
issued under section 2929.194 of the Revised Code. 6216

If the retirement system receives notice under section 6217  
2901.431 of the Revised Code that felony charges have been filed 6218  
against a member, the retirement system shall not grant the member 6219  
a disability benefit unless it determines that the member's 6220  
disability was not caused by commission of the felony. If the 6221  
member has disability coverage under this chapter or was granted a 6222  
disability benefit after the date on which the felony was 6223

committed, the retirement system shall notify the prosecutor who 6224  
sent the notice under section 2901.431 of the Revised Code that 6225  
the member may be subject to an order of forfeiture under section 6226  
2929.194 of the Revised Code. 6227

On receipt under section 2929.194 of the Revised Code of a 6228  
journal entry showing an order of forfeiture of any right a member 6229  
may have to a disability benefit, the retirement system shall 6230  
comply with the order. If a disability benefit was granted prior 6231  
to receipt of the order, the retirement system shall terminate the 6232  
benefit. Any disability benefit paid to the member prior to its 6233  
termination may be recovered in accordance with section 145.563 of 6234  
the Revised Code. 6235

Neither this section nor section 2929.194 of the Revised Code 6236  
precludes a member from withdrawing the member's accumulated 6237  
contributions in accordance with section 145.40 of the Revised 6238  
Code if the member is not subject to section 145.572 or 2929.193 6239  
of the Revised Code. 6240

**Sec. 145.58.** (A) ~~As used in this section, "ineligible~~ 6241  
~~individual" means all of the following:~~ 6242

~~(1) A former member receiving benefits pursuant to section~~ 6243  
~~145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for~~ 6244  
~~whom eligibility is established more than five years after June~~ 6245  
~~13, 1981, and who, at the time of establishing eligibility, has~~ 6246  
~~accrued less than ten years' service credit, exclusive of credit~~ 6247  
~~obtained pursuant to section 145.297 or 145.298 of the Revised~~ 6248  
~~Code, credit obtained after January 29, 1981, pursuant to section~~ 6249  
~~145.293 or 145.301 of the Revised Code, and credit obtained after~~ 6250  
~~May 4, 1992, pursuant to section 145.28 of the Revised Code;~~ 6251

~~(2) The spouse of the former member;~~ 6252

~~(3) The beneficiary of the former member receiving benefits~~ 6253

~~pursuant to section 145.46 of the Revised Code~~ The public 6254  
employees retirement board shall adopt rules establishing 6255  
eligibility for any coverage provided under this section. The 6256  
rules shall base eligibility on years and types of service credit 6257  
earned by members. Eligibility determinations shall be made in 6258  
accordance with the rules, except that an individual who, as a 6259  
result of making a false statement in an attempt to secure a 6260  
benefit under this section, is convicted of violating section 6261  
2921.13 of the Revised Code is ineligible for coverage. 6262

(B) The ~~public employees retirement~~ board may enter into 6263  
agreements with insurance companies, health insuring corporations, 6264  
or government agencies authorized to do business in the state for 6265  
issuance of a policy or contract of health, medical, hospital, or 6266  
surgical benefits, or any combination thereof, for ~~those~~ eligible 6267  
individuals receiving age and service retirement or a disability 6268  
or survivor benefit subscribing to the plan, or for PERS retirants 6269  
employed under section 145.38 of the Revised Code, for coverage of 6270  
benefits in accordance with division ~~(D)~~(C)(2) of section 145.38 6271  
of the Revised Code. Notwithstanding any other provision of this 6272  
chapter, the policy or contract may also include coverage for any 6273  
eligible individual's spouse and dependent children and for any of 6274  
the eligible individual's sponsored dependents as the board 6275  
determines appropriate. If all or any portion of the policy or 6276  
contract premium is to be paid by any individual receiving age and 6277  
service retirement or a disability or survivor benefit, the 6278  
individual shall, by written authorization, instruct the board to 6279  
deduct the premium agreed to be paid by the individual to the 6280  
company, corporation, or agency. 6281

The board may contract for coverage on the basis of part or 6282  
all of the cost of the coverage to be paid from appropriate funds 6283  
of the public employees retirement system. The cost paid from the 6284  
funds of the system shall be included in the employer's 6285

contribution rate provided by sections 145.48 and 145.51 of the Revised Code. The board may by rule provide coverage to ~~ineligible~~ individuals who are not eligible under the rules adopted under division (A) of this section if the coverage is provided at no cost to the retirement system. The board shall not pay or reimburse the cost for coverage under this section or section ~~145.325~~ 145.584 of the Revised Code for any ~~ineligible~~ such individual.

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

(C) The board shall, beginning the month following receipt of satisfactory evidence of the payment for coverage, pay monthly to each recipient of service retirement, or a disability or survivor benefit under the public employees retirement system who is eligible for ~~medical insurance~~ coverage under part B of the medicare program established under Title XVIII of "The Social Security Act Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 1395j, as amended, an amount determined by the board for such coverage ~~that is not less than ninety six dollars and forty cents,~~ except that the board shall make no such payment to any ~~ineligible~~ individual who is not eligible for coverage under the rules adopted under division (A) of this section or pay an amount that exceeds the amount paid by the recipient for the coverage.

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

(D) The board shall establish by rule requirements for the coordination of any coverage, payment, or benefit provided under this section or section ~~145.325~~ 145.584 of the Revised Code with

any similar coverage, payment, or benefit made available to the 6318  
same individual by the Ohio police and fire pension fund, state 6319  
teachers retirement system, school employees retirement system, or 6320  
state highway patrol retirement system. 6321

(E) The board shall make all other necessary rules pursuant 6322  
to the purpose and intent of this section. 6323

**Sec. ~~145.325~~ 145.584.** (A) Except as otherwise provided in 6324  
division (B) of this section, the board of the public employees 6325  
retirement system shall make available to each retirant or 6326  
disability benefit recipient receiving a monthly allowance or 6327  
benefit on or after January 1, 1968, who has attained the age of 6328  
sixty-five years, and who is not eligible to receive hospital 6329  
insurance benefits under the federal old age, survivors, and 6330  
disability insurance program, hospital insurance coverage 6331  
substantially equivalent to the federal hospital insurance 6332  
benefits, Social Security Amendments of 1965, 79 Stat. 291, 42 6333  
U.S.C.A. 1395c, as amended. This coverage shall also be made 6334  
available to the spouse, widow, or widower of such retirant or 6335  
disability benefit recipient provided such spouse, widow, or 6336  
widower has attained age sixty-five and is not eligible to receive 6337  
hospital insurance benefits under the federal old age, survivors, 6338  
and disability insurance program. The widow or widower of a 6339  
retirant or disability benefit recipient shall be eligible for 6340  
such coverage only if he or she is the recipient of a monthly 6341  
allowance or benefit from this system. One-half of the cost of the 6342  
premium for the spouse shall be paid from the appropriate funds of 6343  
the public employees retirement system and one-half by the 6344  
recipient of the allowance or benefit. 6345

The cost of such coverage, paid from the funds of the system, 6346  
shall be included in the employer's rate provided by section 6347  
145.48 of the Revised Code. The retirement board is authorized to 6348

make all necessary rules pursuant to the purpose and intent of 6349  
this section, and shall contract for such coverage as provided in 6350  
section 145.58 of the Revised Code. 6351

(B) The board need not make the hospital insurance coverage 6352  
described in division (A) of this section available to any person 6353  
for whom it is prohibited by section 145.58 of the Revised Code 6354  
from paying or reimbursing the premium cost of such insurance. 6355

**Sec. 145.62.** Subject to rules adopted by the public employees 6356  
retirement system under section 145.09 of the Revised Code, a 6357  
contributor participating in the PERS defined benefit plan or 6358  
contributing under section 145.38 or 145.383 of the Revised Code 6359  
may deposit additional amounts in the employees' savings fund 6360  
established under section 145.23 of the Revised Code. The 6361  
additional deposits may be made either directly to the retirement 6362  
system or by payroll deduction under section 145.294 of the 6363  
Revised Code. The contributor shall receive in return either an 6364  
annuity, as provided in section 145.64 of the Revised Code, having 6365  
a reserve equal to the amount deposited or a refund under section 6366  
145.63 of the Revised Code of the amount deposited, together with 6367  
earnings on the amount deposited as the public employees 6368  
retirement board determines appropriate. If the annuity under the 6369  
plan of payment selected by the contributor under section 145.64 6370  
of the Revised Code would be less than twenty-five dollars per 6371  
month, the contributor shall receive the refund. 6372

**Sec. 145.63.** (A) Deposits under section 145.62 of the Revised 6373  
Code, together with earnings, shall be refunded under whichever of 6374  
the following circumstances applies: 6375

(1) On withdrawal of accumulated contributions as provided in 6376  
sections 145.40 and 145.43 of the Revised Code or payment of a 6377  
lump sum under section 145.384 of the Revised Code; 6378

(2) On the death of a contributor prior to retirement;	6379
(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;	6380 6381 6382
(4) In the case of a contributor under section 145.38 <u>or 145.383</u> of the Revised Code, on application of the contributor prior to attaining eligibility for a benefit under section 145.384 of the Revised Code;	6383 6384 6385 6386
(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;	6387 6388 6389 6390
(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;	6391 6392 6393 6394 6395 6396
<u>(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.</u>	6397 6398 6399 6400 6401 6402 6403 6404 6405 6406
(B) The consent of a spouse to a refund is valid only if it is in writing, signed, and witnessed by a notary public.	6407 6408
The board may waive the requirement of consent if the spouse	6409



is incapacitated or cannot be located or for any other reason 6410  
specified by the board. Consent or waiver is effective only with 6411  
regard to the spouse who is the subject of the consent or waiver. 6412

**Sec. 145.64.** (A) As used in this section: 6413

~~(1) "Plan A" means a plan of payment that is the same as,~~ 6414  
"plan A," as described in section 145.46 of the Revised Code. 6415

~~(2) "Plan B" means a plan of payment that is the same as~~ 6416  
"plan B," as described in section 145.46 of the Revised Code. 6417

~~(3) "Plan F" means a plan of payment that is the same as and~~ 6418  
"plan F C" have the same meanings as described in division (B) of 6419  
section 145.46 of the Revised Code. 6420

(B) A contributor who has not received a refund of amounts 6421  
deposited under section 145.62 or the version of division (C) of 6422  
section 145.23 of the Revised Code as it existed immediately prior 6423  
to ~~the effective date of this section~~ April 6, 2007, may file an 6424  
application with the public employees retirement system for a 6425  
benefit under this section. ~~The~~ Except as provided in section 6426  
145.62 of the Revised Code, the benefit shall consist of an 6427  
annuity ~~under a plan of payment that shall be paid as described in~~ 6428  
division ~~(A)(B)~~ of ~~this~~ section 145.46 of the Revised Code. 6429

The application must be filed prior to receipt of an age and 6430  
service retirement benefit from the retirement system or, in the 6431  
case of a contributor under section 145.38 or 145.383 of the 6432  
Revised Code, a benefit under section 145.384 of the Revised Code. 6433  
A contributor who fails to file an application for a benefit under 6434  
this section prior to receipt of an age and service retirement 6435  
benefit or a benefit under section 145.384 of the Revised Code 6436  
shall be eligible only for a refund under section 145.63 of the 6437  
Revised Code. 6438

(1) Except as provided in division (B)(2) of this section, a 6439

contributor who is married at the time of application for a 6440  
benefit under this section shall receive the benefit as a monthly 6441  
annuity under "plan A." 6442

(2) A contributor may receive a benefit under this section 6443  
under a plan of payment other than "plan A" if one of the 6444  
following is the case: 6445

(a) The contributor is unmarried; 6446

(b) The benefit application is accompanied by a statement of 6447  
the spouse's consent to another plan of payment or the public 6448  
employees retirement board waives the requirement that the spouse 6449  
consent; 6450

(c) A plan of payment providing for payment in a specified 6451  
portion of the benefit continuing after the member's death to a 6452  
former spouse is required by a court order issued under section 6453  
3105.171 or 3105.65 of the Revised Code or the laws of another 6454  
state regarding division of marital property prior to the 6455  
effective date of the contributor's benefit application. 6456

(3) If a member is subject to division (B)(2)(c) of this 6457  
section and the board has received a copy of the order described 6458  
in that division, the board shall accept the member's election of 6459  
a plan of payment under this section only if the member complies 6460  
with both of the following: 6461

(a) The member elects a plan of payment that is in accordance 6462  
with the order described in division (B)(2)(c) of this section. 6463

(b) If the member is married, the member elects "plan F C" 6464  
and designates the member's current spouse as a beneficiary under 6465  
that plan unless that spouse consents in writing to not being 6466  
designated a beneficiary or the board waives the requirement that 6467  
the current spouse consent. 6468

(4) The contributor shall designate the beneficiary or 6469

beneficiaries under a plan of payment in writing at the time the plan is selected.

(5) A plan of payment, other than "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 "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;

(c) If the contributor was previously employed as described 6500  
in division (E)(3) of section 145.384 of the Revised Code, 6501  
completion of a period of twelve months since the effective date 6502  
of the last benefit under that section; 6503

(d) Receipt of an application for a benefit under section 6504  
145.384 of the Revised Code. 6505

(3) The later of the effective date of disability retirement 6506  
under section 145.36 of the Revised Code or the date on which a 6507  
member receiving disability retirement ~~under section 145.36 of the~~ 6508  
~~Revised Code~~ would have been eligible for an age and service 6509  
retirement allowance. 6510

(4) The first day of the month following the last day for 6511  
which a disability allowance is paid under section 145.361 of the 6512  
Revised Code. 6513

(D) The consent of a spouse to a plan of payment other than 6514  
"plan A" is valid only if it is in writing, signed, and witnessed 6515  
by a notary public. The board may waive the requirement of consent 6516  
if the spouse is incapacitated or cannot be located or for any 6517  
other reason specified by the board. Consent or waiver is 6518  
effective only with regard to the spouse who is the subject of the 6519  
consent or waiver. 6520

(E)(1) The death of a spouse or any designated beneficiary 6521  
shall cancel the portion of an annuity providing continuing 6522  
lifetime payments to the deceased spouse or deceased designated 6523  
beneficiary. The contributor shall receive the actuarial 6524  
equivalent of the contributor's remaining annuity, as determined 6525  
by the board, based on the number of remaining beneficiaries, with 6526  
no change in the amount payable to any remaining beneficiary. ~~The~~ 6527  
If the retirement system receives notice of the death on or after 6528  
the effective date of this amendment, the change shall be 6529  
effective the month following ~~receipt by the board of notice of~~ 6530

the date of death. 6531

(2) On divorce, annulment, or marriage dissolution, a 6532  
contributor receiving an annuity under a plan of payment that 6533  
provides for continuation of all or part of the annuity after 6534  
death for the lifetime of the contributor's surviving spouse may, 6535  
with the written consent of the spouse or pursuant to an order of 6536  
the court with jurisdiction over the termination of the marriage, 6537  
elect to cancel the portion of the plan providing continuing 6538  
lifetime payments to that spouse. The contributor shall receive 6539  
the actuarial equivalent of the contributor's annuity as 6540  
determined by the board based on the number of remaining 6541  
beneficiaries, with no change in the amount payable to any 6542  
remaining beneficiary. The election shall be made on a form 6543  
provided by the board and shall be effective the month following 6544  
its receipt by the board. 6545

(F)(1) Following a marriage or remarriage, both of the 6546  
following apply: 6547

(a) A contributor who is receiving payments under "plan B" 6548  
may elect a new plan of payment based on the actuarial equivalent 6549  
of the contributor's "plan B" annuity as determined by the board. 6550

(b) A contributor receiving an annuity under this section 6551  
pursuant to a plan of payment providing for payment to a former 6552  
spouse pursuant to a court order as described in division 6553  
(B)(2)(c) of this section may elect a new plan of payment under 6554  
"plan ~~F~~ C" based on the actuarial equivalent of the contributor's 6555  
benefit as determined by the board if the new plan of payment does 6556  
not reduce the payment to the former spouse. 6557

(2) An election under division (F)(1) of this section must be 6558  
made not later than one year after the date of the marriage or 6559  
remarriage. 6560

The plan elected shall become effective on the date of 6561

receipt by the board of an application on a form approved by the 6562  
board, but any change in the amount of the annuity payment shall 6563  
commence on the first day of the month following the effective 6564  
date of the plan. 6565

(G) If at the time of death a contributor receiving a monthly 6566  
annuity under "plan B" has received less than the retirant's 6567  
deposits under section 145.62 or the version of division (C) of 6568  
section 145.23 of the Revised Code as it existed immediately prior 6569  
to ~~the effective date of this section~~ April 6, 2007, plus earnings 6570  
on those deposits, the difference between the amount received and 6571  
the amount of the contributor's deposits plus earnings shall be 6572  
paid to the contributor's beneficiary under section 145.65 of the 6573  
Revised Code. If any designated beneficiary receiving a monthly 6574  
annuity under this section dies and at the time of the 6575  
beneficiary's death the amounts paid to the contributor and the 6576  
beneficiary are less than the amount of the contributor's deposits 6577  
plus earnings on those deposits, the difference between the amount 6578  
received by the contributor and the beneficiary and the amount of 6579  
the contributor's deposits plus earnings shall be paid to the 6580  
beneficiary's estate. 6581

(H) Receipt of the first month's annuity payment constitutes 6582  
final acceptance of the plan of payment and may be changed only as 6583  
provided in this section. 6584

**Sec. 145.813.** Each PERS defined contribution plan shall 6585  
require the public employees retirement board, or the entity 6586  
administering the plan pursuant to a contract with the board, to 6587  
cause an individual account to be maintained for each member 6588  
participating in the plan. Amounts to be credited ~~to an individual~~ 6589  
account under a PERS defined contribution plan may be deposited 6590  
into any of the funds created under section 145.23 of the Revised 6591  
Code or may be transferred to the entity administering the plan 6592

for ~~deposit into the purpose of making distributions from the~~ 6593  
member's individual account. 6594

**Sec. 145.814.** (A) As used in this section: 6595

~~(1) "Additional liability" means an amount that, when added 6596  
to the amount on deposit, will provide the remaining portion of 6597  
the pension reserve for the period of service that corresponds to 6598  
the contributions made by or on behalf of a member. 6599~~

~~(2) "Amount on deposit" means the sum of a member's employee 6600  
and employer contributions and, if applicable, any earnings or 6601  
losses on those contributions. 6602~~

~~(3) "Eligible, eligible member" means a member who was 6603  
eligible to make an election under section 145.19 or 145.191 of 6604  
the Revised Code, regardless of whether the member elected to 6605  
participate in a PERS defined contribution plan. 6606~~

(B) If permitted to do so by the plan documents for a PERS 6607  
defined contribution plan or rules governing the PERS defined 6608  
benefit plan, an eligible member may elect, at intervals specified 6609  
by the plan document or rules, to participate in a different 6610  
defined contribution plan or in the PERS defined benefit plan. The 6611  
election is subject to this section and rules adopted by the 6612  
public employees retirement board under sections 145.09 and 145.80 6613  
of the Revised Code. An election to participate in a different 6614  
plan shall be made in writing on a form provided by the public 6615  
employees retirement system and filed with the system. The 6616  
election shall take effect on the first day of the month following 6617  
the date the election is filed and, except as provided in the plan 6618  
documents or rules governing the PERS defined benefit plan, is 6619  
irrevocable on receipt by the system. 6620

(C)~~(1)~~ Except as provided in division ~~(C)(2)~~(D) of this 6621  
section, an election to participate in a different plan shall 6622

apply only to employee and employer contributions made and, if 6623  
applicable, service credit earned after the effective date of the 6624  
election. 6625

~~(2)(D)~~ An eligible member may elect to have the member's 6626  
amount on deposit for the prior plan and, if applicable, service 6627  
credit earned prior to the effective date of the election 6628  
deposited and credited in accordance with the member's new plan if 6629  
~~one of the following applies:~~ 6630

~~(a) The member, by an election under this section, will cease 6631  
participation in a PERS defined contribution plan that does not 6632  
include definitely determinable benefits. 6633~~

~~(b) The the member, by an the election under division (A) of 6634  
this section, will begin participating in the PERS defined benefit 6635  
plan or a PERS defined contribution plan with definitely 6636  
determinable benefits. The amount on deposit is the amount the 6637  
member would be entitled to receive as a refund from the prior 6638  
plan if the member ceased to be a public employee. 6639~~

~~(3) If a member ~~described in division (C)(2) of this section 6640  
makes the election described in that~~ this division and service 6641  
credit is transferred, the board's actuary shall determine the 6642  
additional liability to the system, if any. ~~If~~ The additional 6643  
liability is the amount that, when added to the amount on deposit, 6644  
will provide the remaining portion of the pension reserve for the 6645  
period of the member's service as a public employee in the prior 6646  
plan. 6647~~

If the actuary determines that there is an additional 6648  
liability, the member shall elect one of the following: 6649

~~(a)(1)~~ To receive the total amount of service credit that the 6650  
member would have received had the member been participating in 6651  
the new plan, pay to the system an amount equal to the additional 6652  
liability; 6653



~~(b) Receive (2) To receive~~ an amount of service credit in the 6654  
new plan that corresponds to the amount on deposit for the prior 6655  
plan. 6656

For each member who makes the election described in this 6657  
division ~~(C)(2) of this section~~, the system shall deposit and 6658  
credit to the new plan the amount on deposit for the prior plan 6659  
and, if applicable, the amount paid by the member. The board may 6660  
specify in rules adopted under sections 145.09 and 145.80 of the 6661  
Revised Code how service credit in the defined benefit plan may be 6662  
converted to amounts on deposit in the defined contribution plan. 6663

**Sec. 145.82.** (A) Except as provided in divisions (B) and (C) 6664  
of this section, sections 145.201 to 145.70 of the Revised Code do 6665  
not apply to a PERS defined contribution plan, except that a PERS 6666  
defined contribution plan may incorporate provisions of those 6667  
sections as specified in the plan document. 6668

(B) The following sections of Chapter 145. of the Revised 6669  
Code apply to a PERS defined contribution plan: 145.195, 145.22, 6670  
145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, ~~145.382,~~ 6671  
~~145.383,~~ 145.384, 145.391, 145.43, 145.431, 145.47, 145.48, 6672  
145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 6673  
145.57, 145.571, 145.572, 145.573, 145.574, 145.69, and 145.70 of 6674  
the Revised Code. 6675

(C) A PERS defined contribution plan that includes definitely 6676  
determinable benefits may incorporate by reference all or part of 6677  
sections 145.201 to 145.79 of the Revised Code to allow a member 6678  
participating in the plan to purchase service credit or to be 6679  
eligible for any of the following: 6680

(1) Retirement, disability, survivor, or death benefits; 6681

(2) Health or long-term care insurance or any other type of 6682  
health care benefit; 6683

(3) Additional increases under section 145.323 of the Revised Code; 6684  
6685

(4) A refund of contributions made by or on behalf of a member. 6686  
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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. 6688  
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**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(e)(9) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(e)(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.~~ 6696  
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If a PERS defined contribution plan includes a program described in this section, the public employees retirement board 6713  
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shall adopt rules to ~~establish and administer the program.~~ The 6715  
~~rules shall~~ specify the length of time during which the member 6716  
will vest in amounts accumulated on the member's behalf and may 6717  
provide for a minimum annual distribution from the accumulated 6718  
amount after the member terminates employment in positions subject 6719  
to this chapter. 6720

**Sec. 145.87.** For each member participating in a PERS defined 6721  
contribution plan, the public employees retirement system ~~shall~~ 6722  
may transfer to the employers' accumulation fund a portion of the 6723  
employer contribution required under section 145.48 of the Revised 6724  
Code. ~~The~~ If the public employees retirement board elects to make 6725  
a transfer under this section, the portion transferred shall equal 6726  
not exceed the percentage of earnable salary of members for whom 6727  
the contributions are being made that is determined by an actuary 6728  
appointed by the ~~public employees retirement~~ board to be necessary 6729  
to mitigate any negative financial impact on the system of 6730  
members' participation in a plan. 6731

The board ~~shall have prepared annually~~ may have prepared, at 6732  
intervals determined by the board, an actuarial study to determine 6733  
whether ~~the percentage transferred~~ a transfer under this section 6734  
~~should be changed~~ is necessary to reflect a change in the level of 6735  
negative financial impact resulting from members' participation in 6736  
a plan. The percentage transferred, if any, shall be increased or 6737  
decreased to reflect the amount needed to mitigate the negative 6738  
financial impact, if any, on the system, as determined by the 6739  
study. A change in the percentage transferred shall take effect on 6740  
~~the first day of the year following the date the conclusions of~~ 6741  
~~the study are reported to~~ a date determined by the board. 6742

~~The~~ If a transfer under this section is made, the system 6743  
shall make the transfer ~~required under this section~~ until the 6744  
unfunded actuarial accrued liability for all benefits, except 6745

health care benefits provided under section ~~145.325~~ or 145.58 or 6746  
145.584 of the Revised Code and benefit increases to members and 6747  
former members participating in the PERS defined benefit plan 6748  
granted after September 21, 2000, is fully amortized, as 6749  
determined by the annual actuarial valuation prepared under 6750  
section 145.22 of the Revised Code. 6751

**Sec. 145.92.** If a member participating in a PERS defined 6752  
contribution plan is married at the time benefits under the plan 6753  
are to commence, unless the spouse consents to another plan of 6754  
payment or the spouse's consent is waived, the member's ~~retirement~~ 6755  
~~allowance~~ benefit under the plan shall be paid in a lesser amount 6756  
payable for life and one-half of ~~the allowance~~ that amount 6757  
continuing after death to the surviving spouse for the life of the 6758  
spouse. 6759

Consent is valid only if it is evidenced by a written 6760  
document signed by the spouse and the signature is witnessed by a 6761  
notary public. A plan may waive the requirement of consent if the 6762  
spouse is incapacitated or cannot be located or for any other 6763  
reason specified by the plan or in rules adopted by the public 6764  
employees retirement board. 6765

A plan shall waive the requirement of consent if a plan of 6766  
payment that provides for payment in a specified portion of the 6767  
retirement allowance continuing after the member's death to a 6768  
former spouse is required by a court order issued under section 6769  
3105.171 or 3105.65 of the Revised Code or laws of another state 6770  
regarding division of marital property prior to the effective date 6771  
of the member's retirement. If a court order requires this plan of 6772  
payment, the member shall be required to annuitize the member's 6773  
accumulated amounts in accordance with the order. If the member is 6774  
married, the plan of payment selected by the member also shall 6775  
provide for payment to the member's current spouse, unless the 6776

current spouse consents in writing to not being designated a 6777  
beneficiary under the plan of payment or the current spouse's 6778  
consent is waived by reason other than the court order. 6779

Consent or waiver is effective only with regard to the spouse 6780  
who is the subject of the consent or waiver. 6781

**Sec. 145.95.** (A) Subject to division (B) of this section and 6782  
sections 145.38, 145.56, 145.57, 145.572, ~~and~~ 145.573, and 145.574 6783  
of the Revised Code, the right of a member participating in a PERS 6784  
defined contribution plan to any payment or benefit accruing from 6785  
contributions made by or on behalf of the member under sections 6786  
145.85 and 145.86 of the Revised Code shall vest in accordance 6787  
with this section. 6788

A member's right to any payment or benefit that is based on 6789  
the member's contributions is nonforfeitable. 6790

A member's right to any payment or benefit that is based on 6791  
contributions by the member's employer is nonforfeitable as 6792  
specified by the plan selected by the member. 6793

(B) This section does not apply to an increase made under 6794  
section 145.323 of the Revised Code on or after the effective date 6795  
of this amendment. 6796

**Sec. 145.97.** Each PERS defined contribution plan shall permit 6797  
a member participating in the plan to do all of the following: 6798  
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(A) Maintain on deposit with the public employees retirement 6800  
system, or the entity administering the plan pursuant to a 6801  
contract with the public employees retirement board, any amounts 6802  
that have accumulated on behalf of the member; 6803

(B) If the member has withdrawn the amounts described in 6804  
division (A) of this section, returns to employment covered under 6805

this chapter, and is participating in a plan that includes 6806  
definitely determinable benefits, pay to the system the amounts 6807  
withdrawn in accordance with rules adopted under section ~~145.31~~ 6808  
145.80 of the Revised Code; 6809

(C) Make additional deposits as permitted by the "Internal 6810  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6811

**Sec. 742.63.** The board of trustees of the Ohio police and 6812  
fire pension fund shall adopt rules for the management of the Ohio 6813  
public safety officers death benefit fund and for disbursements of 6814  
benefits as set forth in this section. 6815

(A) As used in this section: 6816

(1) "Member" means all of the following: 6817

(a) A member of the Ohio police and fire pension fund, 6818  
including a member of the fund who has elected to participate in 6819  
the deferred retirement option plan established under section 6820  
742.43 of the Revised Code or a member of or contributor to a 6821  
police or firemen's relief and pension fund established under 6822  
former Chapter 521. or 741. of the Revised Code; 6823

(b) A member of the state highway patrol retirement system, 6824  
including a member who is participating in the deferred retirement 6825  
option plan established under section 5505.50 of the Revised Code; 6826

(c) A member of the public employees retirement system who at 6827  
the time of the member's death was one of the following: 6828

(i) A county sheriff or deputy sheriff; 6829

(ii) A full-time regular police officer in a municipal 6830  
corporation or township; 6831

(iii) A full-time regular firefighter employed by the state, 6832  
an instrumentality of the state, a municipal corporation, a 6833  
township, a joint fire district, or another political subdivision; 6834

(iv) A full-time park district ranger or patrol trooper;	6835
(v) A full-time law enforcement officer of the department of natural resources;	6836 6837
(vi) A full-time department of public safety enforcement agent;	6838 6839
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	6840 6841 6842
(viii) A full-time law enforcement officer of a conservancy district;	6843 6844
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	6845 6846 6847
(x) A state university law enforcement officer;	6848
(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.	6849 6850 6851
(xii) A drug agent, as defined in section 145.01 of the Revised Code.	6852 6853
(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.	6854 6855 6856 6857
(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	6858 6859 6860 6861 6862 6863 6864

workhouse under the control of a county, group of counties, or 6865  
municipal corporation, the security force of a metropolitan, 6866  
county, or township park district, the security force of lands 6867  
under the control of the department of natural resources, 6868  
department of public safety enforcement agents, the security force 6869  
of parks, waterway lands, or reservoir lands under the control of 6870  
a municipal corporation, the security force of a conservancy 6871  
district, the police department of a township or municipal 6872  
corporation, and the police force of a state university. 6873

(3) "Firefighter or police officer" includes a state highway 6874  
patrol trooper, a county sheriff or deputy sheriff, a correction 6875  
officer at an institution under the control of a county, a group 6876  
of counties, a municipal corporation, or the department of 6877  
rehabilitation and correction, a police officer employed by a 6878  
township or municipal corporation, a firefighter employed by the 6879  
state, an instrumentality of the state, a municipal corporation, a 6880  
township, a joint fire district, or another political subdivision, 6881  
a full-time park district ranger or patrol trooper, a full-time 6882  
law enforcement officer of the department of natural resources, a 6883  
full-time department of public safety enforcement agent, a 6884  
full-time law enforcement officer of parks, waterway lands, or 6885  
reservoir lands under the control of a municipal corporation, a 6886  
full-time law enforcement officer of a conservancy district, and a 6887  
state university law enforcement officer. 6888

(4) "Correction officer" includes, in addition to any 6889  
correction officer, any correction corporal, sergeant, lieutenant, 6890  
or captain, and the equivalents of all such persons. 6891

(5) "A park district ranger or patrol trooper" means a peace 6892  
officer commissioned to make arrests, execute warrants, and 6893  
preserve the peace upon lands under the control of a board of park 6894  
commissioners of a metropolitan, county, or township park 6895  
district. 6896



(6) "Metropolitan, county, or township park district" means a park district created under the authority of Chapter 511. or 1545. of the Revised Code.

(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.

(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.

(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.33, section 145.332, Chapter 521. or 741., division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.

(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been granted the deceased member.

(12) "Killed in the line of duty" means either of the 6928  
following: 6929

(a) Death in the line of duty; 6930

(b) Death from injury sustained in the line of duty, 6931  
including heart attack or other fatal injury or illness caused 6932  
while in the line of duty. 6933

(B) A spouse of a deceased member shall receive a death 6934  
benefit each month equal to the full death benefit amount, 6935  
provided that the deceased member was a firefighter or police 6936  
officer killed in the line of duty and there are no surviving 6937  
children eligible for a benefit under this section. The spouse 6938  
shall receive this benefit during the spouse's natural life until 6939  
the deceased member's retirement eligibility date, on which date 6940  
the benefit provided under this division shall terminate. 6941

(C)(1) If a member killed in the line of duty as a 6942  
firefighter or police officer is survived only by a child or 6943  
children, the child or children shall receive a benefit each month 6944  
equal to the full death benefit amount. If there is more than one 6945  
surviving child, the benefit shall be divided equally among these 6946  
children. 6947

(2) If the death benefit paid under this division is divided 6948  
among two or more surviving children and any of the children 6949  
become ineligible to continue receiving a portion of the benefit 6950  
as provided in division (H) of this section, the full death 6951  
benefit amount shall be paid to the remaining eligible child or 6952  
divided among the eligible children so that the benefit paid to 6953  
the remaining eligible child or children equals the full death 6954  
benefit amount. 6955

(3) Notwithstanding divisions (C)(1) and (2) of this section, 6956  
all death benefits paid under this division shall terminate on the 6957  
deceased member's retirement eligibility date. 6958

(D) If a member killed in the line of duty as a firefighter 6959  
or police officer is survived by both a spouse and a child or 6960  
children, the monthly benefit provided shall be as follows: 6961

(1)(a) If there is a surviving spouse and one surviving 6962  
child, the spouse shall receive an amount each month equal to 6963  
one-half of the full death benefit amount and the child shall 6964  
receive an amount equal to one-half of the full death benefit 6965  
amount. 6966

(b) If the surviving spouse dies or the child becomes 6967  
ineligible as provided in division (H) of this section, the 6968  
surviving spouse or child remaining eligible shall receive the 6969  
full death benefit amount. 6970

(2)(a) If there is a surviving spouse and more than one 6971  
child, the spouse shall receive an amount each month equal to 6972  
one-third of the full death benefit amount and the children shall 6973  
receive an amount, equally divided among them, equal to two-thirds 6974  
of the full death benefit amount. 6975

(b) If a spouse and more than one child each are receiving a 6976  
death benefit under division (D)(2)(a) of this section and the 6977  
spouse dies, the children shall receive an amount each month, 6978  
equally divided among them, equal to the full death benefit 6979  
amount. 6980

(c) If a spouse and more than one child each are receiving a 6981  
benefit under division (D)(2)(a) of this section and any of the 6982  
children becomes ineligible to receive a benefit as provided in 6983  
division (H) of this section, the spouse and remaining eligible 6984  
child or children shall receive a death benefit as follows: 6985

(i) If there are two or more remaining eligible children, the 6986  
spouse shall receive an amount each month equal to one-third of 6987  
the full death benefit amount and the children shall receive an 6988  
amount each month, equally divided among them, equal to two-thirds 6989

of the full death benefit amount; 6990

(ii) If there is one remaining eligible child, the spouse 6991  
shall receive an amount each month equal to one-half of the full 6992  
death benefit amount, and the child shall receive an amount each 6993  
month equal to one-half of the full death benefit amount. 6994

(d) If a spouse and more than one child each are receiving a 6995  
benefit under division (D)(2)(a) of this section and all of the 6996  
children become ineligible to receive a benefit as provided in 6997  
division (H) of this section, the spouse shall receive the full 6998  
death benefit amount. 6999

(3) Notwithstanding divisions (D)(1) and (2) of this section, 7000  
death benefits paid under this division to a surviving spouse 7001  
shall terminate on the member's retirement eligibility date. Death 7002  
benefits paid to a surviving child or children shall terminate on 7003  
the deceased member's retirement eligibility date unless earlier 7004  
terminated pursuant to division (H) of this section. 7005

(E) If a member, on or after January 1, 1980, is killed in 7006  
the line of duty as a firefighter or police officer and is 7007  
survived by only a parent or parents dependent upon the member for 7008  
support, the parent or parents shall receive an amount each month 7009  
equal to the full death benefit amount. If there is more than one 7010  
surviving parent dependent upon the deceased member for support, 7011  
the death benefit amount shall be divided equally among the 7012  
surviving parents. On the death of one of the surviving parents, 7013  
the full death benefit amount shall be paid to the other parent. 7014

(F)(1) The following shall receive a monthly death benefit 7015  
under this division: 7016

(a) A surviving spouse whose benefits are terminated in 7017  
accordance with division (B) or (D)(3) of this section on the 7018  
deceased member's retirement eligibility date, or who would 7019  
qualify for a benefit under division (B) or (D) of this section 7020

except that the deceased member reached the member's retirement 7021  
eligibility date prior to the member's death; 7022

(b) A qualified surviving spouse of a deceased member of or 7023  
contributor to a police or firemen's relief and pension fund 7024  
established under former Chapter 521. or 741. of the Revised Code 7025  
who was a firefighter or police officer killed in the line of 7026  
duty. 7027

(2) The monthly death benefit shall be one-half of an amount 7028  
equal to the monthly salary received by the deceased member prior 7029  
to the member's death, plus any salary increases the deceased 7030  
member would have received prior to the member's retirement 7031  
eligibility date. The benefit shall terminate on the surviving 7032  
spouse's death. A death benefit payable under this division shall 7033  
be reduced by an amount equal to any allowance or benefit payable 7034  
to the surviving spouse under section 742.3714 of the Revised 7035  
Code. 7036

(3) A benefit granted to a surviving spouse under division 7037  
(F)(1)(b) of this section shall commence on the first day of the 7038  
month immediately following receipt by the board of a completed 7039  
application on a form provided by the board and any evidence the 7040  
board may require to establish that the deceased spouse was killed 7041  
in the line of duty. 7042

(G)(1) If there is not a surviving spouse eligible to receive 7043  
a death benefit under division (F) of this section or the 7044  
surviving spouse receiving a death benefit under that division 7045  
dies, a surviving child or children whose benefits under division 7046  
(C) or (D) of this section are or have been terminated pursuant to 7047  
division (C)(3) or (D)(3) of this section or who would qualify for 7048  
a benefit under division (C) or (D) of this section except that 7049  
the deceased member reached the member's retirement eligibility 7050  
date prior to the member's death shall receive a monthly death 7051  
benefit under this division. The monthly death benefit shall be 7052

one-half of an amount equal to the monthly salary received by the 7053  
deceased member prior to the member's death, plus any salary 7054  
increases the member would have received prior to the member's 7055  
retirement eligibility date. If there is more than one surviving 7056  
child, the benefit shall be divided equally among the surviving 7057  
children. 7058

(2) If two or more surviving children each are receiving a 7059  
benefit under this division and any of those children becomes 7060  
ineligible to continue receiving a benefit as provided in division 7061  
(H) of this section, the remaining eligible child or children 7062  
shall receive an amount equal to one-half of the monthly salary 7063  
received by the deceased member prior to death, plus any salary 7064  
increases the deceased member would have received prior to the 7065  
retirement eligibility date. If there is more than one remaining 7066  
eligible child, the benefit shall be divided equally among the 7067  
eligible children. 7068

(3) A death benefit, or portion of a death benefit, payable 7069  
to a surviving child under this division shall be reduced by an 7070  
amount equal to any allowance or benefit payable to that child 7071  
under section 742.3714 of the Revised Code, but the reduction in 7072  
that child's benefit shall not affect the amount payable to any 7073  
other surviving child entitled to a portion of the death benefit. 7074

(H) A death benefit paid to a surviving child under division 7075  
(C), (D), or (G) of this section shall terminate on the death of 7076  
the child or, unless one of the following is the case, when the 7077  
child reaches age eighteen: 7078

(1) The child, because of physical or mental disability, is 7079  
unable to provide the child's own support, in which case the death 7080  
benefit shall terminate when the disability is removed; 7081

(2) The child is unmarried, under age twenty-two, and a 7082  
student in and attending an institution of learning or training 7083

pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the trustees of the fund.

(I) Acceptance of any death benefit under this section does not prohibit a spouse or child from receiving other benefits provided under the Ohio police and fire pension fund, the state highway patrol retirement system, the public employees retirement system, or a retirement system operated by a municipal corporation.

(J) No person shall receive a benefit under this section if any of the following occur:

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or (7) of section 5505.17 of the Revised Code; to a monthly survivor benefit from a retirement system operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code.

(2) The member's accumulated contributions under this chapter or Chapter 145. or 5505. of the Revised Code are refunded unless the member had been a member of the public employees retirement system and had fewer than eighteen months of total service credit at the time of death.

(3) In the case of a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, or municipal

corporation, or a member of a retirement system operated by a 7115  
municipal corporation who at the time of the member's death was a 7116  
full-time law enforcement officer of parks, waterway lands, or 7117  
reservoir lands under the control of the municipal corporation, 7118  
the member died prior to April 9, 1981, in the case of a benefit 7119  
under division (B), (C), or (D) of this section, or prior to 7120  
January 1, 1980, in the case of a benefit under division (E) of 7121  
this section. 7122

(4) In the case of a full-time department of public safety 7123  
enforcement agent who prior to June 30, 1999, was a liquor control 7124  
investigator of the department of public safety, the member died 7125  
prior to December 23, 1986; 7126

(5) In the case of a full-time department of public safety 7127  
enforcement agent other than an enforcement agent who, prior to 7128  
June 30, 1999, was a liquor control investigator, the member died 7129  
prior to June 30, 1999. 7130

(K) A surviving spouse whose benefit was terminated prior to 7131  
June 30, 1999, due to remarriage shall receive a benefit under 7132  
division (B), (D), or (F) of this section beginning on the first 7133  
day of the month following receipt by the board of an application 7134  
on a form provided by the board. The benefit amount shall be 7135  
determined as of that date. 7136

(1) If the benefit will begin prior to the deceased member's 7137  
retirement eligibility date, it shall be paid under division (B) 7138  
or (D) of this section and shall terminate as provided in those 7139  
divisions. A benefit paid to a surviving spouse under division (D) 7140  
of this section shall be determined in accordance with that 7141  
division, even if benefits paid to surviving children are reduced 7142  
as a result. 7143

(2) If the benefit will begin on or after the deceased 7144  
member's retirement eligibility date, it shall be paid under 7145



division (F) of this section and shall terminate as provided in 7146  
that division. A benefit paid to a surviving spouse under division 7147  
(F) of this section shall be determined in accordance with that 7148  
division, even if benefits paid to surviving children are 7149  
terminated as a result. 7150

**Sec. 2329.66.** (A) Every person who is domiciled in this state 7151  
may hold property exempt from execution, garnishment, attachment, 7152  
or sale to satisfy a judgment or order, as follows: 7153

(1)(a) In the case of a judgment or order regarding money 7154  
owed for health care services rendered or health care supplies 7155  
provided to the person or a dependent of the person, one parcel or 7156  
item of real or personal property that the person or a dependent 7157  
of the person uses as a residence. Division (A)(1)(a) of this 7158  
section does not preclude, affect, or invalidate the creation 7159  
under this chapter of a judgment lien upon the exempted property 7160  
but only delays the enforcement of the lien until the property is 7161  
sold or otherwise transferred by the owner or in accordance with 7162  
other applicable laws to a person or entity other than the 7163  
surviving spouse or surviving minor children of the judgment 7164  
debtor. Every person who is domiciled in this state may hold 7165  
exempt from a judgment lien created pursuant to division (A)(1)(a) 7166  
of this section the person's interest, not to exceed twenty 7167  
thousand two hundred dollars, in the exempted property. 7168

(b) In the case of all other judgments and orders, the 7169  
person's interest, not to exceed twenty thousand two hundred 7170  
dollars, in one parcel or item of real or personal property that 7171  
the person or a dependent of the person uses as a residence. 7172

(2) The person's interest, not to exceed three thousand two 7173  
hundred twenty-five dollars, in one motor vehicle; 7174

(3) The person's interest, not to exceed four hundred 7175  
dollars, in cash on hand, money due and payable, money to become 7176

due within ninety days, tax refunds, and money on deposit with a 7177  
bank, savings and loan association, credit union, public utility, 7178  
landlord, or other person, other than personal earnings. 7179

(4)(a) The person's interest, not to exceed five hundred 7180  
twenty-five dollars in any particular item or ten thousand seven 7181  
hundred seventy-five dollars in aggregate value, in household 7182  
furnishings, household goods, wearing apparel, appliances, books, 7183  
animals, crops, musical instruments, firearms, and hunting and 7184  
fishing equipment that are held primarily for the personal, 7185  
family, or household use of the person; 7186

(b) The person's aggregate interest in one or more items of 7187  
jewelry, not to exceed one thousand three hundred fifty dollars, 7188  
held primarily for the personal, family, or household use of the 7189  
person or any of the person's dependents. 7190

(5) The person's interest, not to exceed an aggregate of two 7191  
thousand twenty-five dollars, in all implements, professional 7192  
books, or tools of the person's profession, trade, or business, 7193  
including agriculture; 7194

(6)(a) The person's interest in a beneficiary fund set apart, 7195  
appropriated, or paid by a benevolent association or society, as 7196  
exempted by section 2329.63 of the Revised Code; 7197

(b) The person's interest in contracts of life or endowment 7198  
insurance or annuities, as exempted by section 3911.10 of the 7199  
Revised Code; 7200

(c) The person's interest in a policy of group insurance or 7201  
the proceeds of a policy of group insurance, as exempted by 7202  
section 3917.05 of the Revised Code; 7203

(d) The person's interest in money, benefits, charity, 7204  
relief, or aid to be paid, provided, or rendered by a fraternal 7205  
benefit society, as exempted by section 3921.18 of the Revised 7206  
Code; 7207

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	7208 7209 7210 7211
(7) The person's professionally prescribed or medically necessary health aids;	7212 7213
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	7214 7215 7216
(9) The person's interest in the following:	7217
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	7218 7219
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	7220 7221
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	7222 7223
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	7224 7225
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	7226 7227 7228
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	7229 7230
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	7231 7232
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section	7233 7234 7235 7236 7237

2907.15 of the Revised Code, in cases in which an order for 7238  
forfeiture was issued under division (A) or (B) of section 7239  
2929.192 of the Revised Code, and in cases in which an order was 7240  
issued under section 2929.193 or 2929.194 of the Revised Code, and 7241  
only to the extent provided in the order, and except as provided 7242  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 7243  
and 3123.06 of the Revised Code, the person's right to a pension, 7244  
benefit, annuity, retirement allowance, or accumulated 7245  
contributions, the person's right to a participant account in any 7246  
deferred compensation program offered by the Ohio public employees 7247  
deferred compensation board, a government unit, or a municipal 7248  
corporation, or the person's other accrued or accruing rights, as 7249  
exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 7250  
3309.66, or 5505.22 of the Revised Code, and the person's right to 7251  
benefits from the Ohio public safety officers death benefit fund; 7252

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 7253  
3121.03, and 3123.06 of the Revised Code, the person's right to 7254  
receive a payment under any pension, annuity, or similar plan or 7255  
contract, not including a payment from a stock bonus or 7256  
profit-sharing plan or a payment included in division (A)(6)(b) or 7257  
(10)(a) of this section, on account of illness, disability, death, 7258  
age, or length of service, to the extent reasonably necessary for 7259  
the support of the person and any of the person's dependents, 7260  
except if all the following apply: 7261

(i) The plan or contract was established by or under the 7262  
auspices of an insider that employed the person at the time the 7263  
person's rights under the plan or contract arose. 7264

(ii) The payment is on account of age or length of service. 7265

(iii) The plan or contract is not qualified under the 7266  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 7267  
amended. 7268

(c) Except for any portion of the assets that were deposited 7269  
for the purpose of evading the payment of any debt and except as 7270  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7271  
3123.06 of the Revised Code, the person's right in the assets held 7272  
in, or to receive any payment under, any individual retirement 7273  
account, individual retirement annuity, "Roth IRA," or education 7274  
individual retirement account that provides benefits by reason of 7275  
illness, disability, death, or age, to the extent that the assets, 7276  
payments, or benefits described in division (A)(10)(c) of this 7277  
section are attributable to any of the following: 7278

(i) Contributions of the person that were less than or equal 7279  
to the applicable limits on deductible contributions to an 7280  
individual retirement account or individual retirement annuity in 7281  
the year that the contributions were made, whether or not the 7282  
person was eligible to deduct the contributions on the person's 7283  
federal tax return for the year in which the contributions were 7284  
made; 7285

(ii) Contributions of the person that were less than or equal 7286  
to the applicable limits on contributions to a Roth IRA or 7287  
education individual retirement account in the year that the 7288  
contributions were made; 7289

(iii) Contributions of the person that are within the 7290  
applicable limits on rollover contributions under subsections 219, 7291  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 7292  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 7293  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7294

(d) Except for any portion of the assets that were deposited 7295  
for the purpose of evading the payment of any debt and except as 7296  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7297  
3123.06 of the Revised Code, the person's right in the assets held 7298  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 7299  
that provides benefits by reason of illness, disability, death, or 7300

age, to the extent reasonably necessary for the support of the 7301  
person and any of the person's dependents. 7302

(11) The person's right to receive spousal support, child 7303  
support, an allowance, or other maintenance to the extent 7304  
reasonably necessary for the support of the person and any of the 7305  
person's dependents; 7306

(12) The person's right to receive, or moneys received during 7307  
the preceding twelve calendar months from, any of the following: 7308

(a) An award of reparations under sections 2743.51 to 2743.72 7309  
of the Revised Code, to the extent exempted by division (D) of 7310  
section 2743.66 of the Revised Code; 7311

(b) A payment on account of the wrongful death of an 7312  
individual of whom the person was a dependent on the date of the 7313  
individual's death, to the extent reasonably necessary for the 7314  
support of the person and any of the person's dependents; 7315

(c) Except in cases in which the person who receives the 7316  
payment is an inmate, as defined in section 2969.21 of the Revised 7317  
Code, and in which the payment resulted from a civil action or 7318  
appeal against a government entity or employee, as defined in 7319  
section 2969.21 of the Revised Code, a payment, not to exceed 7320  
twenty thousand two hundred dollars, on account of personal bodily 7321  
injury, not including pain and suffering or compensation for 7322  
actual pecuniary loss, of the person or an individual for whom the 7323  
person is a dependent; 7324

(d) A payment in compensation for loss of future earnings of 7325  
the person or an individual of whom the person is or was a 7326  
dependent, to the extent reasonably necessary for the support of 7327  
the debtor and any of the debtor's dependents. 7328

(13) Except as provided in sections 3119.80, 3119.81, 7329  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 7330  
earnings of the person owed to the person for services in an 7331

amount equal to the greater of the following amounts: 7332

(a) If paid weekly, thirty times the current federal minimum 7333  
hourly wage; if paid biweekly, sixty times the current federal 7334  
minimum hourly wage; if paid semimonthly, sixty-five times the 7335  
current federal minimum hourly wage; or if paid monthly, one 7336  
hundred thirty times the current federal minimum hourly wage that 7337  
is in effect at the time the earnings are payable, as prescribed 7338  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 7339  
U.S.C. 206(a)(1), as amended; 7340

(b) Seventy-five per cent of the disposable earnings owed to 7341  
the person. 7342

(14) The person's right in specific partnership property, as 7343  
exempted by ~~division (B)(3) of section 1775.24 of the Revised Code~~ 7344  
~~or~~ the person's rights in a partnership pursuant to section 7345  
1776.50 of the Revised Code, except as otherwise set forth in 7346  
section 1776.50 of the Revised Code; 7347

(15) A seal and official register of a notary public, as 7348  
exempted by section 147.04 of the Revised Code; 7349

(16) The person's interest in a tuition unit or a payment 7350  
under section 3334.09 of the Revised Code pursuant to a tuition 7351  
payment contract, as exempted by section 3334.15 of the Revised 7352  
Code; 7353

(17) Any other property that is specifically exempted from 7354  
execution, attachment, garnishment, or sale by federal statutes 7355  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 7356  
U.S.C.A. 101, as amended; 7357

(18) The person's aggregate interest in any property, not to 7358  
exceed one thousand seventy-five dollars, except that division 7359  
(A)(18) of this section applies only in bankruptcy proceedings. 7360

(B) On April 1, 2010, and on the first day of April in each 7361

third calendar year after 2010, the Ohio judicial conference shall 7362  
adjust each dollar amount set forth in this section to reflect the 7363  
change in the consumer price index for all urban consumers, as 7364  
published by the United States department of labor, or, if that 7365  
index is no longer published, a generally available comparable 7366  
index, for the three-year period ending on the thirty-first day of 7367  
December of the preceding year. Any adjustments required by this 7368  
division shall be rounded to the nearest twenty-five dollars. 7369

The Ohio judicial conference shall prepare a memorandum 7370  
specifying the adjusted dollar amounts. The judicial conference 7371  
shall transmit the memorandum to the director of the legislative 7372  
service commission, and the director shall publish the memorandum 7373  
in the register of Ohio. (Publication of the memorandum in the 7374  
register of Ohio shall continue until the next memorandum 7375  
specifying an adjustment is so published.) The judicial conference 7376  
also may publish the memorandum in any other manner it concludes 7377  
will be reasonably likely to inform persons who are affected by 7378  
its adjustment of the dollar amounts. 7379

(C) As used in this section: 7380

(1) "Disposable earnings" means net earnings after the 7381  
garnishee has made deductions required by law, excluding the 7382  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 7383  
3121.03, or 3123.06 of the Revised Code. 7384

(2) "Insider" means: 7385

(a) If the person who claims an exemption is an individual, a 7386  
relative of the individual, a relative of a general partner of the 7387  
individual, a partnership in which the individual is a general 7388  
partner, a general partner of the individual, or a corporation of 7389  
which the individual is a director, officer, or in control; 7390

(b) If the person who claims an exemption is a corporation, a 7391  
director or officer of the corporation; a person in control of the 7392



corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(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 7424  
(iv) of this section applies, as if the person or entity were a 7425  
person who claims an exemption; 7426

(f) A managing agent of the person who claims an exemption. 7427

(3) "Participant account" has the same meaning as in section 7428  
148.01 of the Revised Code. 7429

(4) "Government unit" has the same meaning as in section 7430  
148.06 of the Revised Code. 7431

(D) For purposes of this section, "interest" shall be 7432  
determined as follows: 7433

(1) In bankruptcy proceedings, as of the date a petition is 7434  
filed with the bankruptcy court commencing a case under Title 11 7435  
of the United States Code; 7436

(2) In all cases other than bankruptcy proceedings, as of the 7437  
date of an appraisal, if necessary under section 2329.68 of the 7438  
Revised Code, or the issuance of a writ of execution. 7439

An interest, as determined under division (D)(1) or (2) of 7440  
this section, shall not include the amount of any lien otherwise 7441  
valid pursuant to section 2329.661 of the Revised Code. 7442

Sec. 2901.431. On the filing of charges against a person who 7443  
is a member of the public employees retirement system alleging 7444  
that the person committed a felony on or after the effective date 7445  
of this section, the prosecutor assigned to the case shall send 7446  
written notice to the retirement system that the charges have been 7447  
filed. The notice shall specifically identify the person. 7448

For purposes of this section, a violation or offense that 7449  
includes as an element a course of conduct or the occurrence of 7450  
multiple acts is committed on or after the effective date of this 7451  
section if the course of conduct continues, one or more of the 7452  
multiple acts occurs, or the person's accountability for the 7453

course of conduct or one or more of the multiple acts continues on 7454  
or after that date. 7455

**Sec. 2921.13.** (A) No person shall knowingly make a false 7456  
statement, or knowingly swear or affirm the truth of a false 7457  
statement previously made, when any of the following applies: 7458

(1) The statement is made in any official proceeding. 7459

(2) The statement is made with purpose to incriminate 7460  
another. 7461

(3) The statement is made with purpose to mislead a public 7462  
official in performing the public official's official function. 7463

(4) The statement is made with purpose to secure the payment 7464  
of unemployment compensation; Ohio works first; prevention, 7465  
retention, and contingency benefits and services; disability 7466  
financial assistance; retirement benefits or health care coverage 7467  
from a state retirement system; economic development assistance, 7468  
as defined in section 9.66 of the Revised Code; or other benefits 7469  
administered by a governmental agency or paid out of a public 7470  
treasury. 7471

(5) The statement is made with purpose to secure the issuance 7472  
by a governmental agency of a license, permit, authorization, 7473  
certificate, registration, release, or provider agreement. 7474

(6) The statement is sworn or affirmed before a notary public 7475  
or another person empowered to administer oaths. 7476

(7) The statement is in writing on or in connection with a 7477  
report or return that is required or authorized by law. 7478

(8) The statement is in writing and is made with purpose to 7479  
induce another to extend credit to or employ the offender, to 7480  
confer any degree, diploma, certificate of attainment, award of 7481  
excellence, or honor on the offender, or to extend to or bestow 7482  
upon the offender any other valuable benefit or distinction, when 7483

the person to whom the statement is directed relies upon it to 7484  
that person's detriment. 7485

(9) The statement is made with purpose to commit or 7486  
facilitate the commission of a theft offense. 7487

(10) The statement is knowingly made to a probate court in 7488  
connection with any action, proceeding, or other matter within its 7489  
jurisdiction, either orally or in a written document, including, 7490  
but not limited to, an application, petition, complaint, or other 7491  
pleading, or an inventory, account, or report. 7492

(11) The statement is made on an account, form, record, 7493  
stamp, label, or other writing that is required by law. 7494

(12) The statement is made in connection with the purchase of 7495  
a firearm, as defined in section 2923.11 of the Revised Code, and 7496  
in conjunction with the furnishing to the seller of the firearm of 7497  
a fictitious or altered driver's or commercial driver's license or 7498  
permit, a fictitious or altered identification card, or any other 7499  
document that contains false information about the purchaser's 7500  
identity. 7501

(13) The statement is made in a document or instrument of 7502  
writing that purports to be a judgment, lien, or claim of 7503  
indebtedness and is filed or recorded with the secretary of state, 7504  
a county recorder, or the clerk of a court of record. 7505

(14) The statement is made in an application filed with a 7506  
county sheriff pursuant to section 2923.125 of the Revised Code in 7507  
order to obtain or renew a license to carry a concealed handgun or 7508  
is made in an affidavit submitted to a county sheriff to obtain a 7509  
temporary emergency license to carry a concealed handgun under 7510  
section 2923.1213 of the Revised Code. 7511

(15) The statement is required under section 5743.71 of the 7512  
Revised Code in connection with the person's purchase of 7513  
cigarettes or tobacco products in a delivery sale. 7514

(B) No person, in connection with the purchase of a firearm, 7515  
as defined in section 2923.11 of the Revised Code, shall knowingly 7516  
furnish to the seller of the firearm a fictitious or altered 7517  
driver's or commercial driver's license or permit, a fictitious or 7518  
altered identification card, or any other document that contains 7519  
false information about the purchaser's identity. 7520

(C) No person, in an attempt to obtain a license to carry a 7521  
concealed handgun under section 2923.125 of the Revised Code, 7522  
shall knowingly present to a sheriff a fictitious or altered 7523  
document that purports to be certification of the person's 7524  
competence in handling a handgun as described in division (B)(3) 7525  
of section 2923.125 of the Revised Code. 7526

(D) It is no defense to a charge under division (A)(6) of 7527  
this section that the oath or affirmation was administered or 7528  
taken in an irregular manner. 7529

(E) If contradictory statements relating to the same fact are 7530  
made by the offender within the period of the statute of 7531  
limitations for falsification, it is not necessary for the 7532  
prosecution to prove which statement was false but only that one 7533  
or the other was false. 7534

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 7535  
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 7536  
of falsification, a misdemeanor of the first degree. 7537

(2) Whoever violates division (A)(9) of this section is 7538  
guilty of falsification in a theft offense. Except as otherwise 7539  
provided in this division, falsification in a theft offense is a 7540  
misdemeanor of the first degree. If the value of the property or 7541  
services stolen is one thousand dollars or more and is less than 7542  
seven thousand five hundred dollars, falsification in a theft 7543  
offense is a felony of the fifth degree. If the value of the 7544  
property or services stolen is seven thousand five hundred dollars 7545

or more and is less than one hundred fifty thousand dollars, 7546  
falsification in a theft offense is a felony of the fourth degree. 7547  
If the value of the property or services stolen is one hundred 7548  
fifty thousand dollars or more, falsification in a theft offense 7549  
is a felony of the third degree. 7550

(3) Whoever violates division (A)(12) or (B) of this section 7551  
is guilty of falsification to purchase a firearm, a felony of the 7552  
fifth degree. 7553

(4) Whoever violates division (A)(14) or (C) of this section 7554  
is guilty of falsification to obtain a concealed handgun license, 7555  
a felony of the fourth degree. 7556

(G) A person who violates this section is liable in a civil 7557  
action to any person harmed by the violation for injury, death, or 7558  
loss to person or property incurred as a result of the commission 7559  
of the offense and for reasonable attorney's fees, court costs, 7560  
and other expenses incurred as a result of prosecuting the civil 7561  
action commenced under this division. A civil action under this 7562  
division is not the exclusive remedy of a person who incurs 7563  
injury, death, or loss to person or property as a result of a 7564  
violation of this section. 7565

Sec. 2929.194. (A) This section applies to members of the 7566  
public employees retirement system except that in any circumstance 7567  
in which either section 2929.192 or 2929.193 of the Revised Code 7568  
applies this section does not apply. 7569

(B) If an offender is being sentenced for a felony offense 7570  
that was the cause of a physical or mental disability in the 7571  
offender and was committed on or after the effective date of this 7572  
section while the offender was a member of the public employees 7573  
retirement system, in addition to any sanction it imposes under 7574  
section 2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the 7575  
Revised Code but subject to division (C) of this section, the 7576

court shall order forfeiture of any right of the offender to a 7577  
disability benefit from the retirement system that is based on the 7578  
disability caused by commission of the felony. The forfeiture 7579  
shall be ordered regardless of whether a disability benefit has 7580  
been requested or granted. A forfeiture ordered under this section 7581  
is part of, and shall be included in, the offender's sentence. 7582

(C) Before sentencing in a case in which the sentencing court 7583  
is required to order forfeiture under division (B) of this 7584  
section, the offender may request a hearing regarding the 7585  
forfeiture by delivering a written request for a hearing to the 7586  
court. If there is a timely request, the court shall schedule the 7587  
hearing to be conducted before sentencing. Not later than ten days 7588  
prior to the scheduled date of the hearing, the court shall give 7589  
notice of the hearing date to the offender, the prosecutor who 7590  
handled the case, and the retirement system. The hearing shall be 7591  
limited to determination of whether the offender's disability 7592  
resulted from commission of the offense. If a disability benefit 7593  
has already been granted, the retirement system shall submit to 7594  
the court documentation of the evidence on which the benefit was 7595  
granted. 7596

(D) If the offender does not make a timely request for a 7597  
hearing or if a hearing is held and the court determines that the 7598  
disability resulted from commission of the offense, the court 7599  
shall order the forfeiture of any right the offender may have to a 7600  
disability benefit from the retirement system that is based on the 7601  
disability caused by commission of the felony. If the disability 7602  
benefit has already been granted, the court shall order 7603  
termination of the benefit. Any disability benefit paid to the 7604  
offender prior to its termination may be recovered in accordance 7605  
with section 145.563 of the Revised Code. 7606

(E) The court shall send a copy of the journal entry imposing 7607  
sentence on the offender to the retirement system. 7608

(F) For purposes of this section, any 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 offender's accountability for the course of conduct or for one or more of the multiple acts continues on or after the effective date of this section.

**Sec. 3105.80.** As used in this section and sections 3105.81 to 3105.90 of the Revised Code:

(A) "Alternate payee" means a party in an action for divorce, legal separation, annulment, or dissolution of marriage who is to receive one or more payments from a benefit or lump sum payment under an order issued under section 3105.171 or 3105.65 of the Revised Code that is in compliance with sections 3105.81 to 3105.90 of the Revised Code.

(B) "Benefit" means a periodic payment under a pension, annuity, allowance, or other type of benefit, other than a survivor benefit, that has been or may be granted to a participant under sections 742.01 to 742.61 or Chapter 145., 3307., 3309., or 5505. of the Revised Code or any payment that is to be made under a contract a participant has entered into for the purposes of an alternative retirement plan. "Benefit" also includes all amounts received or to be received under a plan of payment elected under division ~~(B)(4)~~ (E)(1) of section 145.46, division (B) of section 3307.60, or division (B)(4) of section 3309.46 of the Revised Code.

(C) "Lump sum payment" means a payment of accumulated contributions standing to a participant's credit under sections 742.01 to 742.61 or Chapter 145., 3307., 3309., or 5505. of the Revised Code or pursuant to a contract a participant has entered into for the purposes of an alternative retirement plan and any



other payment made or that may be made to a participant under 7640  
those sections or chapters on withdrawal of a participant's 7641  
contributions. "Lump sum payment" includes a lump sum payment 7642  
under section 145.384, 742.26, 3307.352, or 3309.344 of the 7643  
Revised Code. 7644

(D) "Participant" means a member, contributor, retirant, or 7645  
disability benefit recipient who is or will be entitled to a 7646  
benefit or lump sum payment under sections 742.01 to 742.61 or 7647  
Chapter 145., 3307., 3309., or 5505. of the Revised Code or an 7648  
employee who elects to participate in an alternative retirement 7649  
plan under Chapter 3305. of the Revised Code. 7650

(E) "Personal history record" has the same meaning as in 7651  
sections 145.27, 742.41, 3305.20, 3307.20, 3309.22, and 5505.04 of 7652  
the Revised Code. 7653

(F) "Public retirement program" means the public employees 7654  
retirement system, Ohio police and fire pension fund, school 7655  
employees retirement system, state teachers retirement system, 7656  
state highway patrol retirement system, or an entity providing an 7657  
alternative retirement plan under Chapter 3305. of the Revised 7658  
Code. 7659

**Sec. 3305.06.** (A) Each electing employee shall contribute an 7660  
amount, which shall be a certain percentage of the employee's 7661  
compensation, to the provider of the investment option the 7662  
employee has selected. This percentage shall be the percentage the 7663  
electing employee would have otherwise been required to contribute 7664  
to the state retirement system that applies to the employee's 7665  
position, except that the percentage shall not be less than three 7666  
per cent. Employee contributions under this division may be 7667  
treated as employer contributions in accordance with Internal 7668  
Revenue Code 414(h). 7669

(B) Each public institution of higher education employing an 7670

electing employee shall contribute a percentage of the employee's 7671  
compensation to the provider of the investment option the employee 7672  
has selected. This percentage shall be equal to the percentage 7673  
that the public institution of higher education would otherwise 7674  
contribute on behalf of that employee to the state retirement 7675  
system that would otherwise cover that employee's position, less 7676  
the percentage contributed by the public institution of higher 7677  
education under division (D) of this section. 7678

(C)(1) In no event shall the amount contributed by the 7679  
electing employee pursuant to division (A) of this section and on 7680  
the electing employee's behalf pursuant to division (B) of this 7681  
section be less than the amount necessary to qualify the plan as a 7682  
state retirement system pursuant to Internal Revenue Code 7683  
3121(B)(7) and the regulations adopted thereunder. 7684

(2) The full amount of the electing employee's contribution 7685  
under division (A) of this section and the full amount of the 7686  
employer's contribution made on behalf of that employee under 7687  
division (B) of this section shall be paid to the appropriate 7688  
provider for application to the electing employee's investment 7689  
option. 7690

(D) Each public institution of higher education employing an 7691  
electing employee shall contribute on behalf of that employee to 7692  
the state retirement system that otherwise applies to the electing 7693  
employee's position a percentage of the electing employee's 7694  
compensation to mitigate any negative financial impact of the 7695  
alternative retirement program on the state retirement system. The 7696  
percentage shall be six per cent, except that the percentage may 7697  
be adjusted by the Ohio retirement study council to reflect the 7698  
determinations made by actuarial studies conducted under section 7699  
171.07 of the Revised Code. Any adjustment shall become effective 7700  
on the first day of the second month following submission of the 7701  
actuarial study to the board of regents under section 171.07 of 7702

the Revised Code. 7703

Contributions on behalf of an electing employee shall 7704  
continue in accordance with this division until the occurrence of 7705  
the following: 7706

(1) If the electing employee would be subject to Chapter 145. 7707  
of the Revised Code had the employee not made an election pursuant 7708  
to section 3305.05 or 3305.051 of the Revised Code, until the 7709  
unfunded actuarial accrued liability for all benefits, except 7710  
health care benefits provided under section ~~145.325~~ or 145.58 or 7711  
145.584 of the Revised Code and benefit increases provided after 7712  
March 31, 1997, is fully amortized, as determined by the annual 7713  
actuarial valuation prepared under section 145.22 of the Revised 7714  
Code; 7715

(2) If the electing employee would be subject to Chapter 7716  
3307. of the Revised Code had the employee not made an election 7717  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7718  
the unfunded actuarial accrued liability for all benefits, except 7719  
health care benefits provided under section 3307.39 or ~~3307.61~~ of 7720  
the Revised Code and benefit increases provided after March 31, 7721  
1997, is fully amortized, as determined by the annual actuarial 7722  
valuation prepared under section 3307.51 of the Revised Code; 7723

(3) If the electing employee would be subject to Chapter 7724  
3309. of the Revised Code had the employee not made an election 7725  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7726  
the unfunded actuarial accrued liability for all benefits, except 7727  
health care benefits provided under section 3309.375 or 3309.69 of 7728  
the Revised Code and benefit increases provided after March 31, 7729  
1997, is fully amortized, as determined by the annual actuarial 7730  
valuation prepared under section 3309.21 of the Revised Code. 7731

**Sec. 3307.57.** To coordinate and integrate membership in the 7732  
state retirement systems, the following provisions apply: 7733

(A) As used in this section: 7734

(1) "Retirement systems" means the public employees 7735  
retirement system, state teachers retirement system, and school 7736  
employees retirement system. 7737

(2) In addition to the meaning given in section 3307.50 of 7738  
the Revised Code, "disability benefit" means "disability benefit" 7739  
as defined in sections 145.01 and 3309.01 of the Revised Code. 7740

(B) At the option of a member participating in the plan 7741  
described in sections 3307.50 to 3307.79 of the Revised Code, 7742  
total contributions and service credit in all retirement systems, 7743  
including amounts paid to restore service credit under sections 7744  
145.311, 3307.711, and 3309.261 of the Revised Code, shall be used 7745  
in determining the eligibility for benefits. If total 7746  
contributions and service credit are combined, the following 7747  
provisions apply: 7748

(1) Service retirement or a disability benefit is effective 7749  
on the first day of the month next following the later of: 7750

(a) The last day for which compensation was paid; 7751

(b) The attainment of minimum age or service credit for 7752  
benefits provided under this section. 7753

(2) "Total service credit" includes the total credit in all 7754  
retirement systems except that such credit shall not exceed one 7755  
year for any period of twelve months. 7756

(3) ~~In determining eligibility~~ Eligibility for a disability 7757  
benefit, ~~the medical examiner's report to~~ shall be determined by 7758  
the board of ~~any~~ the state retirement system, ~~showing that will~~ 7759  
calculate and pay the member's disability incapacitates the member 7760  
~~for the performance of duty, may~~ benefit, as provided in division 7761  
(B)(4) of this section. The state retirement system calculating 7762  
and paying the disability benefit shall certify the determination 7763

to the board of each other state retirement system in which the 7764  
member has service credit and shall be accepted by that board as 7765  
sufficient for granting a disability benefit. 7766

(4) The board of the state retirement system in which the 7767  
member had the greatest service credit, without adjustment, shall 7768  
~~determine~~ calculate and pay the total benefit. If the member's 7769  
credit is equal in two or more retirement systems, the system 7770  
having the member's largest total contributions shall ~~determine~~ 7771  
calculate and pay the total benefit. 7772

(5) In determining the total credit to be used in calculating 7773  
a benefit, credit shall not be reduced below that certified by the 7774  
system or systems transferring credit, except that such total 7775  
combined service credit shall not exceed one year of credit for 7776  
any one "year" as defined in the statute governing the system 7777  
making the calculation. 7778

(6)(a) The retirement system ~~determining~~ calculating and 7779  
paying the benefit shall receive from the other system or systems 7780  
~~the member's refundable account at retirement or the effective~~ 7781  
~~date of a disability benefit plus an amount from the employers'~~ 7782  
~~trust fund equal to the member's refundable account less interest~~ 7783  
~~credited under section 145.471, 145.472, or 3307.563 of the~~ 7784  
~~Revised Code. If applicable, the retirement system determining and~~ 7785  
~~paying the benefit shall receive from the public employees~~ 7786  
~~retirement system a portion of the amount paid on behalf of the~~ 7787  
~~member by an employer under section 145.483 of the Revised Code.~~ 7788  
~~The portion shall equal the product obtained by multiplying by two~~ 7789  
~~the amount the member would have contributed during the period the~~ 7790  
~~employer failed to deduct contributions, as described in section~~ 7791  
~~145.483 of the Revised Code~~ all of the following for each year of 7792  
service: 7793

(i) The amount contributed by the member, or, in the case of 7794  
service credit purchased by the member, paid by the member, that 7795

is attributable to the year of service; 7796

(ii) An amount equal to the lesser of the employer's 7797  
contributions made on behalf of the member to the retirement 7798  
system for that year of service or the amount that would have been 7799  
contributed by the employer for the service had the member been a 7800  
member of the state teachers retirement system at the time the 7801  
credit was earned; 7802

(iii) If applicable, an amount equal to the amount paid on 7803  
behalf of the member by an employer under section 145.483 of the 7804  
Revised Code; 7805

(iv) Interest on the amounts specified in divisions 7806  
(B)(6)(a)(i), (ii), and (iii) of this section at the actuarial 7807  
assumption rate of the retirement system determining and paying 7808  
the benefit. 7809

~~(a)~~(b) The annuity rates and mortality tables of the 7810  
retirement system making the calculation and paying the benefit 7811  
shall be applicable. 7812

~~(b)~~(c) Deposits made for the purchase of additional income, 7813  
with guaranteed interest, upon the member's request, shall be 7814  
transferred to the retirement system paying the regular benefit. 7815  
The return upon such deposits shall be that offered by the 7816  
retirement system making the calculation and paying the regular 7817  
benefit. 7818

(C) A person receiving a benefit under this section, who 7819  
accepts employment amenable to coverage in any retirement system 7820  
that participated in the person's combined benefit, shall be 7821  
subject to the applicable provisions of law governing such 7822  
re-employment. 7823

If a retirant should be paid any amount to which the retirant 7824  
is not entitled under the applicable provisions of law governing 7825  
such re-employment, such amount shall be recouped by the 7826

retirement system paying such benefit by utilizing any recovery 7827  
procedure available under the law of the retirement system 7828  
covering such re-employment. 7829

**Sec. 3309.312.** (A) Not later than ninety days after September 7830  
16, 1998, a member who, on September 16, 1998, is employed full 7831  
time pursuant to section 3345.04 of the Revised Code by the 7832  
university of Akron as a state university law enforcement officer 7833  
may elect to transfer to the public employees retirement system in 7834  
accordance with this section. An election shall be made by giving 7835  
notice to the school employees retirement system on a form 7836  
provided by the school employees retirement board and shall be 7837  
irrevocable. 7838

(B) When a member makes the election described in this 7839  
section, the school employees retirement system shall notify the 7840  
public employees retirement system. The school employees 7841  
retirement system shall transfer all of the member's service 7842  
credit to the public employees retirement system and shall certify 7843  
to the public employees retirement system a copy of the member's 7844  
records of service and contributions. For each year or portion of 7845  
a year of credit, the school employees retirement system shall 7846  
transfer to the public employees retirement system all of the 7847  
following: 7848

(1) An amount equal to the accumulated contributions standing 7849  
to the member's credit; 7850

(2) An amount equal to the total employer contributions paid 7851  
on behalf of the member; 7852

(3) Any amount paid by the member or employer to the school 7853  
employees retirement system for the purchase of service credit. 7854

At the request of the public employees retirement system, the 7855  
employer of a member who makes an election under this section 7856

shall certify to the public employees retirement system the 7857  
member's salary. 7858

(C) A member who elects to transfer to the public employees 7859  
retirement system under this section shall make contributions and 7860  
receive benefits in accordance with ~~divisions (B) to (F) of~~ 7861  
section ~~145.33~~ 145.332 of the Revised Code. 7862

(D) A member who fails to make an election in accordance with 7863  
this section shall remain a member of the school employees 7864  
retirement system. 7865

**Sec. 3309.35.** (A) As used in this section: 7866

(1) "State retirement system" means the public employees 7867  
retirement system, state teachers retirement system, or school 7868  
employees retirement system. 7869

(2) "Total service credit" means all service credit earned in 7870  
all state retirement systems, except credit for service subject to 7871  
section 3309.341 of the Revised Code. Total service credit shall 7872  
not exceed one year of credit for any twelve-month period. 7873

(3) In addition to the meaning given in division (O) of 7874  
section 3309.01 of the Revised Code, "disability benefit" means 7875  
"disability benefit" as defined in sections 145.01 and 3307.01 of 7876  
the Revised Code. 7877

(B) To coordinate and integrate membership in the state 7878  
retirement systems, at the option of a member, total contributions 7879  
and service credit in all state retirement systems, including 7880  
amounts paid to restore service credit under sections 145.311, 7881  
3307.711, and 3309.261 of the Revised Code, shall be used in 7882  
determining the eligibility and total retirement or disability 7883  
benefit payable. When total contributions and service credit are 7884  
so combined, the following provisions apply: 7885

(1) Service and commuted service retirement or a disability 7886



benefit is effective no sooner than the first day of the month 7887  
next following the last day of employment for which compensation 7888  
was paid. If the application is filed after that date, the board 7889  
may retire the member on the first day of the month next following 7890  
the last day of employment for which compensation was paid. 7891

(2) ~~In determining eligibility~~ Eligibility for a disability 7892  
benefit, ~~the medical examiner's report to~~ shall be determined by 7893  
the ~~retirement board of any~~ the state retirement system, ~~showing~~ 7894  
that will calculate and pay the ~~member's disability incapacitates~~ 7895  
~~the member for the performance of duty, may~~ benefit, as provided 7896  
in division (B)(3) of this section. The state retirement system 7897  
calculating and paying the disability benefit shall certify the 7898  
determination to the board of each other state retirement system 7899  
in which the member has service credit and shall be accepted by 7900  
~~the state retirement boards~~ that board as sufficient for granting 7901  
a disability benefit. 7902

(3) The board of the state retirement system in which the 7903  
member had the greatest service credit, without adjustment, shall 7904  
~~determine~~ calculate and pay the total retirement or disability 7905  
benefit. Where the member's credit is equal in two or more state 7906  
retirement systems, the system having the largest total 7907  
contributions of the member shall ~~determine~~ calculate and pay the 7908  
total benefit. 7909

(4) In determining the total credit to be used in calculating 7910  
a retirement allowance or disability benefit, credit shall not be 7911  
reduced below that certified by the system or systems transferring 7912  
credit, except that such total combined service credit shall not 7913  
exceed one year of credit for any one "year" as defined in the law 7914  
of the system making the calculation. 7915

(5)(a) The state retirement system ~~determining~~ calculating 7916  
and paying a retirement or disability benefit shall receive from 7917  
the other system or systems ~~the member's refundable account at~~ 7918

~~retirement or the effective date of a disability benefit plus an amount from the employers' trust fund equal to the member's refundable account less the interest credited under section 145.471, 145.472, or 3307.563 of the Revised Code. If applicable, the retirement system determining and paying the benefit shall receive from the public employees retirement system a portion of the amount paid on behalf of the member by an employer under section 145.483 of the Revised Code. The portion shall equal the product obtained by multiplying by two the amount the member would have contributed during the period the employer failed to deduct contributions, as described in section 145.483 of the Revised Code all of the following for each year of service:~~

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

(ii) An amount equal to the lesser of the employer's contributions made on behalf of the member to the retirement system for that year of service or the amount that would have been contributed by the employer for the service had the member been a member of the school employees retirement system at the time the credit was earned;

(iii) If applicable, an amount equal to the amount paid on behalf of the member by an employer under section 145.483 of the Revised Code;

(iv) Interest on the amounts specified in divisions (B)(5)(a)(i), (ii), and (iii) of this section at the actuarial assumption rate of the retirement system determining and paying the benefit.

~~(a)(b)~~ The annuity rates and mortality tables of the state retirement system making the calculation and paying the benefit shall be exclusively applicable.

~~(b)~~(c) Deposits made for the purchase of an additional 7950  
annuity, and including guaranteed interest, upon the request of 7951  
the member, shall be transferred to the state retirement system 7952  
paying the retirement or disability benefit. The return upon such 7953  
deposits shall be that offered by the state retirement system 7954  
making the calculation and paying the retirement or disability 7955  
benefit. 7956

(C) A former member receiving a retirement or disability 7957  
benefit under this section, who accepts employment amenable to 7958  
coverage in any state retirement system that participated in the 7959  
member's combined benefit, shall be subject to the applicable 7960  
provisions of law governing such re-employment. If a former member 7961  
should be paid any amount in a retirement allowance, to which the 7962  
former member is not entitled under the applicable provisions of 7963  
law governing such re-employment, such amount shall be recovered 7964  
by the state retirement system paying such allowance by utilizing 7965  
any recovery procedure available under the code provisions of the 7966  
state retirement system covering such re-employment. 7967

(D) An SERS retirant or other system retirant, as defined in 7968  
section 3309.341 of the Revised Code, is not eligible to receive 7969  
any benefit under this section for service subject to section 7970  
3309.341 of the Revised Code. 7971

**Sec. 3375.411.** A board of library trustees of a free public 7972  
library, appointed pursuant to the provisions of sections 3375.06, 7973  
3375.08, 3375.12, 3375.15, and 3375.22 of the Revised Code, which 7974  
has not less than seventy-five full-time employees, and which, 7975  
prior to September 16, 1943, was providing for retirement of the 7976  
employees of such library with annuities, insurance, or other 7977  
provisions, under authority granted by former section 7889 of the 7978  
General Code, may provide such retirement, insurance, or other 7979  
provisions in the same manner authorized by former section 7889 of 7980

the General Code, as follows: the library board of such library 7981  
which has appropriated and paid the board's portion provided in 7982  
such system or plan, may continue to appropriate and pay the 7983  
board's portion provided in such system or plan out of the funds 7984  
received to the credit of such board by taxation or otherwise. 7985  
Each employee of such library who is to be included in a system of 7986  
retirement shall contribute to the retirement fund not less than 7987  
four per cent per annum of the employee's salary from the time of 7988  
eligibility to join the retirement system to the time of 7989  
retirement. If a group insurance plan is installed by any library, 7990  
not less than fifty per cent of the cost of such insurance shall 7991  
be borne by the employees included in such plan. 7992

Provided, any employee whose employment by said library began 7993  
on or after September 16, 1943, may exempt self from inclusion in 7994  
such retirement system, or withdraw from such retirement system. 7995  
Upon such exemption or withdrawal, such person shall become a 7996  
member of the public employees retirement system in accordance 7997  
with former section 145.02 and sections ~~145.02~~, 145.03~~7~~ and 145.28 7998  
of the Revised Code, respectively. All employees appointed for the 7999  
first time on and after January 1, 1956~~1~~ shall, for retirement 8000  
purposes, be eligible only for membership in the public employees 8001  
retirement system as provided in Chapter 145. of the Revised Code. 8002

A library board which provides for the retirement of its 8003  
employees with annuities, insurance, or other provisions under the 8004  
authority granted by this section may, pursuant to a board 8005  
resolution adopted within thirty days after the effective date of 8006  
this section, terminate such retirement plan. Upon the effective 8007  
date of such termination, which is specified in the resolution, 8008  
each employee covered by such retirement plan shall become a 8009  
member of the public employees retirement system. 8010

**Section 2.** That existing sections 101.92, 101.93, 145.01, 8011

145.04, 145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 8012  
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 8013  
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 8014  
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 8015  
145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 8016  
145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 8017  
145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 8018  
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 8019  
145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 8020  
145.83, 145.87, 145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13, 8021  
3105.80, 3305.06, 3307.57, 3309.312, 3309.35, and 3375.411 and 8022  
sections 145.02, 145.292, 145.321, 145.322, 145.324, 145.326, 8023  
145.327, 145.328, 145.329, 145.3210, 145.3211, 145.3212, 145.3213, 8024  
145.332, 145.34, 145.42, 145.44, 145.461, and 145.462 are hereby 8025  
repealed. 8026

**Section 3.** Notwithstanding the times specified in the 8027  
amendments to section 145.87 of the Revised Code made by this act, 8028  
if the Public Employees Retirement Board determines that a 8029  
decrease in the percentage transferred under that section is 8030  
warranted, the Board may decrease the percentage transferred not 8031  
later than one hundred twenty days after the effective date of 8032  
this section. The decrease shall take effect on the first day of 8033  
the second month following the Board's action. 8034

**Section 4.** (A) The amendments by this act regarding 8035  
purchasing or obtaining service credit from the Public Employees 8036  
Retirement System do not apply if purchasing or obtaining the 8037  
service credit is initiated not later than six months after the 8038  
effective date of this section. Purchasing or obtaining service 8039  
credit shall be considered to be initiated not later than six 8040  
months after the effective date of this section if the member 8041  
makes one or more payments before that date. 8042

(B) Purchasing or obtaining service credit under Chapter 145. 8043  
of the Revised Code shall continue at the total cost of that 8044  
credit immediately before the period ending six months after the 8045  
effective date of this section if the retirement system receives 8046  
from the member one or more payments not later than six months 8047  
after the effective date of this section. The total cost shall 8048  
continue unchanged unless the requirements of section 145.294 of 8049  
the Revised Code, and any applicable rules adopted pursuant to 8050  
that section, are not met. 8051