

# As Reported by the House Health and Aging Committee

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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, 145.325,	7
145.33, 145.331, 145.35, 145.36, 145.361, 145.362,	8
145.37, 145.38, 145.383, 145.384, 145.39, 145.40,	9
145.401, 145.41, 145.43, 145.45, 145.452, 145.46,	10
145.47, 145.473, 145.48, 145.483, 145.49, 145.51,	11
145.54, 145.56, 145.561, 145.563, 145.58, 145.62,	12
145.63, 145.64, 145.813, 145.814, 145.82, 145.83,	13
145.87, 145.88, 145.92, 145.95, 145.97, 742.63,	14
2329.66, 2921.13, 3105.80, 3305.06, 3309.312, and	15
3375.411; to amend, for the purpose of adopting	16
new section numbers as indicated in parentheses,	17
sections 145.29 (145.292) and 145.325 (145.584);	18
to enact new sections 145.29 and 145.332 and	19
sections 145.016, 145.017, 145.036, 145.037,	20
145.038, 145.101, 145.194, 145.195, 145.2915,	21
145.2916, 145.333, 145.363, 145.431, 145.574,	22

2901.431, and 2929.194; and to repeal sections 23  
145.02, 145.292, 145.321, 145.322, 145.324, 24  
145.326, 145.327, 145.328, 145.329, 145.3210, 25  
145.3211, 145.3212, 145.3213, 145.332, 145.34, 26  
145.42, 145.44, 145.461, and 145.462 of the 27  
Revised Code to revise the law governing the 28  
Public Employees Retirement System. 29

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

**Section 1.** That sections 101.92, 101.93, 145.01, 145.04, 30  
145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 31  
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 32  
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 33  
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 34  
145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 35  
145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 36  
145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 37  
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 38  
145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 39  
145.83, 145.87, 145.88, 145.92, 145.95, 145.97, 742.63, 2329.66, 40  
2921.13, 3105.80, 3305.06, 3309.312, and 3375.411 be amended; 41  
sections 145.29 (145.292) and 145.325 (145.584) be amended for the 42  
purpose of adopting new section numbers as indicated in 43  
parentheses; and new sections 145.29 and 145.332 and sections 44  
145.016, 145.017, 145.036, 145.037, 145.038, 145.101, 145.194, 45  
145.195, 145.2915, 145.2916, 145.333, 145.363, 145.431, 145.574, 46  
2901.431, and 2929.194 of the Revised Code be enacted to read as 47  
follows: 48

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

lobbyist, an initial registration statement showing all of the 52  
following: 53

(1) The name, business address, and occupation of the 54  
retirement system lobbyist; 55

(2) The name and business address of the employer or of the 56  
real party in interest on whose behalf the retirement system 57  
lobbyist is acting, if it is different from the employer. For the 58  
purposes of division (A) of this section, where a trade 59  
association or other charitable or fraternal organization that is 60  
exempt from federal income taxation under subsection 501(c) of the 61  
federal Internal Revenue Code is the employer, the statement need 62  
not list the names and addresses of every member of the 63  
association or organization, so long as the association or 64  
organization itself is listed. 65

(3) A brief description of the retirement system decision to 66  
which the engagement relates; 67

(4) The name of the retirement system or systems to which the 68  
engagement relates. 69

(B) In addition to the initial registration statement 70  
required by division (A) of this section, each retirement system 71  
lobbyist and employer shall file with the joint committee, not 72  
later than the last day of January, May, and September of each 73  
year, an updated registration statement that confirms the 74  
continuing existence of each engagement described in an initial 75  
registration statement and that lists the specific retirement 76  
system decisions that the lobbyist sought to influence under the 77  
engagement during the period covered by the updated statement, and 78  
with it any statement of expenditures required to be filed by 79  
section 101.93 of the Revised Code and any details of financial 80  
transactions required to be filed by section 101.94 of the Revised 81  
Code. 82

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

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

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

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

(F) Upon registration pursuant to this section, a retirement 106  
system lobbyist shall be issued a card by the joint committee 107  
showing that the lobbyist is registered. The registration card and 108  
the retirement system lobbyist's registration shall be valid from 109  
the date of their issuance until the thirty-first day of January 110  
of the year following the year in which the initial registration 111  
was filed. 112

(G) The executive director of the joint committee shall be 113

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

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

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

the contract, grant, lease, or other financial arrangement. 146

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

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

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

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

the expenditures were made, the retirement system decision, if 177  
any, sought to be influenced, and the identity of the client on 178  
whose behalf the expenditure was made. 179

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

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

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

retirement system decisions or conduct retirement system lobbying 209  
activity. 210

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

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

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

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

(G)(1) At least ten days before the date on which the 232  
statement is filed, each employer or retirement system lobbyist 233  
who is required to file an expenditure statement under division 234  
(B)(2) or (3) of this section shall deliver a copy of the 235  
statement, or the portion showing the expenditure, to the member, 236  
official, or employee who is listed in the statement as having 237  
received the expenditure or on whose behalf it was made. 238

(2) If, during a reporting period covered by an expenditure 239



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

**Sec. 145.01.** As used in this chapter: 263

(A) "Public employee" means: 264

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

university, or board, bureau, commission, council, committee, 271  
authority, or administrative body as the same are, or have been, 272  
created by action of the general assembly or by the legislative 273  
authority of any of the units of local government named in 274  
division (A)(1) of this section, or employed and paid in whole or 275  
in part by the state or any of the authorities named in division 276  
(A)(1) of this section in any capacity not covered by section 277  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 278

(2) A person who is a member of the public employees 279  
retirement system and who continues to perform the same or similar 280  
duties under the direction of a contractor who has contracted to 281  
take over what before the date of the contract was a publicly 282  
operated function. The governmental unit with which the contract 283  
has been made shall be deemed the employer for the purposes of 284  
administering this chapter. 285

(3) Any person who is an employee of a public employer, 286  
notwithstanding that the person's compensation for that employment 287  
is derived from funds of a person or entity other than the 288  
employer. Credit for such service shall be included as total 289  
service credit, provided that the employee makes the payments 290  
required by this chapter, and the employer makes the payments 291  
required by sections 145.48 and 145.51 of the Revised Code. 292

(4) A person who elects in accordance with section 145.015 of 293  
the Revised Code to remain a contributing member of the public 294  
employees retirement system. 295

(5) A person who is an employee of the legal rights service 296  
on September 30, 2012, and continues to be employed by the 297  
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 298  
153 of the 129th general assembly. The nonprofit entity is the 299  
employer for the purpose of this chapter. 300

In all cases of doubt, the public employees retirement board 301

shall determine under section 145.036, 145.037, or 145.038 of the 302  
Revised Code whether any person is a public employee, and its 303  
decision is final. 304

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

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

(D) "Employer" or "public employer" means the state or any 318  
county, township, municipal corporation, park district, 319  
conservancy district, sanitary district, health district, 320  
metropolitan housing authority, state retirement board, Ohio 321  
historical society, public library, county law library, union 322  
cemetery, joint hospital, institutional commissary, state medical 323  
university, state university, or board, bureau, commission, 324  
council, committee, authority, or administrative body as the same 325  
are, or have been, created by action of the general assembly or by 326  
the legislative authority of any of the units of local government 327  
named in this division not covered by section 742.01, 3307.01, 328  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 329  
means the employer of any public employee. 330

(E) ~~"Prior service" means all service as a public employee~~ 331  
~~rendered before January 1, 1935, and all service as an employee of~~ 332  
~~any employer who comes within the state teachers retirement system~~ 333

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

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

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

~~(1) When the member has been either elected or appointed to~~ 360  
~~an office the term of which was two or more years and for which an~~ 361  
~~annual salary is established, the fractional part of the year's~~ 362  
~~credit shall be computed as follows:~~ 363

~~First, when the member's annual salary is one thousand~~ 364  
~~dollars or less, the service credit for each such calendar year~~ 365

~~shall be forty per cent of a year.~~ 366

~~Second, for each full one hundred dollars of annual salary 367  
above one thousand dollars, the member's service credit for each 368  
such calendar year shall be increased by two and one-half per 369  
cent.~~ 370

~~(2) When the member is paid on a per diem basis, the service 371  
credit for any single year of the service shall be determined by 372  
using the number of days of service for which the compensation was 373  
received in any such year as a numerator and using two hundred 374  
fifty days as a denominator.~~ 375

~~(3) When the member is paid on an hourly basis, the service 376  
credit for any single year of the service shall be determined by 377  
using the number of hours of service for which the compensation 378  
was received in any such year as a numerator and using two 379  
thousand hours as a denominator.~~ 380

(F) "Contributor" means any person who has an account in the 381  
employees' savings fund created by section 145.23 of the Revised 382  
Code. When used in the sections listed in division (B) of section 383  
145.82 of the Revised Code, "contributor" includes any person 384  
participating in a PERS defined contribution plan. 385

(G) "Beneficiary" or "beneficiaries" means the estate or a 386  
person or persons who, as the result of the death of a member, 387  
contributor, or retirant, qualify for or are receiving some right 388  
or benefit under this chapter. 389

(H)(1) "Total service credit," except as provided in section 390  
145.37 of the Revised Code, means all service credited to a member 391  
of the retirement system since last becoming a member, including 392  
restored service credit as provided by section 145.31 of the 393  
Revised Code; credit purchased under sections 145.293 and 145.299 394  
of the Revised Code; ~~all the member's prior service credit;~~ all 395  
the member's military service credit computed as provided in this 396

chapter; all service credit established pursuant to section 397  
145.297 of the Revised Code; and any other service credited under 398  
this chapter. ~~In addition, "total service credit" includes any~~ 399  
~~period, not in excess of three years, during which a member was~~ 400  
~~out of service and receiving benefits under Chapters 4121. and~~ 401  
~~4123. of the Revised Code.~~ For the exclusive purpose of satisfying 402  
the service credit requirement and of determining eligibility for 403  
benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 404  
145.36, and 145.361 of the Revised Code, "five or more years of 405  
total service credit" means sixty or more calendar months of 406  
contributing service in this system. 407

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

(3) Where a member also is a member of the state teachers 422  
retirement system or the school employees retirement system, or 423  
both, except in cases of retirement on a combined basis pursuant 424  
to section 145.37 of the Revised Code or as provided in section 425  
145.383 of the Revised Code, service credit for any period shall 426  
be credited on the basis of the ratio that contributions to the 427  
public employees retirement system bear to total contributions in 428

all state retirement systems. 429

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

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

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

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

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

(a) The sum of the member's earnable salaries for the 445  
appropriate number of calendar years of contributing service, 446  
determined under section 145.017 of the Revised Code, in which the 447  
member's earnable salary was highest, except that if the member 448  
has a partial year of contributing service in the year the 449  
member's employment terminates and the member's earnable salary 450  
for the partial year is higher than for any comparable period in 451  
the three years, the member's earnable salary for the partial year 452  
shall be substituted for the member's earnable salary for the 453  
comparable period during the three years in which the member's 454  
earnable salary was lowest divided by the same number of calendar 455  
years or, if the member has fewer than the appropriate number of 456  
calendar years of contributing service, the total of the member's 457  
earnable salary for all years of contributing service divided by 458  
the number of calendar years of the member's contributing service; 459

(b) The sum of a member's earnable salaries for the 460  
appropriate number of consecutive months, determined under section 461  
145.017 of the Revised Code, that were the member's last months of 462  
service, up to and including the last month, divided by the 463  
appropriate number of years or, if the time between the first and 464  
final months of service is less than the appropriate number of 465  
consecutive months, the total of the member's earnable salary for 466  
all months of contributing service divided by the number of years 467  
between the first and final months of contributing service, 468  
including any fraction of a year, except that the member's final 469  
average salary shall not exceed the member's highest earnable 470  
salary for any twelve consecutive months. 471

~~(2) If a member has less than three years of contributing~~ 472  
~~service, the member's final average salary shall be the member's~~ 473  
~~total earnable salary divided by the total number of years,~~ 474  
~~including any fraction of a year, of the member's contributing~~ 475  
~~service.~~ 476

~~(3) For the purpose of calculating benefits payable to a~~ 477  
~~member qualifying for service credit under division (Z) of this~~ 478  
~~section, "final average salary" means the total earnable salary on~~ 479  
~~which contributions were made divided by the total number of years~~ 480  
~~during which contributions were made, including any fraction of a~~ 481  
~~year. If contributions were made for less than twelve months,~~ 482  
~~"final average salary" means the member's total earnable salary~~ 483  
~~contributions were made in only one calendar year, "final average~~ 484  
~~salary" means the member's total earnable salary.~~ 485

(L) "Annuity" means payments for life derived from 486  
contributions made by a contributor and paid from the annuity and 487  
pension reserve fund as provided in this chapter. All annuities 488  
shall be paid in twelve equal monthly installments. 489

(M) "Annuity reserve" means the present value, computed upon 490  
the basis of the mortality and other tables adopted by the board, 491



of all payments to be made on account of any annuity, or benefit 492  
in lieu of any annuity, granted to a retirant as provided in this 493  
chapter. 494

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

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

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

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

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

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

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

(R)(1) Except as otherwise provided in division (R) of this 517  
section, "earnable salary" means all salary, wages, and other 518  
earnings paid to a contributor by reason of employment in a 519  
position covered by the retirement system. The salary, wages, and 520  
other earnings shall be determined prior to determination of the 521

amount required to be contributed to the employees' savings fund 522  
under section 145.47 of the Revised Code and without regard to 523  
whether any of the salary, wages, or other earnings are treated as 524  
deferred income for federal income tax purposes. "Earnable salary" 525  
includes the following: 526

(a) Payments made by the employer in lieu of salary, wages, 527  
or other earnings for sick leave, personal leave, or vacation used 528  
by the contributor; 529

(b) Payments made by the employer for the conversion of sick 530  
leave, personal leave, and vacation leave accrued, but not used if 531  
the payment is made during the year in which the leave is accrued, 532  
except that payments made pursuant to section 124.383 or 124.386 533  
of the Revised Code are not earnable salary; 534

(c) Allowances paid by the employer for ~~full~~ maintenance, 535  
consisting of housing, laundry, and meals, as certified to the 536  
retirement board by the employer or the head of the department 537  
that employs the contributor; 538

(d) Fees and commissions paid under section 507.09 of the 539  
Revised Code; 540

(e) Payments that are made under a disability leave program 541  
sponsored by the employer and for which the employer is required 542  
by section 145.296 of the Revised Code to make periodic employer 543  
and employee contributions; 544

(f) Amounts included pursuant to ~~divisions~~ former division 545  
(K)(3) and former division (Y) of this section and section 546  
145.2916 of the Revised Code. 547

(2) "Earnable salary" does not include any of the following: 548

(a) Fees and commissions, other than those paid under section 549  
507.09 of the Revised Code, paid as sole compensation for personal 550  
services and fees and commissions for special services over and 551

above services for which the contributor receives a salary; 552

(b) Amounts paid by the employer to provide life insurance, 553  
sickness, accident, endowment, health, medical, hospital, dental, 554  
or surgical coverage, or other insurance for the contributor or 555  
the contributor's family, or amounts paid by the employer to the 556  
contributor in lieu of providing the insurance; 557

(c) Incidental benefits, including lodging, food, laundry, 558  
parking, or services furnished by the employer, or use of the 559  
employer's property or equipment, or amounts paid by the employer 560  
to the contributor in lieu of providing the incidental benefits; 561

(d) Reimbursement for job-related expenses authorized by the 562  
employer, including moving and travel expenses and expenses 563  
related to professional development; 564

(e) Payments for accrued but unused sick leave, personal 565  
leave, or vacation that are made at any time other than in the 566  
year in which the sick leave, personal leave, or vacation was 567  
accrued; 568

(f) Payments made to or on behalf of a contributor that are 569  
in excess of the annual compensation that may be taken into 570  
account by the retirement system under division (a)(17) of section 571  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 572  
U.S.C.A. 401(a)(17), as amended; 573

(g) Payments made under division (B), (C), or (E) of section 574  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 575  
No. 3 of the 119th general assembly, Section 3 of Amended 576  
Substitute Senate Bill No. 164 of the 124th general assembly, or 577  
Amended Substitute House Bill No. 405 of the 124th general 578  
assembly; 579

(h) Anything of value received by the contributor that is 580  
based on or attributable to retirement or an agreement to retire, 581  
except that payments made on or before January 1, 1989, that are 582

based on or attributable to an agreement to retire shall be 583  
included in earnable salary if both of the following apply: 584

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

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

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

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

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

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

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

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

~~(b) For each month for which the member's earnable salary is 609~~  
~~less than two hundred fifty dollars, allow a fraction of a month's 610~~  
~~credit. The numerator of this fraction shall be the earnable 611~~  
~~salary during the month, and the denominator shall be two hundred 612~~

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

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

(2) Service credit received by election of the member under section 145.814 of the Revised Code.

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

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

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

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

~~(Y) When a member has been elected or appointed to an office, the term of which is two or more years, for which an annual salary~~

~~is established, and in the event that the salary of the office is~~ 644  
~~increased and the member is denied the additional salary by reason~~ 645  
~~of any constitutional provision prohibiting an increase in salary~~ 646  
~~during a term of office, the member may elect to have the amount~~ 647  
~~of the member's contributions calculated upon the basis of the~~ 648  
~~increased salary for the office. At the member's request, the~~ 649  
~~board shall compute the total additional amount the member would~~ 650  
~~have contributed, or the amount by which each of the member's~~ 651  
~~contributions would have increased, had the member received the~~ 652  
~~increased salary for the office the member holds. If the member~~ 653  
~~elects to have the amount by which the member's contribution would~~ 654  
~~have increased withheld from the member's salary, the member shall~~ 655  
~~notify the employer, and the employer shall make the withholding~~ 656  
~~and transmit it to the retirement system. A member who has not~~ 657  
~~elected to have that amount withheld may elect at any time to make~~ 658  
~~a payment to the retirement system equal to the additional amount~~ 659  
~~the member's contribution would have increased, plus interest on~~ 660  
~~that contribution, compounded annually at a rate established by~~ 661  
~~the board and computed from the date on which the last~~ 662  
~~contribution would have been withheld from the member's salary to~~ 663  
~~the date of payment. A member may make a payment for part of the~~ 664  
~~period for which the increased contribution was not withheld, in~~ 665  
~~which case the interest shall be computed from the date the last~~ 666  
~~contribution would have been withheld for the period for which the~~ 667  
~~payment is made. Upon the payment of the increased contributions~~ 668  
~~as provided in this division, the increased annual salary as~~ 669  
~~provided by law for the office for the period for which the member~~ 670  
~~paid increased contributions thereon shall be used in determining~~ 671  
~~the member's earnable salary for the purpose of computing the~~ 672  
~~member's final average salary.~~ 673

~~(Z)~~ "Five years of service credit," for the exclusive purpose 674  
of satisfying the service credit requirements and of determining 675  
eligibility ~~for benefits~~ under section 145.33 or 145.332 of the 676

Revised Code, means employment covered under this chapter or under 677  
a former retirement plan operated, recognized, or endorsed by the 678  
employer prior to coverage under this chapter or under a 679  
combination of the coverage. 680

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

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

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

(1) Employed full time as a narcotics agent by a county 703  
narcotics agency created pursuant to section 307.15 of the Revised 704  
Code and has received a certificate attesting to the satisfactory 705  
completion of the peace officer training school as required by 706  
section 109.77 of the Revised Code; 707

(2) Employed full time as an undercover drug agent as defined 708  
in section 109.79 of the Revised Code and is in compliance with 709  
section 109.77 of the Revised Code. 710

~~(DD)~~(CC) "Department of public safety enforcement agent" 711  
means a full-time employee of the department of public safety who 712  
is designated under section 5502.14 of the Revised Code as an 713  
enforcement agent and who is in compliance with section 109.77 of 714  
the Revised Code. 715

~~(EE)~~(DD) "Natural resources law enforcement staff officer" 716  
means a full-time employee of the department of natural resources 717  
who is designated a natural resources law enforcement staff 718  
officer under section 1501.013 of the Revised Code and is in 719  
compliance with section 109.77 of the Revised Code. 720

~~(FF)~~(EE) "Park officer" means a full-time employee of the 721  
department of natural resources who is designated a park officer 722  
under section 1541.10 of the Revised Code and is in compliance 723  
with section 109.77 of the Revised Code. 724

~~(GG)~~(FF) "Forest officer" means a full-time employee of the 725  
department of natural resources who is designated a forest officer 726  
under section 1503.29 of the Revised Code and is in compliance 727  
with section 109.77 of the Revised Code. 728

~~(HH)~~(GG) "Preserve officer" means a full-time employee of the 729  
department of natural resources who is designated a preserve 730  
officer under section 1517.10 of the Revised Code and is in 731  
compliance with section 109.77 of the Revised Code. 732

~~(II)~~(HH) "Wildlife officer" means a full-time employee of the 733  
department of natural resources who is designated a wildlife 734  
officer under section 1531.13 of the Revised Code and is in 735  
compliance with section 109.77 of the Revised Code. 736

~~(JJ)~~(II) "State watercraft officer" means a full-time 737  
employee of the department of natural resources who is designated 738



a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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

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

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

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

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

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

~~(QQ)~~(PP) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised

Code and who is in compliance with section 109.77 of the Revised 770  
Code. 771

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

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

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

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

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

~~(WW)~~(VV) Notwithstanding section 2901.01 of the Revised Code, 794  
"PERS law enforcement officer" means a sheriff or any of the 795  
following whose primary duties are to preserve the peace, protect 796  
life and property, and enforce the laws of this state: a deputy 797  
sheriff, township constable or police officer in a township police 798  
department or district, drug agent, department of public safety 799  
enforcement agent, natural resources law enforcement staff 800

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

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

~~(YY)~~(XX) "PERS public safety officer" means a Hamilton county 823  
municipal court bailiff, or any of the following whose primary 824  
duties are other than to preserve the peace, protect life and 825  
property, and enforce the laws of this state: a deputy sheriff, 826  
township constable or police officer in a township police 827  
department or district, drug agent, department of public safety 828  
enforcement agent, natural resources law enforcement staff 829  
officer, park officer, forest officer, preserve officer, wildlife 830  
officer, state watercraft officer, park district police officer, 831  
conservancy district officer, veterans' home police officer, 832

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For each calendar year thereafter, the sum of the 887  
following: 888

(i) The prior year's amount; 889

(ii) The prior year's amount multiplied by the average 890  
percentage increase, if any, made to compensation under section 891

505.24 of the Revised Code, if that increase became effective in 892  
the prior year. 893

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

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

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

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

(B) For a member eligible for a retirement allowance under 915  
division (C) of section 145.32 of the Revised Code or division (C) 916  
or (E)(2) or (5) of section 145.332 of the Revised Code, the 917  
number of years used in the calculation of final average salary 918  
shall be five and the sum of the earnable salary for those years 919  
shall be divided by five. 920

(C)(1) For a member described in division (A) or (B) of 921

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

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

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

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

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

**Sec. 145.036.** On or before the last day of January of each 949  
year, each public employer shall transmit to the public employees 950  
retirement system a list of all individuals providing personal 951  
services who at any time during the preceding calendar year 952

received compensation from the employer for which no contributions 953  
were deducted under section 145.47 of the Revised Code because the 954  
employer classified the individual as an independent contractor or 955  
another classification other than public employee or any other 956  
reason. The list shall contain the name of the individual and any 957  
other information required by the system. 958

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

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

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

(B)(1) Except as provided in division (B)(2) of this section, 980  
an individual who provided personal services to a public employer 981  
on or before the effective date of this section but was not 982  
classified as a public employee may request from the public 983



employees retirement board a determination of whether the 984  
individual should have been classified as a public employee for 985  
purposes of this chapter. The request shall be made on a form 986  
provided by the board. 987

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

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

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

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

The board shall notify the individual and the employer of its 1011  
determination. The determination shall apply to services performed 1012  
before, on, or after the effective date of this section for the 1013  
same employer in the same capacity. 1014

(D) Regardless of whether an individual actually receives 1015  
notice under this section, the request for a determination must be 1016  
made not later than one year after the effective date of this 1017  
section unless the individual can demonstrate to the board's 1018  
satisfaction through medical records that at the time the one-year 1019  
period ended the individual was physically or mentally 1020  
incapacitated and unable to request a determination. 1021

Sec. 145.038. (A) A public employer who on or after the 1022  
effective date of this section begins to receive personal services 1023  
from an individual it classifies as an independent contractor or 1024  
another classification other than public employee shall inform the 1025  
individual of the classification and that no contributions will be 1026  
made to the public employees retirement system. Not later than 1027  
thirty days after the services begin, the employer shall require 1028  
the individual to acknowledge, in writing on a form provided by 1029  
the system, that the individual has been informed that the 1030  
employer does not consider the individual a public employee and no 1031  
contributions will be made to the public employees retirement 1032  
system. The employer shall retain the acknowledgement and 1033  
immediately transmit a copy of it to the system. 1034

(B)(1) Regardless of whether the individual has made an 1035  
acknowledgement under division (A) of this section and, except as 1036  
provided in division (B)(2) of this section, an individual may 1037  
request that the public employees retirement board determine 1038  
whether the individual is a public employee for purposes of this 1039  
chapter. 1040

(2) Division (B)(1) of this section does not apply to an 1041  
individual employed by a business entity under contract with a 1042  
public employer to provide personal services to the employer. 1043

(C) A request for a determination must be made not later than 1044  
five years after the individual begins to provide personal 1045

services to the employer, unless one of the following is the case: 1046

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

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

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

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

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

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

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

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

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

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

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

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

~~(C)~~(3) Five members, known as employee members, one of whom 1091  
shall be a state employee member of the system, who shall be 1092  
elected by ballot by the state employee members of the system from 1093  
among their number; another of whom shall be a county employee 1094  
member of the system, who shall be elected by ballot by the county 1095  
employee members of the system from among their number; another of 1096  
whom shall be a municipal employee member of the system, who shall 1097  
be elected by ballot by the municipal employee members of the 1098  
system from among their number; another of whom shall be a 1099  
university or college employee member of the system, who shall be 1100  
elected by ballot by the university and college employee members 1101  
of the system from among their number; and another of whom shall 1102  
be a park district, conservancy district, sanitary district, 1103  
health district, public library, metropolitan housing authority, 1104  
union cemetery, joint hospital, township, or institutional 1105  
commissary employee member of the system, who shall be elected by 1106

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

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

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

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

~~(b)~~(ii) Within the three years immediately preceding the 1127  
appointment, the member has not been employed by the public 1128  
employees retirement system, police and fire pension fund, state 1129  
teachers retirement system, school employees retirement system, or 1130  
state highway patrol retirement system or by any person, 1131  
partnership, or corporation that has provided to one of those 1132  
retirement systems services of a financial or investment nature, 1133  
including the management, analysis, supervision, or investment of 1134  
assets. 1135

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

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

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

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

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

**Sec. 145.05.** (A) The terms of office of employee members of 1161  
the public employees retirement board shall be for four years each 1162  
beginning on the first day of January following election. The 1163  
election of the county employee member of the board and the 1164  
employee member of the board representing public library, health 1165  
district, park district, conservancy district, sanitary district, 1166  
township, metropolitan housing authority, union cemetery, joint 1167

hospital, and institutional commissary employees shall be held on 1168  
the first Monday in October, 1945, and on the first Monday in 1169  
October in each fourth year thereafter. The election of the state 1170  
employee member of the board and the municipal employee member of 1171  
the board shall be held on the first Monday in October, 1946, and 1172  
on the first Monday in October in each fourth year thereafter. The 1173  
election of the initial university-college employee member of the 1174  
board shall be held on the first Monday in October, 1978, and 1175  
elections for subsequent university-college employee members of 1176  
the board shall be held on the first Monday in October in each 1177  
fourth year thereafter. 1178

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

(C) All elections for employee members of the public 1191  
employees retirement board shall be held under the direction of 1192  
the board in accordance with rules adopted under section 145.058 1193  
of the Revised Code. Any member of the public employees retirement 1194  
system, except a member who is receiving a disability benefit 1195  
under this chapter, is eligible for election as an employee member 1196  
of the board to represent the employee group that includes the 1197  
member, provided that the member has been nominated by a petition 1198  
that is signed by at least five hundred members of the employee 1199

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

(D) All elections for the retirant members of the public 1212  
employees retirement board shall be held under the direction of 1213  
the board in accordance with rules adopted under section 145.058 1214  
of the Revised Code. Any former member of the public employees 1215  
retirement system who is described in division ~~(D)~~(A)(4) of 1216  
section 145.04 of the Revised Code is eligible for election as a 1217  
retirant member of the board to represent recipients of age and 1218  
service retirement, a disability benefit, or benefits paid under a 1219  
PERS defined contribution plan, provided that such person has been 1220  
nominated by a petition that is signed by any combination of at 1221  
least two hundred fifty eligible, former members of the system and 1222  
certified in accordance with rules adopted under section 145.058 1223  
of the Revised Code. To be eligible to sign the petition, a former 1224  
member of the system must be a recipient of age and service 1225  
retirement, a disability benefit, or benefits paid under a PERS 1226  
defined contribution plan. The petition shall contain the 1227  
signatures of at least ten such recipients from each of at least 1228  
five counties wherein recipients of benefits from the system 1229  
reside. 1230

The name of any person nominated in this manner shall be 1231



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

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

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

(C) Proceedings for removal of a board member on any of the 1261  
grounds enumerated in division (B) of this section shall be 1262

commenced by filing with the court of common pleas of the county 1263  
in which the board member resides a written complaint specifically 1264  
setting forth the charge. The complaint shall be accepted if 1265  
signed by the governor or signed as follows: 1266

(1) If the complaint is against an employee member of the 1267  
board, the complaint must be signed by a number of members of the 1268  
employee group represented by the member that equals at least the 1269  
following and must include signatures of at least twenty employee 1270  
members residing in at least five different counties: 1271

(a) If the employee member was most recently elected in 1272  
accordance with section 145.05 of the Revised Code, ten per cent 1273  
of the number of members of the employee group represented by the 1274  
employee member who voted in that election; 1275

(b) If the employee member was most recently elected under 1276  
section 145.06 of the Revised Code or took office in accordance 1277  
with section 145.051 of the Revised Code, ten per cent of the 1278  
number of members of the employee group represented by the 1279  
employee member who voted in the most recent election held in 1280  
accordance with section 145.05 of the Revised Code for that 1281  
employee member position on the board. 1282

(2) If the complaint is against a retirant member of the 1283  
board, the complaint must be signed by a number of former members 1284  
of the system authorized to vote for a retirant member in an 1285  
election under section 145.05 of the Revised Code that equals at 1286  
least the following and must include signatures of at least twenty 1287  
former members residing in at least five different counties: 1288

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

(b) If the retirant member was most recently elected under 1293

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

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

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

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

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

The board member has the right to appeal to the court of 1322  
appeals. 1323

(E) No individual who has been removed from the board 1324

pursuant to this section shall be eligible to fill an elective or 1325  
appointed position as a member of the board. 1326

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

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

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

(B) Except as provided in division (D) of this section, if a 1348  
vacancy occurs during the term of office of a retirant member of 1349  
the board, the remaining members of the board shall elect a 1350  
successor retirant member who shall be a former member of the 1351  
public employees retirement system who is eligible for election 1352  
under section 145.04 of the Revised Code as a retirant member of 1353  
the board. On certification of the election results in accordance 1354  
with rules adopted under section 145.058 of the Revised Code, the 1355

successor retirant member shall hold office until the first day of 1356  
the new term that follows the next board election that occurs not 1357  
less than ninety days after the successor retirant member's 1358  
election. 1359

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

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

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

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

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

If the board provides health care coverage to employees of 1383  
the retirement system, it may permit employees of the Ohio public 1384  
employees deferred compensation board to participate. 1385

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

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

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

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

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

The board may sue and be sued, plead and be impleaded, 1411  
contract and be contracted with. All of its business shall be 1412  
transacted, all of its funds invested, all warrants for money 1413  
drawn and payments made, and all of its cash and securities and 1414  
other property shall be held in the name of the board, or in the 1415  
name of its nominee, provided that nominees are authorized by 1416

retirement board resolution for the purpose of facilitating the 1417  
ownership and transfer of investments. 1418

If the Ohio retirement study council establishes a uniform 1419  
format for any report the board is required to submit to the 1420  
council, the board shall submit the report in that format. 1421

Sec. 145.101. Any action brought against the public employees 1422  
retirement system or the public employees retirement board or its 1423  
officers, employees, or board members in their official capacities 1424  
shall be brought in the appropriate court in Franklin county, 1425  
Ohio. 1426

**Sec. 145.19.** (A) Except as provided in division (D) of this 1427  
section, an individual who becomes employed in a position subject 1428  
to this chapter on or after ~~the date on which the public employees~~ 1429  
~~retirement board first establishes a PERS defined contribution~~ 1430  
~~plan~~ January 1, 2003, shall make an election under this section. 1431  
Not later than one hundred eighty days after the date on which 1432  
employment begins, the individual shall elect to participate 1433  
either in the PERS defined benefit plan or a PERS defined 1434  
contribution plan. ~~If~~ Unless a form evidencing an election under 1435  
this section is ~~not~~ received by the public employees retirement 1436  
system ~~not later than~~ on or before the last day of the 1437  
one-hundred-eighty-day period, the individual is deemed to have 1438  
elected to participate in the PERS defined benefit plan. 1439

(B) An election under this section shall be made ~~in writing~~ 1440  
on a form provided by the system and filed with the system. 1441

(C) An election under this section shall take effect on the 1442  
date employment began and, except as provided in section 145.814 1443  
of the Revised Code or rules governing the PERS defined benefit 1444  
plan, is irrevocable on receipt by the system. 1445

(D) An individual is ineligible to make an election under 1446

this section if one of the following applies: 1447

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

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

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

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

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

**Sec. 145.191.** (A) Except as provided in division ~~(E)~~(F) of 1467  
this section, a public employees retirement system member or 1468  
contributor who, as of ~~the last day of the month immediately~~ 1469  
~~preceding the date on which the public employees retirement board~~ 1470  
~~first establishes a PERS defined contribution plan~~ December 31, 1471  
2002, has less than five years of total service credit is eligible 1472  
to make an election under this section. A member or contributor 1473  
who is employed in more than one position subject to this chapter 1474  
is eligible to make only one election. The election applies to all 1475  
positions subject to this chapter. 1476



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

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

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

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

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

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

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

(D) For each member or contributor who elected under this 1500  
section to participate in a PERS defined contribution plan and 1501  
made a request under division (C) of this section, any additional 1502  
deposits that were made by the member or contributor prior to 1503  
April 6, 2007, under the version of division (C) of section 145.23 1504  
of the Revised Code as it existed immediately prior to that date 1505  
shall be credited to the defined contribution plan. 1506

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

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

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

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

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

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

A member who terminates employment in all positions subject 1534  
to this chapter, receives a refund of the member's contributions 1535  
made under section 145.47 or 145.85 of the Revised Code, and later 1536

becomes employed in a position subject to this chapter may make an 1537  
election under section 145.19 of the Revised Code as provided by 1538  
that section. 1539

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

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

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

Sec. 145.20. (A) Any elective official of the state of Ohio 1560  
or of any political subdivision thereof having employees in the 1561  
public employees retirement system shall be considered as an 1562  
employee of the state or such political subdivision, and may 1563  
become a member of the system upon application to the public 1564  
employees retirement board, with all the rights, privileges, and 1565  
obligations of membership. An elective official who becomes a 1566

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

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

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

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

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

(1) Pays into the employees' savings fund an amount 1591  
~~determined by applying the member contribution rate in effect at~~ 1592  
~~the time of payment to the earnable salary of the member during~~ 1593  
~~all periods of service after January 1, 1935, covered by this~~ 1594  
~~chapter, for which contributions have not been paid, plus interest~~ 1595  
~~on such amount compounded annually at a rate to be determined~~ 1596  
specified by the board that is equal to one hundred per cent of 1597

the additional liability resulting from the purchase of that year 1598  
or portion of a year of credit as determined by an actuary 1599  
employed by the board; 1600

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

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

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

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

~~The~~ For each year of additional service credit ~~may be~~ 1626  
purchased ~~by paying~~ under this section, the member shall pay into 1627  
the employees' savings fund an amount ~~computed by multiplying by~~ 1628

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

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

(B) Notwithstanding division (A) of this section, a member 1658  
who purchased service credit under this section prior to January 1659  
1, 1980, on the basis of part-time service shall be permitted to 1660

retain the credit and shall be given full credit for it in 1661  
computing an allowance or benefit under section ~~145.20~~, 145.33, 1662  
145.331, ~~145.34~~, 145.332, 145.36, 145.361, or 145.46 of the 1663  
Revised Code. The public employees retirement board has no 1664  
authority to cancel or rescind such credit. 1665

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

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

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

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

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

(2) A summary of the census data and financial information 1690

used in the valuation; 1691

(3) A description of the actuarial assumptions, actuarial 1692  
cost method, and asset valuation method used in the valuation, 1693  
including a statement of the assumed rate of payroll growth and 1694  
assumed rate of growth or decline in the number of members 1695  
contributing to the retirement system; 1696

(4) A summary of findings that includes a statement of the 1697  
actuarial accrued pension liabilities and unfunded actuarial 1698  
accrued pension liabilities; 1699

(5) A schedule showing the effect of any changes in the 1700  
benefit provisions, actuarial assumptions, or cost methods since 1701  
the last annual actuarial valuation; 1702

(6) A statement of whether contributions to the retirement 1703  
system are expected to be sufficient to satisfy the funding 1704  
objectives established by the board. 1705

The board shall submit the report to the Ohio retirement 1706  
study council and the standing committees of the house of 1707  
representatives and the senate with primary responsibility for 1708  
retirement legislation not later than the first day of September 1709  
following the year for which the valuation was made. 1710

(B) At such time as the public employees retirement board 1711  
determines, and at least once in each five-year period, the board 1712  
shall have prepared by or under the supervision of an actuary an 1713  
actuarial investigation of the mortality, service, and other 1714  
experience of the members, retirants, contributors, and 1715  
beneficiaries of the system to update the actuarial assumptions 1716  
used in the actuarial valuation required by division (A) of this 1717  
section. The actuary shall prepare a report of the actuarial 1718  
investigation. The report shall be prepared and any recommended 1719  
changes in actuarial assumptions shall be made in accordance with 1720  
the actuarial standards of practice promulgated by the actuarial 1721



standards board of the American academy of actuaries. The report 1722  
shall include all of the following: 1723

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

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

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

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

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

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

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

(2) A description of or reference to the actuarial 1751

assumptions and actuarial cost method used in the report; 1752

(3) A description of the participant group or groups included 1753  
in the report; 1754

(4) A statement of the financial impact of the legislation, 1755  
including the resulting increase, if any, in the employer normal 1756  
cost percentage; the increase, if any, in actuarial accrued 1757  
liabilities; and the per cent of payroll that would be required to 1758  
amortize the increase in actuarial accrued liabilities as a level 1759  
per cent of covered payroll for all active members over a period 1760  
not to exceed thirty years; 1761

(5) A statement of whether the scheduled contributions to the 1762  
system after the proposed change is enacted are expected to be 1763  
sufficient to satisfy the funding objectives established by the 1764  
board. 1765

Not later than sixty days from the date of introduction of 1766  
the legislation, the board shall submit a copy of the actuarial 1767  
analysis to the legislative service commission, the standing 1768  
committees of the house of representatives and the senate with 1769  
primary responsibility for retirement legislation, and the Ohio 1770  
retirement study council. 1771

(E) The board shall have prepared annually a report giving a 1772  
full accounting of the revenues and costs relating to the 1773  
provision of benefits under sections ~~145.325~~ and 145.58 and 1774  
145.584 of the Revised Code. The report shall be made as of 1775  
December 31, 1997, and the thirty-first day of December of each 1776  
year thereafter. The report shall include the following: 1777

(1) A description of the statutory authority for the benefits 1778  
provided; 1779

(2) A summary of the benefits; 1780

(3) A summary of the eligibility requirements for the 1781

benefits;	1782
(4) A statement of the number of participants eligible for the benefits;	1783 1784
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	1785 1786
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	1787 1788
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	1789 1790 1791 1792 1793
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	1794 1795 1796 1797
(9) A description of any significant changes that affect the comparability of the report required under this division;	1798 1799
(10) A statement of the amount paid under division (C) of section 145.58 of the Revised Code.	1800 1801
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the thirtieth day of June following the year for which the report was made.	1802 1803 1804 1805 1806
<b>Sec. 145.23.</b> The funds hereby created are the employees' savings fund, the employers' accumulation fund, the annuity and pension reserve fund, the income fund, the survivors' benefit fund, the defined contribution fund, and the expense fund.	1807 1808 1809 1810

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

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

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

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

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

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

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

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

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

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

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

fund. 1874

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

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

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

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

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

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

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

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

(c) The individual's personal history record.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

in a manner or form approved by the board; 2059

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

denied. 2338

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) An employing unit may establish a retirement incentive 2407  
plan for its eligible employees. In the case of a county or county 2408  
agency, decisions on whether to establish a retirement incentive 2409  
plan for any employees other than employees of a board of alcohol, 2410  
drug addiction, and mental health services or county board of 2411  
developmental disabilities and on the terms of the plan shall be 2412  
made by the board of county commissioners. In the case of a 2413  
municipal corporation or an agency of a municipal corporation, 2414  
decisions on whether to establish a retirement incentive plan and 2415  
on the terms of the plan shall be made by the legislative 2416  
authority. 2417

All terms of a retirement incentive plan shall be in writing. 2418

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

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

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

No employing unit shall have more than one retirement 2429

incentive plan in effect at any time. 2430

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

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

(a) An elected official; 2437

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

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

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

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

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

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



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

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

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

(1) Five years of service credit; 2485

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) For each year of service, the Cincinnati retirement 2676  
system transfers to the public employees retirement system the sum 2677  
of the following: 2678

~~(1)~~(a) The amount contributed by the member, or, in the case 2679  
of military service credit, paid by the member, that is 2680  
attributable to the year of service; 2681

~~(2)~~(b) An amount equal to the lesser of the employer's 2682  
contributions to the Cincinnati retirement system or the amount 2683  
~~that would have been contributed by the employer for the service~~ 2684  
~~had the member been employed by the member's current employer as a~~ 2685  
~~member of the public employees retirement system at the time the~~ 2686  
~~credit was earned~~ appropriate employer contributions under section 2687  
145.48 or 145.49 of the Revised Code; 2688

~~(3)~~(c) Interest on the amounts specified in divisions 2689  
(B)~~(1)~~(3)~~(a)~~ and ~~(2)~~(b) of this section from the last day of the 2690  
year for which the service credit was earned or in which payment 2691  
was made for military service credit to the date the transfer is 2692  
made. 2693

(C) A member of the public employees retirement system with 2694  
at least eighteen months of contributing service credit with the 2695  
public employees retirement system who has received a refund of 2696  
the member's contributions to the Cincinnati retirement system 2697  
~~shall, in computing years of service, be given~~ may obtain credit 2698  
for service credit earned under the Cincinnati retirement system 2699  
or purchased or obtained as military service credit if, ~~for~~ all of 2700  
the following conditions are met: 2701

(1) The member is eligible, or with the credit will be 2702  
eligible, for a retirement or disability benefit. 2703

(2) The member agrees to retire or accept a disability 2704  
benefit not later than ninety days after receiving notice from the 2705  
public employees retirement system that the credit has been 2706



obtained. 2707

(3) For each year of service, the public employees retirement 2708  
system receives the sum of the following: 2709

~~(1)~~(a) An amount, paid by the member, equal to the sum of the 2710  
following: 2711

~~(a)~~(i) The amount refunded by the Cincinnati retirement 2712  
system to the member for that year for contributions and payments 2713  
for military service, with interest at a rate established by the 2714  
public employees retirement board on that amount from the date of 2715  
the refund to the date of payment; 2716

~~(b)~~(ii) The amount of interest, if any, the member received 2717  
when the refund was made that is attributable to the year of 2718  
service. 2719

~~(2)~~(b) An amount, transferred by the Cincinnati retirement 2720  
system to the public employees retirement system, equal to the sum 2721  
of the following: 2722

~~(a)~~(i) Interest on the amount refunded to the member that is 2723  
attributable to the year of service from the last day of the year 2724  
for which the service credit was earned or in which payment was 2725  
made for military service credit to the date the refund was made; 2726

~~(b)~~(ii) An amount equal to the lesser of the employer's 2727  
contributions to the Cincinnati retirement system or the amount 2728  
~~that would have been contributed by the employer for the service~~ 2729  
~~had the member been employed by the member's current employer as a~~ 2730  
~~member of the public employees retirement system at the time the~~ 2731  
~~credit was earned~~ appropriate employer contribution under section 2732  
145.48 or 145.49 of the Revised Code, with interest on that amount 2733  
from the last day of the year for which the service credit was 2734  
earned to the date of the transfer. 2735

(D) The amount transferred under division (C)~~(2)~~(a)~~(3)~~(b)(i) 2736

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

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

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

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

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

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

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

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

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

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

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

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

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

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

following: 2798

~~(1)~~(i) An amount equal to the person's contributions to the 2799  
public employees retirement system and payments made by the member 2800  
for military service credit; 2801

~~(2)~~(ii) An amount equal to the lesser of the employer's 2802  
contributions to the public employees retirement system or the 2803  
amount that would have been contributed by the employer for the 2804  
service had the person been a member of the Cincinnati retirement 2805  
system at the time the credit was earned; 2806

~~(3)~~(iii) Interest on the amounts specified in divisions 2807  
~~(B)~~~~(1)~~(A)~~(3)~~(a)~~(i)~~ and ~~(2)~~(ii) of this section for the period from 2808  
the last day of the year for which the service credit was earned 2809  
or in which payment was made for military service credit to the 2810  
date the transfer was made. 2811

~~(C)~~~~(1)~~(b) If the person has received a refund of accumulated 2812  
contributions to the public employees retirement system, the 2813  
public employees retirement system ~~shall~~, for each year of service 2814  
credit, ~~transfer~~ transfers to the Cincinnati retirement system the 2815  
sum of the following: 2816

~~(a)~~(i) Interest on the amount refunded to the former member 2817  
that is attributable to the year of service from the last day of 2818  
the year for which the service credit was earned or in which 2819  
payment was made for military service credit to the date the 2820  
refund was made; 2821

~~(b)~~(ii) An amount equal to the lesser of the employer's 2822  
contributions to the public employees retirement system or the 2823  
amount that would have been contributed by the employer for the 2824  
service had the person been a member of the Cincinnati retirement 2825  
system at the time the credit was earned, with interest on that 2826  
amount from the last day of the year for which the service credit 2827  
was earned to the date of the transfer. 2828

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eligible, for a retirement or disability benefit. 2890

(2) The member agrees to retire or accept a disability 2891  
benefit not later than ninety days after receiving notice from the 2892  
public employees retirement system that the credit has been 2893  
obtained. 2894

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

~~(1)~~(a) An amount, which shall be paid by the member, equal to 2897  
the amount refunded by the uniform system to the member for that 2898  
year for transferred service credit, with interest on that amount 2899  
from the date of the refund to the date a payment is made under 2900  
this section; 2901

~~(2)~~(b) Interest, which shall be transferred by the uniform 2902  
system, on the amount refunded to the member for the period from 2903  
the last day of the year in which the transfer under section 2904  
742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the 2905  
Revised Code was made to the date the refund was made; 2906

~~(3)~~(c) If the uniform system retained any portion of the 2907  
amount transferred under section 742.21, 742.214, 742.375, 2908  
5505.201, 5505.40, or 5505.41 of the Revised Code, an amount, 2909  
which shall be transferred by the uniform system, equal to the 2910  
amount retained, with interest on that amount for the period from 2911  
the last day of the year in which the transfer under section 2912  
742.21, 742.214, 742.375, 5505.201, 5505.40, or 5505.41 of the 2913  
Revised Code was made to the date a transfer is made under this 2914  
section. 2915

On receipt of payment from the member, the public employees 2916  
retirement system shall notify the uniform system, which, on 2917  
receipt of the notice, shall make the transfer required by this 2918  
division. Interest shall be determined as provided in division (E) 2919  
of this section. 2920

(D) Service credit purchased or obtained under this section 2921  
shall be considered the equivalent of Ohio service credit. A 2922  
member may choose to purchase only part of the credit the member 2923  
is eligible to purchase under division (C) of this section ~~in any~~ 2924  
~~one payment~~, subject to rules adopted by the public employees 2925  
retirement board. A member is ineligible to purchase or obtain 2926  
service credit under this section for service to be used in the 2927  
calculation of any retirement benefit currently being paid or 2928  
payable to the member in the future under any other retirement 2929  
program or for service credit that may be purchased or obtained 2930  
under section 145.295 of the Revised Code. 2931

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

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

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



employer contributions, and interest. 2953

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

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

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

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

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

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

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

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

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

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

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

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

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

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

415(n), as amended. 3014

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

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

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

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

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

compensation. 3045

(C) For credit purchased under this section: 3046

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A member who on the effective date of this amendment has 3386  
twenty or more years of total service credit is eligible for age 3387  
and service retirement under this division on meeting one of the 3388  
requirements of division (B)(1) of this section, regardless of 3389  
when the member meets the requirement unless, between the 3390  
effective date of this section and the date the member meets the 3391  
requirement, the member receives a refund of accumulated 3392  
contributions under section 145.40 of the Revised Code. 3393

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

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

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

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

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

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

retirement system: 3415

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

section. 3476

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

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

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

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

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

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

with the portion each beneficiary has been allocated. 3507

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

		Percentage	3588
Attained		of	3589
Birthday		Base Amount	3590
66		102	3591
67		104	3592
68		106	3593
69		108	3594
70 or more		110	3595

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

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

Revised Code; 3600

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

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

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

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

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

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

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

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

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

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

~~sum of two and one half per cent of the member's final average  
salary multiplied by the first twenty five years of the member's  
total service plus two and one tenth per cent of the member's  
final average salary multiplied by the number of years of the  
member's total service credit in excess of twenty five years.~~

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

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

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

division (B)(3) of this section 3662

51 93% of the benefit payable under 3663

division (B)(3) of this section 3664

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

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

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

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

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

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



~~(b) If the member qualifies for an allowance under division 3693  
(B)(2)(a) of this section, to have the member's service credit as 3694  
a PERS law enforcement officer used in calculating a benefit under 3695  
that division and the member's credit for all service other than 3696  
PERS law enforcement service used in calculating a benefit 3697  
consisting of a single life annuity having a reserve equal to the 3698  
amount of the member's accumulated contributions for all service 3699  
other than PERS law enforcement service and an equal amount of 3700  
employer contributions. 3701~~

~~(c) If the member qualifies for an allowance under division 3702  
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 3703  
member's service credit as a PERS law enforcement officer or PERS 3704  
public safety officer used in calculating a benefit under the 3705  
appropriate division and the member's credit for all service other 3706  
than PERS law enforcement service or service as a PERS public 3707  
safety officer under this chapter used in calculating a benefit 3708  
consisting of a single life annuity having a reserve equal to the 3709  
amount of the member's accumulated contributions for all service 3710  
other than PERS law enforcement service or PERS public safety 3711  
officer service and an equal amount of the employer's 3712  
contributions. 3713~~

~~(2) Notwithstanding sections 145.01 and 145.30 of the Revised 3714  
Code, no more than four years of military service credit granted 3715  
under section 145.30 of the Revised Code and five years of 3716  
military service credit purchased under section 145.301 or 145.302 3717  
of the Revised Code shall be used in calculating service as a PERS 3718  
law enforcement officer or PERS public safety officer or the total 3719  
service credit of that person. 3720~~

~~(3) Only credit for the member's service as a PERS law 3721  
enforcement officer, PERS public safety officer, or service credit 3722  
obtained as a police officer or state highway patrol trooper shall 3723  
be used in computing the benefit of a member who qualifies for a 3724~~

~~benefit under division (B) or (C) of this section for the~~ 3725  
~~following:~~ 3726

~~(a) Any person who originally is commissioned and employed as~~ 3727  
~~a deputy sheriff by the sheriff of any county, or who originally~~ 3728  
~~is elected sheriff, on or after January 1, 1975;~~ 3729

~~(b) Any deputy sheriff who originally is employed as a~~ 3730  
~~criminal bailiff or court constable on or after April 16, 1993;~~ 3731

~~(c) Any person who originally is appointed as a township~~ 3732  
~~constable or police officer in a township police department or~~ 3733  
~~district on or after January 1, 1981;~~ 3734

~~(d) Any person who originally is employed as a county~~ 3735  
~~narcotics agent on or after September 26, 1984;~~ 3736

~~(e) Any person who originally is employed as an undercover~~ 3737  
~~drug agent as defined in section 109.79 of the Revised Code,~~ 3738  
~~department of public safety enforcement agent who prior to June~~ 3739  
~~30, 1999, was a liquor control investigator, park officer, forest~~ 3740  
~~officer, wildlife officer, state watercraft officer, park district~~ 3741  
~~police officer, conservancy district officer, veterans' home~~ 3742  
~~police officer, special police officer for a mental health~~ 3743  
~~institution, special police officer for an institution for the~~ 3744  
~~mentally retarded and developmentally disabled, or municipal~~ 3745  
~~police officer on or after December 15, 1988;~~ 3746

~~(f) Any person who originally is employed as a state~~ 3747  
~~university law enforcement officer on or after November 6, 1996;~~ 3748

~~(g) Any person who is originally employed as a state~~ 3749  
~~university law enforcement officer by the university of Akron on~~ 3750  
~~or after September 16, 1998;~~ 3751

~~(h) Any person who originally is employed as a preserve~~ 3752  
~~officer on or after March 18, 1999;~~ 3753

~~(i) Any person who originally is employed as a natural~~ 3754

~~resources law enforcement staff officer on or after March 18,~~ 3755  
~~1999;~~ 3756

~~(j) Any person who is originally employed as a department of~~ 3757  
~~public safety enforcement agent on or after June 30, 1999;~~ 3758

~~(k) Any person who is originally employed as a house sergeant~~ 3759  
~~at arms or assistant house sergeant at arms on or after September~~ 3760  
~~5, 2001;~~ 3761

~~(l) Any person who is originally appointed as a regional~~ 3762  
~~transit authority police officer or state highway patrol police~~ 3763  
~~officer on or after February 1, 2002;~~ 3764

~~(m) Any person who is originally employed as a municipal~~ 3765  
~~public safety director on or after September 29, 2005, but not~~ 3766  
~~later than the effective date of this amendment.~~ 3767

~~(4) Only credit for a member's service as a PERS public~~ 3768  
~~safety officer or service credit obtained as a PERS law~~ 3769  
~~enforcement officer, police officer, or state highway patrol~~ 3770  
~~trooper shall be used in computing the benefit of a member who~~ 3771  
~~qualifies for a benefit under division (B)(2)(b) or (c)(ii) or (4)~~ 3772  
~~or division (C) of this section for any person who originally is~~ 3773  
~~employed as a Hamilton county municipal court bailiff on or after~~ 3774  
~~November 6, 1996.~~ 3775

~~(F)(C)~~ Retirement allowances determined under this section 3776  
shall be paid as provided in section 145.46 of the Revised Code. 3777

~~(G) For the purposes of this section, service prior to June~~ 3778  
~~30, 1999, as a food stamp trafficking agent under former section~~ 3779  
~~5502.14 of the Revised Code shall be considered service as a law~~ 3780  
~~enforcement officer.~~ 3781

**Sec. 145.331.** (A) A recipient of a disability allowance under 3782  
section 145.361 of the Revised Code who is subject to division 3783  
(C)(3) of that section may make application for age and service 3784

retirement under this section. Retirement shall be effective on 3785  
the first day of the first month following the last day for which 3786  
the disability allowance is paid. 3787

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

(1) The greater of the following: 3791

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

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

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

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

The anniversary date for future additional allowances under 3815

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Service credit purchased or obtained under this chapter 3877  
shall be used in determining whether a member has the number of 3878  
years of total service credit required under division (A) or (B) 3879  
of this section only if the member was a member on the effective 3880  
date of this section or obtains credit under section 145.483 of 3881  
the Revised Code that would have made the member a member on that 3882  
date and one of the following applies: 3883

(1) Except in the case of service credit that has been or 3884  
will be purchased or obtained under section 145.295 or 145.37 of 3885  
the Revised Code or is for service covered by the Cincinnati 3886  
retirement system: 3887

(a) For division (A) of this section, the service credit 3888  
purchase is completed or the service credit is obtained not later 3889  
than five years after the effective date of this section; 3890

(b) For division (B) of this section, the service credit 3891  
purchase is completed or the service credit is obtained not later 3892  
than ten years after the effective date of this section. 3893

(2) In the case of service credit that has been or will be 3894  
purchased or obtained under section 145.295 or 145.37 of the 3895  
Revised Code or is for service covered by the Cincinnati 3896  
retirement system: 3897

(a) For division (A) of this section, the service for which 3898  
the credit has been or will be purchased or obtained occurs not 3899  
later than five years after the effective date of this section; 3900

(b) For division (B) of this section, the service for which 3901  
the credit has been or will be purchased or obtained occurs not 3902  
later than ten years after the effective date of this section. 3903

(E)(1) A member with at least twenty-five years of total 3904  
service credit who would be eligible to retire under division 3905  
(B)(1)(a) of this section had the member attained age fifty and 3906  
who voluntarily resigns or is discharged for any reason except 3907

death, dishonesty, cowardice, intemperate habits, or conviction of 3908  
a felony, on or after attaining age forty-eight, but before 3909  
attaining age fifty, may elect to receive a reduced benefit. The 3910  
benefit shall be the actuarial equivalent of the allowance 3911  
calculated under division (F) of this section adjusted for age. 3912

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A single life annuity having a reserve equal to the 4029  
amount of the member's accumulated contributions for all service 4030  
other than PERS law enforcement service or PERS public safety 4031  
officer service; 4032

(c) A pension equal to the annuity provided under division 4033  
(I)(3)(b) of this section, excluding amounts of the member's 4034  
accumulated contributions deposited under former division (Y) of 4035  
section 145.01 or former sections 145.02, 145.29, 145.292, and 4036  
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 4037  
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 4038  
Revised Code for the purchase of service credit. 4039

(J) For the purposes of this section, "total service credit" 4040  
includes credit for military service to the extent permitted by 4041  
division (K) of this section and credit for service as a police 4042  
officer or state highway patrol trooper to the extent permitted by 4043  
division (L) of this section. 4044

(K) Notwithstanding sections 145.01 and 145.30 of the Revised 4045  
Code, not more than four years of military service credit granted 4046  
or purchased under section 145.30 of the Revised Code and five 4047  
years of military service credit purchased under section 145.301 4048  
or 145.302 of the Revised Code shall be used in calculating 4049  
service as a PERS law enforcement officer or PERS public safety 4050  
officer or the total service credit of that person. 4051

(L)(1) Only credit for the member's service as a PERS law 4052  
enforcement officer, PERS public safety officer, or service credit 4053  
obtained as a police officer or state highway patrol trooper shall 4054  
be used in computing the benefit of a member who qualifies for a 4055  
benefit under this section for the following: 4056

(a) Any person who originally is commissioned and employed as 4057  
a deputy sheriff by the sheriff of any county, or who originally 4058  
is elected sheriff, on or after January 1, 1975; 4059

<u>(b) Any deputy sheriff who originally is employed as a</u>	4060
<u>criminal bailiff or court constable on or after April 16, 1993;</u>	4061
<u>(c) Any person who originally is appointed as a township</u>	4062
<u>constable or police officer in a township police department or</u>	4063
<u>district on or after January 1, 1981;</u>	4064
<u>(d) Any person who originally is employed as a county</u>	4065
<u>narcotics agent on or after September 26, 1984;</u>	4066
<u>(e) Any person who originally is employed as an undercover</u>	4067
<u>drug agent as defined in section 109.79 of the Revised Code,</u>	4068
<u>department of public safety enforcement agent who prior to June</u>	4069
<u>30, 1999, was a liquor control investigator, park officer, forest</u>	4070
<u>officer, wildlife officer, state watercraft officer, park district</u>	4071
<u>police officer, conservancy district officer, veterans' home</u>	4072
<u>police officer, special police officer for a mental health</u>	4073
<u>institution, special police officer for an institution for the</u>	4074
<u>developmentally disabled, or municipal police officer on or after</u>	4075
<u>December 15, 1988;</u>	4076
<u>(f) Any person who originally is employed as a state</u>	4077
<u>university law enforcement officer on or after November 6, 1996;</u>	4078
<u>(g) Any person who is originally employed as a state</u>	4079
<u>university law enforcement officer by the university of Akron on</u>	4080
<u>or after September 16, 1998;</u>	4081
<u>(h) Any person who originally is employed as a preserve</u>	4082
<u>officer on or after March 18, 1999;</u>	4083
<u>(i) Any person who originally is employed as a natural</u>	4084
<u>resources law enforcement staff officer on or after March 18,</u>	4085
<u>1999;</u>	4086
<u>(j) Any person who is originally employed as a department of</u>	4087
<u>public safety enforcement agent on or after June 30, 1999;</u>	4088
<u>(k) Any person who is originally employed as a house sergeant</u>	4089

at arms or assistant house sergeant at arms on or after September 4090  
5, 2001; 4091

(l) Any person who is originally appointed as a regional 4092  
transit authority police officer or state highway patrol police 4093  
officer on or after February 1, 2002; 4094

(m) Any person who is originally employed as a municipal 4095  
public safety director on or after September 29, 2005, but not 4096  
later than March 24, 2009. 4097

(2) Only credit for a member's service as a PERS public 4098  
safety officer or service credit obtained as a PERS law 4099  
enforcement officer, police officer, or state highway patrol 4100  
trooper shall be used in computing the benefit of a member who 4101  
qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), 4102  
(C)(1)(b) or (c), or (C)(2) of this section for any person who 4103  
originally is employed as a Hamilton county municipal court 4104  
bailiff on or after November 6, 1996. 4105

(M) For purposes of this section, service prior to June 30, 4106  
1999, as a food stamp trafficking agent under former section 4107  
5502.14 of the Revised Code shall be considered service as a law 4108  
enforcement officer. 4109

(N) Retirement allowances determined under this section shall 4110  
be paid as provided in section 145.46 of the Revised Code. 4111

(O) A member seeking to retire under this section shall file 4112  
an application with the public employees retirement board. 4113

Service retirement shall be effective as provided in division 4114  
(E) of section 145.32 of the Revised Code. 4115

(P) If fewer than one per cent of the retirement system's 4116  
members are contributing as public safety officers, the board, 4117  
pursuant to a rule it adopts, may treat service as a public safety 4118  
officer as service as a law enforcement officer. 4119

Sec. 145.333. (A) As used in this section: 4120

(1) "Retirement allowance" means any of the following as 4121  
appropriate: 4122

(a) An allowance calculated under section 145.33 or 145.332 4123  
of the Revised Code prior to any reduction for early retirement or 4124  
election under section 145.46 of the Revised Code of a plan of 4125  
payment and exclusive of any amounts payable under divisions 4126  
(I)(2)(b) and (c) or (I)(3)(b) and (c) of section 145.332 of the 4127  
Revised Code; 4128

(b) An allowance calculated under division (A) of section 4129  
145.45 of the Revised Code; 4130

(c) An allowance calculated under division (B)(1)(a) of 4131  
section 145.331 of the Revised Code. 4132

(2) "CBBC" means the contribution based benefit cap, a limit 4133  
established by the public employees retirement board on the 4134  
retirement allowance a member may receive. 4135

(B) Based on the advice of an actuary appointed by the board, 4136  
the board shall designate a number as the CBBC factor. The board 4137  
may revise the factor pursuant to advice from an actuary appointed 4138  
by the board. 4139

(C) Prior to paying a retirement allowance, the public 4140  
employees retirement system shall make the following calculations: 4141

(1) Determine an amount equal to the value of the member's 4142  
accumulated contributions, exclusive of contributions payable 4143  
under divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 4144  
145.332 of the Revised Code but including any contributions made 4145  
under section 145.483 of the Revised Code that represent member 4146  
contributions, any contributions used to fund a benefit under 4147  
section 145.36 of the Revised Code, with interest compounded at a 4148  
rate approved by the board, and a portion of any amounts paid by 4149

an employer under sections 145.297 or 145.298 of the Revised Code, 4150  
as determined by an actuary appointed by the board; 4151

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicable age is sixty if the member is described in 4306  
division (A) or (B) of section 145.32 or division (A), (B), or 4307  
(E)(1), (3), or (4) of section 145.332 of the Revised Code. It is 4308  
sixty-two if the member is described in division (C) of section 4309  
145.32 or division (E)(2) or (5) of section 145.332 of the Revised 4310  
Code. 4311

Upon disability retirement, a member shall receive an annual 4312  
amount that shall consist of: 4313

(A) An annuity having a reserve equal to the amount of the 4314  
retirant's accumulated contributions; 4315

(B) A pension that shall be the difference between the 4316  
member's annuity and an annual amount determined by multiplying 4317  
the total service credit of the retirant, and in addition thereto 4318  
the projected number of years and fractions thereof between the 4319  
effective date of the member's disability retirement and ~~attained~~ 4320  
~~attainment of the applicable age sixty~~, assuming continuous 4321  
service, by ~~eighty-six dollars or~~ two and two-tenths per cent of 4322  
the member's final average salary, ~~whichever is greater.~~ 4323

Where the recipient is not receiving a disability benefit 4324  
under section 145.37 of the Revised Code and is receiving a 4325  
disability benefit from either the state teachers retirement 4326  
system or the school employees retirement system, the recipient 4327  
shall not be eligible for service credit based upon the number of 4328  
years and fractions thereof between the date of disability and 4329  
attained age sixty as provided for in this division. 4330

In no case shall disability retirement be less than thirty 4331  
per cent or more than seventy-five per cent of the member's final 4332  
average salary, except that it shall not exceed any limit to which 4333  
the retirement system is subject under section 415 of the 4334  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 4335  
as amended. 4336

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The recipient's adjusted final average salary shall be 4559  
determined by annually increasing the recipient's final average 4560  
salary by the percentage increase in the consumer price index, not 4561  
exceeding three per cent, as determined by the United States 4562  
bureau of labor statistics (U.S. city average for urban wage 4563  
earners and clerical workers: "all items 1982-84=100") for the 4564  
twelve-month period ending on the thirtieth day of June of the 4565  
immediately preceding calendar year. If the consumer price index 4566  
for that period did not increase, no increase shall be made to the 4567  
recipient's adjusted final average salary for that period. No 4568  
adjustment to a benefit shall exceed the limit established by 4569  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 4570  
2085, 26 U.S.C. 415, as amended. 4571

If a disability benefit recipient receives retroactive 4572  
payments of social security disability insurance benefits, the 4573  
system may reduce future disability benefit payments under this 4574  
chapter to recoup any overpayments. 4575

(D) The reductions required by division (C) of this section 4576  
do not apply to a recipient of a disability benefit under this 4577  
chapter who has not less than five years of service credit for 4578  
periods during which the recipient had earnings from other 4579  
employment that was subject to the tax imposed by the "Federal 4580  
Insurance Contributions Act," 26 U.S.C. 3101. 4581

**Sec. 145.37.** (A) As used in this section: 4582

(1) "State retirement system" means the public employees 4583  
retirement system, school employees retirement system, or state 4584  
teachers retirement system. 4585

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

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

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

(1) ~~At~~ Subject to division (B)(2) of this section, at the option election of a member, total contributions and service credit in all state retirement systems, including amounts paid to restore service credit under sections 145.311, 3307.711, and 3309.261 of the Revised Code, shall be used in determining the eligibility and total retirement or disability benefit payable. When total contributions and service credit are so combined, the following provisions apply:

(a) Age and service retirement ~~or disability benefits are~~ shall be effective on the first day of the month immediately following the later of:

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

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

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

(b) ~~In determining eligibility~~ Disability benefits shall be effective on the first day of the month immediately following the later of the following:

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

(ii) The attainment of eligibility for a disability benefit. 4616

(c) Eligibility for a disability benefit, the medical 4617  
~~examiner's report to~~ shall be determined by the retirement board 4618  
~~of any the state retirement system, showing that will calculate~~ 4619  
~~and pay the member's disability incapacitates the member for the~~ 4620  
~~performance of duty, may benefit, as provided in division~~ 4621  
(B)(1)(d) of this section. The state retirement system calculating 4622  
and paying the disability benefit shall certify the determination 4623  
to the board of each other state retirement system in which the 4624  
member has service credit and shall be accepted by the state 4625  
~~retirement boards that board~~ as sufficient for granting a 4626  
disability benefit. 4627

~~(e)~~(d) The board of the state retirement system in which the 4628  
member had the greatest service credit, without adjustment, shall 4629  
~~determine~~ calculate and pay the total retirement or disability 4630  
benefit. Where the member's credit is equal in two or more state 4631  
retirement systems, the system having the largest total 4632  
contributions of the member shall ~~determine~~ calculate and pay the 4633  
total benefit. 4634

~~(d)~~(e) In determining the total credit to be used in 4635  
calculating a retirement or disability benefit, ~~credit shall not~~ 4636  
~~be reduced below that certified by the system or systems~~ 4637  
~~transferring credit, except that such~~ total combined service 4638  
credit shall not exceed one year of credit for any one "year" as 4639  
defined in the law of the system making the calculation. 4640

~~(e)~~(f) The state retirement system ~~determining~~ calculating 4641  
and paying a retirement or disability benefit shall receive from 4642  
the other system or systems ~~the member's refundable account at~~ 4643  
~~retirement or the effective date of a disability benefit plus an~~ 4644  
~~amount from the employers' accumulation fund equal to the member's~~ 4645  
~~refundable account less interest credited under section 145.471,~~ 4646  
~~145.472, or 3307.563 of the Revised Code~~ all of the following for 4647

each year of service: 4648

(i) The amount contributed by the member, or, in the case of 4649  
service credit purchased by the member, paid by the member, that 4650  
is attributable to the year of service; 4651

(ii) An amount equal to the lesser of the employer's 4652  
contributions made on behalf of the member to the retirement 4653  
system for that year of service or the amount that would have been 4654  
contributed by the employer for the service had the member been a 4655  
member of the public employees retirement system at the time the 4656  
credit was earned; 4657

(iii) Interest compounded annually on the amounts specified 4658  
in divisions (B)(1)(f)(i) and (ii) of this section at the lesser 4659  
of the actuarial assumption rate for that year of the retirement 4660  
system determining and paying the benefit or the other retirement 4661  
system or systems transferring amounts under this section. If 4662

If applicable, the public employees retirement system shall 4663  
pay to the retirement system ~~determining~~ calculating and paying 4664  
the benefit a portion of the amount paid on behalf of the member 4665  
by an employer under section 145.483 of the Revised Code. The 4666  
portion shall be paid from the employers' accumulation fund and 4667  
shall equal the product obtained by multiplying by two the amount 4668  
the member would have contributed during the period the employer 4669  
failed to deduct contributions, as described in section 145.483 of 4670  
the Revised Code. 4671

~~(i)~~(g) The annuity rates and mortality tables of the state 4672  
retirement system making the calculation and paying the benefit 4673  
shall be exclusively applicable. 4674

~~(ii)~~(h) Deposits made for the purpose of an additional 4675  
annuity, ~~and including guaranteed interest~~ together with earnings 4676  
as provided in section 145.62 of the Revised Code, upon the 4677  
request of the member, shall be transferred to the state 4678



retirement system paying the benefit. The return upon such 4679  
deposits shall be that offered by the state retirement system 4680  
making the calculation and paying the benefit. 4681

(2) A former member receiving a retirement or disability 4682  
benefit under this section, who accepts employment amenable to 4683  
coverage in any state retirement system that participated in the 4684  
former member's combined benefit, shall be subject to the 4685  
applicable provisions of law governing such re-employment. If a 4686  
former member should be paid any amount in a retirement benefit, 4687  
to which the former member is not entitled under the applicable 4688  
provisions of law governing such re-employment, such amount shall 4689  
be recovered by the state retirement system paying such benefit by 4690  
utilizing any recovery procedure available under the code 4691  
provisions of the state retirement system covering such 4692  
re-employment. 4693

(C) A PERS retirant or other system retirant, as defined in 4694  
section 145.38 of the Revised Code, is not eligible to receive any 4695  
benefit under this section for service subject to section 145.38 4696  
of the Revised Code. 4697

**Sec. 145.38.** (A) As used in this section and sections 145.381 4698  
and 145.384 of the Revised Code: 4699

(1) "PERS retirant" means a former member of the public 4700  
employees retirement system who is receiving one of the following: 4701

(a) Age and service retirement benefits under section 145.32, 4702  
145.33, 145.331, ~~145.34~~, 145.332, or 145.46 or former section 4703  
145.34 of the Revised Code; 4704

(b) Age and service retirement benefits paid by the public 4705  
employees retirement system under section 145.37 of the Revised 4706  
Code; 4707

(c) Any benefit paid under a PERS defined contribution plan. 4708

(2) "Other system retirant" means both of the following: 4709

(a) A member or former member of the Ohio police and fire 4710  
pension fund, state teachers retirement system, school employees 4711  
retirement system, state highway patrol retirement system, or 4712  
Cincinnati retirement system who is receiving age and service or 4713  
commuted age and service retirement benefits or a disability 4714  
benefit from a system of which the person is a member or former 4715  
member; 4716

(b) A member or former member of the public employees 4717  
retirement system who is receiving age and service retirement 4718  
benefits or a disability benefit under section 145.37 of the 4719  
Revised Code paid by the school employees retirement system or the 4720  
state teachers retirement system. 4721

(B)(1) Subject to this section and section 145.381 of the 4722  
Revised Code, a PERS retirant or other system retirant may be 4723  
employed by a public employer. If so employed, the PERS retirant 4724  
or other system retirant shall contribute to the public employees 4725  
retirement system in accordance with section 145.47 of the Revised 4726  
Code, and the employer shall make contributions in accordance with 4727  
section 145.48 of the Revised Code. 4728

(2) A public employer that employs a PERS retirant or other 4729  
system retirant, or enters into a contract for services as an 4730  
independent contractor with a PERS retirant, shall notify the 4731  
retirement board of the employment or contract not later than the 4732  
end of the month in which the employment or contract commences. 4733  
Any overpayment of benefits to a PERS retirant by the retirement 4734  
system resulting from delay or failure of the employer to give the 4735  
notice shall be repaid to the retirement system by the employer. 4736

(3) On receipt of notice from a public employer that a person 4737  
who is an other system retirant has been employed, the retirement 4738  
system shall notify the retirement system of which the other 4739

system retirant was a member of such employment. 4740

(4)(a) A PERS retirant who has received a retirement 4741  
allowance for less than two months when employment subject to this 4742  
section commences shall forfeit the retirement allowance for any 4743  
month the PERS retirant is employed prior to the expiration of the 4744  
two-month period. Service and contributions for that period shall 4745  
not be included in calculation of any benefits payable to the PERS 4746  
retirant, and those contributions shall be refunded on the 4747  
retirant's death or termination of the employment. 4748

(b) An other system retirant who has received a retirement 4749  
allowance or disability benefit for less than two months when 4750  
employment subject to this section commences shall forfeit the 4751  
retirement allowance or disability benefit for any month the other 4752  
system retirant is employed prior to the expiration of the 4753  
two-month period. Service and contributions for that period shall 4754  
not be included in the calculation of any benefits payable to the 4755  
other system retirant, and those contributions shall be refunded 4756  
on the retirant's death or termination of the employment. 4757

(c) Contributions made on compensation earned after the 4758  
expiration of the two-month period shall be used in the 4759  
calculation of the benefit or payment due under section 145.384 of 4760  
the Revised Code. 4761

(5) On receipt of notice from the Ohio police and fire 4762  
pension fund, school employees retirement system, or state 4763  
teachers retirement system of the re-employment of a PERS 4764  
retirant, the public employees retirement system shall not pay, or 4765  
if paid, shall recover, the amount to be forfeited by the PERS 4766  
retirant in accordance with section 742.26, 3307.35, or 3309.341 4767  
of the Revised Code. 4768

(6) A PERS retirant who enters into a contract to provide 4769  
services as an independent contractor to the employer by which the 4770

retirant was employed at the time of retirement or, less than two 4771  
months after the retirement allowance commences, begins providing 4772  
services as an independent contractor pursuant to a contract with 4773  
another public employer, shall forfeit the pension portion of the 4774  
retirement benefit for the period beginning the first day of the 4775  
month following the month in which the services begin and ending 4776  
on the first day of the month following the month in which the 4777  
services end. The annuity portion of the retirement allowance 4778  
shall be suspended on the day services under the contract begin 4779  
and shall accumulate to the credit of the retirant to be paid in a 4780  
single payment after services provided under the contract 4781  
terminate. A PERS retirant subject to division (B)(6) of this 4782  
section shall not contribute to the retirement system and shall 4783  
not become a member of the system. 4784

(7) As used in this division, "employment" includes service 4785  
for which a PERS retirant or other system retirant, the retirant's 4786  
employer, or both, have waived any earnable salary for the 4787  
service. 4788

(C)(1) Except as provided in division (C)(3) of this section, 4789  
this division applies to both of the following: 4790

(a) A PERS retirant who, prior to September 14, 2000, was 4791  
subject to division (C)(1)(b) of this section as that division 4792  
existed immediately prior to September 14, 2000, and has not 4793  
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 4794  
assembly to cease to be subject to that division; 4795

(b) A PERS retirant to whom both of the following apply: 4796

(i) The retirant held elective office in this state, or in 4797  
any municipal corporation, county, or other political subdivision 4798  
of this state at the time of retirement under this chapter. 4799

(ii) The retirant was elected or appointed to the same office 4800  
for the remainder of the term or the term immediately following 4801

the term during which the retirement occurred. 4802

(2) A PERS retirant who is subject to this division is a 4803  
member of the public employees retirement system with all the 4804  
rights, privileges, and obligations of membership, except that the 4805  
membership does not include survivor benefits provided pursuant to 4806  
section 145.45 of the Revised Code or, beginning on the ninetieth 4807  
day after September 14, 2000, any amount calculated under section 4808  
145.401 of the Revised Code. The pension portion of the PERS 4809  
retirant's retirement allowance shall be forfeited until the first 4810  
day of the first month following termination of the employment. 4811  
The annuity portion of the retirement allowance shall accumulate 4812  
to the credit of the PERS retirant to be paid in a single payment 4813  
after termination of the employment. The retirement allowance 4814  
shall resume on the first day of the first month following 4815  
termination of the employment. On termination of the employment, 4816  
the PERS retirant shall elect to receive either a refund of the 4817  
retirant's contributions to the retirement system during the 4818  
period of employment subject to this section or a supplemental 4819  
retirement allowance based on the retirant's contributions and 4820  
service credit for that period of employment. 4821

(3) This division does not apply to any of the following: 4822

(a) A PERS retirant elected to office who, at the time of the 4823  
election for the retirant's current term, was not retired but, not 4824  
less than ninety days prior to the primary election for the term 4825  
or the date on which a primary for the term would have been held, 4826  
filed a written declaration of intent to retire before the end of 4827  
the term with the director of the board of elections of the county 4828  
in which petitions for nomination or election to the office are 4829  
filed; 4830

(b) A PERS retirant elected to office who, at the time of the 4831  
election for the retirant's current term, was a retirant and had 4832  
been retired for not less than ninety days; 4833

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

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

(2) A PERS retirant subject to this section shall receive  
primary health, medical, hospital, or surgical insurance coverage  
from the retirant's employer, if the employer provides coverage to  
other employees performing comparable work. Neither the employer  
nor the PERS retirant may waive the employer's coverage, except  
that the PERS retirant may waive the employer's coverage if the  
retirant has coverage comparable to that provided by the employer  
from a source other than the employer or the public employees  
retirement system. If a claim is made, the employer's coverage  
shall be the primary coverage and shall pay first. The benefits  
provided under section 145.58 of the Revised Code shall pay only  
those medical expenses not paid through the employer's coverage or  
coverage the PERS retirant receives through a source other than  
the retirement system.

(E) If the disability benefit of an other system retirant  
employed under this section is terminated, the retirant shall  
become a member of the public employees retirement system,  
effective on the first day of the month next following the  
termination with all the rights, privileges, and obligations of

membership. If such person, after the termination of the 4866  
disability benefit, earns two years of service credit under this 4867  
system or under the Ohio police and fire pension fund, state 4868  
teachers retirement system, school employees retirement system, or 4869  
state highway patrol retirement system, the person's prior 4870  
contributions as an other system retirant under this section shall 4871  
be included in the person's total service credit as a public 4872  
employees retirement system member, and the person shall forfeit 4873  
all rights and benefits of this section. Not more than one year of 4874  
credit may be given for any period of twelve months. 4875

(F) This section does not affect the receipt of benefits by 4876  
or eligibility for benefits of any person who on August 20, 1976, 4877  
was receiving a disability benefit or service retirement pension 4878  
or allowance from a state or municipal retirement system in Ohio 4879  
and was a member of any other state or municipal retirement system 4880  
of this state. 4881

(G) The public employees retirement board may adopt rules to 4882  
carry out this section. 4883

**Sec. 145.383.** (A) As used in this section: 4884

(1) "Compensation" has the same meaning as in section 3307.01 4885  
or 3309.01 of the Revised Code, as appropriate. 4886

(2) "PERS position" means a position for which a member of 4887  
the public employees retirement system is making contributions to 4888  
the system. 4889

(3) "Other state retirement system" means the state teachers 4890  
retirement system or the school employees retirement system. 4891

(4) "State retirement system" means the public employees 4892  
retirement system, state teachers retirement system, or the school 4893  
employees retirement system. 4894

(B)(1) A member of the public employees retirement system who 4895

holds two or more PERS positions may retire under section 145.32, 4896  
145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised 4897  
Code from the position for which the annual earnable salary at the 4898  
time of retirement is highest and continue to contribute to the 4899  
retirement system for the other PERS position or positions. 4900

(2) A member of the public employees retirement system who 4901  
also holds one or more other positions covered by the other state 4902  
retirement systems may retire under section 145.32, 145.33, 4903  
145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised Code 4904  
from the PERS position and continue contributing to the other 4905  
state retirement systems if the annual earnable salary for the 4906  
PERS position at the time of retirement is greater than annual 4907  
compensation for the position, or any of the positions, covered by 4908  
the other state retirement systems. 4909

(3) A member of the public employees retirement system who 4910  
holds two or more PERS positions and at least one other position 4911  
covered by one of the other state retirement systems may retire 4912  
under section 145.32, 145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 4913  
145.46 of the Revised Code from one of the PERS positions and 4914  
continue contributing to the public employees retirement system 4915  
and the other state retirement system if the annual earnable 4916  
salary for the PERS position from which the member is retiring is, 4917  
at the time of retirement, greater than the annual compensation or 4918  
earnable salary for any of the positions for which the member is 4919  
continuing to make contributions. 4920

(4) A member of the public employees retirement system who 4921  
has retired as provided in division (B)(2) or (3) of section 4922  
3307.351 or division (B)(2) or (3) of section 3309.343 of the 4923  
Revised Code may continue to contribute to the public employees 4924  
retirement system for a PERS position if the member held the 4925  
position at the time of retirement from the other state retirement 4926  
system. 4927



(5) A member who contributes to the public employees 4928  
retirement system in accordance with division (B)(1), (3), or (4) 4929  
of this section shall contribute in accordance with section 145.47 4930  
of the Revised Code. The member's employer shall contribute as 4931  
provided in section 145.48 of the Revised Code. Neither the member 4932  
nor the member's survivors are eligible for any benefits based on 4933  
those contributions other than those provided under section 4934  
145.384, 3307.352, or 3309.344 of the Revised Code. 4935

(C)(1) In determining retirement eligibility and the annual 4936  
retirement allowance of a member who retires as provided in 4937  
division (B)(1), (2), or (3) of this section, the following shall 4938  
be used to the date of retirement: 4939

(a) The member's earnable salary and compensation for all 4940  
positions covered by a state retirement system; 4941

(b) Total service credit in any state retirement system, 4942  
except that the credit shall not exceed one year of credit for any 4943  
period of twelve months; 4944

(c) The member's accumulated contributions. 4945

(2) A member who retires as provided in division (B)(1), (2), 4946  
or (3) of this section is a retirant for all purposes of this 4947  
chapter, except that the member is not subject to section 145.38 4948  
of the Revised Code for a position or positions for which 4949  
contributions continue under those divisions or division (B)(4) of 4950  
this section. 4951

(D) A retired member receiving a benefit under section 4952  
145.384 of the Revised Code based on employment subject to this 4953  
section is not a member of the public employees retirement system 4954  
and does not have any rights, privileges, or obligations of 4955  
membership. The retired member is a PERS retirant for purposes of 4956  
section 145.38 of the Revised Code. 4957

(E) The public employees retirement board may adopt rules to 4958

carry out this section. 4959

**Sec. 145.384.** (A) As used in this section, "PERS retirant" 4960  
means a PERS retirant who is not subject to division (C) of 4961  
section 145.38 of the Revised Code. For purposes of this section, 4962  
"PERS retirant" also includes both of the following: 4963

(1) A member who retired under section 145.383 of the Revised 4964  
Code; 4965

(2) A retirant whose retirement allowance resumed under 4966  
section 145.385 of the Revised Code. 4967

(B)(1) An other system retirant or PERS retirant who has made 4968  
contributions under section 145.38 or 145.383 of the Revised Code 4969  
or, in the case of a retirant described in division (A)(2) of this 4970  
section, section 145.47 of the Revised Code may file an 4971  
application with the public employees retirement system to receive 4972  
either a benefit, as provided in division (B)(2) of this section, 4973  
or payment of the retirant's contributions made under those 4974  
sections, as provided in division (H) of this section. 4975

(2) A benefit under this section shall consist of an annuity 4976  
having a reserve equal to the amount of the retirant's accumulated 4977  
contributions for the period of employment, other than the 4978  
contributions excluded pursuant to division (B)(4)(a) or (b) of 4979  
section 145.38 of the Revised Code, and an amount of the 4980  
employer's contributions determined by the board. 4981

(a) Unless, as described in division (I) of this section, the 4982  
application is accompanied by a statement of the spouse's consent 4983  
to another form of payment or the board waives the requirement of 4984  
spousal consent, a PERS retirant or other system retirant who is 4985  
married at the time of application for a benefit under this 4986  
section shall receive a monthly annuity under which the actuarial 4987  
equivalent of the retirant's single life annuity is paid in a 4988

lesser amount for life and one-half of the lesser amount continues 4989  
after the retirant's death to the surviving spouse. 4990

(b) A PERS retirant or other system retirant who is not 4991  
subject to division (B)(2)(a) of this section shall elect either 4992  
to receive the benefit as a monthly annuity or a lump sum payment 4993  
discounted to the present value using a rate of interest 4994  
determined by the board. A retirant who elects to receive a 4995  
monthly annuity shall select one of the following as the plan of 4996  
payment: 4997

(i) The retirant's single life annuity; 4998

(ii) The actuarial equivalent of the retirant's single life 4999  
annuity in an equal or lesser amount for life and continuing after 5000  
death to a surviving beneficiary designated at the time the plan 5001  
of payment is selected. 5002

If a retirant who is eligible to select a plan of payment 5003  
under division (B)(2)(b) of this section fails to do so, the 5004  
benefit shall be paid as a monthly annuity under the plan of 5005  
payment specified in rules adopted by the public employees 5006  
retirement board. 5007

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 5008  
section, if a monthly annuity would be less than twenty-five 5009  
dollars per month, the retirant shall receive a lump sum payment. 5010

(C)(1) The death of a spouse or other designated beneficiary 5011  
under a plan of payment described in division (B)(2) of this 5012  
section cancels that plan of payment. The PERS retirant or other 5013  
system retirant shall receive the equivalent of the retirant's 5014  
single life annuity, as determined by the board, effective the 5015  
first day of the month following ~~receipt by the board of notice of~~ 5016  
the date of death. 5017

(2) On divorce, annulment, or marriage dissolution, a PERS 5018  
retirant or other system retirant receiving a benefit described in 5019

division (B)(2) of this section under which the beneficiary is the 5020  
spouse may, with the written consent of the spouse or pursuant to 5021  
an order of the court with jurisdiction over the termination of 5022  
the marriage, elect to cancel the plan and receive the equivalent 5023  
of the retirant's single life annuity as determined by the board. 5024  
The election shall be made on a form provided by the board and 5025  
shall be effective the month following its receipt by the board. 5026

(D) Following a marriage or remarriage, a PERS retirant or 5027  
other system retirant who is receiving a benefit described in 5028  
division (B)(2)(b)(i) of this section may elect a new plan of 5029  
payment under division (B)(2)(b) of this section based on the 5030  
actuarial equivalent of the retirant's single life annuity as 5031  
determined by the board. 5032

If the marriage or remarriage occurs on or after ~~the~~ 5033  
~~effective date of this amendment~~ June 6, 2005, the election must 5034  
be made not later than one year after the date of the marriage or 5035  
remarriage. 5036

The plan elected under this division shall be effective on 5037  
the date of receipt by the board of an application on a form 5038  
approved by the board, but any change in the amount of the benefit 5039  
shall commence on the first day of the month following the 5040  
effective date of the plan. 5041

(E) A benefit payable under division (B)(2) of this section 5042  
shall commence on the latest of the following: 5043

(1) The last day for which compensation for all employment 5044  
subject to section 145.38, 145.383, or 145.385 of the Revised Code 5045  
was paid; 5046

(2) Attainment by the PERS retirant or other system retirant 5047  
of age sixty-five; 5048

(3) If the PERS retirant or other system retirant was 5049  
previously employed under section 145.38, 145.383, or 145.385 of 5050

the Revised Code and is receiving or previously received a benefit 5051  
under this section, completion of a period of twelve months since 5052  
the effective date of the last benefit under this section; 5053

(4) Ninety days prior to receipt by the board of the member's 5054  
completed application for retirement; 5055

(5) A date specified by the retirant. 5056

(F)(1) If a PERS retirant or other system retirant dies while 5057  
employed in employment subject to section 145.38, 145.383, or 5058  
145.385 of the Revised Code, a lump sum payment ~~calculated in~~ 5059  
~~accordance with division (B)(2) of this section~~ shall be paid to 5060  
the retirant's beneficiary under division (G) of this section. The 5061  
lump sum shall be calculated in accordance with division (H) of 5062  
this section if the retirant was under age sixty-five at the time 5063  
of death. It shall be calculated in accordance with division 5064  
(B)(2) of this section if the retirant was age sixty-five or older 5065  
at the time of death. 5066

(2) If at the time of death a PERS retirant or other system 5067  
retirant receiving a monthly annuity under division (B)(2)(b)(i) 5068  
of this section has received less than the retirant would have 5069  
received as a lump sum payment, the difference between the amount 5070  
received and the amount that would have been received as a lump 5071  
sum payment shall be paid to the retirant's beneficiary under 5072  
division (G) of this section. 5073

(3) If a beneficiary receiving a monthly annuity under 5074  
division (B)(2) of this section dies and, at the time of the 5075  
beneficiary's death, the total of the amounts paid to the retirant 5076  
and beneficiary are less than the amount the retirant would have 5077  
received as a lump sum payment, the difference between the total 5078  
of the amounts received by the retirant and beneficiary and the 5079  
amount that the retirant would have received as a lump sum payment 5080  
shall be paid to the beneficiary's estate. 5081

(G) A PERS retirant or other system retirant employed under section 145.38, 145.383, or 145.385 of the Revised Code may designate one or more persons as beneficiary to receive any benefits payable under division (B)(2)(b) of this section due to death. The designation shall be in writing duly executed on a form provided by the public employees retirement board, signed by the PERS retirant or other system retirant, and filed with the board prior to death. The last designation of a beneficiary revokes all previous designations. The PERS retirant's or other system retirant's marriage, divorce, marriage dissolution, legal separation, withdrawal of account, birth of a child, or adoption of a child revokes all previous designations. If there is no designated beneficiary, the beneficiary is the beneficiary determined under division (D) of section 145.43 of the Revised Code. If any benefit payable under this section due to the death of a PERS retirant or other system retirant is not claimed by a beneficiary within five years after the death, the amount payable shall be transferred to the income fund and thereafter paid to the beneficiary or the estate of the PERS retirant or other system retirant on application to the board.

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

(a) The retirant has not attained sixty-five years of age and has terminated employment subject to section 145.38, 145.383, or

145.385 of the Revised Code for any cause other than death or the receipt of a benefit under this section.

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

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

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

(I) A statement of a spouse's consent under division (B)(2) of this section to the form of a benefit or under division (H) of this section to a payment of contributions is valid only if signed by the spouse and witnessed by a notary public. The board may waive the requirement of spousal consent if the spouse is incapacitated or cannot be located, or for any other reason specified by the board. Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver.

(J) No amount received under this section shall be included in determining an additional benefit under section 145.323 of the Revised Code or any other post-retirement benefit increase.

**Sec. 145.39.** Whenever the limits established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended, are raised, the public employees retirement board shall increase the amount of the pension, benefit, or allowance of any person whose pension, benefit, or allowance payable under section 145.323, 145.33, 145.331, ~~145.34,~~ 145.332, 145.36, or 145.361 or former section 145.34 of the

Revised Code was limited by the application of section 415. The 5144  
amount of the increased pension, benefit, or allowance shall not 5145  
exceed the lesser of the amount the person would have received if 5146  
the limits established by section 415 had not been applied or the 5147  
amount the person is eligible to receive subject to the new limits 5148  
established by section 415. 5149

**Sec. 145.40.** (A)(1) Subject to the provisions of section 5150  
145.57 of the Revised Code and except as provided in section 5151  
145.402 of the Revised Code and division (B) of this section, if a 5152  
member elects to become exempt from contribution to the public 5153  
employees retirement system pursuant to section 145.03 of the 5154  
Revised Code or ceases to be a public employee for any cause other 5155  
than death, retirement, receipt of a disability benefit, or 5156  
current employment in a position in which the member has elected 5157  
to participate in an alternative retirement plan under section 5158  
3305.05 or 3305.051 of the Revised Code, upon application the 5159  
public employees retirement board shall pay the member the 5160  
member's accumulated contributions, plus any applicable amount 5161  
calculated under section 145.401 of the Revised Code, provided 5162  
that both the following apply: 5163

(a) Three months have elapsed since the member's service 5164  
subject to this chapter, other than service exempted from 5165  
contribution pursuant to section 145.03 of the Revised Code, was 5166  
terminated; 5167

(b) The member has not returned to service subject to this 5168  
chapter, other than service exempted from contribution pursuant to 5169  
section 145.03 of the Revised Code, during that three-month 5170  
period. 5171

The payment of such accumulated contributions shall cancel 5172  
the total service credit of such member in the public employees 5173  
retirement system. 5174



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

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

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

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

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

(2) If a member has accumulated contributions, in addition to those subject to division (B)(1) of this section, standing to the credit of the member's individual account and is not otherwise employed in a position in which the member is considered a public employee for the purposes of that position, pay, to the provider

the member selected pursuant to section 3305.05 or 3305.051 of the Revised Code, the member's accumulated contributions. The payment shall be made on the member's application.

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

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

~~(1) "Eligible contributions" means amounts contributed under section 145.47 of the Revised Code, amounts received from a member or transferred under section 145.20, 145.295, 145.302, or 145.44 of the Revised Code, and any interest credited under section 145.471 or 145.472 of the Revised Code. "Eligible contributions" does not include contributions that were used in the payment of a disability benefit or, as provided in rules adopted by the board, were refunded to a member because the system was not authorized to accept the contributions.~~

~~(2) "Service, "service credit" means service credit earned for periods for which contributions were made under section 145.47 of the Revised Code and, if applicable, periods for which service credit was purchased or transferred~~ restored ~~under section 145.20, 145.295, 145.302, or 145.44~~ 145.31 ~~of the Revised Code.~~

(B) If a member has, or at the time of death had, at least five years of service credit, the public employees retirement board shall include the amount specified in ~~division (B)(1) or (2) of this section~~ rules adopted by the board in the amount payable under section 145.40 of the Revised Code to the member, or under

division (B) of section 145.43 of the Revised Code to a 5237  
beneficiary or beneficiaries of the member, unless at the time of 5238  
death the member was a disability benefit recipient. The amount 5239  
specified in ~~division (B)(1) or (2) of this section~~ rules shall be 5240  
paid from the employers' accumulation fund. 5241

~~(1) If the member has, or had at the time of death, at least 5242  
five but less than ten years of service credit, the amount 5243  
included shall be equal to thirty three per cent of the member's 5244  
eligible contributions. 5245~~

~~(2) If the member has, or had at the time of death, at least 5246  
ten years of service credit, the amount included shall be equal to 5247  
sixty seven per cent of the member's eligible contributions (C) 5248  
The public employees retirement board shall adopt rules under 5249  
section 145.09 of the Revised Code specifying the additional 5250  
amounts that may be provided a member under section 145.40 of the 5251  
Revised Code or a beneficiary or beneficiaries under division (B) 5252  
of section 145.43 of the Revised Code. The additional amounts may 5253  
vary depending on the amount of service credit the member has 5254  
accrued. 5255~~

**Sec. 145.41.** Membership shall cease upon refund of 5256  
accumulated contributions, death, or retirement except as provided 5257  
in section 145.362 of the Revised Code. A member who separates 5258  
from service for any reason other than death or retirement or who 5259  
otherwise ceases to be a public employee for any reason other than 5260  
death or retirement may leave the member's accumulated 5261  
contributions on deposit with the public employees retirement 5262  
board and, for the purposes of the public employees retirement 5263  
system, be considered on a membership leave of absence. The 5264  
member's membership rights shall continue until the member has 5265  
withdrawn the member's accumulated contributions, retired on a 5266  
retirement allowance as provided in section 145.33, 145.331, or 5267

~~145.34~~ 145.332 of the Revised Code, or died. The account of such a 5268  
member shall remain in the employees' savings fund, except that 5269  
the account of a member who has less than five calendar years of 5270  
contributing service credit or is a member of the state teachers 5271  
retirement system or the school employees retirement system may be 5272  
transferred to the income fund if by the end of the fifth calendar 5273  
year following the calendar year in which the last contribution 5274  
was received the member has not died, claimed a refund of 5275  
contributions, or requested the retirement board to continue the 5276  
member's membership on a leave of absence basis. In case such a 5277  
member later requests a refund, the member's account shall be 5278  
restored to the employees' savings account and refunded therefrom. 5279  
Members on such leaves of absence shall retain all rights, 5280  
obligations, and privileges of membership in the public employees 5281  
retirement system. A "contributor," as defined in division (F) of 5282  
section 145.01 of the Revised Code, who formerly lost membership 5283  
through termination of membership leave of absence and who has not 5284  
withdrawn the contributor's account shall be reinstated as a 5285  
member with all the rights, privileges, and obligations of 5286  
membership in the system. In no case shall a member on leave of 5287  
absence as provided in this section add to the member's total 5288  
number of years of service credit by reason of such leave of 5289  
absence, unless such member ~~was receiving benefits from the state~~ 5290  
~~insurance fund and by reason of such benefits qualified for~~ 5291  
~~additional service credit as provided in division (H) of section~~ 5292  
~~145.01 of the Revised Code, or was~~ is eligible to and does make a 5293  
payment as provided in section 145.291 of the Revised Code. 5294

**Sec. 145.43.** (A) As used in this section and in section 5295  
145.45 of the Revised Code: 5296

(1) "Child" means a biological or legally adopted child of a 5297  
deceased member. If a court hearing for an interlocutory decree 5298  
for adoption was held prior to the member's death, "child" 5299

includes the child who was the subject of the hearing 5300  
notwithstanding the fact that the final decree of adoption, 5301  
adjudging the surviving spouse as the adoptive parent, is made 5302  
subsequent to the member's death. 5303

(2) "Parent" is a parent or legally adoptive parent of a 5304  
deceased member. 5305

(3) "Dependent" means a beneficiary who receives one-half of 5306  
the beneficiary's support from a member during the twelve months 5307  
prior to the member's death. 5308

(4) "Surviving spouse" means an individual who establishes a 5309  
valid marriage to a member at the time of the member's death by 5310  
marriage certificate or pursuant to division (E) of this section. 5311

(5) "Survivor" means a surviving spouse, child, or parent. 5312

(6) "Accumulated contributions" has the meaning given in 5313  
section 145.01 of the Revised Code, except that, notwithstanding 5314  
that section, it does not include additional amounts deposited in 5315  
the employees' savings fund pursuant to the version of division 5316  
(C) of section 145.23 of the Revised Code as it existed 5317  
immediately prior to ~~the effective date of this amendment~~ April 6, 5318  
2007, or pursuant to section 145.62 of the Revised Code. 5319

(B) Except as provided in division (C)(1) of section 145.45 5320  
of the Revised Code, should a member die before age and service 5321  
retirement, the member's accumulated contributions and any 5322  
applicable amount calculated under section 145.401 of the Revised 5323  
Code, shall be paid to the person or persons the member has 5324  
designated ~~in writing duly executed on a form provided by the~~ 5325  
~~public employees retirement board, signed by the member, and filed~~ 5326  
~~with the board prior to the member's death~~ under section 145.431 5327  
of the Revised Code. A member may designate two or more persons as 5328  
beneficiaries to be paid the accumulated account in a lump sum. 5329  
Subject to rules adopted by the public employees retirement board, 5330

a member who designates two or more persons as beneficiaries ~~under~~ 5331  
~~this division~~ shall specify the percentage of the lump sum that 5332  
each beneficiary is to be paid. If the member has not specified 5333  
the percentages, the lump sum shall be divided equally among the 5334  
beneficiaries. 5335

The last designation of any beneficiary revokes all previous 5336  
designations. The member's marriage, divorce, marriage 5337  
dissolution, legal separation, or withdrawal of account, or the 5338  
birth of the member's child, or adoption of a child, shall 5339  
constitute an automatic revocation of the member's previous 5340  
designation. If a deceased member was also a member of the school 5341  
employees retirement system or the state teachers retirement 5342  
system, the beneficiary last established among the systems shall 5343  
be the sole beneficiary in all the systems. 5344

If the accumulated contributions of a deceased member are not 5345  
claimed by a beneficiary or by the estate of the deceased member 5346  
within five years after the death, the contributions shall remain 5347  
in the employees' savings fund or may be transferred to the income 5348  
fund and thereafter shall be paid to the beneficiary or to the 5349  
member's estate upon application to the board. The board shall 5350  
formulate and adopt the necessary rules governing all designations 5351  
of beneficiaries. 5352

(C) Except as provided in division (C)(1) of section 145.45 5353  
of the Revised Code, if a member dies before age and service 5354  
retirement and is not survived by a designated beneficiary, the 5355  
following shall qualify, with all attendant rights and privileges, 5356  
in the following order of precedence, the member's: 5357

(1) Surviving spouse; 5358

(2) Children, share and share alike; 5359

(3) A dependent parent, if that parent takes survivor 5360  
benefits under division (B) of section 145.45 of the Revised Code; 5361

(4) Parents, share and share alike; 5362

(5) Estate. 5363

If the beneficiary is deceased or is not located within 5364  
ninety days, the beneficiary ceases to qualify for any benefit and 5365  
the beneficiary next in order of precedence shall qualify as a 5366  
beneficiary. 5367

Any payment made to a beneficiary as determined by the board 5368  
shall be a full discharge and release to the board from any future 5369  
claims. 5370

(D) Any amount due a retirant or disability benefit recipient 5371  
receiving a monthly benefit and unpaid to the retirant or 5372  
recipient at death shall be paid to the beneficiary designated ~~in~~ 5373  
~~writing on a form approved by the board, signed by the retirant or~~ 5374  
~~recipient and filed with the board~~ under section 145.431 of the 5375  
Revised Code. If no such designation has been filed, or if the 5376  
designated beneficiary is not located within ninety days, any 5377  
amounts payable under this chapter due to the death of the 5378  
retirant or recipient shall be paid in the following order of 5379  
precedence to the retirant's or recipient's: 5380

(1) Surviving spouse; 5381

(2) Children, share and share alike; 5382

(3) Parents, share and share alike; 5383

(4) Estate. 5384

The payment shall be a full discharge and release to the 5385  
board from any future claim for the payment. 5386

Any amount due a beneficiary receiving a monthly benefit and 5387  
unpaid to the beneficiary at the beneficiary's death shall be paid 5388  
to the beneficiary's estate. 5389

(E) If the validity of marriage cannot be established to the 5390  
satisfaction of the board for the purpose of disbursing any amount 5391

due under this section or section 145.45 of the Revised Code, the 5392  
board may accept a decision rendered by a court having 5393  
jurisdiction in the state in which the member was domiciled at the 5394  
time of death that the relationship constituted a valid marriage 5395  
at the time of death, or the "spouse" would have the same status 5396  
as a widow or widower for purposes of sharing the distribution of 5397  
the member's intestate personal property. 5398

(F) As used in this division, "recipient" means an individual 5399  
who is receiving or may be eligible to receive an allowance or 5400  
benefit under this chapter based on the individual's service to a 5401  
public employer. 5402

If the death of a member, a recipient, or any individual who 5403  
would be eligible to receive an allowance or benefit under this 5404  
chapter by virtue of the death of a member or recipient is caused 5405  
by one of the following beneficiaries, no amount due under this 5406  
chapter to the beneficiary shall be paid to the beneficiary in the 5407  
absence of a court order to the contrary filed with the board: 5408

(1) A beneficiary who is convicted of, pleads guilty to, or 5409  
is found not guilty by reason of insanity of a violation of or 5410  
complicity in the violation of either of the following: 5411

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 5412

(b) An existing or former law of any other state, the United 5413  
States, or a foreign nation that is substantially equivalent to 5414  
section 2903.01, 2903.02, or 2903.03 of the Revised Code. 5415

(2) A beneficiary who is indicted for a violation of or 5416  
complicity in the violation of the sections or laws described in 5417  
division (F)(1)(a) or (b) of this section and is adjudicated 5418  
incompetent to stand trial; 5419

(3) A beneficiary who is a juvenile found to be a delinquent 5420  
child by reason of committing an act that, if committed by an 5421  
adult, would be a violation of or complicity in the violation of 5422



the sections or laws described in division (F)(1)(a) or (b) of 5423  
this section. 5424

Sec. 145.431. Designation of a beneficiary for the purposes 5425  
of section 145.40 of the Revised Code or payment of benefits or 5426  
return of contributions to the beneficiary of a member 5427  
participating in a PERS defined contribution plan shall be made 5428  
under this section. A beneficiary shall be designated in writing 5429  
duly executed on a form provided by the public employees 5430  
retirement board and signed by the member. A designation under 5431  
this section is not valid unless received by the board prior to 5432  
the member's death. 5433

A beneficiary designation made under this section applies to 5434  
the PERS defined benefit plan or PERS defined contribution plan in 5435  
which the member participated or, if the member participated in 5436  
both the defined benefit plan and one or more defined contribution 5437  
plans, to both the defined benefit plan and the defined 5438  
contribution plans. 5439

The last designation of any beneficiary revokes all previous 5440  
designations. The member's marriage, divorce, marriage 5441  
dissolution, legal separation, or withdrawal of account, or the 5442  
birth of the member's child, or adoption of a child, shall 5443  
constitute an automatic revocation of the member's previous 5444  
designation. 5445

Sec. 145.45. Except as provided in division (C)(1) of this 5446  
section, in lieu of accepting the payment of the accumulated 5447  
account of a member who dies before service retirement, a 5448  
beneficiary, as determined in this section or section 145.43 of 5449  
the Revised Code, may elect to forfeit the accumulated 5450  
contributions and to substitute certain other benefits under 5451  
division (A) or (B) of this section. 5452

(A)(1) If a deceased member was eligible for a service 5453  
retirement benefit as provided in section 145.33, 145.331, or 5454  
~~145.34~~ 145.332 of the Revised Code, a surviving spouse or other 5455  
sole dependent beneficiary may elect to receive a monthly benefit 5456  
computed as the joint-survivor benefit designated as "plan D A" in 5457  
section 145.46 of the Revised Code, which the member would have 5458  
received had the member retired on the last day of the month of 5459  
death and had the member at that time selected such joint-survivor 5460  
plan. Payment shall begin with the month subsequent to the 5461  
member's death, except that a surviving spouse who is less than 5462  
sixty-five years old may defer receipt of such benefit. Upon 5463  
receipt, the benefit shall be calculated based upon the spouse's 5464  
age at the time of first payment, and shall accrue regular 5465  
interest during the time of deferral. 5466

(2) Beginning on a date selected by the public employees 5467  
retirement board, which shall be not later than July 1, 2004, a 5468  
surviving spouse or other sole dependent beneficiary may elect, in 5469  
lieu of a monthly payment under division (A)(1) of this section, a 5470  
plan of payment consisting of both of the following: 5471

(a) A lump sum in an amount the surviving spouse or other 5472  
sole dependent beneficiary designates that constitutes a portion 5473  
of the allowance that would be payable under division (A)(1) of 5474  
this section; 5475

(b) The remainder of that allowance in monthly payments. 5476

The total amount paid as a lump sum and a monthly benefit 5477  
shall be the actuarial equivalent of the amount that would have 5478  
been paid had the lump sum not been selected. 5479

The lump sum amount designated by the surviving spouse or 5480  
other sole dependent beneficiary under division (A)(2)(a) of this 5481  
section shall be not less than six times and not more than 5482  
thirty-six times the monthly amount that would be payable to the 5483

surviving spouse or other sole dependent beneficiary under 5484  
division (A)(1) of this section and shall not result in a monthly 5485  
payment that is less than fifty per cent of that monthly amount. 5486

(B) If a deceased member had, except as provided in division 5487  
(B)(7) of this section, at least one and one-half years of 5488  
contributing service credit, with, except as provided in division 5489  
(B)(7) of this section, at least one-quarter year of contributing 5490  
service credit within the two and one-half years prior to the date 5491  
of death, or was receiving at the time of death a disability 5492  
benefit as provided in section 145.36, 145.361, or 145.37 of the 5493  
Revised Code, qualified survivors who elect to receive monthly 5494  
benefits shall receive the greater of the benefits provided in 5495  
division (B)(1)(a) or (b) and (4) of this section as allocated in 5496  
accordance with division (B)(5) of this section. 5497

(1)(a) Number	Or	5498
of Qualified	Monthly	5499
survivors	Benefit	5500
affecting	shall not be	5501
the benefit	less than	5502
1	25%	\$250 5503
2	40	400 5504
3	50	500 5505
4	55	500 5506
5 or more	60	500 5507
(b) Years of	Annual Benefit as a Per Cent	5508
Service	of Member's Final Average	5509
	Salary	5510
20	29%	5511
21	33	5512
22	37	5513
23	41	5514
24	45	5515

25	48	5516
26	51	5517
27	54	5518
28	57	5519
29 or more	60	5520

(2) Benefits shall begin as qualified survivors meet 5521  
eligibility requirements as follows: 5522

(a) A qualified spouse is the surviving spouse of the 5523  
deceased member, who is age sixty-two, or regardless of age meets 5524  
one of the following qualifications: 5525

(i) Except as provided in division (B)(7) of this section, 5526  
the deceased member had ten or more years of Ohio service credit. 5527

(ii) The spouse is caring for a qualified child. 5528

(iii) The spouse is adjudged physically or mentally 5529  
incompetent. 5530

A spouse of a member who died prior to August 27, 1970, whose 5531  
eligibility was determined at the member's death, and who is 5532  
physically or mentally incompetent on or after August 20, 1976, 5533  
shall be paid the monthly benefit which that person would 5534  
otherwise receive when qualified by age. 5535

(b) A qualified child is any child of the deceased member who 5536  
has never been married and to whom one of the following applies: 5537

(i) Is under age eighteen, or under age twenty-two if the 5538  
child is attending an institution of learning or training pursuant 5539  
to a program designed to complete in each school year the 5540  
equivalent of at least two-thirds of the full-time curriculum 5541  
requirements of such institution and as further determined by 5542  
board policy; 5543

(ii) Regardless of age, is adjudged physically or mentally 5544  
incompetent at the time of the member's death. 5545

(c) A qualified parent is a dependent parent aged sixty-five 5546  
or older or regardless of age if physically or mentally 5547  
incompetent, a dependent parent whose eligibility was determined 5548  
by the member's death prior to August 20, 1976, and who is 5549  
physically or mentally incompetent on or after August 20, 1976, 5550  
shall be paid the monthly benefit for which that person would 5551  
otherwise qualify. 5552

(3) "Physically or mentally incompetent" as used in this 5553  
section may be determined by a court of jurisdiction, or by a 5554  
physician appointed by the retirement board. Incapability of 5555  
making a living because of a physically or mentally disabling 5556  
condition shall meet the qualifications of this division. 5557

(4) Benefits to a qualified survivor shall terminate upon 5558  
ceasing to meet eligibility requirements as provided in this 5559  
division, a first marriage, abandonment, adoption, or during 5560  
active military service. Benefits to a deceased member's surviving 5561  
spouse that were terminated under a former version of this section 5562  
that required termination due to remarriage and were not resumed 5563  
prior to September 16, 1998, shall resume on the first day of the 5564  
month immediately following receipt by the board of an application 5565  
on a form provided by the board. 5566

Upon the death of any subsequent spouse who was a member of 5567  
the public employees retirement system, state teachers retirement 5568  
system, or school employees retirement system, the surviving 5569  
spouse of such member may elect to continue receiving benefits 5570  
under this division, or to receive survivor's benefits, based upon 5571  
the subsequent spouse's membership in one or more of the systems, 5572  
for which such surviving spouse is eligible under this section or 5573  
section 3307.66 or 3309.45 of the Revised Code. If the surviving 5574  
spouse elects to continue receiving benefits under this division, 5575  
such election shall not preclude the payment of benefits under 5576  
this division to any other qualified survivor. 5577

Benefits shall begin or resume on the first day of the month 5578  
following the attainment of eligibility and shall terminate on the 5579  
first day of the month following loss of eligibility. 5580

(5)(a) If a benefit is payable under division (B)(1)(a) of 5581  
this section, benefits to a qualified spouse shall be paid in the 5582  
amount determined for the first qualifying survivor in division 5583  
(B)(1)(a) of this section. All other qualifying survivors shall 5584  
share equally in the benefit or remaining portion thereof. 5585

(b) All qualifying survivors shall share equally in a benefit 5586  
payable under division (B)(1)(b) of this section, except that if 5587  
there is a surviving spouse, the surviving spouse shall receive 5588  
not less than the amount determined for the first qualifying 5589  
survivor in division (B)(1)(a) of this section. 5590

(6) The beneficiary of a member who is also a member of the 5591  
state teachers retirement system or of the school employees 5592  
retirement system, must forfeit the member's accumulated 5593  
contributions in those systems and in the public employees 5594  
retirement system, if the beneficiary takes a survivor benefit. 5595  
Such benefit shall be exclusively governed by section 145.37 of 5596  
the Revised Code. 5597

(7) The following restrictions do not apply if the deceased 5598  
member was contributing toward benefits under ~~division (B) or (C)~~ 5599  
~~of section 145.33~~ 145.332 of the Revised Code at the time of 5600  
death: 5601

(a) That the deceased member have had at least one and 5602  
one-half years of contributing service credit, with at least 5603  
one-quarter year of contributing service within the two and 5604  
one-half years prior to the date of death; 5605

(b) If the deceased member was killed in the line of duty, 5606  
that the deceased member have had ten or more years of Ohio 5607  
service credit as described in division (B)(2)(a)(i) of this 5608

section. 5609

For the purposes of division (B)(7)(b) of this section, 5610  
"killed in the line of duty," means either that death occurred in 5611  
the line of duty or that death occurred as a result of injury 5612  
sustained in the line of duty. 5613

(C)(1) Regardless of whether the member is survived by a 5614  
spouse or designated beneficiary, if the public employees 5615  
retirement system receives notice that a deceased member described 5616  
in division (A) or (B) of this section has one or more qualified 5617  
children, all persons who are qualified survivors under division 5618  
(B) of this section shall receive monthly benefits as provided in 5619  
division (B) of this section. 5620

If, after determining the monthly benefits to be paid under 5621  
division (B) of this section, the system receives notice that 5622  
there is a qualified survivor who was not considered when the 5623  
determination was made, the system shall, notwithstanding section 5624  
145.561 of the Revised Code, recalculate the monthly benefits with 5625  
that qualified survivor included, even if the benefits to 5626  
qualified survivors already receiving benefits are reduced as a 5627  
result. The benefits shall be calculated as if the qualified 5628  
survivor who is the subject of the notice became eligible on the 5629  
date the notice was received and shall be paid to qualified 5630  
survivors effective on the first day of the first month following 5631  
the system's receipt of the notice. 5632

If the retirement system did not receive notice that a 5633  
deceased member has one or more qualified children prior to making 5634  
payment under section 145.43 of the Revised Code to a beneficiary 5635  
as determined by the retirement system, the payment is a full 5636  
discharge and release of the system from any future claims under 5637  
this section or section 145.43 of the Revised Code. 5638

(2) If benefits under division (C)(1) of this section to all 5639

persons, or to all persons other than a surviving spouse or other  
sole beneficiary, terminate, there are no children under the age  
of twenty-two years, and the surviving spouse or beneficiary  
qualifies for benefits under division (A) of this section, the  
surviving spouse or beneficiary may elect to receive benefits  
under division (A) of this section. The benefits shall be  
effective on the first day of the month immediately following the  
termination.

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

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

**Sec. 145.452.** ~~Upon the death of a member prior to receipt of  
service retirement, the surviving spouse or dependents of the  
deceased member shall have the right to purchase any service  
credit the member, had the member not died, would have been  
eligible to purchase under this chapter upon the same terms and  
conditions that the deceased member could have purchased such  
service credit had the member not died~~ The surviving spouse of a  
member who dies on or after the effective date of this amendment



may continue any service credit purchase the member initiated 5671  
before death. A purchase shall be considered to have been 5672  
initiated before the member's death if the member made one or more 5673  
payments for the purchase before death. Any 5674

Any service credit purchased under this section shall be 5675  
applied under the provisions of this chapter in the same manner as 5676  
it would have been applied had it been purchased by the deceased 5677  
member during the deceased member's lifetime. 5678

**Sec. 145.46.** (A) A retirement allowance calculated under 5679  
section 145.33, 145.331, or ~~145.34~~ 145.332 of the Revised Code 5680  
shall be paid as provided in this section. ~~If the member is~~ 5681  
~~eligible to elect a plan of payment under this section, the~~ 5682  
~~election shall be made on a form provided by the public employees~~ 5683  
~~retirement board. A plan of payment elected under this section~~ 5684  
~~shall be effective only if approved by the board, which shall~~ 5685  
~~approve it only if it is certified by an actuary engaged by the~~ 5686  
~~board to be the actuarial equivalent of the retirement allowance~~ 5687  
~~calculated under section 145.33, 145.331, or 145.34 of the Revised~~ 5688  
~~Code.~~ 5689

~~(B)(1)(a) Except as provided in divisions (B)(1)(b) and (c)~~ 5690  
~~of this section, a member who retires under section 145.32,~~ 5691  
~~145.331, or 145.34 of the Revised Code shall receive a retirement~~ 5692  
~~allowance under "plan A," which shall consist of the actuarial~~ 5693  
~~equivalent of the member's retirement allowance determined under~~ 5694  
~~section 145.33, 145.331, or 145.34 of the Revised Code in a lesser~~ 5695  
~~amount payable for life and one half of such allowance continuing~~ 5696  
~~after death to the member's surviving spouse for the life of the~~ 5697  
~~spouse.~~ 5698

~~(b) A member may receive a retirement allowance under a plan~~ 5699  
~~of payment other than "plan A" if either of the following is the~~ 5700

ease:- 5701

~~(i) The member is not married or either the member's spouse  
consents in writing to the member's election of a plan of payment  
other than "plan A" or the board waives the requirement that the  
spouse consent;~~ 5702  
5703  
5704  
5705

~~(ii) A plan of payment providing for payment in a specified  
portion of the allowance continuing after the member's death to a  
former spouse is required by a court order issued under section  
3105.171 or 3105.65 of the Revised Code or the laws of another  
state regarding division of marital property prior to the  
effective date of the member's retirement.~~ 5706  
5707  
5708  
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~~(c) If a member is subject to division (B)(1)(b)(ii) of this  
section and the board has received a copy of the order described  
in that division, Unless the member is required by division (C) of  
this section to select a specified plan of payment, a member may  
elect a plan of payment as provided in division (B)(1), (2), or  
(3) of this section. An election shall be made at the time the  
member makes application for retirement and on a form provided by  
the public employees retirement board. A plan of payment elected  
under this section shall be effective only if approved by the  
board, which shall approve it only if it is certified by an  
actuary engaged by the board to be the actuarial equivalent of the  
retirement allowance calculated under section 145.33, 145.331, or  
145.332 of the Revised Code.~~ 5712  
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~~(B) The following plans of payment shall be offered by the  
public employees retirement system:~~ 5725  
5726

~~(1) "Joint-life plan," an allowance that consists of the  
actuarial equivalent of the member's retirement allowance  
determined under section 145.33, 145.331, or 145.332 of the  
Revised Code in a lesser amount payable for life and one-half or  
some other portion equal to ten per cent or more of the allowance~~ 5727  
5728  
5729  
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5731

continuing after death to the member's designated beneficiary for 5732  
the beneficiary's life. The beneficiary shall be nominated by 5733  
written designation filed with the retirement board. The amount 5734  
payable to the beneficiary shall not exceed the amount payable to 5735  
the member. 5736

(2) "Single-life plan," the member's retirement allowance 5737  
determined under section 145.33, 145.331, or 145.332 of the 5738  
Revised Code; 5739

(3) "Multiple-life plan," an allowance that consists of the 5740  
actuarial equivalent of the member's retirement allowance 5741  
determined under section 145.33, 145.331, or 145.332 of the 5742  
Revised Code in a lesser amount payable to the retirant for life 5743  
and some portion of the lesser amount continuing after death to 5744  
two, three, or four surviving beneficiaries designated at the time 5745  
of the member's retirement. Unless required under division (C) of 5746  
this section, no portion allocated under this plan of payment 5747  
shall be less than ten per cent. The total of the portions 5748  
allocated shall not exceed one hundred per cent of the member's 5749  
lesser allowance. 5750

(C) A member shall select a plan of payment as follows: 5751

(1) Subject to division (C)(2) of this section, if the member 5752  
is married at the time of retirement, the member shall select a 5753  
joint-life plan and receive a plan of payment that consists of the 5754  
actuarial equivalent of the member's retirement allowance 5755  
determined under section 145.33, 145.331, or 145.332 of the 5756  
Revised Code in a lesser amount payable for life and one-half of 5757  
such allowance continuing after death to the member's surviving 5758  
spouse for the life of the spouse. A married member is not 5759  
required to select this plan of payment if the member's spouse 5760  
consents in writing to the member's election of a plan of payment 5761  
other than described in this division or the board waives the 5762  
requirement that the spouse consent; 5763

(2) If prior to the effective date of the member's 5764  
retirement, the public employees retirement board receives a copy 5765  
of a court order issued under section 3105.171 or 3105.65 of the 5766  
Revised Code or the laws of another state regarding division of 5767  
marital property the board shall accept the member's election of a 5768  
plan of payment under this section only if the member complies 5769  
with both of the following: 5770

~~(i)(a)~~ The member elects a plan of payment that is in 5771  
accordance with the order ~~described in division (B)(1)(b)(ii) of~~ 5772  
~~this section.~~ 5773

~~(ii)(b)~~ If the member is married, the member elects "a 5774  
multiple-life plan ~~F"~~ and designates the member's current spouse 5775  
as a beneficiary under that plan unless that spouse consents in 5776  
writing to not being designated a beneficiary under any plan of 5777  
payment or the board waives the requirement that the current 5778  
spouse consent. 5779

~~(2)(D)~~ An application for retirement shall include an 5780  
explanation of all of the following: 5781

~~(a)(1)~~ That, if the member is married, unless the spouse 5782  
consents to another plan of payment or there is a court order 5783  
dividing marital property issued under section 3105.171 or 3105.65 5784  
of the Revised Code or the laws of another state regarding the 5785  
division of marital property that provides for payment in a 5786  
specified amount, the member's retirement allowance will be paid 5787  
under "a joint-life plan A," ~~which consists and consist~~ of the 5788  
actuarial equivalent of the member's retirement allowance in a 5789  
lesser amount payable for life and one-half of the allowance 5790  
continuing after death to the surviving spouse for the life of the 5791  
spouse; 5792

~~(b)(2)~~ A description of the alternative plans of payment, 5793  
including all plans described in ~~divisions~~ division (B)(2) ~~and (3)~~ 5794

of this section, available with the consent of the spouse; 5795

~~(e)(3)~~ That the spouse may consent to another plan of payment 5796  
and the procedure for giving consent; 5797

~~(d)(4)~~ That consent is irrevocable once notice of consent is 5798  
filed with the board. 5799

Consent shall be valid only if it is signed, in writing, and 5800  
witnessed by a notary public. The board may waive the requirement 5801  
of consent if the spouse is incapacitated or cannot be located or 5802  
for any other reason specified by the board. Consent or waiver is 5803  
effective only with regard to the spouse who is the subject of the 5804  
consent or waiver. 5805

~~(3) A member eligible to elect to receive the member's 5806  
retirement allowance under a plan of payment other than "plan A" 5807  
shall receive the member's retirement allowance under the plan 5808  
described in division (B)(4) of this section or one of the 5809  
following plans:~~ 5810

~~(a) "Plan B," which shall consist of an allowance determined 5811  
under section 145.33, 145.331, or 145.34 of the Revised Code;~~ 5812

~~(b) "Plan C," which shall consist of the actuarial equivalent 5813  
of the member's retirement allowance determined under section 5814  
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5815  
payable for life and one half or some other portion of the 5816  
allowance continuing after death to the member's sole surviving 5817  
beneficiary designated at the time of the member's retirement, 5818  
provided that the amount payable to the beneficiary does not 5819  
exceed the amount payable to the member;~~ 5820

~~(c) "Plan D," which shall consist of the actuarial equivalent 5821  
of the member's retirement allowance determined under section 5822  
145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5823  
payable for life and continuing after death to a surviving 5824  
beneficiary designated at the time of the member's retirement;~~ 5825

~~(d) "Plan E," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for a certain period from the member's retirement date as elected by the member and approved by the retirement board, and on the member's death before the expiration of that certain period the member's lesser retirement allowance payable for the remainder of that period to the member's surviving designated beneficiary nominated by written designation filed with the retirement board.~~

~~Should the nominated beneficiary designated in writing die prior to the expiration of the guarantee period, then for the purpose of completing payment for the remainder of the guarantee period, the present value of such payments shall be paid to the estate of the beneficiary last receiving.~~

~~(e) "Plan F," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable to the retirant for life and some portion of the lesser amount continuing after death to two, three, or four surviving beneficiaries designated at the time of the member's retirement. The portion of the lesser allowance that continues after the member's death shall be allocated among the beneficiaries at the time of the member's retirement. If the member elects this plan as required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property and compliance with the court order requires the allocation of a portion less than ten per cent to any beneficiary, the member shall allocate a portion less than ten per cent to that beneficiary in accordance with that order. In all other circumstances, no portion allocated under this plan of payment shall be less than ten per cent. The total of the portions allocated shall not exceed one hundred per cent of the member's~~

~~lesser allowance.~~ 5858

~~(4)(a)(E)(1)~~ Beginning on a date selected by the retirement 5859  
board, which shall be not later than July 1, 2004, a member may 5860  
elect to receive a retirement allowance under a plan of payment 5861  
consisting of both a lump sum in an amount the member designates 5862  
that constitutes a portion of the member's retirement allowance 5863  
under a plan described in division (B) of this section and the 5864  
remainder as a monthly allowance under that plan. 5865

The total amount paid as a lump sum and a monthly benefit 5866  
shall be the actuarial equivalent of the amount that would have 5867  
been paid had the lump sum not been selected. 5868

~~(b)(2)~~ The lump sum designated by a member shall be not less 5869  
than six times and not more than thirty-six times the monthly 5870  
amount that would be payable to the member under the plan of 5871  
payment elected under division (B)~~(4)(a)~~ of this section had the 5872  
lump sum not been elected and shall not result in a monthly 5873  
allowance that is less than fifty per cent of that monthly amount. 5874

~~(5) An election under division (B)(3) or (4) of this section~~ 5875  
~~shall be made at the time the member makes application for~~ 5876  
~~retirement.~~ 5877

~~(6) A member eligible to elect to receive the member's~~ 5878  
~~retirement allowance under a plan of payment other than "plan A"~~ 5879  
~~because the member is unmarried who fails to make an election on~~ 5880  
~~retirement shall receive the member's retirement allowance under~~ 5881  
~~"plan B."~~ 5882

~~(C)(F)~~ If the retirement allowances, as a single life annuity 5883  
or payment plan as provided in this section, due and paid are in a 5884  
total amount less than (1) the accumulated contributions, and (2) 5885  
other deposits made by the member as provided by this chapter, 5886  
standing to the credit of the member at the time of retirement, 5887  
then the difference between the total amount of the allowances 5888

paid and the accumulated contributions and other deposits shall be 5889  
paid to the beneficiary provided under division (D) of section 5890  
145.43 of the Revised Code. 5891

~~(D)~~(G)(1) The death of a spouse or any designated beneficiary 5892  
following retirement shall cancel the portion of the plan of 5893  
payment providing continuing lifetime benefits to the deceased 5894  
spouse or deceased designated beneficiary. The retirant shall 5895  
receive the actuarial equivalent of the retirant's single lifetime 5896  
benefit, as determined by the board, based on the number of 5897  
remaining beneficiaries, with no change in the amount payable to 5898  
any remaining beneficiary. The change shall be effective the month 5899  
following ~~receipt by the board of notice of~~ the date of death. 5900

(2) On divorce, annulment, or marriage dissolution, a 5901  
retirant receiving a retirement allowance under a plan that 5902  
provides for continuation of all or part of the allowance after 5903  
death for the lifetime of the retirant's surviving spouse may, 5904  
with the written consent of the spouse or pursuant to an order of 5905  
the court with jurisdiction over the termination of the marriage, 5906  
elect to cancel the portion of the plan providing continuing 5907  
lifetime benefits to that spouse. The retirant shall receive the 5908  
actuarial equivalent of the retirant's single lifetime benefit as 5909  
determined by the retirement board based on the number of 5910  
remaining beneficiaries, with no change in amount payable to any 5911  
remaining beneficiary. The election shall be made on a form 5912  
provided by the board and shall be effective the month following 5913  
its receipt by the board. 5914

~~(E)~~(H)(1) Following a marriage or remarriage, both of the 5915  
following apply: 5916

(a) A retirant who is receiving the retirant's retirement 5917  
allowance under "a single-life plan B" may elect a new plan of 5918  
payment under division (B)(1), ~~(3)(b)~~, or (3)~~(e)~~ of this section 5919  
based on the actuarial equivalent of the retirant's single 5920



lifetime benefit as determined by the board. 5921

(b) A retirant who is receiving a retirement allowance 5922  
pursuant to a plan of payment providing for payment to a former 5923  
spouse pursuant to a court order described in division 5924  
~~(B)(1)(b)(ii)~~(C)(2) of this section may elect a new plan of 5925  
payment ~~under~~ "in the form of a multiple-life plan ~~F"~~ based on the 5926  
actuarial equivalent of the retirant's single lifetime retirement 5927  
allowance as determined by the board if the new plan of payment 5928  
elected does not reduce the payment to the former spouse. 5929

(2) If the marriage or remarriage occurs on or after ~~the~~ 5930  
~~effective date of this amendment~~ June 6, 2005, the election must 5931  
be made not later than one year after the date of the marriage or 5932  
remarriage. 5933

The plan elected under this division shall become effective 5934  
on the date of receipt by the board of an application on a form 5935  
approved by the board, but any change in the amount of the 5936  
retirement allowance shall commence on the first day of the month 5937  
following the effective date of the plan. 5938

~~(F)~~(I) Any person who, prior to July 24, 1990, selected an 5939  
optional plan of payment at retirement that provided for a return 5940  
to the single life benefit after the designated beneficiary's 5941  
death shall have the retirant's benefit adjusted to the optional 5942  
plan equivalent without such provision. 5943

~~(G)~~(J) A retirant's receipt of the first month's retirement 5944  
allowance constitutes the retirant's final acceptance of the plan 5945  
of payment and may be changed only as provided in this chapter. 5946

**Sec. 145.47.** (A) Each public employee who is a contributor to 5947  
the public employees retirement system shall contribute eight per 5948  
cent of the contributor's earnable salary to the employees' 5949  
savings fund, except that the public employees retirement board 5950

may raise the contribution rate to a rate not greater than ten per 5951  
cent of the employee's earnable salary. 5952

(B) The head of each state department, institution, board, 5953  
and commission, and the fiscal officer of each local authority 5954  
subject to this chapter, shall ~~deduct from the earnable salary of~~ 5955  
~~transmit to the system for each contributor on every payroll of~~ 5956  
~~such contributor for each payroll period~~ subsequent to the date of 5957  
coverage, an amount equal to the applicable per cent of ~~the~~ each 5958  
contributor's earnable salary at such intervals and in such form 5959  
as the system shall require. The head of each state department and 5960  
the fiscal officer of each local authority subject to this chapter 5961  
shall transmit promptly to the system a report of contributions at 5962  
such intervals and in such form as the system shall require, 5963  
showing thereon all ~~deductions for the system made from the~~ 5964  
contributions and earnable salary of each contributor employed, 5965  
together with warrants, checks, or electronic payments covering 5966  
the total of such deductions. A penalty shall be added when such 5967  
report, together with warrants, checks, or electronic payments to 5968  
cover the total amount due from the earnable salary of all 5969  
amenable employees of such employer, is filed thirty or more days 5970  
after the last day of such reporting period. The system, after 5971  
making a record of all receipts under this division, shall deposit 5972  
the receipts with the treasurer of state for use as provided by 5973  
this chapter. 5974

(C) Unless the board adopts a rule under division (D) of this 5975  
section, the penalty described in division (B) of this section for 5976  
failing to timely transmit a report, pay the total amount due, or 5977  
both is as follows: 5978

(1) At least one but not more than ten days past due, an 5979  
amount equal to one per cent of the total amount due; 5980

(2) At least eleven but not more than thirty days past due, 5981  
an amount equal to two and one-half per cent of the total amount 5982

due; 5983

(3) Thirty-one or more days past due, an amount equal to five 5984  
per cent of the total amount due. 5985

The penalty described in this division shall be added to and 5986  
collected on the next succeeding regular employer billing. 5987  
Interest at a rate set by the retirement board shall be charged on 5988  
the amount of the penalty in case such penalty is not paid within 5989  
thirty days after it is added to the regular employer billing. 5990

(D) The board may adopt rules to establish penalties in 5991  
amounts that do not exceed the amounts specified in divisions 5992  
(C)(1) to (3) of this section. 5993

(E) In addition to the periodical reports of deduction 5994  
required by this section, the fiscal officer of each local 5995  
authority subject to this chapter shall submit to the system at 5996  
least once each year a complete listing of all noncontributing 5997  
appointive employees. Where an employer fails to transmit 5998  
contributions to the system, the system may make a determination 5999  
of the employees' liability for contributions and certify to the 6000  
employer the amounts due for collection in the same manner as 6001  
payments due the employers' accumulation fund. Any amounts so 6002  
collected shall be held in trust pending receipt of a report of 6003  
contributions for such public employees for the period involved as 6004  
provided by law and, thereafter, the amount in trust shall be 6005  
transferred to the employees' savings fund to the credit of the 6006  
employees. Any amount remaining after the transfer to the 6007  
employees' savings fund shall be transferred to the employers' 6008  
accumulation fund as a credit of such employer. 6009

(F) The fiscal officer of each local authority subject to 6010  
this chapter shall require each new contributor to submit to the 6011  
system a detailed report of all the contributor's previous service 6012  
as a public employee along with such other facts as the board 6013

requires for the proper operation of the system. 6014

(G) Any member who, because of the member's own illness, 6015  
injury, or other reason which may be approved by the member's 6016  
employer is prevented from making the member's contribution to the 6017  
system for any payroll period, may ~~pay such deductions as a back~~ 6018  
~~payment~~ purchase service credit for the period of absence within 6019  
one year. Credit shall be purchased under this division in 6020  
accordance with section 145.29 of the Revised Code. 6021

**Sec. 145.473.** (A) ~~Except as provided in division (C) of this~~ 6022  
~~section, the~~ The rate of interest credited to individual accounts 6023  
of contributors under sections 145.471 and 145.472 of the Revised 6024  
Code shall be as follows: 6025

(1) Four per cent per annum, compounded annually, to and 6026  
including December 31, 1955; 6027

(2) Three per cent per annum, compounded annually, from 6028  
January 1, 1956, to and including December 31, 1963; 6029

(3) Three and one-quarter per cent per annum, compounded 6030  
annually, from January 1, 1964, to and including December 31, 6031  
1969; 6032

(4) Four per cent per annum, compounded annually, from 6033  
January 1, 1970, to and including the day before December 13, 6034  
2000; 6035

(5) An amount determined by the public employees retirement 6036  
board that is not greater than six per cent per annum, compounded 6037  
annually, on and after December 13, 2000. 6038

(B) ~~Except as provided in division (C) of this section, for~~ 6039  
For the purpose of determining the reserve value of a 6040  
contributor's annuity, the rate of interest shall be as follows: 6041

(1) Four per cent per annum, compounded annually, for 6042  
contributors retiring before October 1, 1956; 6043

(2) Three per cent per annum, compounded annually, for 6044  
contributors retiring on or after October 1, 1956, but before 6045  
January 1, 1964; 6046

(3) Three and one-quarter per cent per annum, compounded 6047  
annually, for contributors retiring on or after January 1, 1964, 6048  
but before January 1, 1970; 6049

(4) Four per cent per annum, compounded annually, for 6050  
contributors retiring on or after January 1, 1970, but before 6051  
December 13, 2000; 6052

(5) An amount determined by the board based on the 6053  
recommendation of the board's actuary, compounded annually, for 6054  
contributors retiring on or after December 13, 2000. 6055

~~(C) For a PERS retirant who is not subject to division (C) of 6056  
section 145.38 of the Revised Code or an other system retirant, as 6057  
those terms are defined in section 145.38 of the Revised Code, or 6058  
a member of the public employees retirement system who retires in 6059  
accordance with section 145.383 of the Revised Code, the rate of 6060  
interest shall be the current actuarial assumption rate of 6061  
interest, as determined by the board's actuary, for the purposes 6062  
described in divisions (A) and (B) of this section. 6063~~

**Sec. 145.48.** (A) Each employer shall pay to the public 6064  
employees retirement system an amount that shall be a certain per 6065  
cent of the earnable salary of all contributors to be known as the 6066  
"employer contribution," except that the public employees 6067  
retirement board may raise the employer contribution to a rate not 6068  
to exceed fourteen per cent of the earnable salaries of all 6069  
contributors. 6070

(B)(1) On the basis of regular interest and of such mortality 6071  
and other tables as are adopted by the public employees retirement 6072  
board, the actuary for the board shall determine the liabilities 6073

and employer rates of contribution as follows: 6074

(a) The percentage of earnable salary that, when added to the 6075  
per cent of earnable salary contributed by each member, will cover 6076  
the costs of benefits to be paid to members for each year of 6077  
service rendered; 6078

(b) The percentage of earnable salary that, if paid over a 6079  
period of future years, will discharge fully the system's unfunded 6080  
actuarial accrued pension liability; 6081

(c) The percentage of earnable salary designated by the board 6082  
to pay benefits authorized under section 145.58 of the Revised 6083  
Code. 6084

(2) If recognized assets exceed the liabilities for service 6085  
previously rendered, on approval of the board, a percentage of 6086  
earnable salary may be deducted from the employer rates of 6087  
contribution that, if deducted annually over a period of future 6088  
years, will eliminate the excess. 6089

~~(C) Any publicly owned utility that became subject to this 6090  
chapter subsequent to July 1, 1938, shall assume before January 1, 6091  
1967, the obligation to pay those of its employees entitled to any 6092  
prior service credit a pension for such service that is in an 6093  
amount at least equal to the pension provided for other public 6094  
employees under this chapter. No employers' contributions for 6095  
prior service credit shall be required of such publicly owned 6096  
utility. The public employees retirement system has no obligation 6097  
to pay a prior service pension to any such employees of a publicly 6098  
owned utility, nor is it obligated to grant any service credit for 6099  
service with such utility prior to May 1, 1942, or prior to the 6100  
date such utility became subject to this chapter, whichever is the 6101  
later date. 6102~~

**Sec. 145.483.** Upon a finding that an employer failed to 6103

deduct contributions pursuant to section 145.47 of the Revised 6104  
Code during a period of employment for which such contributions 6105  
were required, a statement of delinquent contributions shall be 6106  
prepared showing the amount the contributor and employer would 6107  
have contributed had regular payroll deductions been taken. Simple 6108  
interest from the end of each calendar year at a rate ~~set by the~~ 6109  
~~public employees retirement board~~ equal to the assumed actuarial 6110  
rate of interest at the time the statement is prepared shall be 6111  
included. If delinquent contribution statements are ~~not~~ paid ~~not~~ 6112  
later than thirty days after the end of the month in which they 6113  
become an obligation of the employer, any balance remaining shall 6114  
be collected with penalties and interest pursuant to section 6115  
145.51 of the Revised Code. 6116

Any amount paid under this section by an employer shall be 6117  
credited in accordance with section 145.23 of the Revised Code. 6118

**Sec. 145.49.** (A) Notwithstanding section 145.47 of the 6119  
Revised Code: 6120

(1) The public employees retirement system shall be 6121  
authorized to calculate the employee contribution rates separately 6122  
for those public employees contributing toward benefits as PERS 6123  
public safety officers under section ~~145.33~~ 145.332 of the Revised 6124  
Code. 6125

(2) Each public employee contributing toward benefits as PERS 6126  
law enforcement officers under section ~~145.33~~ 145.332 of the 6127  
Revised Code shall contribute to the employees' savings fund the 6128  
rate determined under division (A)(1) of this section plus an 6129  
additional percentage specified by the public employees retirement 6130  
board, which shall initially be one per cent of the employee's 6131  
earnable salary and shall not be increased to more than two per 6132  
cent of the employee's earnable salary. 6133

(B) Notwithstanding section 145.48 of the Revised Code, the 6134

public employees retirement system shall be authorized to 6135  
calculate the employer contribution rates separately for those 6136  
public employees contributing toward benefits as PERS public 6137  
safety officers under section ~~145.33~~ 145.332 of the Revised Code 6138  
or as PERS law enforcement officers under that section, except 6139  
that the employer contribution rate shall not exceed eighteen and 6140  
one-tenth per cent of the earnable salaries of those employees. 6141

(C) If the public employees retirement board adopts a rule 6142  
under division (P) of section 145.332 of the Revised Code under 6143  
which service as a public safety officer is treated as service as 6144  
a law enforcement officer, the contributions for service as a 6145  
public safety officer shall be at the rate for service as a law 6146  
enforcement officer. 6147

**Sec. 145.51.** (A) Each employer described in division (D) of 6148  
section 145.01 of the Revised Code shall pay into the employers' 6149  
accumulation fund, in monthly installments, an amount certified by 6150  
the public employees retirement board, which equals the employer 6151  
obligation as described in section 145.12 or 145.69 of the Revised 6152  
Code. In addition, the board shall add to the employer billing 6153  
next succeeding the amount, with interest, to be paid by the 6154  
employer to provide the member with contributing service credit 6155  
for the service prior to the date of initial contribution to the 6156  
system for which the member has made additional payments, except 6157  
payments made pursuant to former section 145.29 or sections 145.28 6158  
and ~~145.29~~ 145.292 of the Revised Code. 6159

(B) Except as provided in section 145.52 of the Revised Code, 6160  
all employer obligations described in division (A) of this section 6161  
must be received by the public employees retirement system not 6162  
later than the thirtieth day after the last day of the calendar 6163  
month for which related member contributions are withheld. 6164

(C) Unless the board adopts a rule under division (F) of this 6165



section establishing a different interest rate or penalty, 6166  
interest and penalties for failing to pay the employer obligation 6167  
when due under division (B) of this section shall be as follows: 6168

(1) Interest, compounded annually and charged monthly, for 6169  
each day after the due date that the employer obligation remains 6170  
unpaid in an amount equal to six per cent per annum of the past 6171  
due amount of the employer obligation and any penalties imposed 6172  
under this section; 6173

(2) The penalty for failing to pay the employer obligation 6174  
when due under division (B) is as follows: 6175

(a) At least eleven but not more than thirty days past due, 6176  
an amount equal to one per cent of the past due obligation; 6177

(b) At least thirty-one but not more than sixty days past 6178  
due, an additional amount equal to one and one-half per cent of 6179  
the past due obligation; 6180

(c) Sixty-one or more days past due, an additional amount 6181  
equal to two and one-half per cent of the past due obligation. 6182

(D) The aggregate of all payments by employers under this 6183  
section shall be sufficient, when combined with the amount in the 6184  
employers' accumulation fund, to provide amounts payable under 6185  
this chapter out of the fund, and if not, the additional amount so 6186  
required shall be collected by means of an increased rate per 6187  
cent, which shall be certified to such employers by the board. 6188

(E) Upon certification by the board to the director of budget 6189  
and management, or to the county auditor, of an amount due from an 6190  
employer within any county who is subject to this chapter, by 6191  
reason of such employer's delinquency in making payments into the 6192  
employers' accumulation fund for past billings, such amount shall 6193  
be withheld from such employer from any funds subject to the 6194  
control of the director or the county auditor to such employer and 6195  
shall be paid to the public employees retirement system. 6196

(F) The board may adopt rules to do any of the following: 6197

(1) Establish interest at a rate that does not exceed the 6198  
annual rate described in division (C)(1) of this section; 6199

(2) Establish penalties in amounts that do not exceed the 6200  
amounts described in division (C)(2) of this section; 6201

(3) Permit the board to lengthen the periods of time or enter 6202  
into repayment agreements for employers to comply with divisions 6203  
(B) and (C) of this section. 6204

**Sec. 145.54.** The public employees retirement board shall 6205  
estimate annually the amount required to defray the expenses of 6206  
the administration of the public employees retirement system in 6207  
the ensuing year. If in the judgment of the board, as evidenced by 6208  
a resolution of that board in its minutes, the amount in the 6209  
income fund exceeds the amount necessary to cover the ordinary 6210  
requirements of that fund, the board may transfer to the expense 6211  
fund such excess amount not exceeding the entire amount required 6212  
to cover the expenses as estimated for the year. ~~The~~ If the amount 6213  
in the expense fund, including any amount transferred from the 6214  
income fund, is not sufficient to defray the expenses of 6215  
administration of the system in the ensuing year, the board may 6216  
~~then apportion~~ transfer any remaining amount required for the 6217  
expense fund ~~for the year then current among contributors. The~~  
~~amount so apportioned in any year shall not exceed three dollars~~ 6218  
~~per contributor~~ to that fund from the employer's accumulation 6219  
fund. 6221

**Sec. 145.56.** The right of an individual to a pension, an 6222  
annuity, or a retirement allowance itself, the right of an 6223  
individual to any optional benefit, any other right accrued or 6224  
accruing to any individual, under this chapter, or under any 6225  
municipal retirement system established subject to this chapter 6226

under the laws of this state or any charter, the various funds 6227  
created by this chapter, or under such municipal retirement 6228  
system, and all moneys, investments, and income from moneys or 6229  
investments are exempt from any state tax, except the tax imposed 6230  
by section 5747.02 of the Revised Code, and are exempt from any 6231  
county, municipal, or other local tax, except income taxes imposed 6232  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 6233  
Code, and, except as provided in sections 145.57, 145.572, 6234  
145.573, 145.574, 3105.171, 3105.65, and 3115.32 and Chapters 6235  
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 6236  
subject to execution, garnishment, attachment, the operation of 6237  
bankruptcy or insolvency laws, or other process of law whatsoever, 6238  
and shall be unassignable except as specifically provided in this 6239  
chapter and sections 3105.171, 3105.65, and 3115.32 and Chapters 6240  
3119., 3121., 3123., and 3125. of the Revised Code. 6241

**Sec. 145.561.** (A) Except as provided in division (B) of this 6242  
section and section 145.363, 145.573, or 145.574 of the Revised 6243  
Code, the granting of a retirement allowance, annuity, pension, or 6244  
other benefit to any person pursuant to action of the public 6245  
employees retirement board vests a right in such person, so long 6246  
as the person remains the recipient of any benefit of the funds 6247  
established by section 145.23 of the Revised Code, to receive such 6248  
retirement allowance, annuity, pension, or other benefit at the 6249  
rate fixed at the time of granting such retirement allowance, 6250  
annuity, pension, or other benefit. Such right shall also be 6251  
vested with equal effect in the recipient of a grant heretofore 6252  
made from any of the funds named in section 145.23 of the Revised 6253  
Code. 6254

(B) This section does not apply to an increase made under 6255  
section 145.323 of the Revised Code for a recipient whose benefit 6256  
effective date is on or after the effective date of this 6257  
amendment. 6258

Sec. 145.563. If the Notwithstanding section 145.561 of the 6259  
Revised Code: 6260

(A) The public employees retirement system may adjust an 6261  
allowance or benefit payable under this chapter if an error 6262  
occurred in calculation of the allowance or benefit; 6263

(B) If any person who is a member, former member, 6264  
contributor, former contributor, retirant, beneficiary, or 6265  
alternate payee, as defined in section 3105.80 of the Revised 6266  
Code, is paid any benefit or payment by the public employees 6267  
retirement system, including any payment made to a third party on 6268  
the person's behalf, to which the person is not entitled, the 6269  
benefit or payment shall be repaid to the retirement system by the 6270  
person or third party. If the person or third party fails to make 6271  
the repayment, the retirement system shall withhold the amount or 6272  
a portion of the amount due from any benefit or payment due the 6273  
person or the person's beneficiary under this chapter, or may 6274  
collect the amount in any other manner provided by law. 6275

Sec. 145.574. Notwithstanding any other provision of this 6276  
chapter, any right of a member of the public employees retirement 6277  
system to a disability benefit is subject to a forfeiture order 6278  
issued under section 2929.194 of the Revised Code. 6279

If the retirement system receives notice under section 6280  
2901.431 of the Revised Code that felony charges have been filed 6281  
against a member, the retirement system shall not grant the member 6282  
a disability benefit unless it determines that the member's 6283  
disability was not caused by commission of the felony. If the 6284  
member has disability coverage under this chapter or was granted a 6285  
disability benefit after the date on which the felony was 6286  
committed, the retirement system shall notify the prosecutor who 6287  
sent the notice under section 2901.431 of the Revised Code that 6288

the member may be subject to an order of forfeiture under section 2929.194 of the Revised Code. 6289  
6290

On receipt under section 2929.194 of the Revised Code of a journal entry showing an order of forfeiture of any right a member may have to a disability benefit, the retirement system shall comply with the order. If a disability benefit was granted prior to receipt of the order, the retirement system shall terminate the benefit. Any disability benefit paid to the member prior to its termination may be recovered in accordance with section 145.563 of the Revised Code. 6291  
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Neither this section nor section 2929.194 of the Revised Code precludes a member from withdrawing the member's accumulated contributions in accordance with section 145.40 of the Revised Code if the member is not subject to section 145.572 or 2929.193 of the Revised Code. 6299  
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**Sec. 145.58.** (A) ~~As used in this section, "ineligible individual" means all of the following:~~ 6304  
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~~(1) A former member receiving benefits pursuant to section 145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for whom eligibility is established more than five years after June 13, 1981, and who, at the time of establishing eligibility, has accrued less than ten years' service credit, exclusive of credit obtained pursuant to section 145.297 or 145.298 of the Revised Code, credit obtained after January 29, 1981, pursuant to section 145.293 or 145.301 of the Revised Code, and credit obtained after May 4, 1992, pursuant to section 145.28 of the Revised Code;~~ 6306  
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~~(2) The spouse of the former member;~~ 6315

~~(3) The beneficiary of the former member receiving benefits pursuant to section 145.46 of the Revised Code~~ The public employees retirement board shall adopt rules establishing 6316  
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eligibility for any coverage provided under this section. The 6319  
rules shall base eligibility on years and types of service credit 6320  
earned by members. Eligibility determinations shall be made in 6321  
accordance with the rules, except that an individual who, as a 6322  
result of making a false statement in an attempt to secure a 6323  
benefit under this section, is convicted of violating section 6324  
2921.13 of the Revised Code is ineligible for coverage. 6325

(B) The ~~public employees retirement~~ board may enter into 6326  
agreements with insurance companies, health insuring corporations, 6327  
or government agencies authorized to do business in the state for 6328  
issuance of a policy or contract of health, medical, hospital, or 6329  
surgical benefits, or any combination thereof, for ~~those~~ eligible 6330  
individuals receiving age and service retirement or a disability 6331  
or survivor benefit subscribing to the plan, or for PERS retirants 6332  
employed under section 145.38 of the Revised Code, for coverage of 6333  
benefits in accordance with division ~~(D)~~ (C) (2) of section 145.38 6334  
of the Revised Code. Notwithstanding any other provision of this 6335  
chapter, the policy or contract may also include coverage for any 6336  
eligible individual's spouse and dependent children and for any of 6337  
the eligible individual's sponsored dependents as the board 6338  
determines appropriate. If all or any portion of the policy or 6339  
contract premium is to be paid by any individual receiving age and 6340  
service retirement or a disability or survivor benefit, the 6341  
individual shall, by written authorization, instruct the board to 6342  
deduct the premium agreed to be paid by the individual to the 6343  
company, corporation, or agency. 6344

The board may contract for coverage on the basis of part or 6345  
all of the cost of the coverage to be paid from appropriate funds 6346  
of the public employees retirement system. The cost paid from the 6347  
funds of the system shall be included in the employer's 6348  
contribution rate provided by sections 145.48 and 145.51 of the 6349  
Revised Code. The board may by rule provide coverage to ~~ineligible~~ 6350

individuals who are not eligible under the rules adopted under 6351  
division (A) of this section if the coverage is provided at no 6352  
cost to the retirement system. The board shall not pay or 6353  
reimburse the cost for coverage under this section or section 6354  
~~145.325~~ 145.584 of the Revised Code for any ~~ineligible~~ such 6355  
individual. 6356

The board may provide for self-insurance of risk or level of 6357  
risk as set forth in the contract with the companies, 6358  
corporations, or agencies, and may provide through the 6359  
self-insurance method specific benefits as authorized by rules of 6360  
the board. 6361

(C) The board shall, beginning the month following receipt of 6362  
satisfactory evidence of the payment for coverage, pay monthly to 6363  
each recipient of service retirement, or a disability or survivor 6364  
benefit under the public employees retirement system who is 6365  
eligible for ~~medical insurance~~ coverage under part B of the 6366  
medicare program established under Title XVIII of "The Social 6367  
Security Act Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 6368  
1395j, as amended, an amount determined by the board for such 6369  
coverage ~~that is not less than ninety six dollars and forty cents,~~ 6370  
except that the board shall make no such payment to any ~~ineligible~~ 6371  
individual who is not eligible for coverage under the rules 6372  
adopted under division (A) of this section or pay an amount that 6373  
exceeds the amount paid by the recipient for the coverage. 6374

At the request of the board, the recipient shall certify to 6375  
the retirement system the amount paid by the recipient for 6376  
coverage described in this division. 6377

(D) The board shall establish by rule requirements for the 6378  
coordination of any coverage, payment, or benefit provided under 6379  
this section or section ~~145.325~~ 145.584 of the Revised Code with 6380  
any similar coverage, payment, or benefit made available to the 6381  
same individual by the Ohio police and fire pension fund, state 6382

teachers retirement system, school employees retirement system, or 6383  
state highway patrol retirement system. 6384

(E) The board shall make all other necessary rules pursuant 6385  
to the purpose and intent of this section. 6386

**Sec. ~~145.325~~ 145.584.** (A) Except as otherwise provided in 6387  
division (B) of this section, the board of the public employees 6388  
retirement system shall make available to each retirant or 6389  
disability benefit recipient receiving a monthly allowance or 6390  
benefit on or after January 1, 1968, who has attained the age of 6391  
sixty-five years, and who is not eligible to receive hospital 6392  
insurance benefits under the federal old age, survivors, and 6393  
disability insurance program, hospital insurance coverage 6394  
substantially equivalent to the federal hospital insurance 6395  
benefits, Social Security Amendments of 1965, 79 Stat. 291, 42 6396  
U.S.C.A. 1395c, as amended. This coverage shall also be made 6397  
available to the spouse, widow, or widower of such retirant or 6398  
disability benefit recipient provided such spouse, widow, or 6399  
widower has attained age sixty-five and is not eligible to receive 6400  
hospital insurance benefits under the federal old age, survivors, 6401  
and disability insurance program. The widow or widower of a 6402  
retirant or disability benefit recipient shall be eligible for 6403  
such coverage only if he or she is the recipient of a monthly 6404  
allowance or benefit from this system. ~~One-half~~ A portion of the 6405  
cost of the premium for the spouse ~~shall~~ may be paid from the 6406  
appropriate funds of the public employees retirement system ~~and~~ 6407  
~~one-half. The remainder of the cost shall be paid~~ by the recipient 6408  
of the allowance or benefit. 6409

The cost of such coverage, paid from the funds of the system, 6410  
shall be included in the employer's rate provided by section 6411  
145.48 of the Revised Code. The retirement board is authorized to 6412  
make all necessary rules pursuant to the purpose and intent of 6413



this section, and shall contract for such coverage as provided in 6414  
section 145.58 of the Revised Code. 6415

(B) The board need not make the hospital insurance coverage 6416  
described in division (A) of this section available to any person 6417  
for whom it is prohibited by section 145.58 of the Revised Code 6418  
from paying or reimbursing the premium cost of such insurance. 6419

**Sec. 145.62.** Subject to rules adopted by the public employees 6420  
retirement system under section 145.09 of the Revised Code, a 6421  
contributor participating in the PERS defined benefit plan or 6422  
contributing under section 145.38 or 145.383 of the Revised Code 6423  
may deposit additional amounts in the employees' savings fund 6424  
established under section 145.23 of the Revised Code. The 6425  
additional deposits may be made either directly to the retirement 6426  
system or by payroll deduction under section 145.294 of the 6427  
Revised Code. The contributor shall receive in return either an 6428  
annuity, as provided in section 145.64 of the Revised Code, having 6429  
a reserve equal to the amount deposited or a refund under section 6430  
145.63 of the Revised Code of the amount deposited, together with 6431  
earnings on the amount deposited as the public employees 6432  
retirement board determines appropriate. If the annuity under the 6433  
plan of payment selected by the contributor under section 145.64 6434  
of the Revised Code would be less than twenty-five dollars per 6435  
month, the contributor shall receive the refund. 6436

**Sec. 145.63.** (A) Deposits under section 145.62 of the Revised 6437  
Code, together with earnings, shall be refunded under whichever of 6438  
the following circumstances applies: 6439

(1) On withdrawal of accumulated contributions as provided in 6440  
sections 145.40 and 145.43 of the Revised Code or payment of a 6441  
lump sum under section 145.384 of the Revised Code; 6442

(2) On the death of a contributor prior to retirement; 6443

(3) In the case of a contributor participating in the PERS defined benefit plan, on application of the contributor prior to attaining eligibility for age and service retirement;

(4) In the case of a contributor under section 145.38 or 145.383 of the Revised Code, on application of the contributor prior to attaining eligibility for a benefit under section 145.384 of the Revised Code;

(5) In the case of a contributor who has attained eligibility for an age and service retirement benefit or a benefit under section 145.384 of the Revised Code and is not married, on application;

(6) In the case of a contributor who has attained eligibility for an age and service retirement benefit or a benefit under section 145.384 of the Revised Code and is married, on application if the application is accompanied by a statement of the spouse's consent to the refund or the public employees retirement board waives the requirement that the spouse consent;

(7) In the case of a contributor who has attained eligibility for an age and service retirement benefit as a consequence of section 145.37 of the Revised Code and will receive a retirement or disability benefit from the state teachers retirement system or school employees retirement system but has not requested a transfer of funds to the other retirement system under division (B)(1)(g) of section 145.37 of the Revised Code, at the time the public employees retirement system pays to the other retirement system the amount required under division (B)(1)(e) of that section.

(B) The consent of a spouse to a refund is valid only if it is in writing, signed, and witnessed by a notary public.

The board may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason

specified by the board. Consent or waiver is effective only with 6475  
regard to the spouse who is the subject of the consent or waiver. 6476

**Sec. 145.64.** (A) As used in this section: 6477

~~(1) "Plan A" means a plan of payment that is the same as,~~ 6478  
~~"joint-life plan A," as described in section 145.46 of the Revised~~ 6479  
~~Code.~~ 6480

~~(2) "Plan B" means a plan of payment that is the same as~~ 6481  
~~"single-life plan B," as described in section 145.46 of the~~ 6482  
~~Revised Code.~~ 6483

~~(3) "Plan F" means a plan of payment that is the same as and~~ 6484  
~~"multiple-life plan F" have the same meanings as described in~~ 6485  
~~division (B) of section 145.46 of the Revised Code.~~ 6486

(B) A contributor who has not received a refund of amounts 6487  
deposited under section 145.62 or the version of division (C) of 6488  
section 145.23 of the Revised Code as it existed immediately prior 6489  
to ~~the effective date of this section April 6, 2007,~~ may file an 6490  
application with the public employees retirement system for a 6491  
benefit under this section. The Except as provided in section 6492  
145.62 of the Revised Code, the benefit shall consist of an 6493  
annuity ~~under a plan of payment that shall be paid as~~ described in 6494  
division ~~(A)(B)~~ of ~~this~~ section 145.46 of the Revised Code. 6495

The application must be filed prior to receipt of an age and 6496  
service retirement benefit from the retirement system or, in the 6497  
case of a contributor under section 145.38 or 145.383 of the 6498  
Revised Code, a benefit under section 145.384 of the Revised Code. 6499  
A contributor who fails to file an application for a benefit under 6500  
this section prior to receipt of an age and service retirement 6501  
benefit or a benefit under section 145.384 of the Revised Code 6502  
shall be eligible only for a refund under section 145.63 of the 6503  
Revised Code. 6504

(1) Except as provided in division (B)(2) of this section, a contributor who is married at the time of application for a benefit under this section shall receive the benefit as a monthly annuity under "a joint-life plan A."

(2) A contributor may receive a benefit under this section under a plan of payment other than "a joint-life plan A" if one of the following is the case:

(a) The contributor is unmarried;

(b) The benefit application is accompanied by a statement of the spouse's consent to another plan of payment or the public employees retirement board waives the requirement that the spouse consent;

(c) A plan of payment providing for payment in a specified portion of the benefit continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property prior to the effective date of the contributor's benefit application.

(3) If a member is subject to division (B)(2)(c) of this section and the board has received a copy of the order described in that division, the board shall accept the member's election of a plan of payment under this section only if the member complies with both of the following:

(a) The member elects a plan of payment that is in accordance with the order described in division (B)(2)(c) of this section.

(b) If the member is married, the member elects "a multiple-life plan F" and designates the member's current spouse as a beneficiary under that plan unless that spouse consents in writing to not being designated a beneficiary or the board waives the requirement that the current spouse consent.

(4) The contributor shall designate the beneficiary or 6535  
beneficiaries under a plan of payment in writing at the time the 6536  
plan is selected. 6537

(5) A plan of payment, other than "a single-life plan B," 6538  
shall be effective only if it is certified by an actuary engaged 6539  
by the board to be the actuarial equivalent of the contributor's 6540  
"single-life plan B" annuity and is approved by the board. 6541

(6) A contributor who is eligible to select a plan of payment 6542  
under this section but fails to do so shall receive a monthly 6543  
annuity under the plan of payment specified in rules adopted by 6544  
the board. 6545

(C) An annuity shall be paid monthly and consist of an amount 6546  
determined by the public employees retirement system or the 6547  
actuarial equivalent of that amount paid ~~under a plan of payment~~ 6548  
as described in this section. 6549

Payments shall begin on whichever of the following applies: 6550

(1) The Except as provided in this division, the later of the 6551  
effective date of the contributor's age and service retirement 6552  
allowance; or the first day of the month following the latest of: 6553

(a) The last day for which compensation was paid; 6554

(b) The attainment of the member's applicable minimum age or 6555  
service credit eligibility as provided in section 145.32 of the 6556  
Revised Code; 6557

(c) The first day of the month following receipt of an 6558  
application for an age and service retirement benefit. 6559

(2) The later of the effective date of a benefit under 6560  
section 145.384 of the Revised Code; or the first day of the month 6561  
following the latest of: 6562

(a) The last day for which compensation for employment 6563  
subject to section 145.38 or 145.383 of the Revised Code was paid; 6564

(b) Attainment by the contributor of age sixty-five; 6565

(c) If the contributor was previously employed as described 6566  
in division (E)(3) of section 145.384 of the Revised Code, 6567  
completion of a period of twelve months since the effective date 6568  
of the last benefit under that section; 6569

(d) Receipt of an application for a benefit under section 6570  
145.384 of the Revised Code. 6571

(3) The later of the effective date of disability retirement 6572  
under section 145.36 of the Revised Code or the date on which a 6573  
member receiving disability retirement ~~under section 145.36 of the~~ 6574  
~~Revised Code~~ would have been eligible for an age and service 6575  
retirement allowance. 6576

(4) The first day of the month following the last day for 6577  
which a disability allowance is paid under section 145.361 of the 6578  
Revised Code. 6579

(D) The consent of a spouse to a plan of payment other than 6580  
~~"a joint-life plan A"~~ is valid only if it is in writing, signed, 6581  
and witnessed by a notary public. The board may waive the 6582  
requirement of consent if the spouse is incapacitated or cannot be 6583  
located or for any other reason specified by the board. Consent or 6584  
waiver is effective only with regard to the spouse who is the 6585  
subject of the consent or waiver. 6586

(E)(1) The death of a spouse or any designated beneficiary 6587  
shall cancel the portion of an annuity providing continuing 6588  
lifetime payments to the deceased spouse or deceased designated 6589  
beneficiary. The contributor shall receive the actuarial 6590  
equivalent of the contributor's remaining annuity, as determined 6591  
by the board, based on the number of remaining beneficiaries, with 6592  
no change in the amount payable to any remaining beneficiary. ~~The~~ 6593  
If the retirement system receives notice of the death on or after 6594  
the effective date of this amendment, the change shall be 6595

effective the month following ~~receipt by the board of notice of~~ 6596  
the date of death. 6597

(2) On divorce, annulment, or marriage dissolution, a 6598  
contributor receiving an annuity under a plan of payment that 6599  
provides for continuation of all or part of the annuity after 6600  
death for the lifetime of the contributor's surviving spouse may, 6601  
with the written consent of the spouse or pursuant to an order of 6602  
the court with jurisdiction over the termination of the marriage, 6603  
elect to cancel the portion of the plan providing continuing 6604  
lifetime payments to that spouse. The contributor shall receive 6605  
the actuarial equivalent of the contributor's annuity as 6606  
determined by the board based on the number of remaining 6607  
beneficiaries, with no change in the amount payable to any 6608  
remaining beneficiary. The election shall be made on a form 6609  
provided by the board and shall be effective the month following 6610  
its receipt by the board. 6611

(F)(1) Following a marriage or remarriage, both of the 6612  
following apply: 6613

(a) A contributor who is receiving payments under "a 6614  
single-life plan ~~B~~" may elect a new plan of payment based on the 6615  
actuarial equivalent of the contributor's "single-life plan ~~B~~" 6616  
annuity as determined by the board. 6617

(b) A contributor receiving an annuity under this section 6618  
pursuant to a plan of payment providing for payment to a former 6619  
spouse pursuant to a court order as described in division 6620  
(B)(2)(c) of this section may elect a new plan of payment under "a 6621  
multiple-life plan ~~F~~" based on the actuarial equivalent of the 6622  
contributor's benefit as determined by the board if the new plan 6623  
of payment does not reduce the payment to the former spouse. 6624

(2) An election under division (F)(1) of this section must be 6625  
made not later than one year after the date of the marriage or 6626

remarriage. 6627

The plan elected shall become effective on the date of 6628  
receipt by the board of an application on a form approved by the 6629  
board, but any change in the amount of the annuity payment shall 6630  
commence on the first day of the month following the effective 6631  
date of the plan. 6632

(G) If at the time of death a contributor receiving a monthly 6633  
annuity under "a single-life plan B" has received less than the 6634  
retirant's deposits under section 145.62 or the version of 6635  
division (C) of section 145.23 of the Revised Code as it existed 6636  
immediately prior to ~~the effective date of this section~~ April 6, 6637  
2007, plus earnings on those deposits, the difference between the 6638  
amount received and the amount of the contributor's deposits plus 6639  
earnings shall be paid to the contributor's beneficiary under 6640  
section 145.65 of the Revised Code. If any designated beneficiary 6641  
receiving a monthly annuity under this section dies and at the 6642  
time of the beneficiary's death the amounts paid to the 6643  
contributor and the beneficiary are less than the amount of the 6644  
contributor's deposits plus earnings on those deposits, the 6645  
difference between the amount received by the contributor and the 6646  
beneficiary and the amount of the contributor's deposits plus 6647  
earnings shall be paid to the beneficiary's estate. 6648

(H) Receipt of the first month's annuity payment constitutes 6649  
final acceptance of the plan of payment and may be changed only as 6650  
provided in this section. 6651

**Sec. 145.813.** Each PERS defined contribution plan shall 6652  
require the public employees retirement board, or the entity 6653  
administering the plan pursuant to a contract with the board, to 6654  
cause an individual account to be maintained for each member 6655  
participating in the plan. Amounts to be credited ~~to an individual~~ 6656  
~~account~~ under a PERS defined contribution plan may be deposited 6657



into any of the funds created under section 145.23 of the Revised  
Code or may be transferred to the entity administering the plan  
for ~~deposit into the purpose of making distributions from~~ the  
member's individual account.

**Sec. 145.814.** (A) As used in this section:

~~(1) "Additional liability" means an amount that, when added  
to the amount on deposit, will provide the remaining portion of  
the pension reserve for the period of service that corresponds to  
the contributions made by or on behalf of a member.~~

~~(2) "Amount on deposit" means the sum of a member's employee  
and employer contributions and, if applicable, any earnings or  
losses on those contributions.~~

~~(3) "Eligible, "eligible member" means a member who was  
eligible to make an election under section 145.19 or 145.191 of  
the Revised Code, regardless of whether the member elected to  
participate in a PERS defined contribution plan.~~

(B) If permitted to do so by the plan documents for a PERS  
defined contribution plan or rules governing the PERS defined  
benefit plan, an eligible member may elect, at intervals specified  
by the plan document or rules, to participate in a different  
defined contribution plan or in the PERS defined benefit plan. The  
election is subject to this section and rules adopted by the  
public employees retirement board under sections 145.09 and 145.80  
of the Revised Code. An election to participate in a different  
plan shall be made in writing on a form provided by the public  
employees retirement system and filed with the system. The  
election shall take effect on the first day of the month following  
the date the election is filed and, except as provided in the plan  
documents or rules governing the PERS defined benefit plan, is  
irrevocable on receipt by the system.

(C)~~(1)~~ Except as provided in division ~~(C)~~~~(2)~~(D) of this 6688  
section, an election to participate in a different plan shall 6689  
apply only to employee and employer contributions made and, if 6690  
applicable, service credit earned after the effective date of the 6691  
election. 6692

~~(2)~~(D) An eligible member may elect to have the member's 6693  
amount on deposit for the prior plan and, if applicable, service 6694  
credit earned prior to the effective date of the election 6695  
deposited and credited in accordance with the member's new plan if 6696  
~~one of the following applies:~~ 6697

~~(a) The member, by an election under this section, will cease~~ 6698  
~~participation in a PERS defined contribution plan that does not~~ 6699  
~~include definitely determinable benefits.~~ 6700

~~(b) The~~ the member, by ~~an~~ the election ~~under division (A) of~~ 6701  
~~this section~~, will begin participating in the PERS defined benefit 6702  
plan or a PERS defined contribution plan with definitely 6703  
determinable benefits. The amount on deposit is the amount the 6704  
member would be entitled to receive as a refund from the prior 6705  
plan if the member ceased to be a public employee. 6706

~~(3)~~ If a member ~~described in division (C)(2) of this section~~ 6707  
makes the election described in ~~that~~ this division and service 6708  
credit is transferred, the board's actuary shall determine the 6709  
additional liability to the system, if any. ~~If~~ The additional 6710  
liability is the amount that, when added to the amount on deposit, 6711  
will provide the remaining portion of the pension reserve for the 6712  
period of the member's service as a public employee in the prior 6713  
plan. 6714

If the actuary determines that there is an additional 6715  
liability, the member shall elect one of the following: 6716

~~(a)~~(1) To receive the total amount of service credit that the 6717  
member would have received had the member been participating in 6718

the new plan, pay to the system an amount equal to the additional 6719  
liability; 6720

~~(b) Receive~~ (2) To receive an amount of service credit in the 6721  
new plan that corresponds to the amount on deposit for the prior 6722  
plan. 6723

For each member who makes the election described in this 6724  
division ~~(C)(2) of this section~~, the system shall deposit and 6725  
credit to the new plan the amount on deposit for the prior plan 6726  
and, if applicable, the amount paid by the member. The board may 6727  
specify in rules adopted under sections 145.09 and 145.80 of the 6728  
Revised Code how service credit in the defined benefit plan may be 6729  
converted to amounts on deposit in the defined contribution plan. 6730

**Sec. 145.82.** (A) Except as provided in divisions (B) and (C) 6731  
of this section, sections 145.201 to 145.70 of the Revised Code do 6732  
not apply to a PERS defined contribution plan, except that a PERS 6733  
defined contribution plan may incorporate provisions of those 6734  
sections as specified in the plan document. 6735

(B) The following sections of Chapter 145. of the Revised 6736  
Code apply to a PERS defined contribution plan: 145.195, 145.22, 6737  
145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, ~~145.382,~~ 6738  
~~145.383,~~ 145.384, 145.391, 145.43, 145.431, 145.47, 145.48, 6739  
145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 6740  
145.57, 145.571, 145.572, 145.573, 145.574, 145.69, and 145.70 of 6741  
the Revised Code. 6742

(C) A PERS defined contribution plan that includes definitely 6743  
determinable benefits may incorporate by reference all or part of 6744  
sections 145.201 to 145.79 of the Revised Code to allow a member 6745  
participating in the plan to purchase service credit or to be 6746  
eligible for any of the following: 6747

(1) Retirement, disability, survivor, or death benefits; 6748

(2) Health or long-term care insurance or any other type of 6749  
health care benefit; 6750

(3) Additional increases under section 145.323 of the Revised 6751  
Code; 6752

(4) A refund of contributions made by or on behalf of a 6753  
member. 6754

With respect to the benefits described in division (C)(1) of 6755  
this section, the public employees retirement board may establish 6756  
eligibility requirements and benefit formulas or amounts that 6757  
differ from those of members participating in the PERS defined 6758  
benefit plan. With respect to the purchase of service credit by a 6759  
member participating in a PERS defined contribution plan, the 6760  
board may reduce the cost of the service credit to reflect the 6761  
different benefit formula established for the member. 6762

**Sec. 145.83.** A PERS defined contribution plan may include a 6763  
program described in section 145.583 of the Revised Code under 6764  
which a ~~participating~~ member participating in the plan is required 6765  
to accumulate a portion of the amount contributed under section 6766  
145.86 of the Revised Code for the purpose of providing funds to 6767  
the member for the payment of health, medical, hospital, surgical, 6768  
dental, or vision care expenses, including insurance premiums, 6769  
deductible amounts, or copayments as described in that section. 6770  
~~The program may be a voluntary employees' beneficiary association,~~ 6771  
~~as described in section 501(c)(9) of the "Internal Revenue Code of~~ 6772  
~~1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(9), as amended; a~~ 6773  
~~medical savings account; or a similar type of program under which~~ 6774  
~~an individual may accumulate funds for the purpose of paying such~~ 6775  
~~expenses. To implement the program, the public employees~~ 6776  
~~retirement board may enter into agreements with insurance~~ 6777  
~~companies or other entities authorized to conduct business in this~~ 6778  
~~state.~~ 6779

If a PERS defined contribution plan includes a program 6780  
described in this section, the public employees retirement board 6781  
shall adopt rules to ~~establish and administer the program. The~~ 6782  
~~rules shall~~ specify the length of time during which the member 6783  
will vest in amounts accumulated on the member's behalf and may 6784  
provide for a minimum annual distribution from the accumulated 6785  
amount after the member terminates employment in positions subject 6786  
to this chapter. 6787

**Sec. 145.87.** For each member participating in a PERS defined 6788  
contribution plan, the public employees retirement system ~~shall~~ 6789  
may transfer to the employers' accumulation fund a portion of the 6790  
employer contribution required under section 145.48 of the Revised 6791  
Code. ~~The~~ If the public employees retirement board elects to make 6792  
a transfer under this section, the portion transferred shall equal 6793  
not exceed the percentage of earnable salary of members for whom 6794  
the contributions are being made that is determined by an actuary 6795  
appointed by the ~~public employees retirement~~ board to be necessary 6796  
to mitigate any negative financial impact on the system of 6797  
members' participation in a plan. 6798

The board ~~shall have prepared annually~~ may have prepared, at 6799  
intervals determined by the board, an actuarial study to determine 6800  
whether ~~the percentage transferred~~ a transfer under this section 6801  
~~should be changed~~ is necessary to reflect a change in the level of 6802  
negative financial impact resulting from members' participation in 6803  
a plan. The percentage transferred, if any, shall be increased or 6804  
decreased to reflect the amount needed to mitigate the negative 6805  
financial impact, if any, on the system, as determined by the 6806  
study. A change in the percentage transferred shall take effect on 6807  
~~the first day of the year following the date the conclusions of~~ 6808  
~~the study are reported to~~ a date determined by the board. 6809

~~The~~ If a transfer under this section is made, the system 6810

shall make the transfer ~~required under this section~~ until the 6811  
unfunded actuarial accrued liability for all benefits, except 6812  
health care benefits provided under section ~~145.325 or~~ 145.58 or 6813  
145.584 of the Revised Code and benefit increases to members and 6814  
former members participating in the PERS defined benefit plan 6815  
granted after September 21, 2000, is fully amortized, as 6816  
determined by the annual actuarial valuation prepared under 6817  
section 145.22 of the Revised Code. 6818

**Sec. 145.88.** Amounts contributed under sections 145.85 and 6819  
145.86 of the Revised Code, and any earnings on those amounts, 6820  
shall be deposited and credited in accordance with the PERS 6821  
defined contribution plan that is selected by the member. The plan 6822  
may include provisions authorizing the public employees retirement 6823  
system to do either of the following: 6824

(A) Withhold from the amounts contributed under ~~section~~ 6825  
sections 145.85 and 145.86 of the Revised Code a percentage of 6826  
earnable salary that is determined by an actuary appointed by the 6827  
public employees retirement board to be necessary to administer 6828  
the plan; 6829

(B) Withhold from the amounts contributed under section 6830  
145.86 of the Revised Code a percentage of earnable salary for the 6831  
purpose of funding health care insurance coverage or any other 6832  
type of health care benefit for a member participating in the 6833  
plan. 6834

**Sec. 145.92.** If a member participating in a PERS defined 6835  
contribution plan is married at the time benefits under the plan 6836  
are to commence, unless the spouse consents to another plan of 6837  
payment or the spouse's consent is waived, the member's ~~retirement~~ 6838  
~~allowance~~ benefit under the plan shall be paid in a lesser amount 6839  
payable for life and one-half of ~~the allowance~~ that amount 6840

continuing after death to the surviving spouse for the life of the spouse. 6841  
6842

Consent is valid only if it is evidenced by a written document signed by the spouse and the signature is witnessed by a notary public. A plan may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the plan or in rules adopted by the public employees retirement board. 6843  
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A plan shall waive the requirement of consent if a plan of payment that provides for payment in a specified portion of the retirement allowance continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or laws of another state regarding division of marital property prior to the effective date of the member's retirement. If a court order requires this plan of payment, the member shall be required to annuitize the member's accumulated amounts in accordance with the order. If the member is married, the plan of payment selected by the member also shall provide for payment to the member's current spouse, unless the current spouse consents in writing to not being designated a beneficiary under the plan of payment or the current spouse's consent is waived by reason other than the court order. 6849  
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Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver. 6863  
6864

**Sec. 145.95.** (A) Subject to division (B) of this section and sections 145.38, 145.56, 145.57, 145.572, ~~and~~ 145.573, and 145.574 of the Revised Code, the right of a member participating in a PERS defined contribution plan to any payment or benefit accruing from contributions made by or on behalf of the member under sections 145.85 and 145.86 of the Revised Code shall vest in accordance with this section. 6865  
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A member's right to any payment or benefit that is based on 6872  
the member's contributions is nonforfeitable. 6873

A member's right to any payment or benefit that is based on 6874  
contributions by the member's employer is nonforfeitable as 6875  
specified by the plan selected by the member. 6876

(B) This section does not apply to an increase made under 6877  
section 145.323 of the Revised Code on or after the effective date 6878  
of this amendment. 6879

**Sec. 145.97.** Each PERS defined contribution plan shall permit 6880  
a member participating in the plan to do ~~all~~ both of the 6881  
following: 6882

~~(A) Maintain on deposit with the public employees retirement 6883~~  
~~system, or the entity administering the plan pursuant to a 6884~~  
~~contract with the public employees retirement board, any amounts 6885~~  
~~that have accumulated on behalf of the member;~~ 6886

~~(B)~~ If the member has withdrawn the amounts ~~described in 6887~~  
~~division (A) of this section that have accumulated on behalf of 6888~~  
~~the member under the plan~~, returns to employment covered under 6889  
this chapter, and is participating in a plan that includes 6890  
definitely determinable benefits, pay to the system the amounts 6891  
withdrawn in accordance with rules adopted under section ~~145.31~~ 6892  
145.80 of the Revised Code; 6893

~~(C)~~(B) Make additional deposits as permitted by the "Internal 6894  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6895

**Sec. 742.63.** The board of trustees of the Ohio police and 6896  
fire pension fund shall adopt rules for the management of the Ohio 6897  
public safety officers death benefit fund and for disbursements of 6898  
benefits as set forth in this section. 6899

(A) As used in this section: 6900



- (1) "Member" means all of the following: 6901
- (a) A member of the Ohio police and fire pension fund, 6902  
including a member of the fund who has elected to participate in 6903  
the deferred retirement option plan established under section 6904  
742.43 of the Revised Code or a member of or contributor to a 6905  
police or firemen's relief and pension fund established under 6906  
former Chapter 521. or 741. of the Revised Code; 6907
- (b) A member of the state highway patrol retirement system, 6908  
including a member who is participating in the deferred retirement 6909  
option plan established under section 5505.50 of the Revised Code; 6910
- (c) A member of the public employees retirement system who at 6911  
the time of the member's death was one of the following: 6912
- (i) A county sheriff or deputy sheriff; 6913
- (ii) A full-time regular police officer in a municipal 6914  
corporation or township; 6915
- (iii) A full-time regular firefighter employed by the state, 6916  
an instrumentality of the state, a municipal corporation, a 6917  
township, a joint fire district, or another political subdivision; 6918
- (iv) A full-time park district ranger or patrol trooper; 6919
- (v) A full-time law enforcement officer of the department of 6920  
natural resources; 6921
- (vi) A full-time department of public safety enforcement 6922  
agent; 6923
- (vii) A full-time law enforcement officer of parks, waterway 6924  
lands, or reservoir lands under the control of a municipal 6925  
corporation; 6926
- (viii) A full-time law enforcement officer of a conservancy 6927  
district; 6928
- (ix) A correction officer at an institution under the control 6929

of a county, a group of counties, a municipal corporation, or the 6930  
department of rehabilitation and correction; 6931

(x) A state university law enforcement officer; 6932

(xi) An investigator, as defined in section 109.541 of the 6933  
Revised Code, or an investigator commissioned as a special agent 6934  
of the bureau of criminal identification and investigation. 6935

(xii) A drug agent, as defined in section 145.01 of the 6936  
Revised Code. 6937

(d) A member of a retirement system operated by a municipal 6938  
corporation who at the time of death was a full-time law 6939  
enforcement officer of parks, waterway lands, or reservoir lands 6940  
under the control of the municipal corporation. 6941

(2) Notwithstanding section 742.01 of the Revised Code, "fire 6942  
or police department" includes a fire department of the state or 6943  
an instrumentality of the state or of a municipal corporation, 6944  
township, joint fire district, or other political subdivision, the 6945  
state highway patrol, a county sheriff's office, the security 6946  
force of an institution under the control of the department of 6947  
rehabilitation and correction, the security force of a jail or 6948  
workhouse under the control of a county, group of counties, or 6949  
municipal corporation, the security force of a metropolitan, 6950  
county, or township park district, the security force of lands 6951  
under the control of the department of natural resources, 6952  
department of public safety enforcement agents, the security force 6953  
of parks, waterway lands, or reservoir lands under the control of 6954  
a municipal corporation, the security force of a conservancy 6955  
district, the police department of a township or municipal 6956  
corporation, and the police force of a state university. 6957

(3) "Firefighter or police officer" includes a state highway 6958  
patrol trooper, a county sheriff or deputy sheriff, a correction 6959  
officer at an institution under the control of a county, a group 6960

of counties, a municipal corporation, or the department of 6961  
rehabilitation and correction, a police officer employed by a 6962  
township or municipal corporation, a firefighter employed by the 6963  
state, an instrumentality of the state, a municipal corporation, a 6964  
township, a joint fire district, or another political subdivision, 6965  
a full-time park district ranger or patrol trooper, a full-time 6966  
law enforcement officer of the department of natural resources, a 6967  
full-time department of public safety enforcement agent, a 6968  
full-time law enforcement officer of parks, waterway lands, or 6969  
reservoir lands under the control of a municipal corporation, a 6970  
full-time law enforcement officer of a conservancy district, and a 6971  
state university law enforcement officer. 6972

(4) "Correction officer" includes, in addition to any 6973  
correction officer, any correction corporal, sergeant, lieutenant, 6974  
or captain, and the equivalents of all such persons. 6975

(5) "A park district ranger or patrol trooper" means a peace 6976  
officer commissioned to make arrests, execute warrants, and 6977  
preserve the peace upon lands under the control of a board of park 6978  
commissioners of a metropolitan, county, or township park 6979  
district. 6980

(6) "Metropolitan, county, or township park district" means a 6981  
park district created under the authority of Chapter 511. or 1545. 6982  
of the Revised Code. 6983

(7) "Conservancy district" means a conservancy district 6984  
created under the authority of Chapter 6101. of the Revised Code. 6985

(8) "Law enforcement officer" means an officer commissioned 6986  
to make arrests, execute warrants, and preserve the peace upon 6987  
lands under the control of the governmental entity granting the 6988  
commission. 6989

(9) "Department of natural resources law enforcement officer" 6990  
includes a forest officer designated pursuant to section 1503.29 6991

of the Revised Code, a preserve officer designated pursuant to 6992  
section 1517.10 of the Revised Code, a wildlife officer designated 6993  
pursuant to section 1531.13 of the Revised Code, a park officer 6994  
designated pursuant to section 1541.10 of the Revised Code, and a 6995  
state watercraft officer designated pursuant to section 1547.521 6996  
of the Revised Code. 6997

(10) "Retirement eligibility date" means the last day of the 6998  
month in which a deceased member would have first become eligible, 6999  
had the member lived, for the retirement pension provided under 7000  
section 145.33, section 145.332, Chapter 521. or 741., division 7001  
(C)(1) of section 742.37, or division (A)(1) of section 5505.17 of 7002  
the Revised Code or provided by a retirement system operated by a 7003  
municipal corporation. 7004

(11) "Death benefit amount" means an amount equal to the full 7005  
monthly salary received by a deceased member prior to death, minus 7006  
an amount equal to the benefit received under section 145.45, 7007  
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 7008  
received from a retirement system operated by a municipal 7009  
corporation, plus any increases in salary that would have been 7010  
granted the deceased member. 7011

(12) "Killed in the line of duty" means either of the 7012  
following: 7013

(a) Death in the line of duty; 7014

(b) Death from injury sustained in the line of duty, 7015  
including heart attack or other fatal injury or illness caused 7016  
while in the line of duty. 7017

(B) A spouse of a deceased member shall receive a death 7018  
benefit each month equal to the full death benefit amount, 7019  
provided that the deceased member was a firefighter or police 7020  
officer killed in the line of duty and there are no surviving 7021  
children eligible for a benefit under this section. The spouse 7022

shall receive this benefit during the spouse's natural life until 7023  
the deceased member's retirement eligibility date, on which date 7024  
the benefit provided under this division shall terminate. 7025

(C)(1) If a member killed in the line of duty as a 7026  
firefighter or police officer is survived only by a child or 7027  
children, the child or children shall receive a benefit each month 7028  
equal to the full death benefit amount. If there is more than one 7029  
surviving child, the benefit shall be divided equally among these 7030  
children. 7031

(2) If the death benefit paid under this division is divided 7032  
among two or more surviving children and any of the children 7033  
become ineligible to continue receiving a portion of the benefit 7034  
as provided in division (H) of this section, the full death 7035  
benefit amount shall be paid to the remaining eligible child or 7036  
divided among the eligible children so that the benefit paid to 7037  
the remaining eligible child or children equals the full death 7038  
benefit amount. 7039

(3) Notwithstanding divisions (C)(1) and (2) of this section, 7040  
all death benefits paid under this division shall terminate on the 7041  
deceased member's retirement eligibility date. 7042

(D) If a member killed in the line of duty as a firefighter 7043  
or police officer is survived by both a spouse and a child or 7044  
children, the monthly benefit provided shall be as follows: 7045

(1)(a) If there is a surviving spouse and one surviving 7046  
child, the spouse shall receive an amount each month equal to 7047  
one-half of the full death benefit amount and the child shall 7048  
receive an amount equal to one-half of the full death benefit 7049  
amount. 7050

(b) If the surviving spouse dies or the child becomes 7051  
ineligible as provided in division (H) of this section, the 7052  
surviving spouse or child remaining eligible shall receive the 7053

full death benefit amount. 7054

(2)(a) If there is a surviving spouse and more than one 7055  
child, the spouse shall receive an amount each month equal to 7056  
one-third of the full death benefit amount and the children shall 7057  
receive an amount, equally divided among them, equal to two-thirds 7058  
of the full death benefit amount. 7059

(b) If a spouse and more than one child each are receiving a 7060  
death benefit under division (D)(2)(a) of this section and the 7061  
spouse dies, the children shall receive an amount each month, 7062  
equally divided among them, equal to the full death benefit 7063  
amount. 7064

(c) If a spouse and more than one child each are receiving a 7065  
benefit under division (D)(2)(a) of this section and any of the 7066  
children becomes ineligible to receive a benefit as provided in 7067  
division (H) of this section, the spouse and remaining eligible 7068  
child or children shall receive a death benefit as follows: 7069

(i) If there are two or more remaining eligible children, the 7070  
spouse shall receive an amount each month equal to one-third of 7071  
the full death benefit amount and the children shall receive an 7072  
amount each month, equally divided among them, equal to two-thirds 7073  
of the full death benefit amount; 7074

(ii) If there is one remaining eligible child, the spouse 7075  
shall receive an amount each month equal to one-half of the full 7076  
death benefit amount, and the child shall receive an amount each 7077  
month equal to one-half of the full death benefit amount. 7078

(d) If a spouse and more than one child each are receiving a 7079  
benefit under division (D)(2)(a) of this section and all of the 7080  
children become ineligible to receive a benefit as provided in 7081  
division (H) of this section, the spouse shall receive the full 7082  
death benefit amount. 7083

(3) Notwithstanding divisions (D)(1) and (2) of this section, 7084

death benefits paid under this division to a surviving spouse 7085  
shall terminate on the member's retirement eligibility date. Death 7086  
benefits paid to a surviving child or children shall terminate on 7087  
the deceased member's retirement eligibility date unless earlier 7088  
terminated pursuant to division (H) of this section. 7089

(E) If a member, on or after January 1, 1980, is killed in 7090  
the line of duty as a firefighter or police officer and is 7091  
survived by only a parent or parents dependent upon the member for 7092  
support, the parent or parents shall receive an amount each month 7093  
equal to the full death benefit amount. If there is more than one 7094  
surviving parent dependent upon the deceased member for support, 7095  
the death benefit amount shall be divided equally among the 7096  
surviving parents. On the death of one of the surviving parents, 7097  
the full death benefit amount shall be paid to the other parent. 7098

(F)(1) The following shall receive a monthly death benefit 7099  
under this division: 7100

(a) A surviving spouse whose benefits are terminated in 7101  
accordance with division (B) or (D)(3) of this section on the 7102  
deceased member's retirement eligibility date, or who would 7103  
qualify for a benefit under division (B) or (D) of this section 7104  
except that the deceased member reached the member's retirement 7105  
eligibility date prior to the member's death; 7106

(b) A qualified surviving spouse of a deceased member of or 7107  
contributor to a police or firemen's relief and pension fund 7108  
established under former Chapter 521. or 741. of the Revised Code 7109  
who was a firefighter or police officer killed in the line of 7110  
duty. 7111

(2) The monthly death benefit shall be one-half of an amount 7112  
equal to the monthly salary received by the deceased member prior 7113  
to the member's death, plus any salary increases the deceased 7114  
member would have received prior to the member's retirement 7115

eligibility date. The benefit shall terminate on the surviving 7116  
spouse's death. A death benefit payable under this division shall 7117  
be reduced by an amount equal to any allowance or benefit payable 7118  
to the surviving spouse under section 742.3714 of the Revised 7119  
Code. 7120

(3) A benefit granted to a surviving spouse under division 7121  
(F)(1)(b) of this section shall commence on the first day of the 7122  
month immediately following receipt by the board of a completed 7123  
application on a form provided by the board and any evidence the 7124  
board may require to establish that the deceased spouse was killed 7125  
in the line of duty. 7126

(G)(1) If there is not a surviving spouse eligible to receive 7127  
a death benefit under division (F) of this section or the 7128  
surviving spouse receiving a death benefit under that division 7129  
dies, a surviving child or children whose benefits under division 7130  
(C) or (D) of this section are or have been terminated pursuant to 7131  
division (C)(3) or (D)(3) of this section or who would qualify for 7132  
a benefit under division (C) or (D) of this section except that 7133  
the deceased member reached the member's retirement eligibility 7134  
date prior to the member's death shall receive a monthly death 7135  
benefit under this division. The monthly death benefit shall be 7136  
one-half of an amount equal to the monthly salary received by the 7137  
deceased member prior to the member's death, plus any salary 7138  
increases the member would have received prior to the member's 7139  
retirement eligibility date. If there is more than one surviving 7140  
child, the benefit shall be divided equally among the surviving 7141  
children. 7142

(2) If two or more surviving children each are receiving a 7143  
benefit under this division and any of those children becomes 7144  
ineligible to continue receiving a benefit as provided in division 7145  
(H) of this section, the remaining eligible child or children 7146  
shall receive an amount equal to one-half of the monthly salary 7147



received by the deceased member prior to death, plus any salary 7148  
increases the deceased member would have received prior to the 7149  
retirement eligibility date. If there is more than one remaining 7150  
eligible child, the benefit shall be divided equally among the 7151  
eligible children. 7152

(3) A death benefit, or portion of a death benefit, payable 7153  
to a surviving child under this division shall be reduced by an 7154  
amount equal to any allowance or benefit payable to that child 7155  
under section 742.3714 of the Revised Code, but the reduction in 7156  
that child's benefit shall not affect the amount payable to any 7157  
other surviving child entitled to a portion of the death benefit. 7158

(H) A death benefit paid to a surviving child under division 7159  
(C), (D), or (G) of this section shall terminate on the death of 7160  
the child or, unless one of the following is the case, when the 7161  
child reaches age eighteen: 7162

(1) The child, because of physical or mental disability, is 7163  
unable to provide the child's own support, in which case the death 7164  
benefit shall terminate when the disability is removed; 7165

(2) The child is unmarried, under age twenty-two, and a 7166  
student in and attending an institution of learning or training 7167  
pursuant to a program designed to complete in each school year the 7168  
equivalent of at least two-thirds of the full-time curriculum 7169  
requirements of the institution, as determined by the trustees of 7170  
the fund. 7171

(I) Acceptance of any death benefit under this section does 7172  
not prohibit a spouse or child from receiving other benefits 7173  
provided under the Ohio police and fire pension fund, the state 7174  
highway patrol retirement system, the public employees retirement 7175  
system, or a retirement system operated by a municipal 7176  
corporation. 7177

(J) No person shall receive a benefit under this section if 7178

any of the following occur: 7179

(1) The person fails to exercise the right to a monthly 7180  
survivor benefit under division (A) or (B) of section 145.45, 7181  
division (D), (E), or (F) of section 742.37, or division (A)(3), 7182  
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 7183  
survivor benefit from a retirement system operated by a municipal 7184  
corporation; or to a retirement allowance under section 742.3714 7185  
of the Revised Code. 7186

(2) The member's accumulated contributions under this chapter 7187  
or Chapter 145. or 5505. of the Revised Code are refunded unless 7188  
the member had been a member of the public employees retirement 7189  
system and had fewer than eighteen months of total service credit 7190  
at the time of death. 7191

(3) In the case of a full-time park district ranger or patrol 7192  
trooper, a full-time law enforcement officer of the department of 7193  
natural resources, a full-time law enforcement officer of parks, 7194  
waterway lands, or reservoir lands under the control of a 7195  
municipal corporation, a full-time law enforcement officer of a 7196  
conservancy district, a correction officer at an institution under 7197  
the control of a county, group of counties, or municipal 7198  
corporation, or a member of a retirement system operated by a 7199  
municipal corporation who at the time of the member's death was a 7200  
full-time law enforcement officer of parks, waterway lands, or 7201  
reservoir lands under the control of the municipal corporation, 7202  
the member died prior to April 9, 1981, in the case of a benefit 7203  
under division (B), (C), or (D) of this section, or prior to 7204  
January 1, 1980, in the case of a benefit under division (E) of 7205  
this section. 7206

(4) In the case of a full-time department of public safety 7207  
enforcement agent who prior to June 30, 1999, was a liquor control 7208  
investigator of the department of public safety, the member died 7209  
prior to December 23, 1986; 7210

(5) In the case of a full-time department of public safety enforcement agent other than an enforcement agent who, prior to June 30, 1999, was a liquor control investigator, the member died prior to June 30, 1999.

(K) A surviving spouse whose benefit was terminated prior to June 30, 1999, due to remarriage shall receive a benefit under division (B), (D), or (F) of this section beginning on the first day of the month following receipt by the board of an application on a form provided by the board. The benefit amount shall be determined as of that date.

(1) If the benefit will begin prior to the deceased member's retirement eligibility date, it shall be paid under division (B) or (D) of this section and shall terminate as provided in those divisions. A benefit paid to a surviving spouse under division (D) of this section shall be determined in accordance with that division, even if benefits paid to surviving children are reduced as a result.

(2) If the benefit will begin on or after the deceased member's retirement eligibility date, it shall be paid under division (F) of this section and shall terminate as provided in that division. A benefit paid to a surviving spouse under division (F) of this section shall be determined in accordance with that division, even if benefits paid to surviving children are terminated as a result.

**Sec. 2329.66.** (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows:

(1)(a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent

of the person uses as a residence. Division (A)(1)(a) of this 7242  
section does not preclude, affect, or invalidate the creation 7243  
under this chapter of a judgment lien upon the exempted property 7244  
but only delays the enforcement of the lien until the property is 7245  
sold or otherwise transferred by the owner or in accordance with 7246  
other applicable laws to a person or entity other than the 7247  
surviving spouse or surviving minor children of the judgment 7248  
debtor. Every person who is domiciled in this state may hold 7249  
exempt from a judgment lien created pursuant to division (A)(1)(a) 7250  
of this section the person's interest, not to exceed twenty 7251  
thousand two hundred dollars, in the exempted property. 7252

(b) In the case of all other judgments and orders, the 7253  
person's interest, not to exceed twenty thousand two hundred 7254  
dollars, in one parcel or item of real or personal property that 7255  
the person or a dependent of the person uses as a residence. 7256

(2) The person's interest, not to exceed three thousand two 7257  
hundred twenty-five dollars, in one motor vehicle; 7258

(3) The person's interest, not to exceed four hundred 7259  
dollars, in cash on hand, money due and payable, money to become 7260  
due within ninety days, tax refunds, and money on deposit with a 7261  
bank, savings and loan association, credit union, public utility, 7262  
landlord, or other person, other than personal earnings. 7263

(4)(a) The person's interest, not to exceed five hundred 7264  
twenty-five dollars in any particular item or ten thousand seven 7265  
hundred seventy-five dollars in aggregate value, in household 7266  
furnishings, household goods, wearing apparel, appliances, books, 7267  
animals, crops, musical instruments, firearms, and hunting and 7268  
fishing equipment that are held primarily for the personal, 7269  
family, or household use of the person; 7270

(b) The person's aggregate interest in one or more items of 7271  
jewelry, not to exceed one thousand three hundred fifty dollars, 7272

held primarily for the personal, family, or household use of the 7273  
person or any of the person's dependents. 7274

(5) The person's interest, not to exceed an aggregate of two 7275  
thousand twenty-five dollars, in all implements, professional 7276  
books, or tools of the person's profession, trade, or business, 7277  
including agriculture; 7278

(6)(a) The person's interest in a beneficiary fund set apart, 7279  
appropriated, or paid by a benevolent association or society, as 7280  
exempted by section 2329.63 of the Revised Code; 7281

(b) The person's interest in contracts of life or endowment 7282  
insurance or annuities, as exempted by section 3911.10 of the 7283  
Revised Code; 7284

(c) The person's interest in a policy of group insurance or 7285  
the proceeds of a policy of group insurance, as exempted by 7286  
section 3917.05 of the Revised Code; 7287

(d) The person's interest in money, benefits, charity, 7288  
relief, or aid to be paid, provided, or rendered by a fraternal 7289  
benefit society, as exempted by section 3921.18 of the Revised 7290  
Code; 7291

(e) The person's interest in the portion of benefits under 7292  
policies of sickness and accident insurance and in lump sum 7293  
payments for dismemberment and other losses insured under those 7294  
policies, as exempted by section 3923.19 of the Revised Code. 7295

(7) The person's professionally prescribed or medically 7296  
necessary health aids; 7297

(8) The person's interest in a burial lot, including, but not 7298  
limited to, exemptions under section 517.09 or 1721.07 of the 7299  
Revised Code; 7300

(9) The person's interest in the following: 7301

(a) Moneys paid or payable for living maintenance or rights, 7302

as exempted by section 3304.19 of the Revised Code; 7303

(b) Workers' compensation, as exempted by section 4123.67 of 7304  
the Revised Code; 7305

(c) Unemployment compensation benefits, as exempted by 7306  
section 4141.32 of the Revised Code; 7307

(d) Cash assistance payments under the Ohio works first 7308  
program, as exempted by section 5107.75 of the Revised Code; 7309

(e) Benefits and services under the prevention, retention, 7310  
and contingency program, as exempted by section 5108.08 of the 7311  
Revised Code; 7312

(f) Disability financial assistance payments, as exempted by 7313  
section 5115.06 of the Revised Code; 7314

(g) Payments under section 24 or 32 of the "Internal Revenue 7315  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 7316

(10)(a) Except in cases in which the person was convicted of 7317  
or pleaded guilty to a violation of section 2921.41 of the Revised 7318  
Code and in which an order for the withholding of restitution from 7319  
payments was issued under division (C)(2)(b) of that section, in 7320  
cases in which an order for withholding was issued under section 7321  
2907.15 of the Revised Code, in cases in which an order for 7322  
forfeiture was issued under division (A) or (B) of section 7323  
2929.192 of the Revised Code, and in cases in which an order was 7324  
issued under section 2929.193 or 2929.194 of the Revised Code, and 7325  
only to the extent provided in the order, and except as provided 7326  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 7327  
and 3123.06 of the Revised Code, the person's right to a pension, 7328  
benefit, annuity, retirement allowance, or accumulated 7329  
contributions, the person's right to a participant account in any 7330  
deferred compensation program offered by the Ohio public employees 7331  
deferred compensation board, a government unit, or a municipal 7332  
corporation, or the person's other accrued or accruing rights, as 7333

exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 7334  
3309.66, or 5505.22 of the Revised Code, and the person's right to 7335  
benefits from the Ohio public safety officers death benefit fund; 7336

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 7337  
3121.03, and 3123.06 of the Revised Code, the person's right to 7338  
receive a payment under any pension, annuity, or similar plan or 7339  
contract, not including a payment from a stock bonus or 7340  
profit-sharing plan or a payment included in division (A)(6)(b) or 7341  
(10)(a) of this section, on account of illness, disability, death, 7342  
age, or length of service, to the extent reasonably necessary for 7343  
the support of the person and any of the person's dependents, 7344  
except if all the following apply: 7345

(i) The plan or contract was established by or under the 7346  
auspices of an insider that employed the person at the time the 7347  
person's rights under the plan or contract arose. 7348

(ii) The payment is on account of age or length of service. 7349

(iii) The plan or contract is not qualified under the 7350  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 7351  
amended. 7352

(c) Except for any portion of the assets that were deposited 7353  
for the purpose of evading the payment of any debt and except as 7354  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7355  
3123.06 of the Revised Code, the person's right in the assets held 7356  
in, or to receive any payment under, any individual retirement 7357  
account, individual retirement annuity, "Roth IRA," or education 7358  
individual retirement account that provides benefits by reason of 7359  
illness, disability, death, or age, to the extent that the assets, 7360  
payments, or benefits described in division (A)(10)(c) of this 7361  
section are attributable to any of the following: 7362

(i) Contributions of the person that were less than or equal 7363  
to the applicable limits on deductible contributions to an 7364

individual retirement account or individual retirement annuity in 7365  
the year that the contributions were made, whether or not the 7366  
person was eligible to deduct the contributions on the person's 7367  
federal tax return for the year in which the contributions were 7368  
made; 7369

(ii) Contributions of the person that were less than or equal 7370  
to the applicable limits on contributions to a Roth IRA or 7371  
education individual retirement account in the year that the 7372  
contributions were made; 7373

(iii) Contributions of the person that are within the 7374  
applicable limits on rollover contributions under subsections 219, 7375  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 7376  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 7377  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7378

(d) Except for any portion of the assets that were deposited 7379  
for the purpose of evading the payment of any debt and except as 7380  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7381  
3123.06 of the Revised Code, the person's right in the assets held 7382  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 7383  
that provides benefits by reason of illness, disability, death, or 7384  
age, to the extent reasonably necessary for the support of the 7385  
person and any of the person's dependents. 7386

(11) The person's right to receive spousal support, child 7387  
support, an allowance, or other maintenance to the extent 7388  
reasonably necessary for the support of the person and any of the 7389  
person's dependents; 7390

(12) The person's right to receive, or moneys received during 7391  
the preceding twelve calendar months from, any of the following: 7392

(a) An award of reparations under sections 2743.51 to 2743.72 7393  
of the Revised Code, to the extent exempted by division (D) of 7394  
section 2743.66 of the Revised Code; 7395



(b) A payment on account of the wrongful death of an 7396  
individual of whom the person was a dependent on the date of the 7397  
individual's death, to the extent reasonably necessary for the 7398  
support of the person and any of the person's dependents; 7399

(c) Except in cases in which the person who receives the 7400  
payment is an inmate, as defined in section 2969.21 of the Revised 7401  
Code, and in which the payment resulted from a civil action or 7402  
appeal against a government entity or employee, as defined in 7403  
section 2969.21 of the Revised Code, a payment, not to exceed 7404  
twenty thousand two hundred dollars, on account of personal bodily 7405  
injury, not including pain and suffering or compensation for 7406  
actual pecuniary loss, of the person or an individual for whom the 7407  
person is a dependent; 7408

(d) A payment in compensation for loss of future earnings of 7409  
the person or an individual of whom the person is or was a 7410  
dependent, to the extent reasonably necessary for the support of 7411  
the debtor and any of the debtor's dependents. 7412

(13) Except as provided in sections 3119.80, 3119.81, 7413  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 7414  
earnings of the person owed to the person for services in an 7415  
amount equal to the greater of the following amounts: 7416

(a) If paid weekly, thirty times the current federal minimum 7417  
hourly wage; if paid biweekly, sixty times the current federal 7418  
minimum hourly wage; if paid semimonthly, sixty-five times the 7419  
current federal minimum hourly wage; or if paid monthly, one 7420  
hundred thirty times the current federal minimum hourly wage that 7421  
is in effect at the time the earnings are payable, as prescribed 7422  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 7423  
U.S.C. 206(a)(1), as amended; 7424

(b) Seventy-five per cent of the disposable earnings owed to 7425  
the person. 7426

(14) The person's right in specific partnership property, as 7427  
exempted by ~~division (B)(3) of section 1775.24 of the Revised Code~~ 7428  
~~or~~ the person's rights in a partnership pursuant to section 7429  
1776.50 of the Revised Code, except as otherwise set forth in 7430  
section 1776.50 of the Revised Code; 7431

(15) A seal and official register of a notary public, as 7432  
exempted by section 147.04 of the Revised Code; 7433

(16) The person's interest in a tuition unit or a payment 7434  
under section 3334.09 of the Revised Code pursuant to a tuition 7435  
payment contract, as exempted by section 3334.15 of the Revised 7436  
Code; 7437

(17) Any other property that is specifically exempted from 7438  
execution, attachment, garnishment, or sale by federal statutes 7439  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 7440  
U.S.C.A. 101, as amended; 7441

(18) The person's aggregate interest in any property, not to 7442  
exceed one thousand seventy-five dollars, except that division 7443  
(A)(18) of this section applies only in bankruptcy proceedings. 7444

(B) On April 1, 2010, and on the first day of April in each 7445  
third calendar year after 2010, the Ohio judicial conference shall 7446  
adjust each dollar amount set forth in this section to reflect the 7447  
change in the consumer price index for all urban consumers, as 7448  
published by the United States department of labor, or, if that 7449  
index is no longer published, a generally available comparable 7450  
index, for the three-year period ending on the thirty-first day of 7451  
December of the preceding year. Any adjustments required by this 7452  
division shall be rounded to the nearest twenty-five dollars. 7453

The Ohio judicial conference shall prepare a memorandum 7454  
specifying the adjusted dollar amounts. The judicial conference 7455  
shall transmit the memorandum to the director of the legislative 7456  
service commission, and the director shall publish the memorandum 7457

in the register of Ohio. (Publication of the memorandum in the 7458  
register of Ohio shall continue until the next memorandum 7459  
specifying an adjustment is so published.) The judicial conference 7460  
also may publish the memorandum in any other manner it concludes 7461  
will be reasonably likely to inform persons who are affected by 7462  
its adjustment of the dollar amounts. 7463

(C) As used in this section: 7464

(1) "Disposable earnings" means net earnings after the 7465  
garnishee has made deductions required by law, excluding the 7466  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 7467  
3121.03, or 3123.06 of the Revised Code. 7468

(2) "Insider" means: 7469

(a) If the person who claims an exemption is an individual, a 7470  
relative of the individual, a relative of a general partner of the 7471  
individual, a partnership in which the individual is a general 7472  
partner, a general partner of the individual, or a corporation of 7473  
which the individual is a director, officer, or in control; 7474

(b) If the person who claims an exemption is a corporation, a 7475  
director or officer of the corporation; a person in control of the 7476  
corporation; a partnership in which the corporation is a general 7477  
partner; a general partner of the corporation; or a relative of a 7478  
general partner, director, officer, or person in control of the 7479  
corporation; 7480

(c) If the person who claims an exemption is a partnership, a 7481  
general partner in the partnership; a general partner of the 7482  
partnership; a person in control of the partnership; a partnership 7483  
in which the partnership is a general partner; or a relative in, a 7484  
general partner of, or a person in control of the partnership; 7485

(d) An entity or person to which or whom any of the following 7486  
applies: 7487

(i) The entity directly or indirectly owns, controls, or 7488  
holds with power to vote, twenty per cent or more of the 7489  
outstanding voting securities of the person who claims an 7490  
exemption, unless the entity holds the securities in a fiduciary 7491  
or agency capacity without sole discretionary power to vote the 7492  
securities or holds the securities solely to secure to debt and 7493  
the entity has not in fact exercised the power to vote. 7494

(ii) The entity is a corporation, twenty per cent or more of 7495  
whose outstanding voting securities are directly or indirectly 7496  
owned, controlled, or held with power to vote, by the person who 7497  
claims an exemption or by an entity to which division (C)(2)(d)(i) 7498  
of this section applies. 7499

(iii) A person whose business is operated under a lease or 7500  
operating agreement by the person who claims an exemption, or a 7501  
person substantially all of whose business is operated under an 7502  
operating agreement with the person who claims an exemption. 7503

(iv) The entity operates the business or all or substantially 7504  
all of the property of the person who claims an exemption under a 7505  
lease or operating agreement. 7506

(e) An insider, as otherwise defined in this section, of a 7507  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 7508  
(iv) of this section applies, as if the person or entity were a 7509  
person who claims an exemption; 7510

(f) A managing agent of the person who claims an exemption. 7511

(3) "Participant account" has the same meaning as in section 7512  
148.01 of the Revised Code. 7513

(4) "Government unit" has the same meaning as in section 7514  
148.06 of the Revised Code. 7515

(D) For purposes of this section, "interest" shall be 7516  
determined as follows: 7517

(1) In bankruptcy proceedings, as of the date a petition is 7518  
filed with the bankruptcy court commencing a case under Title 11 7519  
of the United States Code; 7520

(2) In all cases other than bankruptcy proceedings, as of the 7521  
date of an appraisal, if necessary under section 2329.68 of the 7522  
Revised Code, or the issuance of a writ of execution. 7523

An interest, as determined under division (D)(1) or (2) of 7524  
this section, shall not include the amount of any lien otherwise 7525  
valid pursuant to section 2329.661 of the Revised Code. 7526

Sec. 2901.431. On the filing of charges against a person who 7527  
is a member of the public employees retirement system alleging 7528  
that the person committed a felony on or after the effective date 7529  
of this section, the prosecutor assigned to the case shall send 7530  
written notice to the retirement system that the charges have been 7531  
filed. The notice shall specifically identify the person. 7532

For purposes of this section, a violation or offense that 7533  
includes as an element a course of conduct or the occurrence of 7534  
multiple acts is committed on or after the effective date of this 7535  
section if the course of conduct continues, one or more of the 7536  
multiple acts occurs, or the person's accountability for the 7537  
course of conduct or one or more of the multiple acts continues on 7538  
or after that date. 7539

**Sec. 2921.13.** (A) No person shall knowingly make a false 7540  
statement, or knowingly swear or affirm the truth of a false 7541  
statement previously made, when any of the following applies: 7542

(1) The statement is made in any official proceeding. 7543

(2) The statement is made with purpose to incriminate 7544  
another. 7545

(3) The statement is made with purpose to mislead a public 7546

official in performing the public official's official function. 7547

(4) The statement is made with purpose to secure the payment 7548  
of unemployment compensation; Ohio works first; prevention, 7549  
retention, and contingency benefits and services; disability 7550  
financial assistance; retirement benefits or health care coverage 7551  
from a state retirement system; economic development assistance, 7552  
as defined in section 9.66 of the Revised Code; or other benefits 7553  
administered by a governmental agency or paid out of a public 7554  
treasury. 7555

(5) The statement is made with purpose to secure the issuance 7556  
by a governmental agency of a license, permit, authorization, 7557  
certificate, registration, release, or provider agreement. 7558

(6) The statement is sworn or affirmed before a notary public 7559  
or another person empowered to administer oaths. 7560

(7) The statement is in writing on or in connection with a 7561  
report or return that is required or authorized by law. 7562

(8) The statement is in writing and is made with purpose to 7563  
induce another to extend credit to or employ the offender, to 7564  
confer any degree, diploma, certificate of attainment, award of 7565  
excellence, or honor on the offender, or to extend to or bestow 7566  
upon the offender any other valuable benefit or distinction, when 7567  
the person to whom the statement is directed relies upon it to 7568  
that person's detriment. 7569

(9) The statement is made with purpose to commit or 7570  
facilitate the commission of a theft offense. 7571

(10) The statement is knowingly made to a probate court in 7572  
connection with any action, proceeding, or other matter within its 7573  
jurisdiction, either orally or in a written document, including, 7574  
but not limited to, an application, petition, complaint, or other 7575  
pleading, or an inventory, account, or report. 7576

(11) The statement is made on an account, form, record, 7577  
stamp, label, or other writing that is required by law. 7578

(12) The statement is made in connection with the purchase of 7579  
a firearm, as defined in section 2923.11 of the Revised Code, and 7580  
in conjunction with the furnishing to the seller of the firearm of 7581  
a fictitious or altered driver's or commercial driver's license or 7582  
permit, a fictitious or altered identification card, or any other 7583  
document that contains false information about the purchaser's 7584  
identity. 7585

(13) The statement is made in a document or instrument of 7586  
writing that purports to be a judgment, lien, or claim of 7587  
indebtedness and is filed or recorded with the secretary of state, 7588  
a county recorder, or the clerk of a court of record. 7589

(14) The statement is made in an application filed with a 7590  
county sheriff pursuant to section 2923.125 of the Revised Code in 7591  
order to obtain or renew a license to carry a concealed handgun or 7592  
is made in an affidavit submitted to a county sheriff to obtain a 7593  
temporary emergency license to carry a concealed handgun under 7594  
section 2923.1213 of the Revised Code. 7595

(15) The statement is required under section 5743.71 of the 7596  
Revised Code in connection with the person's purchase of 7597  
cigarettes or tobacco products in a delivery sale. 7598

(B) No person, in connection with the purchase of a firearm, 7599  
as defined in section 2923.11 of the Revised Code, shall knowingly 7600  
furnish to the seller of the firearm a fictitious or altered 7601  
driver's or commercial driver's license or permit, a fictitious or 7602  
altered identification card, or any other document that contains 7603  
false information about the purchaser's identity. 7604

(C) No person, in an attempt to obtain a license to carry a 7605  
concealed handgun under section 2923.125 of the Revised Code, 7606  
shall knowingly present to a sheriff a fictitious or altered 7607

document that purports to be certification of the person's 7608  
competence in handling a handgun as described in division (B)(3) 7609  
of section 2923.125 of the Revised Code. 7610

(D) It is no defense to a charge under division (A)(6) of 7611  
this section that the oath or affirmation was administered or 7612  
taken in an irregular manner. 7613

(E) If contradictory statements relating to the same fact are 7614  
made by the offender within the period of the statute of 7615  
limitations for falsification, it is not necessary for the 7616  
prosecution to prove which statement was false but only that one 7617  
or the other was false. 7618

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 7619  
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 7620  
of falsification, a misdemeanor of the first degree. 7621

(2) Whoever violates division (A)(9) of this section is 7622  
guilty of falsification in a theft offense. Except as otherwise 7623  
provided in this division, falsification in a theft offense is a 7624  
misdemeanor of the first degree. If the value of the property or 7625  
services stolen is one thousand dollars or more and is less than 7626  
seven thousand five hundred dollars, falsification in a theft 7627  
offense is a felony of the fifth degree. If the value of the 7628  
property or services stolen is seven thousand five hundred dollars 7629  
or more and is less than one hundred fifty thousand dollars, 7630  
falsification in a theft offense is a felony of the fourth degree. 7631  
If the value of the property or services stolen is one hundred 7632  
fifty thousand dollars or more, falsification in a theft offense 7633  
is a felony of the third degree. 7634

(3) Whoever violates division (A)(12) or (B) of this section 7635  
is guilty of falsification to purchase a firearm, a felony of the 7636  
fifth degree. 7637

(4) Whoever violates division (A)(14) or (C) of this section 7638



is guilty of falsification to obtain a concealed handgun license, 7639  
a felony of the fourth degree. 7640

(G) A person who violates this section is liable in a civil 7641  
action to any person harmed by the violation for injury, death, or 7642  
loss to person or property incurred as a result of the commission 7643  
of the offense and for reasonable attorney's fees, court costs, 7644  
and other expenses incurred as a result of prosecuting the civil 7645  
action commenced under this division. A civil action under this 7646  
division is not the exclusive remedy of a person who incurs 7647  
injury, death, or loss to person or property as a result of a 7648  
violation of this section. 7649

Sec. 2929.194. (A) This section applies to members of the 7650  
public employees retirement system except that in any circumstance 7651  
in which either section 2929.192 or 2929.193 of the Revised Code 7652  
applies this section does not apply. 7653

(B) If an offender is being sentenced for a felony offense 7654  
that was the cause of a physical or mental disability in the 7655  
offender and was committed on or after the effective date of this 7656  
section while the offender was a member of the public employees 7657  
retirement system, in addition to any sanction it imposes under 7658  
section 2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the 7659  
Revised Code but subject to division (C) of this section, the 7660  
court shall order forfeiture of any right of the offender to a 7661  
disability benefit from the retirement system that is based on the 7662  
disability caused by commission of the felony. The forfeiture 7663  
shall be ordered regardless of whether a disability benefit has 7664  
been requested or granted. A forfeiture ordered under this section 7665  
is part of, and shall be included in, the offender's sentence. 7666

(C) Before sentencing in a case in which the sentencing court 7667  
is required to order forfeiture under division (B) of this 7668  
section, the offender may request a hearing regarding the 7669

forfeiture by delivering a written request for a hearing to the 7670  
court. If there is a timely request, the court shall schedule the 7671  
hearing to be conducted before sentencing. Not later than ten days 7672  
prior to the scheduled date of the hearing, the court shall give 7673  
notice of the hearing date to the offender, the prosecutor who 7674  
handled the case, and the retirement system. The hearing shall be 7675  
limited to determination of whether the offender's disability 7676  
resulted from commission of the offense. If a disability benefit 7677  
has already been granted, the retirement system shall submit to 7678  
the court documentation of the evidence on which the benefit was 7679  
granted. 7680

(D) If the offender does not make a timely request for a 7681  
hearing or if a hearing is held and the court determines that the 7682  
disability resulted from commission of the offense, the court 7683  
shall order the forfeiture of any right the offender may have to a 7684  
disability benefit from the retirement system that is based on the 7685  
disability caused by commission of the felony. If the disability 7686  
benefit has already been granted, the court shall order 7687  
termination of the benefit. Any disability benefit paid to the 7688  
offender prior to its termination may be recovered in accordance 7689  
with section 145.563 of the Revised Code. 7690

(E) The court shall send a copy of the journal entry imposing 7691  
sentence on the offender to the retirement system. 7692

(F) For purposes of this section, any violation or offense 7693  
that includes as an element a course of conduct or the occurrence 7694  
of multiple acts is committed on or after the effective date of 7695  
this section if the course of conduct continues, one or more of 7696  
the multiple acts occurs, or the offender's accountability for the 7697  
course of conduct or for one or more of the multiple acts 7698  
continues on or after the effective date of this section. 7699

**Sec. 3105.80.** As used in this section and sections 3105.81 to 7700

3105.90 of the Revised Code: 7701

(A) "Alternate payee" means a party in an action for divorce, 7702  
legal separation, annulment, or dissolution of marriage who is to 7703  
receive one or more payments from a benefit or lump sum payment 7704  
under an order issued under section 3105.171 or 3105.65 of the 7705  
Revised Code that is in compliance with sections 3105.81 to 7706  
3105.90 of the Revised Code. 7707

(B) "Benefit" means a periodic payment under a pension, 7708  
annuity, allowance, or other type of benefit, other than a 7709  
survivor benefit, that has been or may be granted to a participant 7710  
under sections 742.01 to 742.61 or Chapter 145., 3307., 3309., or 7711  
5505. of the Revised Code or any payment that is to be made under 7712  
a contract a participant has entered into for the purposes of an 7713  
alternative retirement plan. "Benefit" also includes all amounts 7714  
received or to be received under a plan of payment elected under 7715  
division ~~(B)(4)~~ (E)(1) of section 145.46, division (B) of section 7716  
3307.60, or division (B)(4) of section 3309.46 of the Revised 7717  
Code. 7718

(C) "Lump sum payment" means a payment of accumulated 7719  
contributions standing to a participant's credit under sections 7720  
742.01 to 742.61 or Chapter 145., 3307., 3309., or 5505. of the 7721  
Revised Code or pursuant to a contract a participant has entered 7722  
into for the purposes of an alternative retirement plan and any 7723  
other payment made or that may be made to a participant under 7724  
those sections or chapters on withdrawal of a participant's 7725  
contributions. "Lump sum payment" includes a lump sum payment 7726  
under section 145.384, 742.26, 3307.352, or 3309.344 of the 7727  
Revised Code. 7728

(D) "Participant" means a member, contributor, retirant, or 7729  
disability benefit recipient who is or will be entitled to a 7730  
benefit or lump sum payment under sections 742.01 to 742.61 or 7731  
Chapter 145., 3307., 3309., or 5505. of the Revised Code or an 7732

employee who elects to participate in an alternative retirement 7733  
plan under Chapter 3305. of the Revised Code. 7734

(E) "Personal history record" has the same meaning as in 7735  
sections 145.27, 742.41, 3305.20, 3307.20, 3309.22, and 5505.04 of 7736  
the Revised Code. 7737

(F) "Public retirement program" means the public employees 7738  
retirement system, Ohio police and fire pension fund, school 7739  
employees retirement system, state teachers retirement system, 7740  
state highway patrol retirement system, or an entity providing an 7741  
alternative retirement plan under Chapter 3305. of the Revised 7742  
Code. 7743

**Sec. 3305.06.** (A) Each electing employee shall contribute an 7744  
amount, which shall be a certain percentage of the employee's 7745  
compensation, to the provider of the investment option the 7746  
employee has selected. This percentage shall be the percentage the 7747  
electing employee would have otherwise been required to contribute 7748  
to the state retirement system that applies to the employee's 7749  
position, except that the percentage shall not be less than three 7750  
per cent. Employee contributions under this division may be 7751  
treated as employer contributions in accordance with Internal 7752  
Revenue Code 414(h). 7753

(B) Each public institution of higher education employing an 7754  
electing employee shall contribute a percentage of the employee's 7755  
compensation to the provider of the investment option the employee 7756  
has selected. This percentage shall be equal to the percentage 7757  
that the public institution of higher education would otherwise 7758  
contribute on behalf of that employee to the state retirement 7759  
system that would otherwise cover that employee's position, less 7760  
the percentage contributed by the public institution of higher 7761  
education under division (D) of this section. 7762

(C)(1) In no event shall the amount contributed by the 7763

electing employee pursuant to division (A) of this section and on 7764  
the electing employee's behalf pursuant to division (B) of this 7765  
section be less than the amount necessary to qualify the plan as a 7766  
state retirement system pursuant to Internal Revenue Code 7767  
3121(b)(7) and the regulations adopted thereunder. 7768

(2) The full amount of the electing employee's contribution 7769  
under division (A) of this section and the full amount of the 7770  
employer's contribution made on behalf of that employee under 7771  
division (B) of this section shall be paid to the appropriate 7772  
provider for application to the electing employee's investment 7773  
option. 7774

(D) Each public institution of higher education employing an 7775  
electing employee shall contribute on behalf of that employee to 7776  
the state retirement system that otherwise applies to the electing 7777  
employee's position a percentage of the electing employee's 7778  
compensation to mitigate any negative financial impact of the 7779  
alternative retirement program on the state retirement system. The 7780  
percentage shall be six per cent, except that the percentage may 7781  
be adjusted by the Ohio retirement study council to reflect the 7782  
determinations made by actuarial studies conducted under section 7783  
171.07 of the Revised Code. Any adjustment shall become effective 7784  
on the first day of the second month following submission of the 7785  
actuarial study to the Ohio board of regents under section 171.07 7786  
of the Revised Code. 7787

Contributions on behalf of an electing employee shall 7788  
continue in accordance with this division until the occurrence of 7789  
the following: 7790

(1) If the electing employee would be subject to Chapter 145. 7791  
of the Revised Code had the employee not made an election pursuant 7792  
to section 3305.05 or 3305.051 of the Revised Code, until the 7793  
unfunded actuarial accrued liability for all benefits, except 7794  
health care benefits provided under section ~~145.325~~ or 145.58 or 7795

145.584 of the Revised Code and benefit increases provided after 7796  
March 31, 1997, is fully amortized, as determined by the annual 7797  
actuarial valuation prepared under section 145.22 of the Revised 7798  
Code; 7799

(2) If the electing employee would be subject to Chapter 7800  
3307. of the Revised Code had the employee not made an election 7801  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7802  
the unfunded actuarial accrued liability for all benefits, except 7803  
health care benefits provided under section 3307.39 ~~or 3307.61~~ of 7804  
the Revised Code and benefit increases provided after March 31, 7805  
1997, is fully amortized, as determined by the annual actuarial 7806  
valuation prepared under section 3307.51 of the Revised Code; 7807

(3) If the electing employee would be subject to Chapter 7808  
3309. of the Revised Code had the employee not made an election 7809  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7810  
the unfunded actuarial accrued liability for all benefits, except 7811  
health care benefits provided under section 3309.375 or 3309.69 of 7812  
the Revised Code and benefit increases provided after March 31, 7813  
1997, is fully amortized, as determined by the annual actuarial 7814  
valuation prepared under section 3309.21 of the Revised Code. 7815

**Sec. 3309.312.** (A) Not later than ninety days after September 7816  
16, 1998, a member who, on September 16, 1998, is employed full 7817  
time pursuant to section 3345.04 of the Revised Code by the 7818  
university of Akron as a state university law enforcement officer 7819  
may elect to transfer to the public employees retirement system in 7820  
accordance with this section. An election shall be made by giving 7821  
notice to the school employees retirement system on a form 7822  
provided by the school employees retirement board and shall be 7823  
irrevocable. 7824

(B) When a member makes the election described in this 7825  
section, the school employees retirement system shall notify the 7826

public employees retirement system. The school employees 7827  
retirement system shall transfer all of the member's service 7828  
credit to the public employees retirement system and shall certify 7829  
to the public employees retirement system a copy of the member's 7830  
records of service and contributions. For each year or portion of 7831  
a year of credit, the school employees retirement system shall 7832  
transfer to the public employees retirement system all of the 7833  
following: 7834

(1) An amount equal to the accumulated contributions standing 7835  
to the member's credit; 7836

(2) An amount equal to the total employer contributions paid 7837  
on behalf of the member; 7838

(3) Any amount paid by the member or employer to the school 7839  
employees retirement system for the purchase of service credit. 7840

At the request of the public employees retirement system, the 7841  
employer of a member who makes an election under this section 7842  
shall certify to the public employees retirement system the 7843  
member's salary. 7844

(C) A member who elects to transfer to the public employees 7845  
retirement system under this section shall make contributions and 7846  
receive benefits in accordance with ~~divisions (B) to (F) of~~ 7847  
section ~~145.33~~ 145.332 of the Revised Code. 7848

(D) A member who fails to make an election in accordance with 7849  
this section shall remain a member of the school employees 7850  
retirement system. 7851

**Sec. 3375.411.** A board of library trustees of a free public 7852  
library, appointed pursuant to the provisions of sections 3375.06, 7853  
3375.08, 3375.12, 3375.15, and 3375.22 of the Revised Code, which 7854  
has not less than seventy-five full-time employees, and which, 7855  
prior to September 16, 1943, was providing for retirement of the 7856

employees of such library with annuities, insurance, or other 7857  
provisions, under authority granted by former section 7889 of the 7858  
General Code, may provide such retirement, insurance, or other 7859  
provisions in the same manner authorized by former section 7889 of 7860  
the General Code, as follows: the library board of such library 7861  
which has appropriated and paid the board's portion provided in 7862  
such system or plan, may continue to appropriate and pay the 7863  
board's portion provided in such system or plan out of the funds 7864  
received to the credit of such board by taxation or otherwise. 7865  
Each employee of such library who is to be included in a system of 7866  
retirement shall contribute to the retirement fund not less than 7867  
four per cent per annum of the employee's salary from the time of 7868  
eligibility to join the retirement system to the time of 7869  
retirement. If a group insurance plan is installed by any library, 7870  
not less than fifty per cent of the cost of such insurance shall 7871  
be borne by the employees included in such plan. 7872

Provided, any employee whose employment by said library began 7873  
on or after September 16, 1943, may exempt self from inclusion in 7874  
such retirement system, or withdraw from such retirement system. 7875  
Upon such exemption or withdrawal, such person shall become a 7876  
member of the public employees retirement system in accordance 7877  
with former section 145.02 and sections ~~145.02~~, 145.03~~7~~ and 145.28 7878  
of the Revised Code, respectively. All employees appointed for the 7879  
first time on and after January 1, 1956~~7~~, shall, for retirement 7880  
purposes, be eligible only for membership in the public employees 7881  
retirement system as provided in Chapter 145. of the Revised Code. 7882

A library board which provides for the retirement of its 7883  
employees with annuities, insurance, or other provisions under the 7884  
authority granted by this section may, pursuant to a board 7885  
resolution adopted within thirty days after the effective date of 7886  
this section, terminate such retirement plan. Upon the effective 7887  
date of such termination, which is specified in the resolution, 7888



each employee covered by such retirement plan shall become a 7889  
member of the public employees retirement system. 7890

**Section 2.** That existing sections 101.92, 101.93, 145.01, 7891  
145.04, 145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 7892  
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 7893  
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 7894  
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 7895  
145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 7896  
145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 7897  
145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 7898  
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 7899  
145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 7900  
145.83, 145.87, 145.88, 145.92, 145.95, 145.97, 742.63, 2329.66, 7901  
2921.13, 3105.80, 3305.06, 3309.312, and 3375.411 and sections 7902  
145.02, 145.292, 145.321, 145.322, 145.324, 145.326, 145.327, 7903  
145.328, 145.329, 145.3210, 145.3211, 145.3212, 145.3213, 145.332, 7904  
145.34, 145.42, 145.44, 145.461, and 145.462 of the Revised Code 7905  
are hereby repealed. 7906

**Section 3.** Notwithstanding the times specified in the 7907  
amendments to section 145.87 of the Revised Code made by this act, 7908  
if the Public Employees Retirement Board determines that a 7909  
decrease in the percentage transferred under that section is 7910  
warranted, the Board may decrease the percentage transferred not 7911  
later than one hundred twenty days after the effective date of 7912  
this section. The decrease shall take effect on the first day of 7913  
the second month following the Board's action. 7914

**Section 4.** (A) The amendments by this act regarding 7915  
purchasing service credit from the Public Employees Retirement 7916  
System do not apply to service credit purchases initiated not 7917  
later than six months after the effective date of this section. A 7918

purchase shall be considered initiated not later than the date 7919  
that is six months after the effective date of this section if the 7920  
member makes one or more payments not later than that date or the 7921  
system receives a payroll deduction form with a post-mark date 7922  
that is not later than that date and the amount deducted is 7923  
received by the system not later than one hundred twenty days 7924  
after the post-mark date. 7925

(B) A purchase of service credit under Chapter 145. of the 7926  
Revised Code that is initiated as described in division (A) of 7927  
this section shall continue at the total cost of that credit 7928  
immediately before the effective date of this section if the 7929  
purchase is completed not later than five years and six months 7930  
after the effective date of this section and the member complies 7931  
with any other requirements of section 145.294 of the Revised Code 7932  
and any applicable rules adopted pursuant to that section. 7933

(C)(1) Except as otherwise provided in this division, a 7934  
member who is subject to a payroll deduction agreement described 7935  
in division (E) of Ohio Administrative Code section 145-1-38 for 7936  
the purchase of service credit under Chapter 145. of the Revised 7937  
Code is ineligible to initiate under this section a purchase of 7938  
the same type of service credit while the agreement is in effect. 7939

(2)(a) Subject to division (C)(2)(b) of this section and 7940  
notwithstanding section 145.294 of the Revised Code or any rules 7941  
adopted pursuant to that section, a member who, on the effective 7942  
date of this section, is subject to a payroll deduction agreement 7943  
described in division (E) of Ohio Administrative Code section 7944  
145-1-38 for the purchase of service credit under section 145.201 7945  
of the Revised Code may initiate, by a lump sum or partial 7946  
payment, the purchase of any additional credit the member is 7947  
eligible to purchase under section 145.201 of the Revised Code. A 7948  
purchase initiated under division (C)(2)(a) of this section is 7949

subject to division (B) of this section. 7950

(b) Credit based on service for which the earnable salary is 7951  
less than one thousand dollars per month of earnable salary is not 7952  
eligible for purchase under division (C)(2)(a) of this section. 7953

(c) If a member who elects to make a purchase under division 7954  
(C)(2)(a) of this section fails to complete a payroll deduction 7955  
agreement described in that division, the member shall receive a 7956  
refund of the amounts paid under division (C)(2)(a) of this 7957  
section. A refund cancels any credit purchased with the refunded 7958  
amount. 7959

(D) The Public Employees Retirement Board shall adopt rules 7960  
specifying the service credit purchases that are subject to this 7961  
section. 7962

**Section 5.** Notwithstanding sections 145.32 and 145.37 of the 7963  
Revised Code, as amended by this act, an application for age and 7964  
service retirement that is received by the Public Employees 7965  
Retirement System on or after the effective date of this section 7966  
but not later than ninety days after that date shall have an 7967  
effective date of retirement that is the first day of the month 7968  
following the later of the following: 7969

(A) The last day for which compensation was paid; 7970

(B) The attainment of minimum age or service credit 7971  
retirement eligibility provided under section 145.32, 145.332, or 7972  
145.37 of the Revised Code; 7973

(C) The effective date of this section. 7974

**Section 6.** Sections 1, 2, 3, 4, and 5 of this act take effect 7975  
January 7, 2013. 7976

**Section 7.** The amendments by this act regarding purchasing 7977  
service credit from the Public Employees Retirement System shall 7978

not be construed as intent by the System to increase the cost of	7979
service credit under section 145.301 of the Revised Code.	7980