

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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Sub. S. B. No. 343

Senators Niehaus, Kearney

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A B I L L

To amend sections 101.92, 101.93, 145.01, 145.04,	1
145.041, 145.05, 145.057, 145.06, 145.09, 145.19,	2
145.191, 145.192, 145.193, 145.20, 145.201,	3
145.22, 145.23, 145.27, 145.28, 145.29, 145.291,	4
145.293, 145.294, 145.295, 145.297, 145.298,	5
145.299, 145.2911, 145.2912, 145.2913, 145.2914,	6
145.30, 145.301, 145.31, 145.32, 145.323, 145.33,	7
145.331, 145.35, 145.36, 145.361, 145.362, 145.37,	8
145.38, 145.383, 145.384, 145.39, 145.40, 145.401,	9
145.41, 145.43, 145.45, 145.452, 145.46, 145.47,	10
145.473, 145.48, 145.483, 145.49, 145.51, 145.54,	11
145.56, 145.561, 145.563, 145.58, 145.62, 145.63,	12
145.64, 145.813, 145.814, 145.82, 145.83, 145.87,	13
145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13,	14
3105.80, 3305.06, 3305.57, 3309.312, 3309.35, and	15
3375.411; to amend, for the purpose of adopting	16
new section numbers as indicated in parentheses,	17
sections 145.29 (145.292) and 145.325 (145.584);	18
to enact new sections 145.29 and 145.332 and	19
sections 145.016, 145.017, 145.036, 145.037,	20
145.038, 145.101, 145.194, 145.195, 145.2915,	21
145.2916, 145.333, 145.363, 145.431, 145.574,	22
2901.431, and 2929.194; and to repeal sections	23

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

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

Section 1. That sections 101.92, 101.93, 145.01, 145.04, 30
145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 31
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 32
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 33
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 34
145.31, 145.32, 145.323, 145.33, 145.331, 145.35, 145.36, 145.361, 35
145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 145.40, 36
145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 145.473, 37
145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 145.563, 38
145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 145.83, 39
145.87, 145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13, 3105.80, 40
3305.06, 3307.57, 3309.312, 3309.35, and 3375.411 be amended; 41
sections 145.29 (145.292) and 145.325 (145.584) be amended for the 42
purpose of adopting new section numbers as indicated in 43
parentheses; and new sections 145.29 and 145.332 and sections 44
145.016, 145.017, 145.036, 145.037, 145.038, 145.101, 145.194, 45
145.195, 145.2915, 145.2916, 145.333, 145.363, 145.431, 145.574, 46
2901.431, and 2929.194 be enacted to read as follows: 47

Sec. 101.92. (A) Each retirement system lobbyist and each 48
employer shall file with the joint legislative ethics committee, 49
within ten days following the engagement of a retirement system 50
lobbyist, an initial registration statement showing all of the 51
following: 52

(1) The name, business address, and occupation of the 53
retirement system lobbyist; 54

(2) The name and business address of the employer or of the 55
real party in interest on whose behalf the retirement system 56
lobbyist is acting, if it is different from the employer. For the 57
purposes of division (A) of this section, where a trade 58
association or other charitable or fraternal organization that is 59
exempt from federal income taxation under subsection 501(c) of the 60
federal Internal Revenue Code is the employer, the statement need 61
not list the names and addresses of every member of the 62
association or organization, so long as the association or 63
organization itself is listed. 64

(3) A brief description of the retirement system decision to 65
which the engagement relates; 66

(4) The name of the retirement system or systems to which the 67
engagement relates. 68

(B) In addition to the initial registration statement 69
required by division (A) of this section, each retirement system 70
lobbyist and employer shall file with the joint committee, not 71
later than the last day of January, May, and September of each 72
year, an updated registration statement that confirms the 73
continuing existence of each engagement described in an initial 74
registration statement and that lists the specific retirement 75
system decisions that the lobbyist sought to influence under the 76
engagement during the period covered by the updated statement, and 77
with it any statement of expenditures required to be filed by 78
section 101.93 of the Revised Code and any details of financial 79
transactions required to be filed by section 101.94 of the Revised 80
Code. 81

(C) If a retirement system lobbyist is engaged by more than 82
one employer, the lobbyist shall file a separate initial and 83

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

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

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

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

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

(G) The executive director of the joint committee shall be 112
responsible for reviewing each registration statement filed with 113
the joint committee under this section and for determining whether 114

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

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

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

(J) Retirement system officials may require certification 146

from any person seeking the award of a contract, grant, lease, or 147
financial arrangement that the person and the person's employer 148
are in compliance with this section. 149

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

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

(2) If, during a reporting period covered by a statement, an 163
employer or any retirement system lobbyist the employer engaged 164
made, either separately or in combination with each other, 165
expenditures to, at the request of, for the benefit of, or on 166
behalf of a member of a board of a state retirement system, a 167
state retirement system investment official, or an employee of a 168
state retirement system whose position involves substantial and 169
material exercise of discretion in the investment of retirement 170
system funds the employer or retirement system lobbyist also shall 171
state the name of the member, official, or employee to whom, at 172
whose request, for whose benefit, or on whose behalf the 173
expenditures were made, the total amount of the expenditures made, 174
a brief description of the expenditures made, the approximate date 175
the expenditures were made, the retirement system decision, if 176
any, sought to be influenced, and the identity of the client on 177

whose behalf the expenditure was made. 178

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

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

(C) In addition to the information required by divisions 201
(B)(2) and (3) of this section, a statement filed by an employer 202
shall show the total amount of expenditures made by the employer 203
filing the statement during the period covered by the statement. 204
As used in this section, "expenditures" does not include the 205
expenses of maintaining office facilities, or the compensation 206
paid to retirement system lobbyists engaged to influence 207
retirement system decisions or conduct retirement system lobbying 208
activity. 209

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

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

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

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

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

(2) If, during a reporting period covered by an expenditure statement filed under division (B)(2) of this section, an employer or any retirement system lobbyist the employer engaged made,

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

Sec. 145.01. As used in this chapter: 262

(A) "Public employee" means: 263

(1) Any person holding an office, not elective, under the 264
state or any county, township, municipal corporation, park 265
district, conservancy district, sanitary district, health 266
district, metropolitan housing authority, state retirement board, 267
Ohio historical society, public library, county law library, union 268
cemetery, joint hospital, institutional commissary, state 269
university, or board, bureau, commission, council, committee, 270
authority, or administrative body as the same are, or have been, 271

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

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

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

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

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

(B) "Member" means any public employee, other than a public 299
employee excluded or exempted from membership in the retirement 300
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 301
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 302

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

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

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

(E) ~~"Prior service" means all service as a public employee 325~~
~~rendered before January 1, 1935, and all service as an employee of 326~~
~~any employer who comes within the state teachers retirement system 327~~
~~or of the school employees retirement system or of any other 328~~
~~retirement system established under the laws of this state 329~~
~~rendered prior to January 1, 1935, provided that if the employee 330~~
~~claiming the service was employed in any capacity covered by that 331~~
~~other system after that other system was established, credit for 332~~
~~the service may be allowed by the public employees retirement 333~~
~~system only when the employee has made payment, to be computed on 334~~

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

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

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

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

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

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

~~(2) When the member is paid on a per diem basis, the service~~ 365

~~credit for any single year of the service shall be determined by~~ 366
~~using the number of days of service for which the compensation was~~ 367
~~received in any such year as a numerator and using two hundred~~ 368
~~fifty days as a denominator.~~ 369

~~(3) When the member is paid on an hourly basis, the service~~ 370
~~credit for any single year of the service shall be determined by~~ 371
~~using the number of hours of service for which the compensation~~ 372
~~was received in any such year as a numerator and using two~~ 373
~~thousand hours as a denominator.~~ 374

(F) "Contributor" means any person who has an account in the 375
employees' savings fund created by section 145.23 of the Revised 376
Code. When used in the sections listed in division (B) of section 377
145.82 of the Revised Code, "contributor" includes any person 378
participating in a PERS defined contribution plan. 379

(G) "Beneficiary" or "beneficiaries" means the estate or a 380
person or persons who, as the result of the death of a member, 381
contributor, or retirant, qualify for or are receiving some right 382
or benefit under this chapter. 383

(H)(1) "Total service credit," except as provided in section 384
145.37 of the Revised Code, means all service credited to a member 385
of the retirement system since last becoming a member, including 386
restored service credit as provided by section 145.31 of the 387
Revised Code; credit purchased under sections 145.293 and 145.299 388
of the Revised Code; ~~all the member's prior service credit;~~ all 389
the member's military service credit computed as provided in this 390
chapter; all service credit established pursuant to section 391
145.297 of the Revised Code; and any other service credited under 392
this chapter. ~~In addition, "total service credit" includes any~~ 393
~~period, not in excess of three years, during which a member was~~ 394
~~out of service and receiving benefits under Chapters 4121. and~~ 395
~~4123. of the Revised Code.~~ For the exclusive purpose of satisfying 396
the service credit requirement and of determining eligibility for 397

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

retirement board by the employer or the head of the department 521
that employs the contributor; 522

(d) Fees and commissions paid under section 507.09 of the 523
Revised Code; 524

(e) Payments that are made under a disability leave program 525
sponsored by the employer and for which the employer is required 526
by section 145.296 of the Revised Code to make periodic employer 527
and employee contributions; 528

(f) Amounts included pursuant to ~~divisions~~ division (K)(3) 529
and former division (Y) of this section and section 145.2916 of 530
the Revised Code. 531

(2) "Earnable salary" does not include any of the following: 532

(a) Fees and commissions, other than those paid under section 533
507.09 of the Revised Code, paid as sole compensation for personal 534
services and fees and commissions for special services over and 535
above services for which the contributor receives a salary; 536

(b) Amounts paid by the employer to provide life insurance, 537
sickness, accident, endowment, health, medical, hospital, dental, 538
or surgical coverage, or other insurance for the contributor or 539
the contributor's family, or amounts paid by the employer to the 540
contributor in lieu of providing the insurance; 541

(c) Incidental benefits, including lodging, food, laundry, 542
parking, or services furnished by the employer, or use of the 543
employer's property or equipment, or amounts paid by the employer 544
to the contributor in lieu of providing the incidental benefits; 545

(d) Reimbursement for job-related expenses authorized by the 546
employer, including moving and travel expenses and expenses 547
related to professional development; 548

(e) Payments for accrued but unused sick leave, personal 549
leave, or vacation that are made at any time other than in the 550

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 145.814 of the Revised Code. 612

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

pension fund. 737

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Exercises any discretionary authority or control with 830

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this section. 1013

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

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

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

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

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

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

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

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

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

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

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

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

independent contractor with regard to the services in question. 1075
The board's determination is final. 1076

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

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

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

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

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

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

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

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

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

~~(C)~~(3) Five members, known as employee members, one of whom shall be a state employee member of the system, who shall be elected by ballot by the state employee members of the system from among their number; another of whom shall be a county employee member of the system, who shall be elected by ballot by the county employee members of the system from among their number; another of whom shall be a municipal employee member of the system, who shall be elected by ballot by the municipal employee members of the system from among their number; another of whom shall be a university or college employee member of the system, who shall be elected by ballot by the university and college employee members of the system from among their number; and another of whom shall be a park district, conservancy district, sanitary district, health district, public library, metropolitan housing authority, union cemetery, joint hospital, township, or institutional commissary employee member of the system, who shall be elected by ballot by the park district, conservancy district, sanitary district, health district, metropolitan housing authority, public library, union cemetery, joint hospital, township, and institutional commissary employee members of the system from among their number, in a manner to be approved by the board. Members of the system who are receiving a disability benefit under this chapter are ineligible for membership on the board as employee members.

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

by former members of the system who are receiving age and service 1137
retirement, a disability benefit, or benefits paid under a PERS 1138
defined contribution plan; 1139

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the employee member was most recently elected under 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 members of the employee group represented by the 1296
employee member who voted in the most recent election held in 1297
accordance with section 145.05 of the Revised Code for that 1298
employee member position on the board. 1299

(2) If the complaint is against a retirant member of the 1300
board, the complaint must be signed by a number of former members 1301
of the system authorized to vote for a retirant member in an 1302
election under section 145.05 of the Revised Code that equals at 1303
least the following and must include signatures of at least twenty 1304
former members residing in at least five different counties: 1305

(a) If the retirant member was most recently elected in 1306
accordance with section 145.05 of the Revised Code, ten per cent 1307
of the number of former members of the system who voted in that 1308
election; 1309

(b) If the retirant member was most recently elected under 1310
section 145.06 of the Revised Code or took office in accordance 1311
with section 145.051 of the Revised Code, ten per cent of the 1312
number of former members of the system who voted in the most 1313
recent election held in accordance with section 145.05 of the 1314
Revised Code for that retirant member position on the board. 1315

(D) The clerk of the court of common pleas in which a 1316
complaint against a member of the board is filed under division 1317
(C) of this section shall do both of the following with respect to 1318
the complaint: 1319

(1) Submit the signatures obtained pursuant to division (C) 1320
of this section to the board for purposes of verifying the 1321
validity of the signatures. The board shall verify the validity of 1322
the signatures and report its findings to the court. 1323

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

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

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

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

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

Any employee member of the board who fails to attend the

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

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

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

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

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

(C) Elections under this section to fill a vacancy on the 1387
board shall be conducted in accordance with rules adopted under 1388
section 145.058 of the Revised Code. 1389

(D) A successor member need not be elected under division (A) 1390
or (B) of this section for a vacancy that occurs on or after the 1391
first day of October of the year in which the vacated term ends. 1392

Sec. 145.09. The public employees retirement board shall 1393
elect from its membership a chairperson, and shall appoint an 1394
executive director who shall serve as secretary to the board, an 1395
actuary, and other employees as necessary for the transaction of 1396
the business of the public employees retirement system. The 1397
compensation of all persons so appointed shall be fixed by the 1398
board. 1399

If the board provides health care coverage to employees of 1400
the retirement system, it may permit employees of the Ohio public 1401
employees deferred compensation board to participate. 1402

Effective ninety days after ~~the effective date of this~~ 1403
~~amendment~~ September 15, 2004, the board may not employ a state 1404
retirement system investment officer, as defined in section 1405
1707.01 of the Revised Code, who does not hold a valid state 1406
retirement system investment officer license issued by the 1407
division of securities in the department of commerce. 1408

Every expense voucher of an employee, officer, or board 1409
member of the public employees retirement system shall itemize all 1410
purchases and expenditures. 1411

The board shall perform other functions as required for the 1412
proper execution of this chapter, and may adopt rules in 1413
accordance with section 111.15 of the Revised Code for the proper 1414
administration and management of this chapter. 1415

The board may take all appropriate action to avoid payment by 1416

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(E)~~ An election under this section is effective as of ~~the~~ 1524
~~date the board first established a PERS defined contribution plan~~ 1525
~~January 1, 2003,~~ and, except as provided in section 145.814 of the 1526
Revised Code or rules governing the PERS defined benefit plan, is 1527
irrevocable on receipt by the system. 1528

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

contributions of the member. 1629

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The board shall submit the report to the Ohio retirement 1722

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

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

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

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

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

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

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

contribution rate determined under section 145.48 of the Revised 1754
Code, and those rates may be adjusted by the board, as recommended 1755
by the actuary, effective as of the first of any year thereafter. 1756

(D) The board shall have prepared by or under the supervision 1757
of an actuary an actuarial analysis of any introduced legislation 1758
expected to have a measurable financial impact on the retirement 1759
system. The actuarial analysis shall be completed in accordance 1760
with the actuarial standards of practice promulgated by the 1761
actuarial standards board of the American academy of actuaries. 1762
The actuary shall prepare a report of the actuarial analysis, 1763
which shall include all of the following: 1764

(1) A summary of the statutory changes that are being 1765
evaluated; 1766

(2) A description of or reference to the actuarial 1767
assumptions and actuarial cost method used in the report; 1768

(3) A description of the participant group or groups included 1769
in the report; 1770

(4) A statement of the financial impact of the legislation, 1771
including the resulting increase, if any, in the employer normal 1772
cost percentage; the increase, if any, in actuarial accrued 1773
liabilities; and the per cent of payroll that would be required to 1774
amortize the increase in actuarial accrued liabilities as a level 1775
per cent of covered payroll for all active members over a period 1776
not to exceed thirty years; 1777

(5) A statement of whether the scheduled contributions to the 1778
system after the proposed change is enacted are expected to be 1779
sufficient to satisfy the funding objectives established by the 1780
board. 1781

Not later than sixty days from the date of introduction of 1782
the legislation, the board shall submit a copy of the actuarial 1783
analysis to the legislative service commission, the standing 1784

committees of the house of representatives and the senate with 1785
primary responsibility for retirement legislation, and the Ohio 1786
retirement study council. 1787

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

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

(2) A summary of the benefits; 1796

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

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

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

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

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

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

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

comparability of the report required under this division; 1815

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

retirement. 2062

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

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

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

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

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

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

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

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

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

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

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

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

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

system, or state highway patrol retirement system; 2156

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

payments by the member for military service credit; 2279

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) An elected official; 2449

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

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

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

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

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

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

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

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

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

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

(1) Five years of service credit; 2497

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) ~~A retirement incentive plan established under this~~ 2588
~~section due to the proposed closing of a state institution by the~~ 2589
~~department of mental health prior to July 1, 1997, shall be~~ 2590
~~consistent with the requirements of section 145.297 of the Revised~~ 2591
~~Code, except as follows:~~ 2592

~~(a) The employing unit shall purchase at least three years of~~ 2593
~~service credit for each participating employee, except that it~~ 2594
~~shall not purchase more service credit than the amount allowed by~~ 2595
~~division (D) of section 145.297 of the Revised Code;~~ 2596

~~(b) The plan shall go into effect at the time the proposed~~ 2597
~~closing is announced and shall remain in effect at least until the~~ 2598
~~date of the closing.~~ 2599

~~(3)~~ If the employing unit already has a retirement incentive 2600
plan in effect, the plan shall remain in effect at least until the 2601
date of the layoffs or closings. The employing unit may revise the 2602
existing plan to provide greater benefits, but if it revises the 2603
plan, it shall give written notice of the changes to all employees 2604
who have elected to participate in the original plan, and it shall 2605
provide the greater benefits to all employees who participate in 2606
the plan, whether their elections to participate were made before 2607
or after the date of the revision. 2608

Sec. 145.299. (A) As used in this section, "school board 2609
member" means a member of a city, local, exempted village, or 2610
joint vocational school district board of education and "governing 2611
board member" means a member of an educational service center 2612
governing board. 2613

(B) A member of the public employees retirement system may 2614
purchase credit for service as a school board member if all of the 2615
following conditions are met: 2616

(1) The member is eligible to retire under this chapter or 2617

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

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

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

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

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

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

~~(C) On receipt of a request from a member eligible to~~ 2649
~~purchase credit under this section, the system shall obtain from~~ 2650
~~its actuary certification of the additional liability to the~~ 2651
~~system for each month of credit the member is eligible to~~ 2652
~~purchase, and shall notify the member of such additional~~ 2653
~~liability. The member may purchase in one month increments any~~ 2654
~~portion of the credit the member is eligible to purchase. For each~~ 2655
~~month of credit purchased, the member shall pay to the system an~~ 2656
~~amount equal to the additional liability resulting from the~~ 2657
~~purchase. Payment shall be made in full at the time of purchase.~~ 2658

~~(D)~~(F) The public employees retirement board shall adopt 2659
rules in accordance with section 111.15 of the Revised Code 2660
concerning the purchase of credit under this section. In addition 2661
to any other matters considered relevant by the retirement board, 2662
the rules shall specify the procedure to be followed by a member 2663
to inform the system of the member's desire to purchase credit for 2664
service as a school board or governing board member. 2665

~~(E)~~(G) If the member does not retire within ninety days after 2666
purchasing credit under this section, the system shall withdraw 2667
the credit and refund the amount paid by the member. 2668

Sec. 145.2911. (A) If the conditions described in division 2669
(B) of section 145.2910 of the Revised Code are met, a member of 2670
the public employees retirement system who is not receiving a 2671
pension or benefit from the public employees retirement system is 2672
eligible to obtain credit for service as a member of the 2673
Cincinnati retirement system under this section. 2674

(B) A member of the public employees retirement system who 2675
has contributions on deposit with, but is no longer contributing 2676
to, the Cincinnati retirement system shall, in computing years of 2677
service credit, be given credit for service credit earned under 2678
the Cincinnati retirement system or purchased or obtained as 2679

military service credit if, ~~for~~ all of the following conditions 2680
are met: 2681

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4)~~(3) The amounts paid by the member under this section are 3021
subject to the limits established by division (n) of section 415 3022
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 3023
415(n), as amended. 3024

(C) A member may make ~~payments~~ the election authorized by 3025
this section if the member is eligible to retire under this 3026
chapter or will become eligible to retire as a result of the 3027
~~payment election~~. The member shall agree to retire not later than 3028
ninety days after making the election under division (A)(1) of 3029
this section or receiving notice of the additional liability 3030
specified under division (B)(1) of this section. ~~Payment~~ If the 3031
member makes the election under division (A)(2) of this section, 3032
payment shall be made in full for any credit earned under ~~division~~ 3033
~~(A) or (B)(2)(b) of section 145.33 of the Revised Code~~ or division 3034
(A)(2), (B)(2), or (C)(2) of section 145.332 of the Revised Code 3035
that is to be treated as service credit earned under division 3036
~~(B)(2)(a)(A)(1), (B)(1), or (C)(1) of that section~~ 145.332 of the 3037
Revised Code, but the member may choose to make payment for only 3038
part of the credit for which the member is eligible. 3039

(D) If the member does not retire not later than ninety days 3040
after making the election under division (A)(1) of this section or 3041
the payment authorized by ~~under division (A)(2) of this section,~~ 3042
the system shall refund ~~the~~ any payment and shall not treat the 3043
credit ~~for which payment was made~~ as service credit earned under 3044
division ~~(B)(2)(a)(A)(1), (B)(1), or (C)(1) of section 145.33~~ 3045
145.332 of the Revised Code. 3046

(E) The board's rules may deal with any other matter 3047

necessary to implement this section. 3048

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

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

(C) For credit purchased under this section: 3056

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>(a) Has five or more years of total service credit and has</u>	3388
<u>attained age sixty;</u>	3389
<u>(b) Has twenty-five or more years of total service credit and</u>	3390
<u>has attained age fifty-five;</u>	3391
<u>(c) Has thirty-one or more years of total service credit and</u>	3392
<u>has attained age fifty-two;</u>	3393
<u>(d) Has thirty-two or more years of total Ohio service credit</u>	3394
<u>at any age.</u>	3395
<u>(2) A member who on the effective date of this amendment has</u>	3396
<u>twenty or more years of total service credit is eligible for age</u>	3397
<u>and service retirement under this division on meeting one of the</u>	3398
<u>requirements of division (B)(1) of this section, regardless of</u>	3399
<u>when the member meets the requirement unless, between the</u>	3400
<u>effective date of this section and the date the member meets the</u>	3401
<u>requirement, the member receives a refund of accumulated</u>	3402
<u>contributions under section 145.40 of the Revised Code.</u>	3403
<u>(C) A member who is not eligible for age and service</u>	3404
<u>retirement under division (A) or (B) of this section, or who</u>	3405
<u>became a member on or after the effective date of this amendment,</u>	3406
<u>is eligible for age and service retirement under this division if</u>	3407
<u>the member meets one of the following requirements:</u>	3408
<u>(1) Has five years or more of total service credit and has</u>	3409
<u>attained age sixty-two;</u>	3410
<u>(2) Has twenty-five years or more of total service credit and</u>	3411
<u>has attained age fifty-seven;</u>	3412
<u>(3) Has thirty-two years or more of total service credit and</u>	3413
<u>has attained age fifty-five.</u>	3414
<u>(D) Service credit purchased or obtained under this chapter</u>	3415
<u>shall be used in determining whether a member has the number of</u>	3416
<u>years of total service credit required under division (A) or (B)</u>	3417

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

(1)(a) For division (A) of this section, the service credit 3419
purchase is completed or the service credit is obtained not later 3420
than five years after the effective date of this amendment; 3421

(b) For division (B) of this section, the service credit 3422
purchase is completed or the service credit is obtained not later 3423
than ten years after the effective date of this amendment. 3424

(2) The member was a member on the effective date of this 3425
amendment or obtains credit under section 145.483 of the Revised 3426
Code that would have made the member a member on that date. 3427

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

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

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

~~(B)~~(2) The attainment of minimum age or service credit 3433
eligibility provided under this section; 3434

(3) Ninety days prior to receipt by the board of the member's 3435
completed application for retirement. 3436

An employer may, except as otherwise provided in the "Age 3437
Discrimination in Employment Act of 1967," as amended, 81 Stat. 3438
602, 29 U.S.C. 621 to 634, as of the thirtieth day of June of any 3439
year, terminate the employment of any member who has attained the 3440
age of seventy years. A member may at the time of ~~his~~ retirement 3441
by written designation duly executed and filed with the public 3442
employees retirement board designate a beneficiary to receive any 3443
installment which may remain unpaid at the time of ~~his~~ death. 3444
Except as provided in section 145.46 of the Revised Code, after 3445
the date of ~~his~~ retirement such nomination shall not be changed if 3446
the member elects to receive ~~his~~ the member's retirement allowance 3447

computed as provided in section 145.46 of the Revised Code as 3448
"plan A₇" or "plan C₇" ~~or "plan D."~~ 3449

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3) An additional pension, if the member can qualify for~~ 3515
~~prior service, equal to forty dollars multiplied by the number of~~ 3516
~~years, and fraction thereof, of such prior and military service~~ 3517
~~credit;~~ 3518

~~(4) A basic annual pension equal to one hundred eighty~~ 3519
~~dollars if the member has ten or more years of total service~~ 3520
~~credit as of October 1, 1956, except that the basic annual pension~~ 3521
~~shall not exceed the sum of the annual benefits provided by~~ 3522
~~divisions (A)(1), (2), and (3) of this section.~~ 3523

~~(5) When 145.332 of the Revised Code, when a member retires~~ 3524
~~on age and service retirement, the member's total annual single~~ 3525
~~lifetime allowance, including the allowances provided in divisions~~ 3526
~~(A)(1), (2), (3), and (4) of this section, shall be not less than~~ 3527
~~a base an amount adjusted in accordance with division (A)(5)(2) or~~ 3528
~~(B) of this section and determined by multiplying the member's~~ 3529
~~total service credit by the greater of the following:~~ 3530

~~(a) Eighty six dollars;~~ 3531

~~(b) Two If the member is eligible for age and service~~ 3532
~~retirement under division (A) or (B) of section 145.32 of the~~ 3533
~~Revised Code, two and two-tenths per cent of the member's final~~ 3534
~~average salary for each of the first thirty years of service plus~~ 3535
~~two and one-half per cent of the member's final average salary for~~ 3536
~~each subsequent year of service.~~ 3537

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

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

		Years of	Percentage	
Attained	or	Total Service	of	
Birthday		Credit	Base Amount	
58		25	75	
59		26	80	
60		27	85	
61			88	
		28	90	
62			91	
63			94	
		29	95	
64			97	
65		30 or more	100	

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

(c) For a member eligible to retire under division (C) of

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

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

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

	Percentage	
Attained	of	
Birthday	Base Amount	
66	102	
67	104	
68	106	
69	108	
70 or more	110	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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	
51	93% of the benefit payable under division (B)(3) of this section	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;~~ 3757
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~~(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than the effective date of this amendment.~~ 3760
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~~(4) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(b) or (c)(ii) or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.~~ 3763
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~~(F)(C)~~ Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code. 3771
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~~(G) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.~~ 3773
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Sec. 145.331. (A) A recipient of a disability allowance under section 145.361 of the Revised Code who is subject to division (C)(3) of that section may make application for age and service retirement under this section. Retirement shall be effective on the first day of the first month following the last day for which the disability allowance is paid. 3777
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(B) The annual allowance payable under this section shall consist of the sum of the amounts determined under divisions 3783
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(B)(1) and (2) of this section: 3785

(1) The greater of the following: 3786

(a) An allowance calculated as provided in section 145.33 or 3787
~~145.34~~ 145.332 of the Revised Code, excluding any period during 3788
which the applicant received a disability benefit under section 3789
145.361 of the Revised Code; 3790

(b) An allowance calculated by multiplying the applicant's 3791
total service credit, including service credit for the last 3792
continuous period during which the applicant received a disability 3793
benefit under section 145.361 of the Revised Code, by two and 3794
two-tenths per cent of the applicant's final average salary, 3795
except that the allowance shall not exceed forty-five per cent of 3796
the applicant's final average salary. 3797

(2) An amount equal to the additional allowance the recipient 3798
would receive under section 145.323 of the Revised Code, plus any 3799
other additional amount the recipient would receive under this 3800
chapter, had the recipient retired under section 145.33 or ~~145.34~~ 3801
145.332 of the Revised Code effective on the effective date of the 3802
recipient's most recent continuous period of receipt of a 3803
disability benefit under section 145.361 of the Revised Code. 3804

(C) The allowance calculated under division (B) of this 3805
section, exclusive of any amount added under division (B)(2) of 3806
this section based on section 145.323 of the Revised Code, shall 3807
be the base for all future additional allowances under section 3808
145.323 of the Revised Code. 3809

The anniversary date for future additional allowances under 3810
section 145.323 of the Revised Code shall be the effective date of 3811
the recipient's most recent continuous period of receipt of a 3812
disability benefit under section 145.361 of the Revised Code. 3813

(D) The retirement allowance determined under this section 3814
shall be paid as provided in section 145.46 of the Revised Code. 3815

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

(1) Has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer; 3824
3825

(2) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit; 3826
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(3) Has attained age sixty-two and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer. 3831
3832
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(B)(1) A member who would be eligible to retire not later than ten years after the effective date of this amendment if the requirements of section 145.33 of the Revised Code as they existed immediately prior to the effective date of this amendment were still in effect is eligible to retire under this division if the member meets one of the following requirements: 3834
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(a) Has attained age fifty and has at least twenty-five years of total service credit as a PERS law enforcement officer; 3840
3841

(b) Has attained age fifty-four and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least 3842
3843
3844
3845

twenty-five years of total service credit; 3846

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

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

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

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

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

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

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

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

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

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

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

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

division (E) of this section

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

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

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

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

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

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

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

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

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

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

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

under this chapter may elect one of the following: 3968

(1) To have all the member's service credit under this 3969
chapter, including credit for service as a PERS law enforcement 3970
officer or PERS public safety officer, used in calculating a 3971
retirement allowance under section 145.33 of the Revised Code if 3972
the member qualifies for an allowance under that section; 3973

(2) If the member qualifies for an allowance under division 3974
(A)(1), (B)(1), (C)(1), or (D)(1) or (2) of this section, to 3975
receive all of the following: 3976

(a) A benefit under division (A)(1), (B)(1), (C)(1), or 3977
(D)(1) or (2) of this section for the member's service credit as a 3978
PERS law enforcement officer; 3979

(b) A single life annuity having a reserve equal to the 3980
amount of the member's accumulated contributions for all service 3981
other than PERS law enforcement service; 3982

(c) A pension equal to the annuity provided under division 3983
(H)(2)(b) of this section, excluding amounts of the member's 3984
accumulated contributions deposited under former division (Y) of 3985
section 145.01 or former sections 145.02, 145.29, 145.292, and 3986
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 3987
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 3988
Revised Code for the purchase of service credit. 3989

(3) If the member qualifies for an allowance under division 3990
(A)(2), (B)(2), (C)(2), or (D)(3), (4), or (5) of this section, to 3991
receive all of the following: 3992

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

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

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

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

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

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

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

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

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

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

5, 2001; 4059

(l) Any person who is originally appointed as a regional 4060
transit authority police officer or state highway patrol police 4061
officer on or after February 1, 2002; 4062

(m) Any person who is originally employed as a municipal 4063
public safety director on or after September 29, 2005, but not 4064
later than March 24, 2009. 4065

(2) Only credit for a member's service as a PERS public 4066
safety officer or service credit obtained as a PERS law 4067
enforcement officer, police officer, or state highway patrol 4068
trooper shall be used in computing the benefit of a member who 4069
qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), 4070
(C)(1)(b) or (c), or (C)(2) of this section for any person who 4071
originally is employed as a Hamilton county municipal court 4072
bailiff on or after November 6, 1996. 4073

(L) For purposes of this section, service prior to June 30, 4074
1999, as a food stamp trafficking agent under former section 4075
5502.14 of the Revised Code shall be considered service as a law 4076
enforcement officer. 4077

(M) Retirement allowances determined under this section shall 4078
be paid as provided in section 145.46 of the Revised Code. 4079

(N) A member seeking to retire under this section shall file 4080
an application with the public employees retirement board. 4081

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

(O) If fewer than one per cent of the retirement system's 4084
members are contributing as public safety officers, the board, 4085
pursuant to a rule it adopts, may treat service as a public safety 4086
officer as service as a law enforcement officer. 4087

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

(1) "Retirement allowance" means either of the following as 4089
appropriate: 4090

(a) An allowance calculated under section 145.33 or 145.332 4091
of the Revised Code prior to any reduction for early retirement or 4092
election under section 145.46 of the Revised Code of a plan of 4093
payment and exclusive of any amounts payable under divisions 4094
(H)(2)(b) and (c) or (H)(3)(b) and (c) of section 145.332 of the 4095
Revised Code; 4096

(b) An allowance calculated under division (A) of section 4097
145.45 of the Revised Code. 4098

(2) "CBBC" means the contribution based benefit cap, a limit 4099
established by the public employees retirement board on the 4100
retirement allowance a member may receive. 4101

(B) Based on the advice of an actuary appointed by the board, 4102
the board shall designate a number as the CBBC factor. The board 4103
may revise the factor pursuant to advice from an actuary appointed 4104
by the board. 4105

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

(1) Determine an amount equal to the value of the member's 4108
accumulated contributions, including any contributions made under 4109
section 145.483 of the Revised Code that represent member 4110
contributions and any contributions used to fund a benefit under 4111
section 145.36 of the Revised Code, with interest compounded at a 4112
rate approved by the board; 4113

(2) Determine the amount of a single life annuity that is the 4114
actuarial equivalent of the amount determined under division 4115
(C)(1) of this section, adjusted for age of the member at the time 4116
of retirement or, when appropriate, the age at the time of the 4117
member's death; 4118

(3) Multiply the annuity amount determined under division (C) 4119
(2) of this section by the CBBC factor. 4120

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

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

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

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

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

request. 4150

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

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

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

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

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

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

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

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

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

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

position with similar duties. 4213

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Sufficient reserves for payment of the disability 4304

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

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

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

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

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

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

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

A disability benefit recipient whose application for a 4336
disability benefit is received by the system on or after the 4337
effective date of this amendment shall, regardless of when the 4338
disability occurred, retain membership status and shall be 4339
considered on leave of absence from employment during the first 4340
three years following the effective date of a disability benefit, 4341
except that, if the member is receiving rehabilitative services 4342
acceptable to a physician or physicians selected by the board, the 4343
board may permit the recipient to retain membership status and be 4344
considered on leave of absence from employment for up to five 4345
years following the effective date of a disability benefit. 4346

The public employees retirement board shall require any 4347
disability benefit recipient to undergo an annual medical 4348
examination, except that the board may waive the medical 4349
examination if the board's physician or physicians certify that 4350
the recipient's disability is ongoing. If any disability benefit 4351
recipient refuses to submit to a medical examination, the 4352
recipient's disability benefit shall be suspended until withdrawal 4353
of the refusal. Should the refusal continue for one year, all the 4354
recipient's rights in and to the disability benefit shall be 4355
terminated as of the effective date of the original suspension. 4356

On completion of the examination by an examining physician or 4357
physicians selected by the board, the physician or physicians 4358
shall report and certify to the board whether the disability 4359
benefit recipient meets the applicable standard for termination of 4360
a disability benefit. 4361

(A) Regardless of when the disability occurred, if the 4362
recipient's application for a disability benefit was received by 4363
the system before the effective date of this amendment, or, if 4364
after that date, the recipient has been receiving the benefit for 4365
less than three years or is receiving rehabilitative services 4366
acceptable to the physician or physicians and considered on leave 4367

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

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

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

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

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

If the board concurs in the report that the disability 4394
benefit recipient is no longer incapable meets the applicable 4395
standard for termination of a disability benefit, the payment of 4396
the disability benefit shall be terminated not later than three 4397
months after the date of the board's concurrence or upon 4398

employment as a public employee. If the leave of absence has not 4399
expired, the retirement board shall certify to the disability 4400
benefit recipient's last employer before being found disabled that 4401
the recipient is no longer physically and mentally incapable of 4402
resuming service that is the same or similar to that from which 4403
the recipient was found disabled. The employer shall restore the 4404
recipient to the recipient's previous position and salary or to a 4405
position and salary similar thereto, unless the recipient was 4406
dismissed or resigned in lieu of dismissal for dishonesty, 4407
misfeasance, malfeasance, or conviction of a felony. 4408

Each disability benefit recipient shall file with the board 4409
an annual statement of earnings, current medical information on 4410
the recipient's condition, and any other information required in 4411
rules adopted by the board. The board may waive the requirement 4412
that a disability benefit recipient file an annual statement of 4413
earnings or current medical information if the board's physician 4414
certifies that the recipient's disability is ongoing. 4415

The board shall annually examine the information submitted by 4416
the recipient. If a disability benefit recipient refuses to file 4417
the statement or information, the disability benefit shall be 4418
suspended until the statement and information are filed. If the 4419
refusal continues for one year, the recipient's right to the 4420
disability benefit shall be terminated as of the effective date of 4421
the original suspension. 4422

If a disability benefit recipient is restored to service by, 4423
or elected to an elective office with, an employer covered by this 4424
chapter, the recipient's disability benefit shall cease. 4425

The board may terminate a disability benefit at the request 4426
of the recipient. 4427

If disability retirement under section 145.36 of the Revised 4428
Code is terminated for any reason, the annuity and pension 4429

reserves at that time in the annuity and pension reserve fund 4430
shall be transferred to the employees' savings fund and the 4431
employers' accumulation fund, respectively. If the total 4432
disability benefit paid is less than the amount of the accumulated 4433
contributions of the member transferred to the annuity and pension 4434
reserve fund at the time of the member's disability retirement, 4435
the difference shall be transferred from the annuity and pension 4436
reserve fund to another fund as may be required. In determining 4437
the amount of a member's account following the termination of 4438
disability retirement for any reason, the total amount paid shall 4439
be charged against the member's refundable account. 4440

If a disability allowance paid under section 145.361 of the 4441
Revised Code is terminated for any reason, the reserve on the 4442
allowance at that time in the annuity and pension reserve fund 4443
shall be transferred from that fund to the employers' accumulation 4444
fund. 4445

If a former disability benefit recipient again becomes a 4446
contributor, other than as an other system retirant under section 4447
145.38 of the Revised Code, to this system, the state teachers 4448
retirement system, or the school employees retirement system, and 4449
completes an additional two years of service credit, the former 4450
disability benefit recipient shall be entitled to full service 4451
credit, not exceeding five years' service credit, for the period 4452
as a disability benefit recipient, except that if the board adopts 4453
a rule requiring payment for the service credit it shall be 4454
granted only if the former disability benefit recipient pays an 4455
amount determined under the rule. The rule shall not require 4456
payment of more than the additional liability to the retirement 4457
system resulting from granting the credit. The former recipient 4458
may choose to purchase only part of the credit in any one payment. 4459

If any employer employs any member who is receiving a 4460
disability benefit, the employer shall file notice of employment 4461

with the retirement board, designating the date of employment. In 4462
case the notice is not filed, the total amount of the benefit paid 4463
during the period of employment prior to notice shall be charged 4464
to and paid by the employer. 4465

Sec. 145.363. This section does not apply to a disability 4466
recipient who, when the disability occurred, was a PERS law 4467
enforcement officer or PERS public safety officer. 4468

(A) A recipient of a disability benefit granted under this 4469
chapter whose application for such benefit is received by the 4470
public employees retirement system on or after the effective date 4471
of this section shall, regardless of when the disability occurred, 4472
apply for social security disability insurance benefit payments 4473
under 42 U.S.C. 423 if the recipient meets the requirements of 4474
divisions (a)(1)(A), (B), and (C) of that section. The application 4475
for a social security disability insurance benefit shall be made 4476
not later than ninety days after the recipient is granted a 4477
disability benefit under this chapter unless the public employees 4478
retirement board determines from the member's medical records that 4479
the member is physically or mentally unable to make the 4480
application. The recipient shall file a copy of the completed 4481
application with the public employees retirement system and the 4482
system shall accept the copy as evidence of the member's 4483
application. If a recipient fails without just cause to apply for 4484
social security disability insurance benefit payments or to file a 4485
copy of the application with the system, the disability benefit 4486
under this chapter shall be suspended until application is made 4487
and a copy of the application filed with the system. 4488

(B) Regardless of whether the recipient's disability is 4489
ongoing, a recipient of a disability benefit under this chapter 4490
who also receives social security disability insurance benefit 4491
payments shall file an annual statement of earnings under section 4492

145.362 of the Revised Code and include a copy of the social 4493
security disability insurance benefit annual reward letter that 4494
specifies the amount of the social security disability insurance 4495
program benefit. 4496

(C) Except as provided in division (D) of this section, if 4497
any year the total of a disability benefit recipient's benefit 4498
under this chapter and social security disability insurance 4499
benefit payments exceeds the recipient's adjusted final average 4500
salary, the annual benefit under this chapter shall be reduced so 4501
that the annual total equals the recipient's adjusted final 4502
average salary. 4503

The recipient's adjusted final average salary shall be 4504
determined by annually increasing the recipient's final average 4505
salary by the percentage increase in the consumer price index, not 4506
exceeding three per cent, as determined by the United States 4507
bureau of labor statistics (U.S. city average for urban wage 4508
earners and clerical workers: "all items 1982-84=100") for the 4509
twelve-month period ending on the thirtieth day of June of the 4510
immediately preceding calendar year. If the consumer price index 4511
for that period did not increase, no increase shall be made to the 4512
recipient's adjusted final average salary for that period. No 4513
adjustment to a benefit shall exceed the limit established by 4514
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 4515
2085, 26 U.S.C. 415, as amended. 4516

If a disability benefit recipient receives retroactive 4517
payments of social security disability insurance benefits, the 4518
system may reduce future disability benefit payments under this 4519
chapter to recoup any overpayments. 4520

(D) The reductions required by division (C) of this section 4521
do not apply to a recipient of a disability benefit under this 4522
chapter who has not less than five years of service credit for 4523
periods during which the recipient had earnings from other 4524

employment that was subject to the tax imposed by the "Federal 4525
Insurance Contributions Act," 26 U.S.C. 3101. 4526

Sec. 145.37. (A) As used in this section: 4527

(1) "State retirement system" means the public employees 4528
retirement system, school employees retirement system, or state 4529
teachers retirement system. 4530

(2) "Total service credit" means all service credit earned in 4531
the state retirement systems, except credit for service subject to 4532
section 145.38 of the Revised Code. Total service credit shall not 4533
exceed one year of credit for any twelve-month period. 4534

(3) In addition to the meaning given in division (N) of 4535
section 145.01 of the Revised Code, "disability benefit" means 4536
"disability benefit" as defined in sections 3307.01 and 3309.01 of 4537
the Revised Code. 4538

(B) To coordinate and integrate membership in the state 4539
retirement systems, the following provisions apply: 4540

(1) ~~At~~ Subject to division (B)(2) of this section, at the 4541
~~option election~~ of a member, total contributions and service 4542
credit in all state retirement systems, including amounts paid to 4543
restore service credit under sections 145.311, 3307.711, and 4544
3309.261 of the Revised Code, shall be used in determining the 4545
eligibility and total retirement or disability benefit payable. 4546
When total contributions and service credit are so combined, the 4547
following provisions apply: 4548

(a) Age and service retirement ~~or disability benefits are~~ 4549
shall be effective on the first day of the month immediately 4550
following the later of: 4551

(i) The last day for which compensation was paid; 4552

(ii) The attainment of minimum age or service credit 4553
eligibility for benefits provided under this section; 4554

(iii) Ninety days prior to receipt by the board of the 4555
member's completed application for retirement. 4556

(b) ~~In determining eligibility~~ Disability benefits shall be 4557
effective on the first day of the month immediately following the 4558
later of the following: 4559

(i) The last day for which compensation was paid; 4560

(ii) The attainment of eligibility for a disability benefit. 4561

(c) Eligibility for a disability benefit, ~~the medical~~ 4562
~~examiner's report to~~ shall be determined by the retirement board 4563
of any the state retirement system, ~~showing~~ that will calculate 4564
and pay the member's disability incapacitates the member for the 4565
performance of duty, may benefit, as provided in division 4566
(B)(1)(d) of this section. The state retirement system calculating 4567
and paying the disability benefit shall certify the determination 4568
to the board of each other state retirement system in which the 4569
member has service credit and shall be accepted by the state 4570
retirement boards that board as sufficient for granting a 4571
disability benefit. 4572

~~(c)~~(d) The board of the state retirement system in which the 4573
member had the greatest service credit, without adjustment, shall 4574
~~determine~~ calculate and pay the total retirement or disability 4575
benefit. Where the member's credit is equal in two or more state 4576
retirement systems, the system having the largest total 4577
contributions of the member shall ~~determine~~ calculate and pay the 4578
total benefit. 4579

~~(d)~~(e) In determining the total credit to be used in 4580
calculating a retirement or disability benefit, ~~credit shall not~~ 4581
~~be reduced below that certified by the system or systems~~ 4582
~~transferring credit, except that such~~ total combined service 4583
credit shall not exceed one year of credit for any one "year" as 4584
defined in the law of the system making the calculation. 4585

~~(e)(f)~~ The state retirement system ~~determining~~ calculating 4586
and paying a retirement or disability benefit shall receive from 4587
the other system or systems ~~the member's refundable account at~~ 4588
~~retirement or the effective date of a disability benefit plus an~~ 4589
~~amount from the employers' accumulation fund equal to the member's~~ 4590
~~refundable account less interest credited under section 145.471,~~ 4591
~~145.472, or 3307.563 of the Revised Code~~ all of the following for 4592
each year of service: 4593

(i) The amount contributed by the member, or, in the case of 4594
service credit purchased by the member, paid by the member, that 4595
is attributable to the year of service; 4596

(ii) An amount equal to the lesser of the employer's 4597
contributions made on behalf of the member to the retirement 4598
system for that year of service or the amount that would have been 4599
contributed by the employer for the service had the member been a 4600
member of the public employees retirement system at the time the 4601
credit was earned; 4602

(iii) Interest on the amounts specified in divisions 4603
(B)(1)(f)(i) and (ii) of this section at the actuarial assumption 4604
rate of the retirement system determining and paying the benefit. 4605
~~If~~ 4606

If applicable, the public employees retirement system shall 4607
pay to the retirement system ~~determining~~ calculating and paying 4608
the benefit a portion of the amount paid on behalf of the member 4609
by an employer under section 145.483 of the Revised Code. The 4610
portion shall be paid from the employers' accumulation fund and 4611
shall equal the product obtained by multiplying by two the amount 4612
the member would have contributed during the period the employer 4613
failed to deduct contributions, as described in section 145.483 of 4614
the Revised Code. 4615

~~(i)(g)~~ The annuity rates and mortality tables of the state 4616

retirement system making the calculation and paying the benefit 4617
shall be exclusively applicable. 4618

~~(ii)~~(h) Deposits made for the purpose of an additional 4619
annuity, ~~and including guaranteed interest together with earnings~~ 4620
~~as provided in section 145.62 of the Revised Code~~, upon the 4621
request of the member, shall be transferred to the state 4622
retirement system paying the benefit. The return upon such 4623
deposits shall be that offered by the state retirement system 4624
making the calculation and paying the benefit. 4625

(2) A former member receiving a retirement or disability 4626
benefit under this section, who accepts employment amenable to 4627
coverage in any state retirement system that participated in the 4628
former member's combined benefit, shall be subject to the 4629
applicable provisions of law governing such re-employment. If a 4630
former member should be paid any amount in a retirement benefit, 4631
to which the former member is not entitled under the applicable 4632
provisions of law governing such re-employment, such amount shall 4633
be recovered by the state retirement system paying such benefit by 4634
utilizing any recovery procedure available under the code 4635
provisions of the state retirement system covering such 4636
re-employment. 4637

(C) A PERS retirant or other system retirant, as defined in 4638
section 145.38 of the Revised Code, is not eligible to receive any 4639
benefit under this section for service subject to section 145.38 4640
of the Revised Code. 4641

Sec. 145.38. (A) As used in this section and sections 145.381 4642
and 145.384 of the Revised Code: 4643

(1) "PERS retirant" means a former member of the public 4644
employees retirement system who is receiving one of the following: 4645

(a) Age and service retirement benefits under section 145.32, 4646

145.33, 145.331, ~~145.34~~, 145.332, or 145.46 or former section 4647
145.34 of the Revised Code; 4648

(b) Age and service retirement benefits paid by the public 4649
employees retirement system under section 145.37 of the Revised 4650
Code; 4651

(c) Any benefit paid under a PERS defined contribution plan. 4652

(2) "Other system retirant" means both of the following: 4653

(a) A member or former member of the Ohio police and fire 4654
pension fund, state teachers retirement system, school employees 4655
retirement system, state highway patrol retirement system, or 4656
Cincinnati retirement system who is receiving age and service or 4657
commuted age and service retirement benefits or a disability 4658
benefit from a system of which the person is a member or former 4659
member; 4660

(b) A member or former member of the public employees 4661
retirement system who is receiving age and service retirement 4662
benefits or a disability benefit under section 145.37 of the 4663
Revised Code paid by the school employees retirement system or the 4664
state teachers retirement system. 4665

(B)(1) Subject to this section and section 145.381 of the 4666
Revised Code, a PERS retirant or other system retirant may be 4667
employed by a public employer. If so employed, the PERS retirant 4668
or other system retirant shall contribute to the public employees 4669
retirement system in accordance with section 145.47 of the Revised 4670
Code, and the employer shall make contributions in accordance with 4671
section 145.48 of the Revised Code. 4672

(2) A public employer that employs a PERS retirant or other 4673
system retirant, or enters into a contract for services as an 4674
independent contractor with a PERS retirant, shall notify the 4675
retirement board of the employment or contract not later than the 4676
end of the month in which the employment or contract commences. 4677

Any overpayment of benefits to a PERS retirant by the retirement 4678
system resulting from delay or failure of the employer to give the 4679
notice shall be repaid to the retirement system by the employer. 4680

(3) On receipt of notice from a public employer that a person 4681
who is an other system retirant has been employed, the retirement 4682
system shall notify the retirement system of which the other 4683
system retirant was a member of such employment. 4684

(4)(a) A PERS retirant who has received a retirement 4685
allowance for less than two months when employment subject to this 4686
section commences shall forfeit the retirement allowance for any 4687
month the PERS retirant is employed prior to the expiration of the 4688
two-month period. Service and contributions for that period shall 4689
not be included in calculation of any benefits payable to the PERS 4690
retirant, and those contributions shall be refunded on the 4691
retirant's death or termination of the employment. 4692

(b) An other system retirant who has received a retirement 4693
allowance or disability benefit for less than two months when 4694
employment subject to this section commences shall forfeit the 4695
retirement allowance or disability benefit for any month the other 4696
system retirant is employed prior to the expiration of the 4697
two-month period. Service and contributions for that period shall 4698
not be included in the calculation of any benefits payable to the 4699
other system retirant, and those contributions shall be refunded 4700
on the retirant's death or termination of the employment. 4701

(c) Contributions made on compensation earned after the 4702
expiration of the two-month period shall be used in the 4703
calculation of the benefit or payment due under section 145.384 of 4704
the Revised Code. 4705

(5) On receipt of notice from the Ohio police and fire 4706
pension fund, school employees retirement system, or state 4707
teachers retirement system of the re-employment of a PERS 4708

retirant, the public employees retirement system shall not pay, or 4709
if paid, shall recover, the amount to be forfeited by the PERS 4710
retirant in accordance with section 742.26, 3307.35, or 3309.341 4711
of the Revised Code. 4712

(6) A PERS retirant who enters into a contract to provide 4713
services as an independent contractor to the employer by which the 4714
retirant was employed at the time of retirement or, less than two 4715
months after the retirement allowance commences, begins providing 4716
services as an independent contractor pursuant to a contract with 4717
another public employer, shall forfeit the pension portion of the 4718
retirement benefit for the period beginning the first day of the 4719
month following the month in which the services begin and ending 4720
on the first day of the month following the month in which the 4721
services end. The annuity portion of the retirement allowance 4722
shall be suspended on the day services under the contract begin 4723
and shall accumulate to the credit of the retirant to be paid in a 4724
single payment after services provided under the contract 4725
terminate. A PERS retirant subject to division (B)(6) of this 4726
section shall not contribute to the retirement system and shall 4727
not become a member of the system. 4728

(7) As used in this division, "employment" includes service 4729
for which a PERS retirant or other system retirant, the retirant's 4730
employer, or both, have waived any earnable salary for the 4731
service. 4732

(C)(1) Except as provided in division (C)(3) of this section, 4733
this division applies to both of the following: 4734

(a) A PERS retirant who, prior to September 14, 2000, was 4735
subject to division (C)(1)(b) of this section as that division 4736
existed immediately prior to September 14, 2000, and has not 4737
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 4738
assembly to cease to be subject to that division; 4739

(b) A PERS retirant to whom both of the following apply: 4740

(i) The retirant held elective office in this state, or in 4741
any municipal corporation, county, or other political subdivision 4742
of this state at the time of retirement under this chapter. 4743

(ii) The retirant was elected or appointed to the same office 4744
for the remainder of the term or the term immediately following 4745
the term during which the retirement occurred. 4746

(2) A PERS retirant who is subject to this division is a 4747
member of the public employees retirement system with all the 4748
rights, privileges, and obligations of membership, except that the 4749
membership does not include survivor benefits provided pursuant to 4750
section 145.45 of the Revised Code or, beginning on the ninetieth 4751
day after September 14, 2000, any amount calculated under section 4752
145.401 of the Revised Code. The pension portion of the PERS 4753
retirant's retirement allowance shall be forfeited until the first 4754
day of the first month following termination of the employment. 4755
The annuity portion of the retirement allowance shall accumulate 4756
to the credit of the PERS retirant to be paid in a single payment 4757
after termination of the employment. The retirement allowance 4758
shall resume on the first day of the first month following 4759
termination of the employment. On termination of the employment, 4760
the PERS retirant shall elect to receive either a refund of the 4761
retirant's contributions to the retirement system during the 4762
period of employment subject to this section or a supplemental 4763
retirement allowance based on the retirant's contributions and 4764
service credit for that period of employment. 4765

(3) This division does not apply to any of the following: 4766

(a) A PERS retirant elected to office who, at the time of the 4767
election for the retirant's current term, was not retired but, not 4768
less than ninety days prior to the primary election for the term 4769
or the date on which a primary for the term would have been held, 4770

filed a written declaration of intent to retire before the end of 4771
the term with the director of the board of elections of the county 4772
in which petitions for nomination or election to the office are 4773
filed; 4774

(b) A PERS retirant elected to office who, at the time of the 4775
election for the retirant's current term, was a retirant and had 4776
been retired for not less than ninety days; 4777

(c) A PERS retirant appointed to office who, at the time of 4778
appointment to the retirant's current term, notified the person or 4779
entity making the appointment that the retirant was already 4780
retired or intended to retire before the end of the term. 4781

(D)(1) Except as provided in division (C) of this section, a 4782
PERS retirant or other system retirant subject to this section is 4783
not a member of the public employees retirement system, and, 4784
except as specified in this section does not have any of the 4785
rights, privileges, or obligations of membership. Except as 4786
specified in division (D)(2) of this section, the retirant is not 4787
eligible to receive health, medical, hospital, or surgical 4788
benefits under section 145.58 of the Revised Code for employment 4789
subject to this section. 4790

(2) A PERS retirant subject to this section shall receive 4791
primary health, medical, hospital, or surgical insurance coverage 4792
from the retirant's employer, if the employer provides coverage to 4793
other employees performing comparable work. Neither the employer 4794
nor the PERS retirant may waive the employer's coverage, except 4795
that the PERS retirant may waive the employer's coverage if the 4796
retirant has coverage comparable to that provided by the employer 4797
from a source other than the employer or the public employees 4798
retirement system. If a claim is made, the employer's coverage 4799
shall be the primary coverage and shall pay first. The benefits 4800
provided under section 145.58 of the Revised Code shall pay only 4801
those medical expenses not paid through the employer's coverage or 4802

coverage the PERS retirant receives through a source other than 4803
the retirement system. 4804

(E) If the disability benefit of an other system retirant 4805
employed under this section is terminated, the retirant shall 4806
become a member of the public employees retirement system, 4807
effective on the first day of the month next following the 4808
termination with all the rights, privileges, and obligations of 4809
membership. If such person, after the termination of the 4810
disability benefit, earns two years of service credit under this 4811
system or under the Ohio police and fire pension fund, state 4812
teachers retirement system, school employees retirement system, or 4813
state highway patrol retirement system, the person's prior 4814
contributions as an other system retirant under this section shall 4815
be included in the person's total service credit as a public 4816
employees retirement system member, and the person shall forfeit 4817
all rights and benefits of this section. Not more than one year of 4818
credit may be given for any period of twelve months. 4819

(F) This section does not affect the receipt of benefits by 4820
or eligibility for benefits of any person who on August 20, 1976, 4821
was receiving a disability benefit or service retirement pension 4822
or allowance from a state or municipal retirement system in Ohio 4823
and was a member of any other state or municipal retirement system 4824
of this state. 4825

(G) The public employees retirement board may adopt rules to 4826
carry out this section. 4827

Sec. 145.383. (A) As used in this section: 4828

(1) "Compensation" has the same meaning as in section 3307.01 4829
or 3309.01 of the Revised Code, as appropriate. 4830

(2) "PERS position" means a position for which a member of 4831
the public employees retirement system is making contributions to 4832

the system. 4833

(3) "Other state retirement system" means the state teachers 4834
retirement system or the school employees retirement system. 4835

(4) "State retirement system" means the public employees 4836
retirement system, state teachers retirement system, or the school 4837
employees retirement system. 4838

(B)(1) A member of the public employees retirement system who 4839
holds two or more PERS positions may retire under section 145.32, 4840
145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised 4841
Code from the position for which the annual earnable salary at the 4842
time of retirement is highest and continue to contribute to the 4843
retirement system for the other PERS position or positions. 4844

(2) A member of the public employees retirement system who 4845
also holds one or more other positions covered by the other state 4846
retirement systems may retire under section 145.32, 145.33, 4847
145.331, ~~145.34~~, 145.332, 145.37, or 145.46 of the Revised Code 4848
from the PERS position and continue contributing to the other 4849
state retirement systems if the annual earnable salary for the 4850
PERS position at the time of retirement is greater than annual 4851
compensation for the position, or any of the positions, covered by 4852
the other state retirement systems. 4853

(3) A member of the public employees retirement system who 4854
holds two or more PERS positions and at least one other position 4855
covered by one of the other state retirement systems may retire 4856
under section 145.32, 145.33, 145.331, ~~145.34~~, 145.332, 145.37, or 4857
145.46 of the Revised Code from one of the PERS positions and 4858
continue contributing to the public employees retirement system 4859
and the other state retirement system if the annual earnable 4860
salary for the PERS position from which the member is retiring is, 4861
at the time of retirement, greater than the annual compensation or 4862
earnable salary for any of the positions for which the member is 4863

continuing to make contributions. 4864

(4) A member of the public employees retirement system who 4865
has retired as provided in division (B)(2) or (3) of section 4866
3307.351 or division (B)(2) or (3) of section 3309.343 of the 4867
Revised Code may continue to contribute to the public employees 4868
retirement system for a PERS position if the member held the 4869
position at the time of retirement from the other state retirement 4870
system. 4871

(5) A member who contributes to the public employees 4872
retirement system in accordance with division (B)(1), (3), or (4) 4873
of this section shall contribute in accordance with section 145.47 4874
of the Revised Code. The member's employer shall contribute as 4875
provided in section 145.48 of the Revised Code. Neither the member 4876
nor the member's survivors are eligible for any benefits based on 4877
those contributions other than those provided under section 4878
145.384, 3307.352, or 3309.344 of the Revised Code. 4879

(C)(1) In determining retirement eligibility and the annual 4880
retirement allowance of a member who retires as provided in 4881
division (B)(1), (2), or (3) of this section, the following shall 4882
be used to the date of retirement: 4883

(a) The member's earnable salary and compensation for all 4884
positions covered by a state retirement system; 4885

(b) Total service credit in any state retirement system, 4886
except that the credit shall not exceed one year of credit for any 4887
period of twelve months; 4888

(c) The member's accumulated contributions. 4889

(2) A member who retires as provided in division (B)(1), (2), 4890
or (3) of this section is a retirant for all purposes of this 4891
chapter, except that the member is not subject to section 145.38 4892
of the Revised Code for a position or positions for which 4893
contributions continue under those divisions or division (B)(4) of 4894

this section. 4895

(D) A retired member receiving a benefit under section 4896
145.384 of the Revised Code based on employment subject to this 4897
section is not a member of the public employees retirement system 4898
and does not have any rights, privileges, or obligations of 4899
membership. The retired member is a PERS retirant for purposes of 4900
section 145.38 of the Revised Code. 4901

(E) The public employees retirement board may adopt rules to 4902
carry out this section. 4903

Sec. 145.384. (A) As used in this section, "PERS retirant" 4904
means a PERS retirant who is not subject to division (C) of 4905
section 145.38 of the Revised Code. For purposes of this section, 4906
"PERS retirant" also includes both of the following: 4907

(1) A member who retired under section 145.383 of the Revised 4908
Code; 4909

(2) A retirant whose retirement allowance resumed under 4910
section 145.385 of the Revised Code. 4911

(B)(1) An other system retirant or PERS retirant who has made 4912
contributions under section 145.38 or 145.383 of the Revised Code 4913
or, in the case of a retirant described in division (A)(2) of this 4914
section, section 145.47 of the Revised Code may file an 4915
application with the public employees retirement system to receive 4916
either a benefit, as provided in division (B)(2) of this section, 4917
or payment of the retirant's contributions made under those 4918
sections, as provided in division (H) of this section. 4919

(2) A benefit under this section shall consist of an annuity 4920
having a reserve equal to the amount of the retirant's accumulated 4921
contributions for the period of employment, other than the 4922
contributions excluded pursuant to division (B)(4)(a) or (b) of 4923
section 145.38 of the Revised Code, and an amount of the 4924

employer's contributions determined by the board. 4925

(a) Unless, as described in division (I) of this section, the 4926
application is accompanied by a statement of the spouse's consent 4927
to another form of payment or the board waives the requirement of 4928
spousal consent, a PERS retirant or other system retirant who is 4929
married at the time of application for a benefit under this 4930
section shall receive a monthly annuity under which the actuarial 4931
equivalent of the retirant's single life annuity is paid in a 4932
lesser amount for life and one-half of the lesser amount continues 4933
after the retirant's death to the surviving spouse. 4934

(b) A PERS retirant or other system retirant who is not 4935
subject to division (B)(2)(a) of this section shall elect either 4936
to receive the benefit as a monthly annuity or a lump sum payment 4937
discounted to the present value using a rate of interest 4938
determined by the board. A retirant who elects to receive a 4939
monthly annuity shall select one of the following as the plan of 4940
payment: 4941

(i) The retirant's single life annuity; 4942

(ii) The actuarial equivalent of the retirant's single life 4943
annuity in an equal or lesser amount for life and continuing after 4944
death to a surviving beneficiary designated at the time the plan 4945
of payment is selected. 4946

If a retirant who is eligible to select a plan of payment 4947
under division (B)(2)(b) of this section fails to do so, the 4948
benefit shall be paid as a monthly annuity under the plan of 4949
payment specified in rules adopted by the public employees 4950
retirement board. 4951

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 4952
section, if a monthly annuity would be less than twenty-five 4953
dollars per month, the retirant shall receive a lump sum payment. 4954

(C)(1) The death of a spouse or other designated beneficiary 4955

under a plan of payment described in division (B)(2) of this 4956
section cancels that plan of payment. The PERS retirant or other 4957
system retirant shall receive the equivalent of the retirant's 4958
single life annuity, as determined by the board, effective the 4959
first day of the month following receipt by the board of notice of 4960
the death. 4961

(2) On divorce, annulment, or marriage dissolution, a PERS 4962
retirant or other system retirant receiving a benefit described in 4963
division (B)(2) of this section under which the beneficiary is the 4964
spouse may, with the written consent of the spouse or pursuant to 4965
an order of the court with jurisdiction over the termination of 4966
the marriage, elect to cancel the plan and receive the equivalent 4967
of the retirant's single life annuity as determined by the board. 4968
The election shall be made on a form provided by the board and 4969
shall be effective the month following its receipt by the board. 4970

(D) Following a marriage or remarriage, a PERS retirant or 4971
other system retirant who is receiving a benefit described in 4972
division (B)(2)(b)(i) of this section may elect a new plan of 4973
payment under division (B)(2)(b) of this section based on the 4974
actuarial equivalent of the retirant's single life annuity as 4975
determined by the board. 4976

If the marriage or remarriage occurs on or after ~~the~~ 4977
~~effective date of this amendment~~ June 6, 2005, the election must 4978
be made not later than one year after the date of the marriage or 4979
remarriage. 4980

The plan elected under this division shall be effective on 4981
the date of receipt by the board of an application on a form 4982
approved by the board, but any change in the amount of the benefit 4983
shall commence on the first day of the month following the 4984
effective date of the plan. 4985

(E) A benefit payable under division (B)(2) of this section 4986

shall commence on the latest of the following: 4987

(1) The last day for which compensation for all employment 4988
subject to section 145.38, 145.383, or 145.385 of the Revised Code 4989
was paid; 4990

(2) Attainment by the PERS retirant or other system retirant 4991
of age sixty-five; 4992

(3) If the PERS retirant or other system retirant was 4993
previously employed under section 145.38, 145.383, or 145.385 of 4994
the Revised Code and is receiving or previously received a benefit 4995
under this section, completion of a period of twelve months since 4996
the effective date of the last benefit under this section; 4997

(4) Ninety days prior to receipt by the board of the member's 4998
completed application for retirement; 4999

(5) A date specified by the retirant. 5000

(F)(1) If a PERS retirant or other system retirant dies while 5001
employed in employment subject to section 145.38, 145.383, or 5002
145.385 of the Revised Code, a lump sum payment ~~calculated in~~ 5003
~~accordance with division (B)(2) of this section~~ shall be paid to 5004
the retirant's beneficiary under division (G) of this section. The 5005
lump sum shall be calculated in accordance with division (H) of 5006
this section if the retirant was under age sixty-five at the time 5007
of death. It shall be calculated in accordance with division 5008
(B)(2) of this section if the retirant was age sixty-five or older 5009
at the time of death. 5010

(2) If at the time of death a PERS retirant or other system 5011
retirant receiving a monthly annuity under division (B)(2)(b)(i) 5012
of this section has received less than the retirant would have 5013
received as a lump sum payment, the difference between the amount 5014
received and the amount that would have been received as a lump 5015
sum payment shall be paid to the retirant's beneficiary under 5016
division (G) of this section. 5017

(3) If a beneficiary receiving a monthly annuity under 5018
division (B)(2) of this section dies and, at the time of the 5019
beneficiary's death, the total of the amounts paid to the retirant 5020
and beneficiary are less than the amount the retirant would have 5021
received as a lump sum payment, the difference between the total 5022
of the amounts received by the retirant and beneficiary and the 5023
amount that the retirant would have received as a lump sum payment 5024
shall be paid to the beneficiary's estate. 5025

(G) A PERS retirant or other system retirant employed under 5026
section 145.38, 145.383, or 145.385 of the Revised Code may 5027
designate one or more persons as beneficiary to receive any 5028
benefits payable under division (B)(2)(b) of this section due to 5029
death. The designation shall be in writing duly executed on a form 5030
provided by the public employees retirement board, signed by the 5031
PERS retirant or other system retirant, and filed with the board 5032
prior to death. The last designation of a beneficiary revokes all 5033
previous designations. The PERS retirant's or other system 5034
retirant's marriage, divorce, marriage dissolution, legal 5035
separation, withdrawal of account, birth of a child, or adoption 5036
of a child revokes all previous designations. If there is no 5037
designated beneficiary, the beneficiary is the beneficiary 5038
determined under division (D) of section 145.43 of the Revised 5039
Code. If any benefit payable under this section due to the death 5040
of a PERS retirant or other system retirant is not claimed by a 5041
beneficiary within five years after the death, the amount payable 5042
shall be transferred to the income fund and thereafter paid to the 5043
beneficiary or the estate of the PERS retirant or other system 5044
retirant on application to the board. 5045

(H)(1) A PERS retirant or other system retirant who applies 5046
under division (B)(1) of this section for payment of the 5047
retirant's contributions and is unmarried or is married and, 5048
unless the board has waived the requirement of spousal consent, 5049

includes with the application a statement of the spouse's consent 5050
to the payment, shall be paid the contributions made under section 5051
145.38 or 145.383 of the Revised Code or, in the case of a 5052
retirant described in division (A)(2) of this section, section 5053
145.47 of the Revised Code, plus interest as provided in section 5054
145.471 of the Revised Code, if the following conditions are met: 5055

(a) The retirant has not attained sixty-five years of age and 5056
has terminated employment subject to section 145.38, 145.383, or 5057
145.385 of the Revised Code for any cause other than death or the 5058
receipt of a benefit under this section. 5059

(b) Three months have elapsed since the termination of the 5060
retirant's employment subject to section 145.38, 145.383, or 5061
145.385 of the Revised Code, other than employment exempted from 5062
contribution pursuant to section 145.03 of the Revised Code. 5063

(c) The retirant has not returned to public service, other 5064
than service exempted from contribution pursuant to section 145.03 5065
of the Revised Code, during the three-month period. 5066

(2) Payment of a retirant's contributions cancels the 5067
retirant's right to a benefit under division (B)(2) of this 5068
section. 5069

(I) A statement of a spouse's consent under division (B)(2) 5070
of this section to the form of a benefit or under division (H) of 5071
this section to a payment of contributions is valid only if signed 5072
by the spouse and witnessed by a notary public. The board may 5073
waive the requirement of spousal consent if the spouse is 5074
incapacitated or cannot be located, or for any other reason 5075
specified by the board. Consent or waiver is effective only with 5076
regard to the spouse who is the subject of the consent or waiver. 5077

(J) No amount received under this section shall be included 5078
in determining an additional benefit under section 145.323 of the 5079
Revised Code or any other post-retirement benefit increase. 5080

Sec. 145.39. Whenever the limits established by section 415 5081
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 5082
U.S.C.A. 415, as amended, are raised, the public employees 5083
retirement board shall increase the amount of the pension, 5084
benefit, or allowance of any person whose pension, benefit, or 5085
allowance payable under section 145.323, 145.33, 145.331, ~~145.34,~~ 5086
145.332, 145.36, or 145.361 or former section 145.34 of the 5087
Revised Code was limited by the application of section 415. The 5088
amount of the increased pension, benefit, or allowance shall not 5089
exceed the lesser of the amount the person would have received if 5090
the limits established by section 415 had not been applied or the 5091
amount the person is eligible to receive subject to the new limits 5092
established by section 415. 5093

Sec. 145.40. (A)(1) Subject to the provisions of section 5094
145.57 of the Revised Code and except as provided in section 5095
145.402 of the Revised Code and division (B) of this section, if a 5096
member elects to become exempt from contribution to the public 5097
employees retirement system pursuant to section 145.03 of the 5098
Revised Code or ceases to be a public employee for any cause other 5099
than death, retirement, receipt of a disability benefit, or 5100
current employment in a position in which the member has elected 5101
to participate in an alternative retirement plan under section 5102
3305.05 or 3305.051 of the Revised Code, upon application the 5103
public employees retirement board shall pay the member the 5104
member's accumulated contributions, plus any applicable amount 5105
calculated under section 145.401 of the Revised Code, provided 5106
that both the following apply: 5107

(a) Three months have elapsed since the member's service 5108
subject to this chapter, other than service exempted from 5109
contribution pursuant to section 145.03 of the Revised Code, was 5110
terminated; 5111

(b) The member has not returned to service subject to this 5112
chapter, other than service exempted from contribution pursuant to 5113
section 145.03 of the Revised Code, during that three-month 5114
period. 5115

The payment of such accumulated contributions shall cancel 5116
the total service credit of such member in the public employees 5117
retirement system. 5118

(2) A member described in division (A)(1) of this section who 5119
is married at the time of application for payment and is eligible 5120
for age and service retirement under section 145.32, 145.33, 5121
145.331, or ~~145.34~~ 145.332 of the Revised Code or would be 5122
eligible for age and service retirement under any of those 5123
sections but for a forfeiture ordered under division (A) or (B) of 5124
section 2929.192 of the Revised Code shall submit with the 5125
application a written statement by the member's spouse attesting 5126
that the spouse consents to the payment of the member's 5127
accumulated contributions. Consent shall be valid only if it is 5128
signed and witnessed by a notary public. 5129

The board may waive the requirement of consent if the spouse 5130
is incapacitated or cannot be located, or for any other reason 5131
specified by the board. Consent or waiver is effective only with 5132
regard to the spouse who is the subject of the consent or waiver. 5133

(B) This division applies to any member who is employed in a 5134
position in which the member has made an election under section 5135
3305.05 or 3305.051 of the Revised Code and due to the election 5136
ceases to be a public employee for purposes of that position. 5137

Subject to section 145.57 of the Revised Code, the public 5138
employees retirement system shall do the following: 5139

(1) On receipt of a certified copy of a form evidencing an 5140
election under section 3305.05 or 3305.051 of the Revised Code, 5141
pay to the appropriate provider, in accordance with section 5142

3305.052 of the Revised Code, the amount described in section 5143
3305.052 of the Revised Code; 5144

(2) If a member has accumulated contributions, in addition to 5145
those subject to division (B)(1) of this section, standing to the 5146
credit of the member's individual account and is not otherwise 5147
employed in a position in which the member is considered a public 5148
employee for the purposes of that position, pay, to the provider 5149
the member selected pursuant to section 3305.05 or 3305.051 of the 5150
Revised Code, the member's accumulated contributions. The payment 5151
shall be made on the member's application. 5152

(C) Payment of a member's accumulated contributions under 5153
division (B) of this section cancels the member's total service 5154
credit in the public employees retirement system. A member whose 5155
accumulated contributions are paid to a provider pursuant to 5156
division (B) of this section is forever barred from claiming or 5157
purchasing service credit under the public employees retirement 5158
system for the period of employment attributable to those 5159
contributions. 5160

Sec. 145.401. (A) As used in this section: 5161

~~(1) "Eligible contributions" means amounts contributed under 5162
section 145.47 of the Revised Code, amounts received from a member 5163
or transferred under section 145.20, 145.295, 145.302, or 145.44 5164
of the Revised Code, and any interest credited under section 5165
145.471 or 145.472 of the Revised Code. "Eligible contributions" 5166
does not include contributions that were used in the payment of a 5167
disability benefit or, as provided in rules adopted by the board, 5168
were refunded to a member because the system was not authorized to 5169
accept the contributions. 5170~~

~~(2) "Service, "service credit" means service credit earned 5171
for periods for which contributions were made under section 145.47 5172
of the Revised Code and, if applicable, periods for which service 5173~~

credit was purchased or ~~transferred~~ restored under section ~~145.20,~~ 5174
~~145.295,~~ 145.302, or ~~145.44~~ 145.31 of the Revised Code. 5175

(B) If a member has, or at the time of death had, at least 5176
five years of service credit, the public employees retirement 5177
board shall include the amount specified in ~~division (B)(1) or (2)~~ 5178
~~of this section~~ rules adopted by the board in the amount payable 5179
under section 145.40 of the Revised Code to the member, or under 5180
division (B) of section 145.43 of the Revised Code to a 5181
beneficiary or beneficiaries of the member, unless at the time of 5182
death the member was a disability benefit recipient. The amount 5183
specified in ~~division (B)(1) or (2) of this section~~ rules shall be 5184
paid from the employers' accumulation fund. 5185

~~(1) If the member has, or had at the time of death, at least~~ 5186
~~five but less than ten years of service credit, the amount~~ 5187
~~included shall be equal to thirty three per cent of the member's~~ 5188
~~eligible contributions.~~ 5189

~~(2) If the member has, or had at the time of death, at least~~ 5190
~~ten years of service credit, the amount included shall be equal to~~ 5191
~~sixty seven per cent of the member's eligible contributions (C)~~ 5192
The public employees retirement board shall adopt rules under 5193
section 145.09 of the Revised Code specifying the additional 5194
amounts that may be provided a member under section 145.40 of the 5195
Revised Code or a beneficiary or beneficiaries under division (B) 5196
of section 145.43 of the Revised Code. The additional amounts may 5197
vary depending on the amount of service credit the member has 5198
accrued. 5199

Sec. 145.41. Membership shall cease upon refund of 5200
accumulated contributions, death, or retirement except as provided 5201
in section 145.362 of the Revised Code. A member who separates 5202
from service for any reason other than death or retirement or who 5203
otherwise ceases to be a public employee for any reason other than 5204

death or retirement may leave the member's accumulated 5205
contributions on deposit with the public employees retirement 5206
board and, for the purposes of the public employees retirement 5207
system, be considered on a membership leave of absence. The 5208
member's membership rights shall continue until the member has 5209
withdrawn the member's accumulated contributions, retired on a 5210
retirement allowance as provided in section 145.33, 145.331, or 5211
~~145.34~~ 145.332 of the Revised Code, or died. The account of such a 5212
member shall remain in the employees' savings fund, except that 5213
the account of a member who has less than five calendar years of 5214
contributing service credit or is a member of the state teachers 5215
retirement system or the school employees retirement system may be 5216
transferred to the income fund if by the end of the fifth calendar 5217
year following the calendar year in which the last contribution 5218
was received the member has not died, claimed a refund of 5219
contributions, or requested the retirement board to continue the 5220
member's membership on a leave of absence basis. In case such a 5221
member later requests a refund, the member's account shall be 5222
restored to the employees' savings account and refunded therefrom. 5223
Members on such leaves of absence shall retain all rights, 5224
obligations, and privileges of membership in the public employees 5225
retirement system. A "contributor," as defined in division (F) of 5226
section 145.01 of the Revised Code, who formerly lost membership 5227
through termination of membership leave of absence and who has not 5228
withdrawn the contributor's account shall be reinstated as a 5229
member with all the rights, privileges, and obligations of 5230
membership in the system. In no case shall a member on leave of 5231
absence as provided in this section add to the member's total 5232
number of years of service credit by reason of such leave of 5233
absence, unless such member ~~was receiving benefits from the state~~ 5234
~~insurance fund and by reason of such benefits qualified for~~ 5235
~~additional service credit as provided in division (H) of section~~ 5236
~~145.01 of the Revised Code, or was~~ is eligible to and does make a 5237

payment as provided in section 145.291 of the Revised Code. 5238

Sec. 145.43. (A) As used in this section and in section 5239
145.45 of the Revised Code: 5240

(1) "Child" means a biological or legally adopted child of a 5241
deceased member. If a court hearing for an interlocutory decree 5242
for adoption was held prior to the member's death, "child" 5243
includes the child who was the subject of the hearing 5244
notwithstanding the fact that the final decree of adoption, 5245
adjudging the surviving spouse as the adoptive parent, is made 5246
subsequent to the member's death. 5247

(2) "Parent" is a parent or legally adoptive parent of a 5248
deceased member. 5249

(3) "Dependent" means a beneficiary who receives one-half of 5250
the beneficiary's support from a member during the twelve months 5251
prior to the member's death. 5252

(4) "Surviving spouse" means an individual who establishes a 5253
valid marriage to a member at the time of the member's death by 5254
marriage certificate or pursuant to division (E) of this section. 5255

(5) "Survivor" means a surviving spouse, child, or parent. 5256

(6) "Accumulated contributions" has the meaning given in 5257
section 145.01 of the Revised Code, except that, notwithstanding 5258
that section, it does not include additional amounts deposited in 5259
the employees' savings fund pursuant to the version of division 5260
(C) of section 145.23 of the Revised Code as it existed 5261
immediately prior to ~~the effective date of this amendment~~ April 6, 5262
2007, or pursuant to section 145.62 of the Revised Code. 5263

(B) Except as provided in division (C)(1) of section 145.45 5264
of the Revised Code, should a member die before age and service 5265
retirement, the member's accumulated contributions and any 5266
applicable amount calculated under section 145.401 of the Revised 5267

Code, shall be paid to the person or persons the member has 5268
designated ~~in writing duly executed on a form provided by the~~ 5269
~~public employees retirement board, signed by the member, and filed~~ 5270
~~with the board prior to the member's death~~ under section 145.431 5271
of the Revised Code. A member may designate two or more persons as 5272
beneficiaries to be paid the accumulated account in a lump sum. 5273
Subject to rules adopted by the public employees retirement board, 5274
a member who designates two or more persons as beneficiaries ~~under~~ 5275
~~this division~~ shall specify the percentage of the lump sum that 5276
each beneficiary is to be paid. If the member has not specified 5277
the percentages, the lump sum shall be divided equally among the 5278
beneficiaries. 5279

The last designation of any beneficiary revokes all previous 5280
designations. The member's marriage, divorce, marriage 5281
dissolution, legal separation, or withdrawal of account, or the 5282
birth of the member's child, or adoption of a child, shall 5283
constitute an automatic revocation of the member's previous 5284
designation. If a deceased member was also a member of the school 5285
employees retirement system or the state teachers retirement 5286
system, the beneficiary last established among the systems shall 5287
be the sole beneficiary in all the systems. 5288

If the accumulated contributions of a deceased member are not 5289
claimed by a beneficiary or by the estate of the deceased member 5290
within five years after the death, the contributions shall remain 5291
in the employees' savings fund or may be transferred to the income 5292
fund and thereafter shall be paid to the beneficiary or to the 5293
member's estate upon application to the board. The board shall 5294
formulate and adopt the necessary rules governing all designations 5295
of beneficiaries. 5296

(C) Except as provided in division (C)(1) of section 145.45 5297
of the Revised Code, if a member dies before age and service 5298
retirement and is not survived by a designated beneficiary, the 5299

following shall qualify, with all attendant rights and privileges, 5300
in the following order of precedence, the member's: 5301

(1) Surviving spouse; 5302

(2) Children, share and share alike; 5303

(3) A dependent parent, if that parent takes survivor 5304
benefits under division (B) of section 145.45 of the Revised Code; 5305

(4) Parents, share and share alike; 5306

(5) Estate. 5307

If the beneficiary is deceased or is not located within 5308
ninety days, the beneficiary ceases to qualify for any benefit and 5309
the beneficiary next in order of precedence shall qualify as a 5310
beneficiary. 5311

Any payment made to a beneficiary as determined by the board 5312
shall be a full discharge and release to the board from any future 5313
claims. 5314

(D) Any amount due a retirant or disability benefit recipient 5315
receiving a monthly benefit and unpaid to the retirant or 5316
recipient at death shall be paid to the beneficiary designated ~~in~~ 5317
~~writing on a form approved by the board, signed by the retirant or~~ 5318
~~recipient and filed with the board~~ under section 145.431 of the 5319
Revised Code. If no such designation has been filed, or if the 5320
designated beneficiary is not located within ninety days, any 5321
amounts payable under this chapter due to the death of the 5322
retirant or recipient shall be paid in the following order of 5323
precedence to the retirant's or recipient's: 5324

(1) Surviving spouse; 5325

(2) Children, share and share alike; 5326

(3) Parents, share and share alike; 5327

(4) Estate. 5328

The payment shall be a full discharge and release to the 5329
board from any future claim for the payment. 5330

Any amount due a beneficiary receiving a monthly benefit and 5331
unpaid to the beneficiary at the beneficiary's death shall be paid 5332
to the beneficiary's estate. 5333

(E) If the validity of marriage cannot be established to the 5334
satisfaction of the board for the purpose of disbursing any amount 5335
due under this section or section 145.45 of the Revised Code, the 5336
board may accept a decision rendered by a court having 5337
jurisdiction in the state in which the member was domiciled at the 5338
time of death that the relationship constituted a valid marriage 5339
at the time of death, or the "spouse" would have the same status 5340
as a widow or widower for purposes of sharing the distribution of 5341
the member's intestate personal property. 5342

(F) As used in this division, "recipient" means an individual 5343
who is receiving or may be eligible to receive an allowance or 5344
benefit under this chapter based on the individual's service to a 5345
public employer. 5346

If the death of a member, a recipient, or any individual who 5347
would be eligible to receive an allowance or benefit under this 5348
chapter by virtue of the death of a member or recipient is caused 5349
by one of the following beneficiaries, no amount due under this 5350
chapter to the beneficiary shall be paid to the beneficiary in the 5351
absence of a court order to the contrary filed with the board: 5352

(1) A beneficiary who is convicted of, pleads guilty to, or 5353
is found not guilty by reason of insanity of a violation of or 5354
complicity in the violation of either of the following: 5355

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 5356

(b) An existing or former law of any other state, the United 5357
States, or a foreign nation that is substantially equivalent to 5358
section 2903.01, 2903.02, or 2903.03 of the Revised Code. 5359

(2) A beneficiary who is indicted for a violation of or 5360
complicity in the violation of the sections or laws described in 5361
division (F)(1)(a) or (b) of this section and is adjudicated 5362
incompetent to stand trial; 5363

(3) A beneficiary who is a juvenile found to be a delinquent 5364
child by reason of committing an act that, if committed by an 5365
adult, would be a violation of or complicity in the violation of 5366
the sections or laws described in division (F)(1)(a) or (b) of 5367
this section. 5368

Sec. 145.431. Designation of a beneficiary for the purposes 5369
of section 145.40 of the Revised Code or payment of benefits or 5370
return of contributions to the beneficiary of a member 5371
participating in a PERS defined contribution plan shall be made 5372
under this section. A beneficiary shall be designated in writing 5373
duly executed on a form provided by the public employees 5374
retirement board and signed by the member. A designation under 5375
this section is not valid unless received by the board prior to 5376
the member's death. 5377

A beneficiary designation made under this section applies to 5378
the PERS defined benefit plan or PERS defined contribution plan in 5379
which the member participated or, if the member participated in 5380
both the defined benefit plan and one or more defined contribution 5381
plans, to both the defined benefit plan and the defined 5382
contribution plans. 5383

The last designation of any beneficiary revokes all previous 5384
designations. The member's marriage, divorce, marriage 5385
dissolution, legal separation, or withdrawal of account, or the 5386
birth of the member's child, or adoption of a child, shall 5387
constitute an automatic revocation of the member's previous 5388
designation. 5389

Sec. 145.45. Except as provided in division (C)(1) of this 5390
section, in lieu of accepting the payment of the accumulated 5391
account of a member who dies before service retirement, a 5392
beneficiary, as determined in this section or section 145.43 of 5393
the Revised Code, may elect to forfeit the accumulated 5394
contributions and to substitute certain other benefits under 5395
division (A) or (B) of this section. 5396

(A)(1) If a deceased member was eligible for a service 5397
retirement benefit as provided in section 145.33, 145.331, or 5398
~~145.34~~ 145.332 of the Revised Code, a surviving spouse or other 5399
sole dependent beneficiary may elect to receive a monthly benefit 5400
computed as the joint-survivor benefit designated as "plan ~~D~~ A" in 5401
section 145.46 of the Revised Code, which the member would have 5402
received had the member retired on the last day of the month of 5403
death and had the member at that time selected such joint-survivor 5404
plan. Payment shall begin with the month subsequent to the 5405
member's death, except that a surviving spouse who is less than 5406
sixty-five years old may defer receipt of such benefit. Upon 5407
receipt, the benefit shall be calculated based upon the spouse's 5408
age at the time of first payment, and shall accrue regular 5409
interest during the time of deferral. 5410

(2) Beginning on a date selected by the public employees 5411
retirement board, which shall be not later than July 1, 2004, a 5412
surviving spouse or other sole dependent beneficiary may elect, in 5413
lieu of a monthly payment under division (A)(1) of this section, a 5414
plan of payment consisting of both of the following: 5415

(a) A lump sum in an amount the surviving spouse or other 5416
sole dependent beneficiary designates that constitutes a portion 5417
of the allowance that would be payable under division (A)(1) of 5418
this section; 5419

(b) The remainder of that allowance in monthly payments. 5420

The total amount paid as a lump sum and a monthly benefit 5421
shall be the actuarial equivalent of the amount that would have 5422
been paid had the lump sum not been selected. 5423

The lump sum amount designated by the surviving spouse or 5424
other sole dependent beneficiary under division (A)(2)(a) of this 5425
section shall be not less than six times and not more than 5426
thirty-six times the monthly amount that would be payable to the 5427
surviving spouse or other sole dependent beneficiary under 5428
division (A)(1) of this section and shall not result in a monthly 5429
payment that is less than fifty per cent of that monthly amount. 5430

(B) If a deceased member had, except as provided in division 5431
(B)(7) of this section, at least one and one-half years of 5432
contributing service credit, with, except as provided in division 5433
(B)(7) of this section, at least one-quarter year of contributing 5434
service credit within the two and one-half years prior to the date 5435
of death, or was receiving at the time of death a disability 5436
benefit as provided in section 145.36, 145.361, or 145.37 of the 5437
Revised Code, qualified survivors who elect to receive monthly 5438
benefits shall receive the greater of the benefits provided in 5439
division (B)(1)(a) or (b) and (4) of this section as allocated in 5440
accordance with division (B)(5) of this section. 5441

(1)(a) Number	Or	5442
of Qualified	Monthly	5443
survivors	Benefit	5444
affecting	shall not be	5445
the benefit	less than	5446
1	25%	\$250 5447
2	40	400 5448
3	50	500 5449
4	55	500 5450
5 or more	60	500 5451
(b) Years of	Annual Benefit as a Per Cent	5452

Service	of Member's Final Average	5453
	Salary	5454
20	29%	5455
21	33	5456
22	37	5457
23	41	5458
24	45	5459
25	48	5460
26	51	5461
27	54	5462
28	57	5463
29 or more	60	5464

(2) Benefits shall begin as qualified survivors meet 5465
eligibility requirements as follows: 5466

(a) A qualified spouse is the surviving spouse of the 5467
deceased member, who is age sixty-two, or regardless of age meets 5468
one of the following qualifications: 5469

(i) Except as provided in division (B)(7) of this section, 5470
the deceased member had ten or more years of Ohio service credit. 5471

(ii) The spouse is caring for a qualified child. 5472

(iii) The spouse is adjudged physically or mentally 5473
incompetent. 5474

A spouse of a member who died prior to August 27, 1970, whose 5475
eligibility was determined at the member's death, and who is 5476
physically or mentally incompetent on or after August 20, 1976, 5477
shall be paid the monthly benefit which that person would 5478
otherwise receive when qualified by age. 5479

(b) A qualified child is any child of the deceased member who 5480
has never been married and to whom one of the following applies: 5481

(i) Is under age eighteen, or under age twenty-two if the 5482
child is attending an institution of learning or training pursuant 5483

to a program designed to complete in each school year the 5484
equivalent of at least two-thirds of the full-time curriculum 5485
requirements of such institution and as further determined by 5486
board policy; 5487

(ii) Regardless of age, is adjudged physically or mentally 5488
incompetent at the time of the member's death. 5489

(c) A qualified parent is a dependent parent aged sixty-five 5490
or older or regardless of age if physically or mentally 5491
incompetent, a dependent parent whose eligibility was determined 5492
by the member's death prior to August 20, 1976, and who is 5493
physically or mentally incompetent on or after August 20, 1976, 5494
shall be paid the monthly benefit for which that person would 5495
otherwise qualify. 5496

(3) "Physically or mentally incompetent" as used in this 5497
section may be determined by a court of jurisdiction, or by a 5498
physician appointed by the retirement board. Incapability of 5499
making a living because of a physically or mentally disabling 5500
condition shall meet the qualifications of this division. 5501

(4) Benefits to a qualified survivor shall terminate upon 5502
ceasing to meet eligibility requirements as provided in this 5503
division, a first marriage, abandonment, adoption, or during 5504
active military service. Benefits to a deceased member's surviving 5505
spouse that were terminated under a former version of this section 5506
that required termination due to remarriage and were not resumed 5507
prior to September 16, 1998, shall resume on the first day of the 5508
month immediately following receipt by the board of an application 5509
on a form provided by the board. 5510

Upon the death of any subsequent spouse who was a member of 5511
the public employees retirement system, state teachers retirement 5512
system, or school employees retirement system, the surviving 5513
spouse of such member may elect to continue receiving benefits 5514

under this division, or to receive survivor's benefits, based upon 5515
the subsequent spouse's membership in one or more of the systems, 5516
for which such surviving spouse is eligible under this section or 5517
section 3307.66 or 3309.45 of the Revised Code. If the surviving 5518
spouse elects to continue receiving benefits under this division, 5519
such election shall not preclude the payment of benefits under 5520
this division to any other qualified survivor. 5521

Benefits shall begin or resume on the first day of the month 5522
following the attainment of eligibility and shall terminate on the 5523
first day of the month following loss of eligibility. 5524

(5)(a) If a benefit is payable under division (B)(1)(a) of 5525
this section, benefits to a qualified spouse shall be paid in the 5526
amount determined for the first qualifying survivor in division 5527
(B)(1)(a) of this section. All other qualifying survivors shall 5528
share equally in the benefit or remaining portion thereof. 5529

(b) All qualifying survivors shall share equally in a benefit 5530
payable under division (B)(1)(b) of this section, except that if 5531
there is a surviving spouse, the surviving spouse shall receive 5532
not less than the amount determined for the first qualifying 5533
survivor in division (B)(1)(a) of this section. 5534

(6) The beneficiary of a member who is also a member of the 5535
state teachers retirement system or of the school employees 5536
retirement system, must forfeit the member's accumulated 5537
contributions in those systems and in the public employees 5538
retirement system, if the beneficiary takes a survivor benefit. 5539
Such benefit shall be exclusively governed by section 145.37 of 5540
the Revised Code. 5541

(7) The following restrictions do not apply if the deceased 5542
member was contributing toward benefits under ~~division (B) or (C)~~ 5543
~~of section 145.33~~ 145.332 of the Revised Code at the time of 5544
death: 5545

(a) That the deceased member have had at least one and 5546
one-half years of contributing service credit, with at least 5547
one-quarter year of contributing service within the two and 5548
one-half years prior to the date of death; 5549

(b) If the deceased member was killed in the line of duty, 5550
that the deceased member have had ten or more years of Ohio 5551
service credit as described in division (B)(2)(a)(i) of this 5552
section. 5553

For the purposes of division (B)(7)(b) of this section, 5554
"killed in the line of duty," means either that death occurred in 5555
the line of duty or that death occurred as a result of injury 5556
sustained in the line of duty. 5557

(C)(1) Regardless of whether the member is survived by a 5558
spouse or designated beneficiary, if the public employees 5559
retirement system receives notice that a deceased member described 5560
in division (A) or (B) of this section has one or more qualified 5561
children, all persons who are qualified survivors under division 5562
(B) of this section shall receive monthly benefits as provided in 5563
division (B) of this section. 5564

If, after determining the monthly benefits to be paid under 5565
division (B) of this section, the system receives notice that 5566
there is a qualified survivor who was not considered when the 5567
determination was made, the system shall, notwithstanding section 5568
145.561 of the Revised Code, recalculate the monthly benefits with 5569
that qualified survivor included, even if the benefits to 5570
qualified survivors already receiving benefits are reduced as a 5571
result. The benefits shall be calculated as if the qualified 5572
survivor who is the subject of the notice became eligible on the 5573
date the notice was received and shall be paid to qualified 5574
survivors effective on the first day of the first month following 5575
the system's receipt of the notice. 5576

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

(2) If benefits under division (C)(1) of this section to all
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~~ 5608
~~deceased member shall have the right to purchase any service~~ 5609
~~credit the member, had the member not died, would have been~~ 5610
~~eligible to purchase under this chapter upon the same terms and~~ 5611
~~conditions that the deceased member could have purchased such~~ 5612
~~service credit had the member not died~~ 5613
The surviving spouse of a 5613
member who dies on or after the effective date of this amendment 5614
may continue any service credit purchase the member initiated 5615
before death. A purchase shall be considered to have been 5616
initiated before the member's death if the member made one or more 5617
payments for the purchase before death. Any 5618

Any service credit purchased under this section shall be 5619
applied under the provisions of this chapter in the same manner as 5620
it would have been applied had it been purchased by the deceased 5621
member during the deceased member's lifetime. 5622

Sec. 145.46. (A) A retirement allowance calculated under 5623
section 145.33, 145.331, or ~~145.34~~ 145.332 of the Revised Code 5624
shall be paid as provided in this section. ~~If the member is~~ 5625
~~eligible to elect a plan of payment under this section, the~~ 5626
~~election shall be made on a form provided by the public employees~~ 5627
~~retirement board. A plan of payment elected under this section~~ 5628
~~shall be effective only if approved by the board, which shall~~ 5629
~~approve it only if it is certified by an actuary engaged by the~~ 5630
~~board to be the actuarial equivalent of the retirement allowance~~ 5631
~~calculated under section 145.33, 145.331, or 145.34 of the Revised~~ 5632
~~Code.~~ 5633

~~(B)(1)(a) Except as provided in divisions (B)(1)(b) and (c)~~ 5634
~~of this section, a member who retires under section 145.32,~~ 5635
~~145.331, or 145.34 of the Revised Code shall receive a retirement~~ 5636
~~allowance under "plan A," which shall consist of the actuarial~~ 5637
~~equivalent of the member's retirement allowance determined under~~ 5638

~~section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for life and one half of such allowance continuing after death to the member's surviving spouse for the life of the spouse.~~

~~(b) A member may receive a retirement allowance under a plan of payment other than "plan A" if either of the following is the case:~~

~~(i) The member is not married or either the member's spouse consents in writing to the member's election of a plan of payment other than "plan A" or the board waives the requirement that the spouse consent;~~

~~(ii) A plan of payment providing for payment in a specified portion of the allowance continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property prior to the effective date of the member's retirement.~~

~~(c) If a member is subject to division (B)(1)(b)(ii) of this section and the board has received a copy of the order described in that division, Unless the member is required by division (C) of this section to select a specified plan of payment, a member may elect a plan of payment as provided in division (B)(1), (2), or (3) of this section. An election shall be made at the time the member makes application for retirement and on a form provided by the public employees retirement board. A plan of payment elected under this section shall be effective only if approved by the board, which shall approve it only if it is certified by an actuary engaged by the board to be the actuarial equivalent of the retirement allowance calculated under section 145.33, 145.331, or 145.332 of the Revised Code.~~

(B) The following plans of payment shall be offered by the

public employees retirement system: 5670

(1) "Plan A," an allowance that consists of the actuarial 5671
equivalent of the member's retirement allowance determined under 5672
section 145.33, 145.331, or 145.332 of the Revised Code in a 5673
lesser amount payable for life and one-half or some other portion 5674
of the allowance continuing after death to the member's designated 5675
beneficiary for the beneficiary's life. The beneficiary shall be 5676
nominated by written designation filed with the retirement board. 5677
The amount payable to the beneficiary shall not exceed the amount 5678
payable to the member. 5679

(2) "Plan B," the member's retirement allowance determined 5680
under section 145.33, 145.331, or 145.332 of the Revised Code; 5681

(3) "Plan C," an allowance that consists of the actuarial 5682
equivalent of the member's retirement allowance determined under 5683
section 145.33, 145.331, or 145.332 of the Revised Code in a 5684
lesser amount payable to the retirant for life and some portion of 5685
the lesser amount continuing after death to two, three, or four 5686
surviving beneficiaries designated at the time of the member's 5687
retirement. Unless required under division (C) of this section, no 5688
portion allocated under this plan of payment shall be less than 5689
ten per cent. The total of the portions allocated shall not exceed 5690
one hundred per cent of the member's lesser allowance. 5691

(C) A member shall select a plan of payment as follows: 5692

(1) Subject to division (C)(2) of this section, if the member 5693
is married at the time of retirement, the member shall select 5694
"plan A" and receive a plan of payment that consists of the 5695
actuarial equivalent of the member's retirement allowance 5696
determined under section 145.33, 145.331, or 145.332 of the 5697
Revised Code in a lesser amount payable for life and one-half of 5698
such allowance continuing after death to the member's surviving 5699
spouse for the life of the spouse. A married member is not 5700

required to select this plan of payment if the member's spouse 5701
consents in writing to the member's election of a plan of payment 5702
other than described in this division or the board waives the 5703
requirement that the spouse consent; 5704

(2) If prior to the effective date of the member's 5705
retirement, the public employees retirement board receives a copy 5706
of a court order issued under section 3105.171 or 3105.65 of the 5707
Revised Code or the laws of another state regarding division of 5708
marital property the board shall accept the member's election of a 5709
plan of payment under this section only if the member complies 5710
with both of the following: 5711

(i)(a) The member elects a plan of payment that is in 5712
accordance with the order ~~described in division (B)(1)(b)(ii) of~~ 5713
~~this section.~~ 5714

(ii)(b) If the member is married, the member elects ~~"plan F"~~ 5715
"plan C" and designates the member's current spouse as a 5716
beneficiary under that plan unless that spouse consents in writing 5717
to not being designated a beneficiary under any plan of payment or 5718
the board waives the requirement that the current spouse consent. 5719

(2)(D) An application for retirement shall include an 5720
explanation of all of the following: 5721

(a)(1) That, if the member is married, unless the spouse 5722
consents to another plan of payment or there is a court order 5723
dividing marital property issued under section 3105.171 or 3105.65 5724
of the Revised Code or the laws of another state regarding the 5725
division of marital property that provides for payment in a 5726
specified amount, the member's retirement allowance will be paid 5727
under "plan A7" ~~which consists~~ and consist of the actuarial 5728
equivalent of the member's retirement allowance in a lesser amount 5729
payable for life and one-half of the allowance continuing after 5730
death to the surviving spouse for the life of the spouse; 5731

(b) A description of the alternative plans of payment, 5732
including all plans described in ~~divisions~~ division (B)(2) and (3) 5733
of this section, available with the consent of the spouse; 5734

(c) That the spouse may consent to another plan of payment 5735
and the procedure for giving consent; 5736

(d) That consent is irrevocable once notice of consent is 5737
filed with the board. 5738

Consent shall be valid only if it is signed, in writing, and 5739
witnessed by a notary public. The board may waive the requirement 5740
of consent if the spouse is incapacitated or cannot be located or 5741
for any other reason specified by the board. Consent or waiver is 5742
effective only with regard to the spouse who is the subject of the 5743
consent or waiver. 5744

~~(3) A member eligible to elect to receive the member's~~ 5745
~~retirement allowance under a plan of payment other than "plan A"~~ 5746
~~shall receive the member's retirement allowance under the plan~~ 5747
~~described in division (B)(4) of this section or one of the~~ 5748
~~following plans:~~ 5749

~~(a) "Plan B," which shall consist of an allowance determined~~ 5750
~~under section 145.33, 145.331, or 145.34 of the Revised Code;~~ 5751

~~(b) "Plan C," which shall consist of the actuarial equivalent~~ 5752
~~of the member's retirement allowance determined under section~~ 5753
~~145.33, 145.331, or 145.34 of the Revised Code in a lesser amount~~ 5754
~~payable for life and one half or some other portion of the~~ 5755
~~allowance continuing after death to the member's sole surviving~~ 5756
~~beneficiary designated at the time of the member's retirement,~~ 5757
~~provided that the amount payable to the beneficiary does not~~ 5758
~~exceed the amount payable to the member;~~ 5759

~~(c) "Plan D," which shall consist of the actuarial equivalent~~ 5760
~~of the member's retirement allowance determined under section~~ 5761
~~145.33, 145.331, or 145.34 of the Revised Code in a lesser amount~~ 5762

~~payable for life and continuing after death to a surviving 5763~~
~~beneficiary designated at the time of the member's retirement; 5764~~

~~(d) "Plan E," which shall consist of the actuarial equivalent 5765~~
~~of the member's retirement allowance determined under section 5766~~
~~145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5767~~
~~payable for a certain period from the member's retirement date as 5768~~
~~elected by the member and approved by the retirement board, and on 5769~~
~~the member's death before the expiration of that certain period 5770~~
~~the member's lesser retirement allowance payable for the remainder 5771~~
~~of that period to the member's surviving designated beneficiary 5772~~
~~nominated by written designation filed with the retirement board. 5773~~

~~Should the nominated beneficiary designated in writing die 5774~~
~~prior to the expiration of the guarantee period, then for the 5775~~
~~purpose of completing payment for the remainder of the guarantee 5776~~
~~period, the present value of such payments shall be paid to the 5777~~
~~estate of the beneficiary last receiving. 5778~~

~~(e) "Plan F," which shall consist of the actuarial equivalent 5779~~
~~of the member's retirement allowance determined under section 5780~~
~~145.33, 145.331, or 145.34 of the Revised Code in a lesser amount 5781~~
~~payable to the retirant for life and some portion of the lesser 5782~~
~~amount continuing after death to two, three, or four surviving 5783~~
~~beneficiaries designated at the time of the member's retirement. 5784~~
~~The portion of the lesser allowance that continues after the 5785~~
~~member's death shall be allocated among the beneficiaries at the 5786~~
~~time of the member's retirement. If the member elects this plan as 5787~~
~~required by a court order issued under section 3105.171 or 3105.65 5788~~
~~of the Revised Code or the laws of another state regarding the 5789~~
~~division of marital property and compliance with the court order 5790~~
~~requires the allocation of a portion less than ten per cent to any 5791~~
~~beneficiary, the member shall allocate a portion less than ten per 5792~~
~~cent to that beneficiary in accordance with that order. In all 5793~~
~~other circumstances, no portion allocated under this plan of 5794~~

~~payment shall be less than ten per cent. The total of the portions~~ 5795
~~allocated shall not exceed one hundred per cent of the member's~~ 5796
~~lesser allowance.~~ 5797

~~(4)(a)(E)(1)~~ Beginning on a date selected by the retirement 5798
board, which shall be not later than July 1, 2004, a member may 5799
elect to receive a retirement allowance under a plan of payment 5800
consisting of both a lump sum in an amount the member designates 5801
that constitutes a portion of the member's retirement allowance 5802
under a plan described in division (B) of this section and the 5803
remainder as a monthly allowance under that plan. 5804

The total amount paid as a lump sum and a monthly benefit 5805
shall be the actuarial equivalent of the amount that would have 5806
been paid had the lump sum not been selected. 5807

~~(b)(2)~~ The lump sum designated by a member shall be not less 5808
than six times and not more than thirty-six times the monthly 5809
amount that would be payable to the member under the plan of 5810
payment elected under division (B)~~(4)(a)~~ of this section had the 5811
lump sum not been elected and shall not result in a monthly 5812
allowance that is less than fifty per cent of that monthly amount. 5813

~~(5) An election under division (B)(3) or (4) of this section~~ 5814
~~shall be made at the time the member makes application for~~ 5815
~~retirement.~~ 5816

~~(6) A member eligible to elect to receive the member's~~ 5817
~~retirement allowance under a plan of payment other than "plan A"~~ 5818
~~because the member is unmarried who fails to make an election on~~ 5819
~~retirement shall receive the member's retirement allowance under~~ 5820
~~"plan B."~~ 5821

~~(C)(F)~~ If the retirement allowances, as a single life annuity 5822
or payment plan as provided in this section, due and paid are in a 5823
total amount less than (1) the accumulated contributions, and (2) 5824
other deposits made by the member as provided by this chapter, 5825

standing to the credit of the member at the time of retirement, 5826
then the difference between the total amount of the allowances 5827
paid and the accumulated contributions and other deposits shall be 5828
paid to the beneficiary provided under division (D) of section 5829
145.43 of the Revised Code. 5830

~~(D)~~(G)(1) The death of a spouse or any designated beneficiary 5831
following retirement shall cancel the portion of the plan of 5832
payment providing continuing lifetime benefits to the deceased 5833
spouse or deceased designated beneficiary. The retirant shall 5834
receive the actuarial equivalent of the retirant's single lifetime 5835
benefit, as determined by the board, based on the number of 5836
remaining beneficiaries, with no change in the amount payable to 5837
any remaining beneficiary. The change shall be effective the month 5838
following receipt by the board of notice of the death. 5839

(2) On divorce, annulment, or marriage dissolution, a 5840
retirant receiving a retirement allowance under a plan that 5841
provides for continuation of all or part of the allowance after 5842
death for the lifetime of the retirant's surviving spouse may, 5843
with the written consent of the spouse or pursuant to an order of 5844
the court with jurisdiction over the termination of the marriage, 5845
elect to cancel the portion of the plan providing continuing 5846
lifetime benefits to that spouse. The retirant shall receive the 5847
actuarial equivalent of the retirant's single lifetime benefit as 5848
determined by the retirement board based on the number of 5849
remaining beneficiaries, with no change in amount payable to any 5850
remaining beneficiary. The election shall be made on a form 5851
provided by the board and shall be effective the month following 5852
its receipt by the board. 5853

~~(E)~~(H)(1) Following a marriage or remarriage, both of the 5854
following apply: 5855

(a) A retirant who is receiving the retirant's retirement 5856
allowance under "plan B" may elect a new plan of payment under 5857

division (B)(1), ~~(3)(b)~~, or (3)~~(e)~~ of this section based on the 5858
actuarial equivalent of the retirant's single lifetime benefit as 5859
determined by the board. 5860

(b) A retirant who is receiving a retirement allowance 5861
pursuant to a plan of payment providing for payment to a former 5862
spouse pursuant to a court order described in division 5863
~~(B)(1)(b)(ii)~~ (C)(2) of this section may elect a new plan of 5864
payment under ~~"plan F"~~ "plan C" based on the actuarial equivalent 5865
of the retirant's single lifetime retirement allowance as 5866
determined by the board if the new plan of payment elected does 5867
not reduce the payment to the former spouse. 5868

(2) If the marriage or remarriage occurs on or after ~~the~~ 5869
~~effective date of this amendment~~ June 6, 2005, the election must 5870
be made not later than one year after the date of the marriage or 5871
remarriage. 5872

The plan elected under this division shall become effective 5873
on the date of receipt by the board of an application on a form 5874
approved by the board, but any change in the amount of the 5875
retirement allowance shall commence on the first day of the month 5876
following the effective date of the plan. 5877

~~(F)~~ (I) Any person who, prior to July 24, 1990, selected an 5878
optional plan of payment at retirement that provided for a return 5879
to the single life benefit after the designated beneficiary's 5880
death shall have the retirant's benefit adjusted to the optional 5881
plan equivalent without such provision. 5882

~~(G)~~ (J) A retirant's receipt of the first month's retirement 5883
allowance constitutes the retirant's final acceptance of the plan 5884
of payment and may be changed only as provided in this chapter. 5885

Sec. 145.47. (A) Each public employee who is a contributor to 5886
the public employees retirement system shall contribute eight per 5887

cent of the contributor's earnable salary to the employees' 5888
savings fund, except that the public employees retirement board 5889
may raise the contribution rate to a rate not greater than ten per 5890
cent of the employee's earnable salary and except as provided in 5891
division (C) of this section. 5892

(B) The head of each state department, institution, board, 5893
and commission, and the fiscal officer of each local authority 5894
subject to this chapter, shall deduct from the earnable salary of 5895
each contributor on every payroll of such contributor for each 5896
payroll period subsequent to the date of coverage, an amount equal 5897
to the applicable per cent of the contributor's earnable salary. 5898
The head of each state department and the fiscal officer of each 5899
local authority subject to this chapter shall transmit promptly to 5900
the system a report of contributions at such intervals and in such 5901
form as the system shall require, showing thereon all deductions 5902
for the system made from the earnable salary of each contributor 5903
employed, together with warrants, checks, or electronic payments 5904
covering the total of such deductions. A penalty shall be added 5905
when such report, together with warrants, checks, or electronic 5906
payments to cover the total amount due from the earnable salary of 5907
all amenable employees of such employer, is filed thirty or more 5908
days after the last day of such reporting period. The system, 5909
after making a record of all receipts under this division, shall 5910
deposit the receipts with the treasurer of state for use as 5911
provided by this chapter. 5912

(C) Unless the board adopts a rule under division (D) of this 5913
section, the penalty described in division (B) of this section for 5914
failing to timely transmit a report, pay the total amount due, or 5915
both is as follows: 5916

(1) At least one but not more than ten days past due, an 5917
amount equal to one per cent of the total amount due; 5918

(2) At least eleven but not more than thirty days past due, 5919

an amount equal to two and one-half per cent of the total amount 5920
due; 5921

(3) Thirty-one or more days past due, an amount equal to five 5922
per cent of the total amount due. 5923

The penalty described in this division shall be added to and 5924
collected on the next succeeding regular employer billing. 5925
Interest at a rate set by the retirement board shall be charged on 5926
the amount of the penalty in case such penalty is not paid within 5927
thirty days after it is added to the regular employer billing. 5928

(D) The board may adopt rules to establish penalties in 5929
amounts that do not exceed the amounts specified in divisions 5930
(C)(1) to (3) of this section. 5931

(E) In addition to the periodical reports of deduction 5932
required by this section, the fiscal officer of each local 5933
authority subject to this chapter shall submit to the system at 5934
least once each year a complete listing of all noncontributing 5935
appointive employees. Where an employer fails to transmit 5936
contributions to the system, the system may make a determination 5937
of the employees' liability for contributions and certify to the 5938
employer the amounts due for collection in the same manner as 5939
payments due the employers' accumulation fund. Any amounts so 5940
collected shall be held in trust pending receipt of a report of 5941
contributions for such public employees for the period involved as 5942
provided by law and, thereafter, the amount in trust shall be 5943
transferred to the employees' savings fund to the credit of the 5944
employees. Any amount remaining after the transfer to the 5945
employees' savings fund shall be transferred to the employers' 5946
accumulation fund as a credit of such employer. 5947

(F) The fiscal officer of each local authority subject to 5948
this chapter shall require each new contributor to submit to the 5949
system a detailed report of all the contributor's previous service 5950

as a public employee along with such other facts as the board 5951
requires for the proper operation of the system. 5952

(G) Any member who, because of the member's own illness, 5953
injury, or other reason which may be approved by the member's 5954
employer is prevented from making the member's contribution to the 5955
system for any payroll period, may ~~pay such deductions as a back~~ 5956
~~payment~~ purchase service credit for the period of absence within 5957
one year. Credit shall be purchased under this division in 5958
accordance with section 145.29 of the Revised Code. 5959

Sec. 145.473. (A) ~~Except as provided in division (C) of this~~ 5960
~~section, the~~ The rate of interest credited to individual accounts 5961
of contributors under sections 145.471 and 145.472 of the Revised 5962
Code shall be as follows: 5963

(1) Four per cent per annum, compounded annually, to and 5964
including December 31, 1955; 5965

(2) Three per cent per annum, compounded annually, from 5966
January 1, 1956, to and including December 31, 1963; 5967

(3) Three and one-quarter per cent per annum, compounded 5968
annually, from January 1, 1964, to and including December 31, 5969
1969; 5970

(4) Four per cent per annum, compounded annually, from 5971
January 1, 1970, to and including the day before December 13, 5972
2000; 5973

(5) An amount determined by the public employees retirement 5974
board that is not greater than six per cent per annum, compounded 5975
annually, on and after December 13, 2000. 5976

(B) ~~Except as provided in division (C) of this section, for~~ 5977
For the purpose of determining the reserve value of a 5978
contributor's annuity, the rate of interest shall be as follows: 5979

(1) Four per cent per annum, compounded annually, for 5980

contributors retiring before October 1, 1956; 5981

(2) Three per cent per annum, compounded annually, for 5982
contributors retiring on or after October 1, 1956, but before 5983
January 1, 1964; 5984

(3) Three and one-quarter per cent per annum, compounded 5985
annually, for contributors retiring on or after January 1, 1964, 5986
but before January 1, 1970; 5987

(4) Four per cent per annum, compounded annually, for 5988
contributors retiring on or after January 1, 1970, but before 5989
December 13, 2000; 5990

(5) An amount determined by the board based on the 5991
recommendation of the board's actuary, compounded annually, for 5992
contributors retiring on or after December 13, 2000. 5993

~~(C) For a PERS retirant who is not subject to division (C) of 5994
section 145.38 of the Revised Code or an other system retirant, as 5995
those terms are defined in section 145.38 of the Revised Code, or 5996
a member of the public employees retirement system who retires in 5997
accordance with section 145.383 of the Revised Code, the rate of 5998
interest shall be the current actuarial assumption rate of 5999
interest, as determined by the board's actuary, for the purposes 6000
described in divisions (A) and (B) of this section. 6001~~

Sec. 145.48. (A) Each employer shall pay to the public 6002
employees retirement system an amount that shall be a certain per 6003
cent of the earnable salary of all contributors to be known as the 6004
"employer contribution," except that the public employees 6005
retirement board may raise the employer contribution to a rate not 6006
to exceed fourteen per cent of the earnable salaries of all 6007
contributors. 6008

(B)(1) On the basis of regular interest and of such mortality 6009
and other tables as are adopted by the public employees retirement 6010

board, the actuary for the board shall determine the liabilities 6011
and employer rates of contribution as follows: 6012

(a) The percentage of earnable salary that, when added to the 6013
per cent of earnable salary contributed by each member, will cover 6014
the costs of benefits to be paid to members for each year of 6015
service rendered; 6016

(b) The percentage of earnable salary that, if paid over a 6017
period of future years, will discharge fully the system's unfunded 6018
actuarial accrued pension liability; 6019

(c) The percentage of earnable salary designated by the board 6020
to pay benefits authorized under section 145.58 of the Revised 6021
Code. 6022

(2) If recognized assets exceed the liabilities for service 6023
previously rendered, on approval of the board, a percentage of 6024
earnable salary may be deducted from the employer rates of 6025
contribution that, if deducted annually over a period of future 6026
years, will eliminate the excess. 6027

~~(C) Any publicly owned utility that became subject to this 6028
chapter subsequent to July 1, 1938, shall assume before January 1, 6029
1967, the obligation to pay those of its employees entitled to any 6030
prior service credit a pension for such service that is in an 6031
amount at least equal to the pension provided for other public 6032
employees under this chapter. No employers' contributions for 6033
prior service credit shall be required of such publicly owned 6034
utility. The public employees retirement system has no obligation 6035
to pay a prior service pension to any such employees of a publicly 6036
owned utility, nor is it obligated to grant any service credit for 6037
service with such utility prior to May 1, 1942, or prior to the 6038
date such utility became subject to this chapter, whichever is the 6039
later date. 6040~~

Sec. 145.483. Upon a finding that an employer failed to 6041
deduct contributions pursuant to section 145.47 of the Revised 6042
Code during a period of employment for which such contributions 6043
were required, a statement of delinquent contributions shall be 6044
prepared showing the amount the contributor and employer would 6045
have contributed had regular payroll deductions been taken. Simple 6046
interest from the end of each calendar year at a rate ~~set by the~~ 6047
~~public employees retirement board~~ equal to the assumed actuarial 6048
rate of interest at the time the statement is prepared shall be 6049
included. If delinquent contribution statements are ~~not~~ paid ~~not~~ 6050
later than thirty days after the end of the month in which they 6051
become an obligation of the employer, any balance remaining shall 6052
be collected with penalties and interest pursuant to section 6053
145.51 of the Revised Code. 6054

Any amount paid under this section by an employer shall be 6055
credited in accordance with section 145.23 of the Revised Code. 6056

Sec. 145.49. (A) Notwithstanding section 145.47 of the 6057
Revised Code: 6058

(1) The public employees retirement system shall be 6059
authorized to calculate the employee contribution rates separately 6060
for those public employees contributing toward benefits as PERS 6061
public safety officers under section ~~145.33~~ 145.332 of the Revised 6062
Code. 6063

(2) Each public employee contributing toward benefits as PERS 6064
law enforcement officers under section ~~145.33~~ 145.332 of the 6065
Revised Code shall contribute to the employees' savings fund the 6066
rate determined under division (A)(1) of this section plus an 6067
additional percentage specified by the public employees retirement 6068
board, which shall initially be one per cent of the employee's 6069
earnable salary and shall not be increased to more than two per 6070

cent of the employee's earnable salary. 6071

(B) Notwithstanding section 145.48 of the Revised Code, the 6072
public employees retirement system shall be authorized to 6073
calculate the employer contribution rates separately for those 6074
public employees contributing toward benefits as PERS public 6075
safety officers under section ~~145.33~~ 145.332 of the Revised Code 6076
or as PERS law enforcement officers under that section, except 6077
that the employer contribution rate shall not exceed eighteen and 6078
one-tenth per cent of the earnable salaries of those employees. 6079

(C) If the public employees retirement board adopts a rule 6080
under division (O) of section 145.332 of the Revised Code under 6081
which service as a public safety officer is treated as service as 6082
a law enforcement officer, the contributions for service as a 6083
public safety officer shall be at the rate for service as a law 6084
enforcement officer. 6085

Sec. 145.51. (A) Each employer described in division (D) of 6086
section 145.01 of the Revised Code shall pay into the employers' 6087
accumulation fund, in monthly installments, an amount certified by 6088
the public employees retirement board, which equals the employer 6089
obligation as described in section 145.12 or 145.69 of the Revised 6090
Code. In addition, the board shall add to the employer billing 6091
next succeeding the amount, with interest, to be paid by the 6092
employer to provide the member with contributing service credit 6093
for the service prior to the date of initial contribution to the 6094
system for which the member has made additional payments, except 6095
payments made pursuant to former section 145.29 or sections 145.28 6096
and ~~145.29~~ 145.292 of the Revised Code. 6097

(B) Except as provided in section 145.52 of the Revised Code, 6098
all employer obligations described in division (A) of this section 6099
must be received by the public employees retirement system not 6100
later than the thirtieth day after the last day of the calendar 6101

month for which related member contributions are withheld. 6102

(C) Unless the board adopts a rule under division (F) of this 6103
section establishing a different interest rate or penalty, 6104
interest and penalties for failing to pay the employer obligation 6105
when due under division (B) of this section shall be as follows: 6106

(1) Interest, compounded annually and charged monthly, for 6107
each day after the due date that the employer obligation remains 6108
unpaid in an amount equal to six per cent per annum of the past 6109
due amount of the employer obligation and any penalties imposed 6110
under this section; 6111

(2) The penalty for failing to pay the employer obligation 6112
when due under division (B) is as follows: 6113

(a) At least eleven but not more than thirty days past due, 6114
an amount equal to one per cent of the past due obligation; 6115

(b) At least thirty-one but not more than sixty days past 6116
due, an additional amount equal to one and one-half per cent of 6117
the past due obligation; 6118

(c) Sixty-one or more days past due, an additional amount 6119
equal to two and one-half per cent of the past due obligation. 6120

(D) The aggregate of all payments by employers under this 6121
section shall be sufficient, when combined with the amount in the 6122
employers' accumulation fund, to provide amounts payable under 6123
this chapter out of the fund, and if not, the additional amount so 6124
required shall be collected by means of an increased rate per 6125
cent, which shall be certified to such employers by the board. 6126

(E) Upon certification by the board to the director of budget 6127
and management, or to the county auditor, of an amount due from an 6128
employer within any county who is subject to this chapter, by 6129
reason of such employer's delinquency in making payments into the 6130
employers' accumulation fund for past billings, such amount shall 6131

be withheld from such employer from any funds subject to the 6132
control of the director or the county auditor to such employer and 6133
shall be paid to the public employees retirement system. 6134

(F) The board may adopt rules to do any of the following: 6135

(1) Establish interest at a rate that does not exceed the 6136
annual rate described in division (C)(1) of this section; 6137

(2) Establish penalties in amounts that do not exceed the 6138
amounts described in division (C)(2) of this section; 6139

(3) Permit the board to lengthen the periods of time or enter 6140
into repayment agreements for employers to comply with divisions 6141
(B) and (C) of this section. 6142

Sec. 145.54. The public employees retirement board shall 6143
estimate annually the amount required to defray the expenses of 6144
the administration of the public employees retirement system in 6145
the ensuing year. If in the judgment of the board, as evidenced by 6146
a resolution of that board in its minutes, the amount in the 6147
income fund exceeds the amount necessary to cover the ordinary 6148
requirements of that fund, the board may transfer to the expense 6149
fund such excess amount not exceeding the entire amount required 6150
to cover the expenses as estimated for the year. The If the amount 6151
in the expense fund, including any amount transferred from the 6152
income fund, is not sufficient to defray the expenses of 6153
administration of the system in the ensuing year, the board may 6154
then apportion transfer any remaining amount required for the 6155
expense fund ~~for the year then current among contributors. The~~ 6156
~~amount so apportioned in any year shall not exceed three dollars~~ 6157
~~per contributor~~ to that fund from the employer's accumulation 6158
fund. 6159

Sec. 145.56. The right of an individual to a pension, an 6160
annuity, or a retirement allowance itself, the right of an 6161

individual to any optional benefit, any other right accrued or 6162
accruing to any individual, under this chapter, or under any 6163
municipal retirement system established subject to this chapter 6164
under the laws of this state or any charter, the various funds 6165
created by this chapter, or under such municipal retirement 6166
system, and all moneys, investments, and income from moneys or 6167
investments are exempt from any state tax, except the tax imposed 6168
by section 5747.02 of the Revised Code, and are exempt from any 6169
county, municipal, or other local tax, except income taxes imposed 6170
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 6171
Code, and, except as provided in sections 145.57, 145.572, 6172
145.573, 145.574, 3105.171, 3105.65, and 3115.32 and Chapters 6173
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 6174
subject to execution, garnishment, attachment, the operation of 6175
bankruptcy or insolvency laws, or other process of law whatsoever, 6176
and shall be unassignable except as specifically provided in this 6177
chapter and sections 3105.171, 3105.65, and 3115.32 and Chapters 6178
3119., 3121., 3123., and 3125. of the Revised Code. 6179

Sec. 145.561. (A) Except as provided in division (B) of this 6180
section and section 145.363, 145.573, or 145.574 of the Revised 6181
Code, the granting of a retirement allowance, annuity, pension, or 6182
other benefit to any person pursuant to action of the public 6183
employees retirement board vests a right in such person, so long 6184
as the person remains the recipient of any benefit of the funds 6185
established by section 145.23 of the Revised Code, to receive such 6186
retirement allowance, annuity, pension, or other benefit at the 6187
rate fixed at the time of granting such retirement allowance, 6188
annuity, pension, or other benefit. Such right shall also be 6189
vested with equal effect in the recipient of a grant heretofore 6190
made from any of the funds named in section 145.23 of the Revised 6191
Code. 6192

(B) This section does not apply to an increase made under 6193

section 145.323 of the Revised Code on or after the effective date 6194
of this amendment. 6195

Sec. 145.563. If the Notwithstanding section 145.561 of the 6196
Revised Code: 6197

(A) The public employees retirement system may adjust an 6198
allowance or benefit payable under this chapter if an error 6199
occurred in calculation of the allowance or benefit; 6200

(B) If any person who is a member, former member, 6201
contributor, former contributor, retirant, beneficiary, or 6202
alternate payee, as defined in section 3105.80 of the Revised 6203
Code, is paid any benefit or payment by the public employees 6204
retirement system, including any payment made to a third party on 6205
the person's behalf, to which the person is not entitled, the 6206
benefit or payment shall be repaid to the retirement system by the 6207
person or third party. If the person or third party fails to make 6208
the repayment, the retirement system shall withhold the amount or 6209
a portion of the amount due from any benefit or payment due the 6210
person or the person's beneficiary under this chapter, or may 6211
collect the amount in any other manner provided by law. 6212

Sec. 145.574. Notwithstanding any other provision of this 6213
chapter, any right of a member of the public employees retirement 6214
system to a disability benefit is subject to a forfeiture order 6215
issued under section 2929.194 of the Revised Code. 6216

If the retirement system receives notice under section 6217
2901.431 of the Revised Code that felony charges have been filed 6218
against a member, the retirement system shall not grant the member 6219
a disability benefit unless it determines that the member's 6220
disability was not caused by commission of the felony. If the 6221
member has disability coverage under this chapter or was granted a 6222
disability benefit after the date on which the felony was 6223

committed, the retirement system shall notify the prosecutor who 6224
sent the notice under section 2901.431 of the Revised Code that 6225
the member may be subject to an order of forfeiture under section 6226
2929.194 of the Revised Code. 6227

On receipt under section 2929.194 of the Revised Code of a 6228
journal entry showing an order of forfeiture of any right a member 6229
may have to a disability benefit, the retirement system shall 6230
comply with the order. If a disability benefit was granted prior 6231
to receipt of the order, the retirement system shall terminate the 6232
benefit. Any disability benefit paid to the member prior to its 6233
termination may be recovered in accordance with section 145.563 of 6234
the Revised Code. 6235

Neither this section nor section 2929.194 of the Revised Code 6236
precludes a member from withdrawing the member's accumulated 6237
contributions in accordance with section 145.40 of the Revised 6238
Code if the member is not subject to section 145.572 or 2929.193 6239
of the Revised Code. 6240

Sec. 145.58. (A) ~~As used in this section, "ineligible~~ 6241
~~individual" means all of the following:~~ 6242

~~(1) A former member receiving benefits pursuant to section~~ 6243
~~145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for~~ 6244
~~whom eligibility is established more than five years after June~~ 6245
~~13, 1981, and who, at the time of establishing eligibility, has~~ 6246
~~accrued less than ten years' service credit, exclusive of credit~~ 6247
~~obtained pursuant to section 145.297 or 145.298 of the Revised~~ 6248
~~Code, credit obtained after January 29, 1981, pursuant to section~~ 6249
~~145.293 or 145.301 of the Revised Code, and credit obtained after~~ 6250
~~May 4, 1992, pursuant to section 145.28 of the Revised Code;~~ 6251

~~(2) The spouse of the former member;~~ 6252

~~(3) The beneficiary of the former member receiving benefits~~ 6253

~~pursuant to section 145.46 of the Revised Code~~ The public 6254
employees retirement board shall adopt rules establishing 6255
eligibility for any coverage provided under this section. The 6256
rules shall base eligibility on years and types of service credit 6257
earned by members. Eligibility determinations shall be made in 6258
accordance with the rules, except that an individual who, as a 6259
result of making a false statement in an attempt to secure a 6260
benefit under this section, is convicted of violating section 6261
2921.13 of the Revised Code is ineligible for coverage. 6262

(B) The ~~public employees retirement~~ board may enter into 6263
agreements with insurance companies, health insuring corporations, 6264
or government agencies authorized to do business in the state for 6265
issuance of a policy or contract of health, medical, hospital, or 6266
surgical benefits, or any combination thereof, for ~~those~~ eligible 6267
individuals receiving age and service retirement or a disability 6268
or survivor benefit subscribing to the plan, or for PERS retirants 6269
employed under section 145.38 of the Revised Code, for coverage of 6270
benefits in accordance with division ~~(D)~~ (C) (2) of section 145.38 6271
of the Revised Code. Notwithstanding any other provision of this 6272
chapter, the policy or contract may also include coverage for any 6273
eligible individual's spouse and dependent children and for any of 6274
the eligible individual's sponsored dependents as the board 6275
determines appropriate. If all or any portion of the policy or 6276
contract premium is to be paid by any individual receiving age and 6277
service retirement or a disability or survivor benefit, the 6278
individual shall, by written authorization, instruct the board to 6279
deduct the premium agreed to be paid by the individual to the 6280
company, corporation, or agency. 6281

The board may contract for coverage on the basis of part or 6282
all of the cost of the coverage to be paid from appropriate funds 6283
of the public employees retirement system. The cost paid from the 6284
funds of the system shall be included in the employer's 6285

contribution rate provided by sections 145.48 and 145.51 of the 6286
Revised Code. The board may by rule provide coverage to ~~ineligible~~ 6287
individuals who are not eligible under the rules adopted under 6288
division (A) of this section if the coverage is provided at no 6289
cost to the retirement system. The board shall not pay or 6290
reimburse the cost for coverage under this section or section 6291
~~145.325~~ 145.584 of the Revised Code for any ~~ineligible~~ such 6292
individual. 6293

The board may provide for self-insurance of risk or level of 6294
risk as set forth in the contract with the companies, 6295
corporations, or agencies, and may provide through the 6296
self-insurance method specific benefits as authorized by rules of 6297
the board. 6298

(C) The board shall, beginning the month following receipt of 6299
satisfactory evidence of the payment for coverage, pay monthly to 6300
each recipient of service retirement, or a disability or survivor 6301
benefit under the public employees retirement system who is 6302
eligible for ~~medical insurance~~ coverage under part B of the 6303
medicare program established under Title XVIII of "The Social 6304
Security Act Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 6305
1395j, as amended, an amount determined by the board for such 6306
coverage ~~that is not less than ninety six dollars and forty cents,~~ 6307
except that the board shall make no such payment to any ~~ineligible~~ 6308
individual who is not eligible for coverage under the rules 6309
adopted under division (A) of this section or pay an amount that 6310
exceeds the amount paid by the recipient for the coverage. 6311

At the request of the board, the recipient shall certify to 6312
the retirement system the amount paid by the recipient for 6313
coverage described in this division. 6314

(D) The board shall establish by rule requirements for the 6315
coordination of any coverage, payment, or benefit provided under 6316
this section or section ~~145.325~~ 145.584 of the Revised Code with 6317

any similar coverage, payment, or benefit made available to the 6318
same individual by the Ohio police and fire pension fund, state 6319
teachers retirement system, school employees retirement system, or 6320
state highway patrol retirement system. 6321

(E) The board shall make all other necessary rules pursuant 6322
to the purpose and intent of this section. 6323

Sec. ~~145.325~~ 145.584. (A) Except as otherwise provided in 6324
division (B) of this section, the board of the public employees 6325
retirement system shall make available to each retirant or 6326
disability benefit recipient receiving a monthly allowance or 6327
benefit on or after January 1, 1968, who has attained the age of 6328
sixty-five years, and who is not eligible to receive hospital 6329
insurance benefits under the federal old age, survivors, and 6330
disability insurance program, hospital insurance coverage 6331
substantially equivalent to the federal hospital insurance 6332
benefits, Social Security Amendments of 1965, 79 Stat. 291, 42 6333
U.S.C.A. 1395c, as amended. This coverage shall also be made 6334
available to the spouse, widow, or widower of such retirant or 6335
disability benefit recipient provided such spouse, widow, or 6336
widower has attained age sixty-five and is not eligible to receive 6337
hospital insurance benefits under the federal old age, survivors, 6338
and disability insurance program. The widow or widower of a 6339
retirant or disability benefit recipient shall be eligible for 6340
such coverage only if he or she is the recipient of a monthly 6341
allowance or benefit from this system. One-half of the cost of the 6342
premium for the spouse shall be paid from the appropriate funds of 6343
the public employees retirement system and one-half by the 6344
recipient of the allowance or benefit. 6345

The cost of such coverage, paid from the funds of the system, 6346
shall be included in the employer's rate provided by section 6347
145.48 of the Revised Code. The retirement board is authorized to 6348

make all necessary rules pursuant to the purpose and intent of 6349
this section, and shall contract for such coverage as provided in 6350
section 145.58 of the Revised Code. 6351

(B) The board need not make the hospital insurance coverage 6352
described in division (A) of this section available to any person 6353
for whom it is prohibited by section 145.58 of the Revised Code 6354
from paying or reimbursing the premium cost of such insurance. 6355

Sec. 145.62. Subject to rules adopted by the public employees 6356
retirement system under section 145.09 of the Revised Code, a 6357
contributor participating in the PERS defined benefit plan or 6358
contributing under section 145.38 or 145.383 of the Revised Code 6359
may deposit additional amounts in the employees' savings fund 6360
established under section 145.23 of the Revised Code. The 6361
additional deposits may be made either directly to the retirement 6362
system or by payroll deduction under section 145.294 of the 6363
Revised Code. The contributor shall receive in return either an 6364
annuity, as provided in section 145.64 of the Revised Code, having 6365
a reserve equal to the amount deposited or a refund under section 6366
145.63 of the Revised Code of the amount deposited, together with 6367
earnings on the amount deposited as the public employees 6368
retirement board determines appropriate. If the annuity under the 6369
plan of payment selected by the contributor under section 145.64 6370
of the Revised Code would be less than twenty-five dollars per 6371
month, the contributor shall receive the refund. 6372

Sec. 145.63. (A) Deposits under section 145.62 of the Revised 6373
Code, together with earnings, shall be refunded under whichever of 6374
the following circumstances applies: 6375

(1) On withdrawal of accumulated contributions as provided in 6376
sections 145.40 and 145.43 of the Revised Code or payment of a 6377
lump sum under section 145.384 of the Revised Code; 6378

(2) On the death of a contributor prior to retirement; 6379

(3) In the case of a contributor participating in the PERS 6380
defined benefit plan, on application of the contributor prior to 6381
attaining eligibility for age and service retirement; 6382

(4) In the case of a contributor under section 145.38 or 6383
145.383 of the Revised Code, on application of the contributor 6384
prior to attaining eligibility for a benefit under section 145.384 6385
of the Revised Code; 6386

(5) In the case of a contributor who has attained eligibility 6387
for an age and service retirement benefit or a benefit under 6388
section 145.384 of the Revised Code and is not married, on 6389
application; 6390

(6) In the case of a contributor who has attained eligibility 6391
for an age and service retirement benefit or a benefit under 6392
section 145.384 of the Revised Code and is married, on application 6393
if the application is accompanied by a statement of the spouse's 6394
consent to the refund or the public employees retirement board 6395
waives the requirement that the spouse consent; 6396

(7) In the case of a contributor who has attained eligibility 6397
for an age and service retirement benefit as a consequence of 6398
section 145.37 of the Revised Code and will receive a retirement 6399
or disability benefit from the state teachers retirement system or 6400
school employees retirement system but has not requested a 6401
transfer of funds to the other retirement system under division 6402
(B)(1)(g) of section 145.37 of the Revised Code, at the time the 6403
public employees retirement system pays to the other retirement 6404
system the amount required under division (B)(1)(e) of that 6405
section. 6406

(B) The consent of a spouse to a refund is valid only if it 6407
is in writing, signed, and witnessed by a notary public. 6408

The board may waive the requirement of consent if the spouse 6409

is incapacitated or cannot be located or for any other reason 6410
specified by the board. Consent or waiver is effective only with 6411
regard to the spouse who is the subject of the consent or waiver. 6412

Sec. 145.64. (A) As used in this section: 6413

~~(1) "Plan A" means a plan of payment that is the same as,~~ 6414
~~"plan A," as described in section 145.46 of the Revised Code.~~ 6415

~~(2) "Plan B" means a plan of payment that is the same as~~ 6416
~~"plan B," as described in section 145.46 of the Revised Code.~~ 6417

~~(3) "Plan F" means a plan of payment that is the same as and~~ 6418
~~"plan F C" have the same meanings as described in division (B) of~~ 6419
section 145.46 of the Revised Code. 6420

(B) A contributor who has not received a refund of amounts 6421
deposited under section 145.62 or the version of division (C) of 6422
section 145.23 of the Revised Code as it existed immediately prior 6423
to ~~the effective date of this section~~ April 6, 2007, may file an 6424
application with the public employees retirement system for a 6425
benefit under this section. ~~The~~ Except as provided in section 6426
145.62 of the Revised Code, the benefit shall consist of an 6427
annuity ~~under a plan of payment that shall be paid as described in~~ 6428
division ~~(A)(B)~~ of ~~this~~ section 145.46 of the Revised Code. 6429

The application must be filed prior to receipt of an age and 6430
service retirement benefit from the retirement system or, in the 6431
case of a contributor under section 145.38 or 145.383 of the 6432
Revised Code, a benefit under section 145.384 of the Revised Code. 6433
A contributor who fails to file an application for a benefit under 6434
this section prior to receipt of an age and service retirement 6435
benefit or a benefit under section 145.384 of the Revised Code 6436
shall be eligible only for a refund under section 145.63 of the 6437
Revised Code. 6438

(1) Except as provided in division (B)(2) of this section, a 6439

contributor who is married at the time of application for a 6440
benefit under this section shall receive the benefit as a monthly 6441
annuity under "plan A." 6442

(2) A contributor may receive a benefit under this section 6443
under a plan of payment other than "plan A" if one of the 6444
following is the case: 6445

(a) The contributor is unmarried; 6446

(b) The benefit application is accompanied by a statement of 6447
the spouse's consent to another plan of payment or the public 6448
employees retirement board waives the requirement that the spouse 6449
consent; 6450

(c) A plan of payment providing for payment in a specified 6451
portion of the benefit continuing after the member's death to a 6452
former spouse is required by a court order issued under section 6453
3105.171 or 3105.65 of the Revised Code or the laws of another 6454
state regarding division of marital property prior to the 6455
effective date of the contributor's benefit application. 6456

(3) If a member is subject to division (B)(2)(c) of this 6457
section and the board has received a copy of the order described 6458
in that division, the board shall accept the member's election of 6459
a plan of payment under this section only if the member complies 6460
with both of the following: 6461

(a) The member elects a plan of payment that is in accordance 6462
with the order described in division (B)(2)(c) of this section. 6463

(b) If the member is married, the member elects "plan F C" 6464
and designates the member's current spouse as a beneficiary under 6465
that plan unless that spouse consents in writing to not being 6466
designated a beneficiary or the board waives the requirement that 6467
the current spouse consent. 6468

(4) The contributor shall designate the beneficiary or 6469

beneficiaries under a plan of payment in writing at the time the plan is selected.

(5) A plan of payment, other than "plan B," shall be effective only if it is certified by an actuary engaged by the board to be the actuarial equivalent of the contributor's "plan B" annuity and is approved by the board.

(6) A contributor who is eligible to select a plan of payment under this section but fails to do so shall receive a monthly annuity under the plan of payment specified in rules adopted by the board.

(C) An annuity shall be paid monthly and consist of an amount determined by the public employees retirement system or the actuarial equivalent of that amount paid ~~under a plan of payment~~ as described in this section.

Payments shall begin on whichever of the following applies:

(1) ~~The~~ Except as provided in this division, the later of the effective date of the contributor's age and service retirement allowance; or the first day of the month following the latest of:

(a) The last day for which compensation was paid;

(b) The attainment of the member's applicable minimum age or service credit eligibility as provided in section 145.32 of the Revised Code;

(c) The first day of the month following receipt of an application for an age and service retirement benefit.

(2) The later of the effective date of a benefit under section 145.384 of the Revised Code; or the first day of the month following the latest of:

(a) The last day for which compensation for employment subject to section 145.38 or 145.383 of the Revised Code was paid;

(b) Attainment by the contributor of age sixty-five;

(c) If the contributor was previously employed as described 6500
in division (E)(3) of section 145.384 of the Revised Code, 6501
completion of a period of twelve months since the effective date 6502
of the last benefit under that section; 6503

(d) Receipt of an application for a benefit under section 6504
145.384 of the Revised Code. 6505

(3) The later of the effective date of disability retirement 6506
under section 145.36 of the Revised Code or the date on which a 6507
member receiving disability retirement ~~under section 145.36 of the~~ 6508
~~Revised Code~~ would have been eligible for an age and service 6509
retirement allowance. 6510

(4) The first day of the month following the last day for 6511
which a disability allowance is paid under section 145.361 of the 6512
Revised Code. 6513

(D) The consent of a spouse to a plan of payment other than 6514
"plan A" is valid only if it is in writing, signed, and witnessed 6515
by a notary public. The board may waive the requirement of consent 6516
if the spouse is incapacitated or cannot be located or for any 6517
other reason specified by the board. Consent or waiver is 6518
effective only with regard to the spouse who is the subject of the 6519
consent or waiver. 6520

(E)(1) The death of a spouse or any designated beneficiary 6521
shall cancel the portion of an annuity providing continuing 6522
lifetime payments to the deceased spouse or deceased designated 6523
beneficiary. The contributor shall receive the actuarial 6524
equivalent of the contributor's remaining annuity, as determined 6525
by the board, based on the number of remaining beneficiaries, with 6526
no change in the amount payable to any remaining beneficiary. ~~The~~ 6527
If the retirement system receives notice of the death on or after 6528
the effective date of this amendment, the change shall be 6529
effective the month following ~~receipt by the board of notice of~~ 6530

the date of death. 6531

(2) On divorce, annulment, or marriage dissolution, a 6532
contributor receiving an annuity under a plan of payment that 6533
provides for continuation of all or part of the annuity after 6534
death for the lifetime of the contributor's surviving spouse may, 6535
with the written consent of the spouse or pursuant to an order of 6536
the court with jurisdiction over the termination of the marriage, 6537
elect to cancel the portion of the plan providing continuing 6538
lifetime payments to that spouse. The contributor shall receive 6539
the actuarial equivalent of the contributor's annuity as 6540
determined by the board based on the number of remaining 6541
beneficiaries, with no change in the amount payable to any 6542
remaining beneficiary. The election shall be made on a form 6543
provided by the board and shall be effective the month following 6544
its receipt by the board. 6545

(F)(1) Following a marriage or remarriage, both of the 6546
following apply: 6547

(a) A contributor who is receiving payments under "plan B" 6548
may elect a new plan of payment based on the actuarial equivalent 6549
of the contributor's "plan B" annuity as determined by the board. 6550

(b) A contributor receiving an annuity under this section 6551
pursuant to a plan of payment providing for payment to a former 6552
spouse pursuant to a court order as described in division 6553
(B)(2)(c) of this section may elect a new plan of payment under 6554
"plan ~~F~~ C" based on the actuarial equivalent of the contributor's 6555
benefit as determined by the board if the new plan of payment does 6556
not reduce the payment to the former spouse. 6557

(2) An election under division (F)(1) of this section must be 6558
made not later than one year after the date of the marriage or 6559
remarriage. 6560

The plan elected shall become effective on the date of 6561

receipt by the board of an application on a form approved by the 6562
board, but any change in the amount of the annuity payment shall 6563
commence on the first day of the month following the effective 6564
date of the plan. 6565

(G) If at the time of death a contributor receiving a monthly 6566
annuity under "plan B" has received less than the retirant's 6567
deposits under section 145.62 or the version of division (C) of 6568
section 145.23 of the Revised Code as it existed immediately prior 6569
to ~~the effective date of this section~~ April 6, 2007, plus earnings 6570
on those deposits, the difference between the amount received and 6571
the amount of the contributor's deposits plus earnings shall be 6572
paid to the contributor's beneficiary under section 145.65 of the 6573
Revised Code. If any designated beneficiary receiving a monthly 6574
annuity under this section dies and at the time of the 6575
beneficiary's death the amounts paid to the contributor and the 6576
beneficiary are less than the amount of the contributor's deposits 6577
plus earnings on those deposits, the difference between the amount 6578
received by the contributor and the beneficiary and the amount of 6579
the contributor's deposits plus earnings shall be paid to the 6580
beneficiary's estate. 6581

(H) Receipt of the first month's annuity payment constitutes 6582
final acceptance of the plan of payment and may be changed only as 6583
provided in this section. 6584

Sec. 145.813. Each PERS defined contribution plan shall 6585
require the public employees retirement board, or the entity 6586
administering the plan pursuant to a contract with the board, to 6587
cause an individual account to be maintained for each member 6588
participating in the plan. Amounts to be credited ~~to an individual~~ 6589
~~account~~ under a PERS defined contribution plan may be deposited 6590
into any of the funds created under section 145.23 of the Revised 6591
Code or may be transferred to the entity administering the plan 6592

for ~~deposit into the purpose of making distributions from~~ the 6593
member's individual account. 6594

Sec. 145.814. (A) As used in this section: 6595

~~(1) "Additional liability" means an amount that, when added 6596
to the amount on deposit, will provide the remaining portion of 6597
the pension reserve for the period of service that corresponds to 6598
the contributions made by or on behalf of a member. 6599~~

~~(2) "Amount on deposit" means the sum of a member's employee 6600
and employer contributions and, if applicable, any earnings or 6601
losses on those contributions. 6602~~

~~(3) "Eligible, "eligible member" means a member who was 6603
eligible to make an election under section 145.19 or 145.191 of 6604
the Revised Code, regardless of whether the member elected to 6605
participate in a PERS defined contribution plan. 6606~~

(B) If permitted to do so by the plan documents for a PERS 6607
defined contribution plan or rules governing the PERS defined 6608
benefit plan, an eligible member may elect, at intervals specified 6609
by the plan document or rules, to participate in a different 6610
defined contribution plan or in the PERS defined benefit plan. The 6611
election is subject to this section and rules adopted by the 6612
public employees retirement board under sections 145.09 and 145.80 6613
of the Revised Code. An election to participate in a different 6614
plan shall be made in writing on a form provided by the public 6615
employees retirement system and filed with the system. The 6616
election shall take effect on the first day of the month following 6617
the date the election is filed and, except as provided in the plan 6618
documents or rules governing the PERS defined benefit plan, is 6619
irrevocable on receipt by the system. 6620

(C)~~(1)~~ Except as provided in division ~~(C)(2)~~(D) of this 6621
section, an election to participate in a different plan shall 6622

apply only to employee and employer contributions made and, if 6623
applicable, service credit earned after the effective date of the 6624
election. 6625

~~(2)(D)~~ An eligible member may elect to have the member's 6626
amount on deposit for the prior plan and, if applicable, service 6627
credit earned prior to the effective date of the election 6628
deposited and credited in accordance with the member's new plan if 6629
~~one of the following applies:~~ 6630

~~(a) The member, by an election under this section, will cease 6631
participation in a PERS defined contribution plan that does not 6632
include definitely determinable benefits. 6633~~

~~(b) The the member, by an the election under division (A) of 6634
this section, will begin participating in the PERS defined benefit 6635
plan or a PERS defined contribution plan with definitely 6636
determinable benefits. The amount on deposit is the amount the 6637
member would be entitled to receive as a refund from the prior 6638
plan if the member ceased to be a public employee. 6639~~

~~(3) If a member ~~described in division (C)(2) of this section~~ 6640
makes the election described in ~~that~~ this division and service 6641
credit is transferred, the board's actuary shall determine the 6642
additional liability to the system, if any. ~~If~~ The additional 6643
liability is the amount that, when added to the amount on deposit, 6644
will provide the remaining portion of the pension reserve for the 6645
period of the member's service as a public employee in the prior 6646
plan. 6647~~

If the actuary determines that there is an additional 6648
liability, the member shall elect one of the following: 6649

~~(a)(1)~~ To receive the total amount of service credit that the 6650
member would have received had the member been participating in 6651
the new plan, pay to the system an amount equal to the additional 6652
liability; 6653

~~(b) Receive~~ (2) To receive an amount of service credit in the 6654
new plan that corresponds to the amount on deposit for the prior 6655
plan. 6656

For each member who makes the election described in this 6657
division ~~(C)(2) of this section~~, the system shall deposit and 6658
credit to the new plan the amount on deposit for the prior plan 6659
and, if applicable, the amount paid by the member. The board may 6660
specify in rules adopted under sections 145.09 and 145.80 of the 6661
Revised Code how service credit in the defined benefit plan may be 6662
converted to amounts on deposit in the defined contribution plan. 6663

Sec. 145.82. (A) Except as provided in divisions (B) and (C) 6664
of this section, sections 145.201 to 145.70 of the Revised Code do 6665
not apply to a PERS defined contribution plan, except that a PERS 6666
defined contribution plan may incorporate provisions of those 6667
sections as specified in the plan document. 6668

(B) The following sections of Chapter 145. of the Revised 6669
Code apply to a PERS defined contribution plan: 145.195, 145.22, 6670
145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, ~~145.382~~, 6671
~~145.383~~, 145.384, 145.391, 145.43, 145.431, 145.47, 145.48, 6672
145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 6673
145.57, 145.571, 145.572, 145.573, 145.574, 145.69, and 145.70 of 6674
the Revised Code. 6675

(C) A PERS defined contribution plan that includes definitely 6676
determinable benefits may incorporate by reference all or part of 6677
sections 145.201 to 145.79 of the Revised Code to allow a member 6678
participating in the plan to purchase service credit or to be 6679
eligible for any of the following: 6680

(1) Retirement, disability, survivor, or death benefits; 6681

(2) Health or long-term care insurance or any other type of 6682
health care benefit; 6683

(3) Additional increases under section 145.323 of the Revised Code; 6684
6685

(4) A refund of contributions made by or on behalf of a member. 6686
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With respect to the benefits described in division (C)(1) of this section, the public employees retirement board may establish eligibility requirements and benefit formulas or amounts that differ from those of members participating in the PERS defined benefit plan. With respect to the purchase of service credit by a member participating in a PERS defined contribution plan, the board may reduce the cost of the service credit to reflect the different benefit formula established for the member. 6688
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Sec. 145.83. A PERS defined contribution plan may include a program described in section 145.583 of the Revised Code under which a ~~participating~~ member participating in the plan is required to accumulate a portion of the amount contributed under section 145.86 of the Revised Code for the purpose of providing funds to the member for the payment of health, medical, hospital, surgical, dental, or vision care expenses, including insurance premiums, deductible amounts, or copayments as described in that section. ~~The program may be a voluntary employees' beneficiary association, as described in section 501(c)(9) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(9), as amended; a medical savings account; or a similar type of program under which an individual may accumulate funds for the purpose of paying such expenses. To implement the program, the public employees retirement board may enter into agreements with insurance companies or other entities authorized to conduct business in this state.~~ 6696
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If a PERS defined contribution plan includes a program described in this section, the public employees retirement board 6713
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shall adopt rules to ~~establish and administer the program. The~~ 6715
~~rules shall~~ specify the length of time during which the member 6716
will vest in amounts accumulated on the member's behalf and may 6717
provide for a minimum annual distribution from the accumulated 6718
amount after the member terminates employment in positions subject 6719
to this chapter. 6720

Sec. 145.87. For each member participating in a PERS defined 6721
contribution plan, the public employees retirement system ~~shall~~ 6722
may transfer to the employers' accumulation fund a portion of the 6723
employer contribution required under section 145.48 of the Revised 6724
Code. ~~The~~ If the public employees retirement board elects to make 6725
a transfer under this section, the portion transferred shall equal 6726
not exceed the percentage of earnable salary of members for whom 6727
the contributions are being made that is determined by an actuary 6728
appointed by the ~~public employees retirement~~ board to be necessary 6729
to mitigate any negative financial impact on the system of 6730
members' participation in a plan. 6731

The board ~~shall have prepared annually~~ may have prepared, at 6732
intervals determined by the board, an actuarial study to determine 6733
whether ~~the percentage transferred~~ a transfer under this section 6734
~~should be changed~~ is necessary to reflect a change in the level of 6735
negative financial impact resulting from members' participation in 6736
a plan. The percentage transferred, if any, shall be increased or 6737
decreased to reflect the amount needed to mitigate the negative 6738
financial impact, if any, on the system, as determined by the 6739
study. A change in the percentage transferred shall take effect on 6740
~~the first day of the year following the date the conclusions of~~ 6741
~~the study are reported to~~ a date determined by the board. 6742

~~The~~ If a transfer under this section is made, the system 6743
shall make the transfer ~~required under this section~~ until the 6744
unfunded actuarial accrued liability for all benefits, except 6745

health care benefits provided under section ~~145.325~~ or 145.58 or 6746
145.584 of the Revised Code and benefit increases to members and 6747
former members participating in the PERS defined benefit plan 6748
granted after September 21, 2000, is fully amortized, as 6749
determined by the annual actuarial valuation prepared under 6750
section 145.22 of the Revised Code. 6751

Sec. 145.92. If a member participating in a PERS defined 6752
contribution plan is married at the time benefits under the plan 6753
are to commence, unless the spouse consents to another plan of 6754
payment or the spouse's consent is waived, the member's ~~retirement~~ 6755
~~allowance~~ benefit under the plan shall be paid in a lesser amount 6756
payable for life and one-half of ~~the allowance~~ that amount 6757
continuing after death to the surviving spouse for the life of the 6758
spouse. 6759

Consent is valid only if it is evidenced by a written 6760
document signed by the spouse and the signature is witnessed by a 6761
notary public. A plan may waive the requirement of consent if the 6762
spouse is incapacitated or cannot be located or for any other 6763
reason specified by the plan or in rules adopted by the public 6764
employees retirement board. 6765

A plan shall waive the requirement of consent if a plan of 6766
payment that provides for payment in a specified portion of the 6767
retirement allowance continuing after the member's death to a 6768
former spouse is required by a court order issued under section 6769
3105.171 or 3105.65 of the Revised Code or laws of another state 6770
regarding division of marital property prior to the effective date 6771
of the member's retirement. If a court order requires this plan of 6772
payment, the member shall be required to annuitize the member's 6773
accumulated amounts in accordance with the order. If the member is 6774
married, the plan of payment selected by the member also shall 6775
provide for payment to the member's current spouse, unless the 6776

current spouse consents in writing to not being designated a 6777
beneficiary under the plan of payment or the current spouse's 6778
consent is waived by reason other than the court order. 6779

Consent or waiver is effective only with regard to the spouse 6780
who is the subject of the consent or waiver. 6781

Sec. 145.95. (A) Subject to division (B) of this section and 6782
sections 145.38, 145.56, 145.57, 145.572, ~~and~~ 145.573, and 145.574 6783
of the Revised Code, the right of a member participating in a PERS 6784
defined contribution plan to any payment or benefit accruing from 6785
contributions made by or on behalf of the member under sections 6786
145.85 and 145.86 of the Revised Code shall vest in accordance 6787
with this section. 6788

A member's right to any payment or benefit that is based on 6789
the member's contributions is nonforfeitable. 6790

A member's right to any payment or benefit that is based on 6791
contributions by the member's employer is nonforfeitable as 6792
specified by the plan selected by the member. 6793

(B) This section does not apply to an increase made under 6794
section 145.323 of the Revised Code on or after the effective date 6795
of this amendment. 6796

Sec. 145.97. Each PERS defined contribution plan shall permit 6797
a member participating in the plan to do all of the following: 6798
6799

(A) Maintain on deposit with the public employees retirement 6800
system, or the entity administering the plan pursuant to a 6801
contract with the public employees retirement board, any amounts 6802
that have accumulated on behalf of the member; 6803

(B) If the member has withdrawn the amounts described in 6804
division (A) of this section, returns to employment covered under 6805

this chapter, and is participating in a plan that includes 6806
definitely determinable benefits, pay to the system the amounts 6807
withdrawn in accordance with rules adopted under section ~~145.31~~ 6808
145.80 of the Revised Code; 6809

(C) Make additional deposits as permitted by the "Internal 6810
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6811

Sec. 742.63. The board of trustees of the Ohio police and 6812
fire pension fund shall adopt rules for the management of the Ohio 6813
public safety officers death benefit fund and for disbursements of 6814
benefits as set forth in this section. 6815

(A) As used in this section: 6816

(1) "Member" means all of the following: 6817

(a) A member of the Ohio police and fire pension fund, 6818
including a member of the fund who has elected to participate in 6819
the deferred retirement option plan established under section 6820
742.43 of the Revised Code or a member of or contributor to a 6821
police or firemen's relief and pension fund established under 6822
former Chapter 521. or 741. of the Revised Code; 6823

(b) A member of the state highway patrol retirement system, 6824
including a member who is participating in the deferred retirement 6825
option plan established under section 5505.50 of the Revised Code; 6826

(c) A member of the public employees retirement system who at 6827
the time of the member's death was one of the following: 6828

(i) A county sheriff or deputy sheriff; 6829

(ii) A full-time regular police officer in a municipal 6830
corporation or township; 6831

(iii) A full-time regular firefighter employed by the state, 6832
an instrumentality of the state, a municipal corporation, a 6833
township, a joint fire district, or another political subdivision; 6834

(iv) A full-time park district ranger or patrol trooper;	6835
(v) A full-time law enforcement officer of the department of natural resources;	6836 6837
(vi) A full-time department of public safety enforcement agent;	6838 6839
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	6840 6841 6842
(viii) A full-time law enforcement officer of a conservancy district;	6843 6844
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	6845 6846 6847
(x) A state university law enforcement officer;	6848
(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation.	6849 6850 6851
(xii) A drug agent, as defined in section 145.01 of the Revised Code.	6852 6853
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	6854 6855 6856 6857
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or	6858 6859 6860 6861 6862 6863 6864

workhouse under the control of a county, group of counties, or 6865
municipal corporation, the security force of a metropolitan, 6866
county, or township park district, the security force of lands 6867
under the control of the department of natural resources, 6868
department of public safety enforcement agents, the security force 6869
of parks, waterway lands, or reservoir lands under the control of 6870
a municipal corporation, the security force of a conservancy 6871
district, the police department of a township or municipal 6872
corporation, and the police force of a state university. 6873

(3) "Firefighter or police officer" includes a state highway 6874
patrol trooper, a county sheriff or deputy sheriff, a correction 6875
officer at an institution under the control of a county, a group 6876
of counties, a municipal corporation, or the department of 6877
rehabilitation and correction, a police officer employed by a 6878
township or municipal corporation, a firefighter employed by the 6879
state, an instrumentality of the state, a municipal corporation, a 6880
township, a joint fire district, or another political subdivision, 6881
a full-time park district ranger or patrol trooper, a full-time 6882
law enforcement officer of the department of natural resources, a 6883
full-time department of public safety enforcement agent, a 6884
full-time law enforcement officer of parks, waterway lands, or 6885
reservoir lands under the control of a municipal corporation, a 6886
full-time law enforcement officer of a conservancy district, and a 6887
state university law enforcement officer. 6888

(4) "Correction officer" includes, in addition to any 6889
correction officer, any correction corporal, sergeant, lieutenant, 6890
or captain, and the equivalents of all such persons. 6891

(5) "A park district ranger or patrol trooper" means a peace 6892
officer commissioned to make arrests, execute warrants, and 6893
preserve the peace upon lands under the control of a board of park 6894
commissioners of a metropolitan, county, or township park 6895
district. 6896

(6) "Metropolitan, county, or township park district" means a park district created under the authority of Chapter 511. or 1545. of the Revised Code.

(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.

(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.

(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.33, section 145.332, Chapter 521. or 741., division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.

(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been granted the deceased member.

(12) "Killed in the line of duty" means either of the 6928
following: 6929

(a) Death in the line of duty; 6930

(b) Death from injury sustained in the line of duty, 6931
including heart attack or other fatal injury or illness caused 6932
while in the line of duty. 6933

(B) A spouse of a deceased member shall receive a death 6934
benefit each month equal to the full death benefit amount, 6935
provided that the deceased member was a firefighter or police 6936
officer killed in the line of duty and there are no surviving 6937
children eligible for a benefit under this section. The spouse 6938
shall receive this benefit during the spouse's natural life until 6939
the deceased member's retirement eligibility date, on which date 6940
the benefit provided under this division shall terminate. 6941

(C)(1) If a member killed in the line of duty as a 6942
firefighter or police officer is survived only by a child or 6943
children, the child or children shall receive a benefit each month 6944
equal to the full death benefit amount. If there is more than one 6945
surviving child, the benefit shall be divided equally among these 6946
children. 6947

(2) If the death benefit paid under this division is divided 6948
among two or more surviving children and any of the children 6949
become ineligible to continue receiving a portion of the benefit 6950
as provided in division (H) of this section, the full death 6951
benefit amount shall be paid to the remaining eligible child or 6952
divided among the eligible children so that the benefit paid to 6953
the remaining eligible child or children equals the full death 6954
benefit amount. 6955

(3) Notwithstanding divisions (C)(1) and (2) of this section, 6956
all death benefits paid under this division shall terminate on the 6957
deceased member's retirement eligibility date. 6958

(D) If a member killed in the line of duty as a firefighter 6959
or police officer is survived by both a spouse and a child or 6960
children, the monthly benefit provided shall be as follows: 6961

(1)(a) If there is a surviving spouse and one surviving 6962
child, the spouse shall receive an amount each month equal to 6963
one-half of the full death benefit amount and the child shall 6964
receive an amount equal to one-half of the full death benefit 6965
amount. 6966

(b) If the surviving spouse dies or the child becomes 6967
ineligible as provided in division (H) of this section, the 6968
surviving spouse or child remaining eligible shall receive the 6969
full death benefit amount. 6970

(2)(a) If there is a surviving spouse and more than one 6971
child, the spouse shall receive an amount each month equal to 6972
one-third of the full death benefit amount and the children shall 6973
receive an amount, equally divided among them, equal to two-thirds 6974
of the full death benefit amount. 6975

(b) If a spouse and more than one child each are receiving a 6976
death benefit under division (D)(2)(a) of this section and the 6977
spouse dies, the children shall receive an amount each month, 6978
equally divided among them, equal to the full death benefit 6979
amount. 6980

(c) If a spouse and more than one child each are receiving a 6981
benefit under division (D)(2)(a) of this section and any of the 6982
children becomes ineligible to receive a benefit as provided in 6983
division (H) of this section, the spouse and remaining eligible 6984
child or children shall receive a death benefit as follows: 6985

(i) If there are two or more remaining eligible children, the 6986
spouse shall receive an amount each month equal to one-third of 6987
the full death benefit amount and the children shall receive an 6988
amount each month, equally divided among them, equal to two-thirds 6989

of the full death benefit amount; 6990

(ii) If there is one remaining eligible child, the spouse 6991
shall receive an amount each month equal to one-half of the full 6992
death benefit amount, and the child shall receive an amount each 6993
month equal to one-half of the full death benefit amount. 6994

(d) If a spouse and more than one child each are receiving a 6995
benefit under division (D)(2)(a) of this section and all of the 6996
children become ineligible to receive a benefit as provided in 6997
division (H) of this section, the spouse shall receive the full 6998
death benefit amount. 6999

(3) Notwithstanding divisions (D)(1) and (2) of this section, 7000
death benefits paid under this division to a surviving spouse 7001
shall terminate on the member's retirement eligibility date. Death 7002
benefits paid to a surviving child or children shall terminate on 7003
the deceased member's retirement eligibility date unless earlier 7004
terminated pursuant to division (H) of this section. 7005

(E) If a member, on or after January 1, 1980, is killed in 7006
the line of duty as a firefighter or police officer and is 7007
survived by only a parent or parents dependent upon the member for 7008
support, the parent or parents shall receive an amount each month 7009
equal to the full death benefit amount. If there is more than one 7010
surviving parent dependent upon the deceased member for support, 7011
the death benefit amount shall be divided equally among the 7012
surviving parents. On the death of one of the surviving parents, 7013
the full death benefit amount shall be paid to the other parent. 7014

(F)(1) The following shall receive a monthly death benefit 7015
under this division: 7016

(a) A surviving spouse whose benefits are terminated in 7017
accordance with division (B) or (D)(3) of this section on the 7018
deceased member's retirement eligibility date, or who would 7019
qualify for a benefit under division (B) or (D) of this section 7020

except that the deceased member reached the member's retirement 7021
eligibility date prior to the member's death; 7022

(b) A qualified surviving spouse of a deceased member of or 7023
contributor to a police or firemen's relief and pension fund 7024
established under former Chapter 521. or 741. of the Revised Code 7025
who was a firefighter or police officer killed in the line of 7026
duty. 7027

(2) The monthly death benefit shall be one-half of an amount 7028
equal to the monthly salary received by the deceased member prior 7029
to the member's death, plus any salary increases the deceased 7030
member would have received prior to the member's retirement 7031
eligibility date. The benefit shall terminate on the surviving 7032
spouse's death. A death benefit payable under this division shall 7033
be reduced by an amount equal to any allowance or benefit payable 7034
to the surviving spouse under section 742.3714 of the Revised 7035
Code. 7036

(3) A benefit granted to a surviving spouse under division 7037
(F)(1)(b) of this section shall commence on the first day of the 7038
month immediately following receipt by the board of a completed 7039
application on a form provided by the board and any evidence the 7040
board may require to establish that the deceased spouse was killed 7041
in the line of duty. 7042

(G)(1) If there is not a surviving spouse eligible to receive 7043
a death benefit under division (F) of this section or the 7044
surviving spouse receiving a death benefit under that division 7045
dies, a surviving child or children whose benefits under division 7046
(C) or (D) of this section are or have been terminated pursuant to 7047
division (C)(3) or (D)(3) of this section or who would qualify for 7048
a benefit under division (C) or (D) of this section except that 7049
the deceased member reached the member's retirement eligibility 7050
date prior to the member's death shall receive a monthly death 7051
benefit under this division. The monthly death benefit shall be 7052

one-half of an amount equal to the monthly salary received by the 7053
deceased member prior to the member's death, plus any salary 7054
increases the member would have received prior to the member's 7055
retirement eligibility date. If there is more than one surviving 7056
child, the benefit shall be divided equally among the surviving 7057
children. 7058

(2) If two or more surviving children each are receiving a 7059
benefit under this division and any of those children becomes 7060
ineligible to continue receiving a benefit as provided in division 7061
(H) of this section, the remaining eligible child or children 7062
shall receive an amount equal to one-half of the monthly salary 7063
received by the deceased member prior to death, plus any salary 7064
increases the deceased member would have received prior to the 7065
retirement eligibility date. If there is more than one remaining 7066
eligible child, the benefit shall be divided equally among the 7067
eligible children. 7068

(3) A death benefit, or portion of a death benefit, payable 7069
to a surviving child under this division shall be reduced by an 7070
amount equal to any allowance or benefit payable to that child 7071
under section 742.3714 of the Revised Code, but the reduction in 7072
that child's benefit shall not affect the amount payable to any 7073
other surviving child entitled to a portion of the death benefit. 7074

(H) A death benefit paid to a surviving child under division 7075
(C), (D), or (G) of this section shall terminate on the death of 7076
the child or, unless one of the following is the case, when the 7077
child reaches age eighteen: 7078

(1) The child, because of physical or mental disability, is 7079
unable to provide the child's own support, in which case the death 7080
benefit shall terminate when the disability is removed; 7081

(2) The child is unmarried, under age twenty-two, and a 7082
student in and attending an institution of learning or training 7083

pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the trustees of the fund.

(I) Acceptance of any death benefit under this section does not prohibit a spouse or child from receiving other benefits provided under the Ohio police and fire pension fund, the state highway patrol retirement system, the public employees retirement system, or a retirement system operated by a municipal corporation.

(J) No person shall receive a benefit under this section if any of the following occur:

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or (7) of section 5505.17 of the Revised Code; to a monthly survivor benefit from a retirement system operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code.

(2) The member's accumulated contributions under this chapter or Chapter 145. or 5505. of the Revised Code are refunded unless the member had been a member of the public employees retirement system and had fewer than eighteen months of total service credit at the time of death.

(3) In the case of a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, or municipal

corporation, or a member of a retirement system operated by a 7115
municipal corporation who at the time of the member's death was a 7116
full-time law enforcement officer of parks, waterway lands, or 7117
reservoir lands under the control of the municipal corporation, 7118
the member died prior to April 9, 1981, in the case of a benefit 7119
under division (B), (C), or (D) of this section, or prior to 7120
January 1, 1980, in the case of a benefit under division (E) of 7121
this section. 7122

(4) In the case of a full-time department of public safety 7123
enforcement agent who prior to June 30, 1999, was a liquor control 7124
investigator of the department of public safety, the member died 7125
prior to December 23, 1986; 7126

(5) In the case of a full-time department of public safety 7127
enforcement agent other than an enforcement agent who, prior to 7128
June 30, 1999, was a liquor control investigator, the member died 7129
prior to June 30, 1999. 7130

(K) A surviving spouse whose benefit was terminated prior to 7131
June 30, 1999, due to remarriage shall receive a benefit under 7132
division (B), (D), or (F) of this section beginning on the first 7133
day of the month following receipt by the board of an application 7134
on a form provided by the board. The benefit amount shall be 7135
determined as of that date. 7136

(1) If the benefit will begin prior to the deceased member's 7137
retirement eligibility date, it shall be paid under division (B) 7138
or (D) of this section and shall terminate as provided in those 7139
divisions. A benefit paid to a surviving spouse under division (D) 7140
of this section shall be determined in accordance with that 7141
division, even if benefits paid to surviving children are reduced 7142
as a result. 7143

(2) If the benefit will begin on or after the deceased 7144
member's retirement eligibility date, it shall be paid under 7145

division (F) of this section and shall terminate as provided in 7146
that division. A benefit paid to a surviving spouse under division 7147
(F) of this section shall be determined in accordance with that 7148
division, even if benefits paid to surviving children are 7149
terminated as a result. 7150

Sec. 2329.66. (A) Every person who is domiciled in this state 7151
may hold property exempt from execution, garnishment, attachment, 7152
or sale to satisfy a judgment or order, as follows: 7153

(1)(a) In the case of a judgment or order regarding money 7154
owed for health care services rendered or health care supplies 7155
provided to the person or a dependent of the person, one parcel or 7156
item of real or personal property that the person or a dependent 7157
of the person uses as a residence. Division (A)(1)(a) of this 7158
section does not preclude, affect, or invalidate the creation 7159
under this chapter of a judgment lien upon the exempted property 7160
but only delays the enforcement of the lien until the property is 7161
sold or otherwise transferred by the owner or in accordance with 7162
other applicable laws to a person or entity other than the 7163
surviving spouse or surviving minor children of the judgment 7164
debtor. Every person who is domiciled in this state may hold 7165
exempt from a judgment lien created pursuant to division (A)(1)(a) 7166
of this section the person's interest, not to exceed twenty 7167
thousand two hundred dollars, in the exempted property. 7168

(b) In the case of all other judgments and orders, the 7169
person's interest, not to exceed twenty thousand two hundred 7170
dollars, in one parcel or item of real or personal property that 7171
the person or a dependent of the person uses as a residence. 7172

(2) The person's interest, not to exceed three thousand two 7173
hundred twenty-five dollars, in one motor vehicle; 7174

(3) The person's interest, not to exceed four hundred 7175
dollars, in cash on hand, money due and payable, money to become 7176

due within ninety days, tax refunds, and money on deposit with a 7177
bank, savings and loan association, credit union, public utility, 7178
landlord, or other person, other than personal earnings. 7179

(4)(a) The person's interest, not to exceed five hundred 7180
twenty-five dollars in any particular item or ten thousand seven 7181
hundred seventy-five dollars in aggregate value, in household 7182
furnishings, household goods, wearing apparel, appliances, books, 7183
animals, crops, musical instruments, firearms, and hunting and 7184
fishing equipment that are held primarily for the personal, 7185
family, or household use of the person; 7186

(b) The person's aggregate interest in one or more items of 7187
jewelry, not to exceed one thousand three hundred fifty dollars, 7188
held primarily for the personal, family, or household use of the 7189
person or any of the person's dependents. 7190

(5) The person's interest, not to exceed an aggregate of two 7191
thousand twenty-five dollars, in all implements, professional 7192
books, or tools of the person's profession, trade, or business, 7193
including agriculture; 7194

(6)(a) The person's interest in a beneficiary fund set apart, 7195
appropriated, or paid by a benevolent association or society, as 7196
exempted by section 2329.63 of the Revised Code; 7197

(b) The person's interest in contracts of life or endowment 7198
insurance or annuities, as exempted by section 3911.10 of the 7199
Revised Code; 7200

(c) The person's interest in a policy of group insurance or 7201
the proceeds of a policy of group insurance, as exempted by 7202
section 3917.05 of the Revised Code; 7203

(d) The person's interest in money, benefits, charity, 7204
relief, or aid to be paid, provided, or rendered by a fraternal 7205
benefit society, as exempted by section 3921.18 of the Revised 7206
Code; 7207

(e) The person's interest in the portion of benefits under	7208
policies of sickness and accident insurance and in lump sum	7209
payments for dismemberment and other losses insured under those	7210
policies, as exempted by section 3923.19 of the Revised Code.	7211
(7) The person's professionally prescribed or medically	7212
necessary health aids;	7213
(8) The person's interest in a burial lot, including, but not	7214
limited to, exemptions under section 517.09 or 1721.07 of the	7215
Revised Code;	7216
(9) The person's interest in the following:	7217
(a) Moneys paid or payable for living maintenance or rights,	7218
as exempted by section 3304.19 of the Revised Code;	7219
(b) Workers' compensation, as exempted by section 4123.67 of	7220
the Revised Code;	7221
(c) Unemployment compensation benefits, as exempted by	7222
section 4141.32 of the Revised Code;	7223
(d) Cash assistance payments under the Ohio works first	7224
program, as exempted by section 5107.75 of the Revised Code;	7225
(e) Benefits and services under the prevention, retention,	7226
and contingency program, as exempted by section 5108.08 of the	7227
Revised Code;	7228
(f) Disability financial assistance payments, as exempted by	7229
section 5115.06 of the Revised Code;	7230
(g) Payments under section 24 or 32 of the "Internal Revenue	7231
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	7232
(10)(a) Except in cases in which the person was convicted of	7233
or pleaded guilty to a violation of section 2921.41 of the Revised	7234
Code and in which an order for the withholding of restitution from	7235
payments was issued under division (C)(2)(b) of that section, in	7236
cases in which an order for withholding was issued under section	7237

2907.15 of the Revised Code, in cases in which an order for 7238
forfeiture was issued under division (A) or (B) of section 7239
2929.192 of the Revised Code, and in cases in which an order was 7240
issued under section 2929.193 or 2929.194 of the Revised Code, and 7241
only to the extent provided in the order, and except as provided 7242
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 7243
and 3123.06 of the Revised Code, the person's right to a pension, 7244
benefit, annuity, retirement allowance, or accumulated 7245
contributions, the person's right to a participant account in any 7246
deferred compensation program offered by the Ohio public employees 7247
deferred compensation board, a government unit, or a municipal 7248
corporation, or the person's other accrued or accruing rights, as 7249
exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 7250
3309.66, or 5505.22 of the Revised Code, and the person's right to 7251
benefits from the Ohio public safety officers death benefit fund; 7252

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 7253
3121.03, and 3123.06 of the Revised Code, the person's right to 7254
receive a payment under any pension, annuity, or similar plan or 7255
contract, not including a payment from a stock bonus or 7256
profit-sharing plan or a payment included in division (A)(6)(b) or 7257
(10)(a) of this section, on account of illness, disability, death, 7258
age, or length of service, to the extent reasonably necessary for 7259
the support of the person and any of the person's dependents, 7260
except if all the following apply: 7261

(i) The plan or contract was established by or under the 7262
auspices of an insider that employed the person at the time the 7263
person's rights under the plan or contract arose. 7264

(ii) The payment is on account of age or length of service. 7265

(iii) The plan or contract is not qualified under the 7266
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 7267
amended. 7268

(c) Except for any portion of the assets that were deposited 7269
for the purpose of evading the payment of any debt and except as 7270
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7271
3123.06 of the Revised Code, the person's right in the assets held 7272
in, or to receive any payment under, any individual retirement 7273
account, individual retirement annuity, "Roth IRA," or education 7274
individual retirement account that provides benefits by reason of 7275
illness, disability, death, or age, to the extent that the assets, 7276
payments, or benefits described in division (A)(10)(c) of this 7277
section are attributable to any of the following: 7278

(i) Contributions of the person that were less than or equal 7279
to the applicable limits on deductible contributions to an 7280
individual retirement account or individual retirement annuity in 7281
the year that the contributions were made, whether or not the 7282
person was eligible to deduct the contributions on the person's 7283
federal tax return for the year in which the contributions were 7284
made; 7285

(ii) Contributions of the person that were less than or equal 7286
to the applicable limits on contributions to a Roth IRA or 7287
education individual retirement account in the year that the 7288
contributions were made; 7289

(iii) Contributions of the person that are within the 7290
applicable limits on rollover contributions under subsections 219, 7291
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 7292
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 7293
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7294

(d) Except for any portion of the assets that were deposited 7295
for the purpose of evading the payment of any debt and except as 7296
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 7297
3123.06 of the Revised Code, the person's right in the assets held 7298
in, or to receive any payment under, any Keogh or "H.R. 10" plan 7299
that provides benefits by reason of illness, disability, death, or 7300

age, to the extent reasonably necessary for the support of the 7301
person and any of the person's dependents. 7302

(11) The person's right to receive spousal support, child 7303
support, an allowance, or other maintenance to the extent 7304
reasonably necessary for the support of the person and any of the 7305
person's dependents; 7306

(12) The person's right to receive, or moneys received during 7307
the preceding twelve calendar months from, any of the following: 7308

(a) An award of reparations under sections 2743.51 to 2743.72 7309
of the Revised Code, to the extent exempted by division (D) of 7310
section 2743.66 of the Revised Code; 7311

(b) A payment on account of the wrongful death of an 7312
individual of whom the person was a dependent on the date of the 7313
individual's death, to the extent reasonably necessary for the 7314
support of the person and any of the person's dependents; 7315

(c) Except in cases in which the person who receives the 7316
payment is an inmate, as defined in section 2969.21 of the Revised 7317
Code, and in which the payment resulted from a civil action or 7318
appeal against a government entity or employee, as defined in 7319
section 2969.21 of the Revised Code, a payment, not to exceed 7320
twenty thousand two hundred dollars, on account of personal bodily 7321
injury, not including pain and suffering or compensation for 7322
actual pecuniary loss, of the person or an individual for whom the 7323
person is a dependent; 7324

(d) A payment in compensation for loss of future earnings of 7325
the person or an individual of whom the person is or was a 7326
dependent, to the extent reasonably necessary for the support of 7327
the debtor and any of the debtor's dependents. 7328

(13) Except as provided in sections 3119.80, 3119.81, 7329
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 7330
earnings of the person owed to the person for services in an 7331

amount equal to the greater of the following amounts: 7332

(a) If paid weekly, thirty times the current federal minimum 7333
hourly wage; if paid biweekly, sixty times the current federal 7334
minimum hourly wage; if paid semimonthly, sixty-five times the 7335
current federal minimum hourly wage; or if paid monthly, one 7336
hundred thirty times the current federal minimum hourly wage that 7337
is in effect at the time the earnings are payable, as prescribed 7338
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 7339
U.S.C. 206(a)(1), as amended; 7340

(b) Seventy-five per cent of the disposable earnings owed to 7341
the person. 7342

(14) The person's right in specific partnership property, as 7343
exempted by ~~division (B)(3) of section 1775.24 of the Revised Code~~ 7344
~~or~~ the person's rights in a partnership pursuant to section 7345
1776.50 of the Revised Code, except as otherwise set forth in 7346
section 1776.50 of the Revised Code; 7347

(15) A seal and official register of a notary public, as 7348
exempted by section 147.04 of the Revised Code; 7349

(16) The person's interest in a tuition unit or a payment 7350
under section 3334.09 of the Revised Code pursuant to a tuition 7351
payment contract, as exempted by section 3334.15 of the Revised 7352
Code; 7353

(17) Any other property that is specifically exempted from 7354
execution, attachment, garnishment, or sale by federal statutes 7355
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 7356
U.S.C.A. 101, as amended; 7357

(18) The person's aggregate interest in any property, not to 7358
exceed one thousand seventy-five dollars, except that division 7359
(A)(18) of this section applies only in bankruptcy proceedings. 7360

(B) On April 1, 2010, and on the first day of April in each 7361

third calendar year after 2010, the Ohio judicial conference shall 7362
adjust each dollar amount set forth in this section to reflect the 7363
change in the consumer price index for all urban consumers, as 7364
published by the United States department of labor, or, if that 7365
index is no longer published, a generally available comparable 7366
index, for the three-year period ending on the thirty-first day of 7367
December of the preceding year. Any adjustments required by this 7368
division shall be rounded to the nearest twenty-five dollars. 7369

The Ohio judicial conference shall prepare a memorandum 7370
specifying the adjusted dollar amounts. The judicial conference 7371
shall transmit the memorandum to the director of the legislative 7372
service commission, and the director shall publish the memorandum 7373
in the register of Ohio. (Publication of the memorandum in the 7374
register of Ohio shall continue until the next memorandum 7375
specifying an adjustment is so published.) The judicial conference 7376
also may publish the memorandum in any other manner it concludes 7377
will be reasonably likely to inform persons who are affected by 7378
its adjustment of the dollar amounts. 7379

(C) As used in this section: 7380

(1) "Disposable earnings" means net earnings after the 7381
garnishee has made deductions required by law, excluding the 7382
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 7383
3121.03, or 3123.06 of the Revised Code. 7384

(2) "Insider" means: 7385

(a) If the person who claims an exemption is an individual, a 7386
relative of the individual, a relative of a general partner of the 7387
individual, a partnership in which the individual is a general 7388
partner, a general partner of the individual, or a corporation of 7389
which the individual is a director, officer, or in control; 7390

(b) If the person who claims an exemption is a corporation, a 7391
director or officer of the corporation; a person in control of the 7392

corporation; a partnership in which the corporation is a general 7393
partner; a general partner of the corporation; or a relative of a 7394
general partner, director, officer, or person in control of the 7395
corporation; 7396

(c) If the person who claims an exemption is a partnership, a 7397
general partner in the partnership; a general partner of the 7398
partnership; a person in control of the partnership; a partnership 7399
in which the partnership is a general partner; or a relative in, a 7400
general partner of, or a person in control of the partnership; 7401

(d) An entity or person to which or whom any of the following 7402
applies: 7403

(i) The entity directly or indirectly owns, controls, or 7404
holds with power to vote, twenty per cent or more of the 7405
outstanding voting securities of the person who claims an 7406
exemption, unless the entity holds the securities in a fiduciary 7407
or agency capacity without sole discretionary power to vote the 7408
securities or holds the securities solely to secure to debt and 7409
the entity has not in fact exercised the power to vote. 7410

(ii) The entity is a corporation, twenty per cent or more of 7411
whose outstanding voting securities are directly or indirectly 7412
owned, controlled, or held with power to vote, by the person who 7413
claims an exemption or by an entity to which division (C)(2)(d)(i) 7414
of this section applies. 7415

(iii) A person whose business is operated under a lease or 7416
operating agreement by the person who claims an exemption, or a 7417
person substantially all of whose business is operated under an 7418
operating agreement with the person who claims an exemption. 7419

(iv) The entity operates the business or all or substantially 7420
all of the property of the person who claims an exemption under a 7421
lease or operating agreement. 7422

(e) An insider, as otherwise defined in this section, of a 7423

person or entity to which division (C)(2)(d)(i), (ii), (iii), or 7424
(iv) of this section applies, as if the person or entity were a 7425
person who claims an exemption; 7426

(f) A managing agent of the person who claims an exemption. 7427

(3) "Participant account" has the same meaning as in section 7428
148.01 of the Revised Code. 7429

(4) "Government unit" has the same meaning as in section 7430
148.06 of the Revised Code. 7431

(D) For purposes of this section, "interest" shall be 7432
determined as follows: 7433

(1) In bankruptcy proceedings, as of the date a petition is 7434
filed with the bankruptcy court commencing a case under Title 11 7435
of the United States Code; 7436

(2) In all cases other than bankruptcy proceedings, as of the 7437
date of an appraisal, if necessary under section 2329.68 of the 7438
Revised Code, or the issuance of a writ of execution. 7439

An interest, as determined under division (D)(1) or (2) of 7440
this section, shall not include the amount of any lien otherwise 7441
valid pursuant to section 2329.661 of the Revised Code. 7442

Sec. 2901.431. On the filing of charges against a person who 7443
is a member of the public employees retirement system alleging 7444
that the person committed a felony on or after the effective date 7445
of this section, the prosecutor assigned to the case shall send 7446
written notice to the retirement system that the charges have been 7447
filed. The notice shall specifically identify the person. 7448

For purposes of this section, a violation or offense that 7449
includes as an element a course of conduct or the occurrence of 7450
multiple acts is committed on or after the effective date of this 7451
section if the course of conduct continues, one or more of the 7452
multiple acts occurs, or the person's accountability for the 7453

course of conduct or one or more of the multiple acts continues on 7454
or after that date. 7455

Sec. 2921.13. (A) No person shall knowingly make a false 7456
statement, or knowingly swear or affirm the truth of a false 7457
statement previously made, when any of the following applies: 7458

(1) The statement is made in any official proceeding. 7459

(2) The statement is made with purpose to incriminate 7460
another. 7461

(3) The statement is made with purpose to mislead a public 7462
official in performing the public official's official function. 7463

(4) The statement is made with purpose to secure the payment 7464
of unemployment compensation; Ohio works first; prevention, 7465
retention, and contingency benefits and services; disability 7466
financial assistance; retirement benefits or health care coverage 7467
from a state retirement system; economic development assistance, 7468
as defined in section 9.66 of the Revised Code; or other benefits 7469
administered by a governmental agency or paid out of a public 7470
treasury. 7471

(5) The statement is made with purpose to secure the issuance 7472
by a governmental agency of a license, permit, authorization, 7473
certificate, registration, release, or provider agreement. 7474

(6) The statement is sworn or affirmed before a notary public 7475
or another person empowered to administer oaths. 7476

(7) The statement is in writing on or in connection with a 7477
report or return that is required or authorized by law. 7478

(8) The statement is in writing and is made with purpose to 7479
induce another to extend credit to or employ the offender, to 7480
confer any degree, diploma, certificate of attainment, award of 7481
excellence, or honor on the offender, or to extend to or bestow 7482
upon the offender any other valuable benefit or distinction, when 7483

the person to whom the statement is directed relies upon it to 7484
that person's detriment. 7485

(9) The statement is made with purpose to commit or 7486
facilitate the commission of a theft offense. 7487

(10) The statement is knowingly made to a probate court in 7488
connection with any action, proceeding, or other matter within its 7489
jurisdiction, either orally or in a written document, including, 7490
but not limited to, an application, petition, complaint, or other 7491
pleading, or an inventory, account, or report. 7492

(11) The statement is made on an account, form, record, 7493
stamp, label, or other writing that is required by law. 7494

(12) The statement is made in connection with the purchase of 7495
a firearm, as defined in section 2923.11 of the Revised Code, and 7496
in conjunction with the furnishing to the seller of the firearm of 7497
a fictitious or altered driver's or commercial driver's license or 7498
permit, a fictitious or altered identification card, or any other 7499
document that contains false information about the purchaser's 7500
identity. 7501

(13) The statement is made in a document or instrument of 7502
writing that purports to be a judgment, lien, or claim of 7503
indebtedness and is filed or recorded with the secretary of state, 7504
a county recorder, or the clerk of a court of record. 7505

(14) The statement is made in an application filed with a 7506
county sheriff pursuant to section 2923.125 of the Revised Code in 7507
order to obtain or renew a license to carry a concealed handgun or 7508
is made in an affidavit submitted to a county sheriff to obtain a 7509
temporary emergency license to carry a concealed handgun under 7510
section 2923.1213 of the Revised Code. 7511

(15) The statement is required under section 5743.71 of the 7512
Revised Code in connection with the person's purchase of 7513
cigarettes or tobacco products in a delivery sale. 7514

(B) No person, in connection with the purchase of a firearm, 7515
as defined in section 2923.11 of the Revised Code, shall knowingly 7516
furnish to the seller of the firearm a fictitious or altered 7517
driver's or commercial driver's license or permit, a fictitious or 7518
altered identification card, or any other document that contains 7519
false information about the purchaser's identity. 7520

(C) No person, in an attempt to obtain a license to carry a 7521
concealed handgun under section 2923.125 of the Revised Code, 7522
shall knowingly present to a sheriff a fictitious or altered 7523
document that purports to be certification of the person's 7524
competence in handling a handgun as described in division (B)(3) 7525
of section 2923.125 of the Revised Code. 7526

(D) It is no defense to a charge under division (A)(6) of 7527
this section that the oath or affirmation was administered or 7528
taken in an irregular manner. 7529

(E) If contradictory statements relating to the same fact are 7530
made by the offender within the period of the statute of 7531
limitations for falsification, it is not necessary for the 7532
prosecution to prove which statement was false but only that one 7533
or the other was false. 7534

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 7535
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 7536
of falsification, a misdemeanor of the first degree. 7537

(2) Whoever violates division (A)(9) of this section is 7538
guilty of falsification in a theft offense. Except as otherwise 7539
provided in this division, falsification in a theft offense is a 7540
misdemeanor of the first degree. If the value of the property or 7541
services stolen is one thousand dollars or more and is less than 7542
seven thousand five hundred dollars, falsification in a theft 7543
offense is a felony of the fifth degree. If the value of the 7544
property or services stolen is seven thousand five hundred dollars 7545

or more and is less than one hundred fifty thousand dollars, 7546
falsification in a theft offense is a felony of the fourth degree. 7547
If the value of the property or services stolen is one hundred 7548
fifty thousand dollars or more, falsification in a theft offense 7549
is a felony of the third degree. 7550

(3) Whoever violates division (A)(12) or (B) of this section 7551
is guilty of falsification to purchase a firearm, a felony of the 7552
fifth degree. 7553

(4) Whoever violates division (A)(14) or (C) of this section 7554
is guilty of falsification to obtain a concealed handgun license, 7555
a felony of the fourth degree. 7556

(G) A person who violates this section is liable in a civil 7557
action to any person harmed by the violation for injury, death, or 7558
loss to person or property incurred as a result of the commission 7559
of the offense and for reasonable attorney's fees, court costs, 7560
and other expenses incurred as a result of prosecuting the civil 7561
action commenced under this division. A civil action under this 7562
division is not the exclusive remedy of a person who incurs 7563
injury, death, or loss to person or property as a result of a 7564
violation of this section. 7565

Sec. 2929.194. (A) This section applies to members of the 7566
public employees retirement system except that in any circumstance 7567
in which either section 2929.192 or 2929.193 of the Revised Code 7568
applies this section does not apply. 7569

(B) If an offender is being sentenced for a felony offense 7570
that was the cause of a physical or mental disability in the 7571
offender and was committed on or after the effective date of this 7572
section while the offender was a member of the public employees 7573
retirement system, in addition to any sanction it imposes under 7574
section 2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the 7575
Revised Code but subject to division (C) of this section, the 7576

court shall order forfeiture of any right of the offender to a 7577
disability benefit from the retirement system that is based on the 7578
disability caused by commission of the felony. The forfeiture 7579
shall be ordered regardless of whether a disability benefit has 7580
been requested or granted. A forfeiture ordered under this section 7581
is part of, and shall be included in, the offender's sentence. 7582

(C) Before sentencing in a case in which the sentencing court 7583
is required to order forfeiture under division (B) of this 7584
section, the offender may request a hearing regarding the 7585
forfeiture by delivering a written request for a hearing to the 7586
court. If there is a timely request, the court shall schedule the 7587
hearing to be conducted before sentencing. Not later than ten days 7588
prior to the scheduled date of the hearing, the court shall give 7589
notice of the hearing date to the offender, the prosecutor who 7590
handled the case, and the retirement system. The hearing shall be 7591
limited to determination of whether the offender's disability 7592
resulted from commission of the offense. If a disability benefit 7593
has already been granted, the retirement system shall submit to 7594
the court documentation of the evidence on which the benefit was 7595
granted. 7596

(D) If the offender does not make a timely request for a 7597
hearing or if a hearing is held and the court determines that the 7598
disability resulted from commission of the offense, the court 7599
shall order the forfeiture of any right the offender may have to a 7600
disability benefit from the retirement system that is based on the 7601
disability caused by commission of the felony. If the disability 7602
benefit has already been granted, the court shall order 7603
termination of the benefit. Any disability benefit paid to the 7604
offender prior to its termination may be recovered in accordance 7605
with section 145.563 of the Revised Code. 7606

(E) The court shall send a copy of the journal entry imposing 7607
sentence on the offender to the retirement system. 7608

(F) For purposes of this section, any violation or offense 7609
that includes as an element a course of conduct or the occurrence 7610
of multiple acts is committed on or after the effective date of 7611
this section if the course of conduct continues, one or more of 7612
the multiple acts occurs, or the offender's accountability for the 7613
course of conduct or for one or more of the multiple acts 7614
continues on or after the effective date of this section. 7615

Sec. 3105.80. As used in this section and sections 3105.81 to 7616
3105.90 of the Revised Code: 7617

(A) "Alternate payee" means a party in an action for divorce, 7618
legal separation, annulment, or dissolution of marriage who is to 7619
receive one or more payments from a benefit or lump sum payment 7620
under an order issued under section 3105.171 or 3105.65 of the 7621
Revised Code that is in compliance with sections 3105.81 to 7622
3105.90 of the Revised Code. 7623

(B) "Benefit" means a periodic payment under a pension, 7624
annuity, allowance, or other type of benefit, other than a 7625
survivor benefit, that has been or may be granted to a participant 7626
under sections 742.01 to 742.61 or Chapter 145., 3307., 3309., or 7627
5505. of the Revised Code or any payment that is to be made under 7628
a contract a participant has entered into for the purposes of an 7629
alternative retirement plan. "Benefit" also includes all amounts 7630
received or to be received under a plan of payment elected under 7631
division ~~(B)(4)~~ (E)(1) of section 145.46, division (B) of section 7632
3307.60, or division (B)(4) of section 3309.46 of the Revised 7633
Code. 7634

(C) "Lump sum payment" means a payment of accumulated 7635
contributions standing to a participant's credit under sections 7636
742.01 to 742.61 or Chapter 145., 3307., 3309., or 5505. of the 7637
Revised Code or pursuant to a contract a participant has entered 7638
into for the purposes of an alternative retirement plan and any 7639

other payment made or that may be made to a participant under 7640
those sections or chapters on withdrawal of a participant's 7641
contributions. "Lump sum payment" includes a lump sum payment 7642
under section 145.384, 742.26, 3307.352, or 3309.344 of the 7643
Revised Code. 7644

(D) "Participant" means a member, contributor, retirant, or 7645
disability benefit recipient who is or will be entitled to a 7646
benefit or lump sum payment under sections 742.01 to 742.61 or 7647
Chapter 145., 3307., 3309., or 5505. of the Revised Code or an 7648
employee who elects to participate in an alternative retirement 7649
plan under Chapter 3305. of the Revised Code. 7650

(E) "Personal history record" has the same meaning as in 7651
sections 145.27, 742.41, 3305.20, 3307.20, 3309.22, and 5505.04 of 7652
the Revised Code. 7653

(F) "Public retirement program" means the public employees 7654
retirement system, Ohio police and fire pension fund, school 7655
employees retirement system, state teachers retirement system, 7656
state highway patrol retirement system, or an entity providing an 7657
alternative retirement plan under Chapter 3305. of the Revised 7658
Code. 7659

Sec. 3305.06. (A) Each electing employee shall contribute an 7660
amount, which shall be a certain percentage of the employee's 7661
compensation, to the provider of the investment option the 7662
employee has selected. This percentage shall be the percentage the 7663
electing employee would have otherwise been required to contribute 7664
to the state retirement system that applies to the employee's 7665
position, except that the percentage shall not be less than three 7666
per cent. Employee contributions under this division may be 7667
treated as employer contributions in accordance with Internal 7668
Revenue Code 414(h). 7669

(B) Each public institution of higher education employing an 7670

electing employee shall contribute a percentage of the employee's 7671
compensation to the provider of the investment option the employee 7672
has selected. This percentage shall be equal to the percentage 7673
that the public institution of higher education would otherwise 7674
contribute on behalf of that employee to the state retirement 7675
system that would otherwise cover that employee's position, less 7676
the percentage contributed by the public institution of higher 7677
education under division (D) of this section. 7678

(C)(1) In no event shall the amount contributed by the 7679
electing employee pursuant to division (A) of this section and on 7680
the electing employee's behalf pursuant to division (B) of this 7681
section be less than the amount necessary to qualify the plan as a 7682
state retirement system pursuant to Internal Revenue Code 7683
3121(B)(7) and the regulations adopted thereunder. 7684

(2) The full amount of the electing employee's contribution 7685
under division (A) of this section and the full amount of the 7686
employer's contribution made on behalf of that employee under 7687
division (B) of this section shall be paid to the appropriate 7688
provider for application to the electing employee's investment 7689
option. 7690

(D) Each public institution of higher education employing an 7691
electing employee shall contribute on behalf of that employee to 7692
the state retirement system that otherwise applies to the electing 7693
employee's position a percentage of the electing employee's 7694
compensation to mitigate any negative financial impact of the 7695
alternative retirement program on the state retirement system. The 7696
percentage shall be six per cent, except that the percentage may 7697
be adjusted by the Ohio retirement study council to reflect the 7698
determinations made by actuarial studies conducted under section 7699
171.07 of the Revised Code. Any adjustment shall become effective 7700
on the first day of the second month following submission of the 7701
actuarial study to the board of regents under section 171.07 of 7702

the Revised Code. 7703

Contributions on behalf of an electing employee shall 7704
continue in accordance with this division until the occurrence of 7705
the following: 7706

(1) If the electing employee would be subject to Chapter 145. 7707
of the Revised Code had the employee not made an election pursuant 7708
to section 3305.05 or 3305.051 of the Revised Code, until the 7709
unfunded actuarial accrued liability for all benefits, except 7710
health care benefits provided under section ~~145.325~~ or 145.58 or 7711
145.584 of the Revised Code and benefit increases provided after 7712
March 31, 1997, is fully amortized, as determined by the annual 7713
actuarial valuation prepared under section 145.22 of the Revised 7714
Code; 7715

(2) If the electing employee would be subject to Chapter 7716
3307. of the Revised Code had the employee not made an election 7717
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7718
the unfunded actuarial accrued liability for all benefits, except 7719
health care benefits provided under section 3307.39 or ~~3307.61~~ of 7720
the Revised Code and benefit increases provided after March 31, 7721
1997, is fully amortized, as determined by the annual actuarial 7722
valuation prepared under section 3307.51 of the Revised Code; 7723

(3) If the electing employee would be subject to Chapter 7724
3309. of the Revised Code had the employee not made an election 7725
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 7726
the unfunded actuarial accrued liability for all benefits, except 7727
health care benefits provided under section 3309.375 or 3309.69 of 7728
the Revised Code and benefit increases provided after March 31, 7729
1997, is fully amortized, as determined by the annual actuarial 7730
valuation prepared under section 3309.21 of the Revised Code. 7731

Sec. 3307.57. To coordinate and integrate membership in the 7732
state retirement systems, the following provisions apply: 7733

(A) As used in this section: 7734

(1) "Retirement systems" means the public employees 7735
retirement system, state teachers retirement system, and school 7736
employees retirement system. 7737

(2) In addition to the meaning given in section 3307.50 of 7738
the Revised Code, "disability benefit" means "disability benefit" 7739
as defined in sections 145.01 and 3309.01 of the Revised Code. 7740

(B) At the option of a member participating in the plan 7741
described in sections 3307.50 to 3307.79 of the Revised Code, 7742
total contributions and service credit in all retirement systems, 7743
including amounts paid to restore service credit under sections 7744
145.311, 3307.711, and 3309.261 of the Revised Code, shall be used 7745
in determining the eligibility for benefits. If total 7746
contributions and service credit are combined, the following 7747
provisions apply: 7748

(1) Service retirement or a disability benefit is effective 7749
on the first day of the month next following the later of: 7750

(a) The last day for which compensation was paid; 7751

(b) The attainment of minimum age or service credit for 7752
benefits provided under this section. 7753

(2) "Total service credit" includes the total credit in all 7754
retirement systems except that such credit shall not exceed one 7755
year for any period of twelve months. 7756

(3) ~~In determining eligibility~~ Eligibility for a disability 7757
benefit, ~~the medical examiner's report to~~ shall be determined by 7758
the board of ~~any~~ the state retirement system, ~~showing that will~~ 7759
calculate and pay the member's disability ~~incapacitates the member~~ 7760
~~for the performance of duty, may~~ benefit, as provided in division 7761
(B)(4) of this section. The state retirement system calculating 7762
and paying the disability benefit shall certify the determination 7763

to the board of each other state retirement system in which the 7764
member has service credit and shall be accepted by that board as 7765
sufficient for granting a disability benefit. 7766

(4) The board of the state retirement system in which the 7767
member had the greatest service credit, without adjustment, shall 7768
~~determine~~ calculate and pay the total benefit. If the member's 7769
credit is equal in two or more retirement systems, the system 7770
having the member's largest total contributions shall ~~determine~~ 7771
calculate and pay the total benefit. 7772

(5) In determining the total credit to be used in calculating 7773
a benefit, credit shall not be reduced below that certified by the 7774
system or systems transferring credit, except that such total 7775
combined service credit shall not exceed one year of credit for 7776
any one "year" as defined in the statute governing the system 7777
making the calculation. 7778

(6)(a) The retirement system ~~determining~~ calculating and 7779
paying the benefit shall receive from the other system or systems 7780
~~the member's refundable account at retirement or the effective~~ 7781
~~date of a disability benefit plus an amount from the employers'~~ 7782
~~trust fund equal to the member's refundable account less interest~~ 7783
~~credited under section 145.471, 145.472, or 3307.563 of the~~ 7784
~~Revised Code. If applicable, the retirement system determining and~~ 7785
~~paying the benefit shall receive from the public employees~~ 7786
~~retirement system a portion of the amount paid on behalf of the~~ 7787
~~member by an employer under section 145.483 of the Revised Code.~~ 7788
~~The portion shall equal the product obtained by multiplying by two~~ 7789
~~the amount the member would have contributed during the period the~~ 7790
~~employer failed to deduct contributions, as described in section~~ 7791
~~145.483 of the Revised Code~~ all of the following for each year of 7792
service: 7793

(i) The amount contributed by the member, or, in the case of 7794
service credit purchased by the member, paid by the member, that 7795

is attributable to the year of service; 7796

(ii) An amount equal to the lesser of the employer's 7797
contributions made on behalf of the member to the retirement 7798
system for that year of service or the amount that would have been 7799
contributed by the employer for the service had the member been a 7800
member of the state teachers retirement system at the time the 7801
credit was earned; 7802

(iii) If applicable, an amount equal to the amount paid on 7803
behalf of the member by an employer under section 145.483 of the 7804
Revised Code; 7805

(iv) Interest on the amounts specified in divisions 7806
(B)(6)(a)(i), (ii), and (iii) of this section at the actuarial 7807
assumption rate of the retirement system determining and paying 7808
the benefit. 7809

~~(a)~~(b) The annuity rates and mortality tables of the 7810
retirement system making the calculation and paying the benefit 7811
shall be applicable. 7812

~~(b)~~(c) Deposits made for the purchase of additional income, 7813
with guaranteed interest, upon the member's request, shall be 7814
transferred to the retirement system paying the regular benefit. 7815
The return upon such deposits shall be that offered by the 7816
retirement system making the calculation and paying the regular 7817
benefit. 7818

(C) A person receiving a benefit under this section, who 7819
accepts employment amenable to coverage in any retirement system 7820
that participated in the person's combined benefit, shall be 7821
subject to the applicable provisions of law governing such 7822
re-employment. 7823

If a retirant should be paid any amount to which the retirant 7824
is not entitled under the applicable provisions of law governing 7825
such re-employment, such amount shall be recouped by the 7826

retirement system paying such benefit by utilizing any recovery 7827
procedure available under the law of the retirement system 7828
covering such re-employment. 7829

Sec. 3309.312. (A) Not later than ninety days after September 7830
16, 1998, a member who, on September 16, 1998, is employed full 7831
time pursuant to section 3345.04 of the Revised Code by the 7832
university of Akron as a state university law enforcement officer 7833
may elect to transfer to the public employees retirement system in 7834
accordance with this section. An election shall be made by giving 7835
notice to the school employees retirement system on a form 7836
provided by the school employees retirement board and shall be 7837
irrevocable. 7838

(B) When a member makes the election described in this 7839
section, the school employees retirement system shall notify the 7840
public employees retirement system. The school employees 7841
retirement system shall transfer all of the member's service 7842
credit to the public employees retirement system and shall certify 7843
to the public employees retirement system a copy of the member's 7844
records of service and contributions. For each year or portion of 7845
a year of credit, the school employees retirement system shall 7846
transfer to the public employees retirement system all of the 7847
following: 7848

(1) An amount equal to the accumulated contributions standing 7849
to the member's credit; 7850

(2) An amount equal to the total employer contributions paid 7851
on behalf of the member; 7852

(3) Any amount paid by the member or employer to the school 7853
employees retirement system for the purchase of service credit. 7854

At the request of the public employees retirement system, the 7855
employer of a member who makes an election under this section 7856

shall certify to the public employees retirement system the 7857
member's salary. 7858

(C) A member who elects to transfer to the public employees 7859
retirement system under this section shall make contributions and 7860
receive benefits in accordance with ~~divisions (B) to (F) of~~ 7861
section ~~145.33~~ 145.332 of the Revised Code. 7862

(D) A member who fails to make an election in accordance with 7863
this section shall remain a member of the school employees 7864
retirement system. 7865

Sec. 3309.35. (A) As used in this section: 7866

(1) "State retirement system" means the public employees 7867
retirement system, state teachers retirement system, or school 7868
employees retirement system. 7869

(2) "Total service credit" means all service credit earned in 7870
all state retirement systems, except credit for service subject to 7871
section 3309.341 of the Revised Code. Total service credit shall 7872
not exceed one year of credit for any twelve-month period. 7873

(3) In addition to the meaning given in division (O) of 7874
section 3309.01 of the Revised Code, "disability benefit" means 7875
"disability benefit" as defined in sections 145.01 and 3307.01 of 7876
the Revised Code. 7877

(B) To coordinate and integrate membership in the state 7878
retirement systems, at the option of a member, total contributions 7879
and service credit in all state retirement systems, including 7880
amounts paid to restore service credit under sections 145.311, 7881
3307.711, and 3309.261 of the Revised Code, shall be used in 7882
determining the eligibility and total retirement or disability 7883
benefit payable. When total contributions and service credit are 7884
so combined, the following provisions apply: 7885

(1) Service and commuted service retirement or a disability 7886

benefit is effective no sooner than the first day of the month 7887
next following the last day of employment for which compensation 7888
was paid. If the application is filed after that date, the board 7889
may retire the member on the first day of the month next following 7890
the last day of employment for which compensation was paid. 7891

(2) ~~In determining eligibility~~ Eligibility for a disability 7892
benefit, ~~the medical examiner's report to~~ shall be determined by 7893
the ~~retirement~~ board of ~~any~~ the state retirement system, ~~showing~~ 7894
that will calculate and pay the ~~member's disability incapacitates~~ 7895
~~the member for the performance of duty, may~~ benefit, as provided 7896
in division (B)(3) of this section. The state retirement system 7897
calculating and paying the disability benefit shall certify the 7898
determination to the board of each other state retirement system 7899
in which the member has service credit and shall be accepted by 7900
~~the state retirement boards~~ that board as sufficient for granting 7901
a disability benefit. 7902

(3) The board of the state retirement system in which the 7903
member had the greatest service credit, without adjustment, shall 7904
~~determine~~ calculate and pay the total retirement or disability 7905
benefit. Where the member's credit is equal in two or more state 7906
retirement systems, the system having the largest total 7907
contributions of the member shall ~~determine~~ calculate and pay the 7908
total benefit. 7909

(4) In determining the total credit to be used in calculating 7910
a retirement allowance or disability benefit, credit shall not be 7911
reduced below that certified by the system or systems transferring 7912
credit, except that such total combined service credit shall not 7913
exceed one year of credit for any one "year" as defined in the law 7914
of the system making the calculation. 7915

(5)(a) The state retirement system ~~determining~~ calculating 7916
and paying a retirement or disability benefit shall receive from 7917
the other system or systems ~~the member's refundable account at~~ 7918

~~retirement or the effective date of a disability benefit plus an~~ 7919
~~amount from the employers' trust fund equal to the member's~~ 7920
~~refundable account less the interest credited under section~~ 7921
~~145.471, 145.472, or 3307.563 of the Revised Code. If applicable,~~ 7922
~~the retirement system determining and paying the benefit shall~~ 7923
~~receive from the public employees retirement system a portion of~~ 7924
~~the amount paid on behalf of the member by an employer under~~ 7925
~~section 145.483 of the Revised Code. The portion shall equal the~~ 7926
~~product obtained by multiplying by two the amount the member would~~ 7927
~~have contributed during the period the employer failed to deduct~~ 7928
~~contributions, as described in section 145.483 of the Revised Code~~ 7929
all of the following for each year of service: 7930

(i) The amount contributed by the member, or, in the case of 7931
service credit purchased by the member, paid by the member, that 7932
is attributable to that year of service; 7933

(ii) An amount equal to the lesser of the employer's 7934
contributions made on behalf of the member to the retirement 7935
system for that year of service or the amount that would have been 7936
contributed by the employer for the service had the member been a 7937
member of the school employees retirement system at the time the 7938
credit was earned; 7939

(iii) If applicable, an amount equal to the amount paid on 7940
behalf of the member by an employer under section 145.483 of the 7941
Revised Code; 7942

(iv) Interest on the amounts specified in divisions 7943
(B)(5)(a)(i), (ii), and (iii) of this section at the actuarial 7944
assumption rate of the retirement system determining and paying 7945
the benefit. 7946

~~(a)~~(b) The annuity rates and mortality tables of the state 7947
retirement system making the calculation and paying the benefit 7948
shall be exclusively applicable. 7949

~~(b)~~(c) Deposits made for the purchase of an additional 7950
annuity, and including guaranteed interest, upon the request of 7951
the member, shall be transferred to the state retirement system 7952
paying the retirement or disability benefit. The return upon such 7953
deposits shall be that offered by the state retirement system 7954
making the calculation and paying the retirement or disability 7955
benefit. 7956

(C) A former member receiving a retirement or disability 7957
benefit under this section, who accepts employment amenable to 7958
coverage in any state retirement system that participated in the 7959
member's combined benefit, shall be subject to the applicable 7960
provisions of law governing such re-employment. If a former member 7961
should be paid any amount in a retirement allowance, to which the 7962
former member is not entitled under the applicable provisions of 7963
law governing such re-employment, such amount shall be recovered 7964
by the state retirement system paying such allowance by utilizing 7965
any recovery procedure available under the code provisions of the 7966
state retirement system covering such re-employment. 7967

(D) An SERS retirant or other system retirant, as defined in 7968
section 3309.341 of the Revised Code, is not eligible to receive 7969
any benefit under this section for service subject to section 7970
3309.341 of the Revised Code. 7971

Sec. 3375.411. A board of library trustees of a free public 7972
library, appointed pursuant to the provisions of sections 3375.06, 7973
3375.08, 3375.12, 3375.15, and 3375.22 of the Revised Code, which 7974
has not less than seventy-five full-time employees, and which, 7975
prior to September 16, 1943, was providing for retirement of the 7976
employees of such library with annuities, insurance, or other 7977
provisions, under authority granted by former section 7889 of the 7978
General Code, may provide such retirement, insurance, or other 7979
provisions in the same manner authorized by former section 7889 of 7980

the General Code, as follows: the library board of such library 7981
which has appropriated and paid the board's portion provided in 7982
such system or plan, may continue to appropriate and pay the 7983
board's portion provided in such system or plan out of the funds 7984
received to the credit of such board by taxation or otherwise. 7985
Each employee of such library who is to be included in a system of 7986
retirement shall contribute to the retirement fund not less than 7987
four per cent per annum of the employee's salary from the time of 7988
eligibility to join the retirement system to the time of 7989
retirement. If a group insurance plan is installed by any library, 7990
not less than fifty per cent of the cost of such insurance shall 7991
be borne by the employees included in such plan. 7992

Provided, any employee whose employment by said library began 7993
on or after September 16, 1943, may exempt self from inclusion in 7994
such retirement system, or withdraw from such retirement system. 7995
Upon such exemption or withdrawal, such person shall become a 7996
member of the public employees retirement system in accordance 7997
with former section 145.02 and sections ~~145.02~~, 145.03~~7~~ and 145.28 7998
of the Revised Code, respectively. All employees appointed for the 7999
first time on and after January 1, 1956~~1~~ shall, for retirement 8000
purposes, be eligible only for membership in the public employees 8001
retirement system as provided in Chapter 145. of the Revised Code. 8002

A library board which provides for the retirement of its 8003
employees with annuities, insurance, or other provisions under the 8004
authority granted by this section may, pursuant to a board 8005
resolution adopted within thirty days after the effective date of 8006
this section, terminate such retirement plan. Upon the effective 8007
date of such termination, which is specified in the resolution, 8008
each employee covered by such retirement plan shall become a 8009
member of the public employees retirement system. 8010

Section 2. That existing sections 101.92, 101.93, 145.01, 8011

145.04, 145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 8012
145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 8013
145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 8014
145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 8015
145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 8016
145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 8017
145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 8018
145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 8019
145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 8020
145.83, 145.87, 145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13, 8021
3105.80, 3305.06, 3307.57, 3309.312, 3309.35, and 3375.411 and 8022
sections 145.02, 145.292, 145.321, 145.322, 145.324, 145.326, 8023
145.327, 145.328, 145.329, 145.3210, 145.3211, 145.3212, 145.3213, 8024
145.332, 145.34, 145.42, 145.44, 145.461, and 145.462 are hereby 8025
repealed. 8026

Section 3. Notwithstanding the times specified in the 8027
amendments to section 145.87 of the Revised Code made by this act, 8028
if the Public Employees Retirement Board determines that a 8029
decrease in the percentage transferred under that section is 8030
warranted, the Board may decrease the percentage transferred not 8031
later than one hundred twenty days after the effective date of 8032
this section. The decrease shall take effect on the first day of 8033
the second month following the Board's action. 8034

Section 4. (A) The amendments by this act regarding 8035
purchasing or obtaining service credit from the Public Employees 8036
Retirement System do not apply if purchasing or obtaining the 8037
service credit is initiated not later than six months after the 8038
effective date of this section. Purchasing or obtaining service 8039
credit shall be considered to be initiated not later than six 8040
months after the effective date of this section if the member 8041
makes one or more payments before that date. 8042

(B) Purchasing or obtaining service credit under Chapter 145. 8043
of the Revised Code shall continue at the total cost of that 8044
credit immediately before the period ending six months after the 8045
effective date of this section if the retirement system receives 8046
from the member one or more payments not later than six months 8047
after the effective date of this section. The total cost shall 8048
continue unchanged unless the requirements of section 145.294 of 8049
the Revised Code, and any applicable rules adopted pursuant to 8050
that section, are not met. 8051