

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 285

Representatives Becker, Lynch

Cosponsors: Representatives Damschroder, Thompson, Milkovich, Hood

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A B I L L

To amend sections 145.01, 145.191, 145.38, 145.384, 1
145.471, 145.472, 145.58, 742.26, 3307.01, 2
3307.35, 3307.352, 3309.341, 3309.344, and 3501.13 3
and to repeal sections 145.381, 145.382, 3307.353, 4
and 3309.345 of the Revised Code to provide that 5
an individual retiring on or after the effective 6
date of this act from one of the state's public 7
retirement systems who is re-employed as a public 8
employee will not receive the pension portion of 9
the retirement allowance for the period of 10
employment. 11

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

Section 1. That sections 145.01, 145.191, 145.38, 145.384, 12
145.471, 145.472, 145.58, 742.26, 3307.01, 3307.35, 3307.352, 13
3309.341, 3309.344, and 3501.13 of the Revised Code be amended to 14
read as follows: 15

Sec. 145.01. As used in this chapter: 16

(A) "Public employee" means: 17

(1) Any person holding an office, not elective, under the 18
state or any county, township, municipal corporation, park 19

district, conservancy district, sanitary district, health 20
district, metropolitan housing authority, state retirement board, 21
Ohio historical society, public library, county law library, union 22
cemetery, joint hospital, institutional commissary, state 23
university, or board, bureau, commission, council, committee, 24
authority, or administrative body as the same are, or have been, 25
created by action of the general assembly or by the legislative 26
authority of any of the units of local government named in 27
division (A)(1) of this section, or employed and paid in whole or 28
in part by the state or any of the authorities named in division 29
(A)(1) of this section in any capacity not covered by section 30
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 31

(2) A person who is a member of the public employees 32
retirement system and who continues to perform the same or similar 33
duties under the direction of a contractor who has contracted to 34
take over what before the date of the contract was a publicly 35
operated function. The governmental unit with which the contract 36
has been made shall be deemed the employer for the purposes of 37
administering this chapter. 38

(3) Any person who is an employee of a public employer, 39
notwithstanding that the person's compensation for that employment 40
is derived from funds of a person or entity other than the 41
employer. Credit for such service shall be included as total 42
service credit, provided that the employee makes the payments 43
required by this chapter, and the employer makes the payments 44
required by sections 145.48 and 145.51 of the Revised Code. 45

(4) A person who elects in accordance with section 145.015 of 46
the Revised Code to remain a contributing member of the public 47
employees retirement system. 48

(5) A person who is an employee of the legal rights service 49
on September 30, 2012, and continues to be employed by the 50
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 51

153 of the 129th general assembly. The nonprofit entity is the 52
employer for the purpose of this chapter. 53

In all cases of doubt, the public employees retirement board 54
shall determine under section 145.036, 145.037, or 145.038 of the 55
Revised Code whether any person is a public employee, and its 56
decision is final. 57

(B) "Member" means any public employee, other than a public 58
employee excluded or exempted from membership in the retirement 59
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 60
145.035, or 145.38 of the Revised Code. ~~"Member" includes a PERS 61
retirant who becomes a member under division (C) of section 145.38 62
of the Revised Code.~~ "Member" also includes a disability benefit 63
recipient. 64

(C) "Head of the department" means the elective or appointive 65
head of the several executive, judicial, and administrative 66
departments, institutions, boards, and commissions of the state 67
and local government as the same are created and defined by the 68
laws of this state or, in case of a charter government, by that 69
charter. 70

(D) "Employer" or "public employer" means the state or any 71
county, township, municipal corporation, park district, 72
conservancy district, sanitary district, health district, 73
metropolitan housing authority, state retirement board, Ohio 74
historical society, public library, county law library, union 75
cemetery, joint hospital, institutional commissary, state medical 76
university, state university, or board, bureau, commission, 77
council, committee, authority, or administrative body as the same 78
are, or have been, created by action of the general assembly or by 79
the legislative authority of any of the units of local government 80
named in this division not covered by section 742.01, 3307.01, 81
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 82
means the employer of any public employee. 83

(E) "Prior military service" also means all service credited 84
for active duty with the armed forces of the United States as 85
provided in section 145.30 of the Revised Code. 86

(F) "Contributor" means any person who has an account in the 87
employees' savings fund created by section 145.23 of the Revised 88
Code. When used in the sections listed in division (B) of section 89
145.82 of the Revised Code, "contributor" includes any person 90
participating in a PERS defined contribution plan. 91

(G) "Beneficiary" or "beneficiaries" means the estate or a 92
person or persons who, as the result of the death of a member, 93
contributor, or retirant, qualify for or are receiving some right 94
or benefit under this chapter. 95

(H)(1) "Total service credit," except as provided in section 96
145.37 of the Revised Code, means all service credited to a member 97
of the retirement system since last becoming a member, including 98
restored service credit as provided by section 145.31 of the 99
Revised Code; credit purchased under sections 145.293 and 145.299 100
of the Revised Code; all the member's military service credit 101
computed as provided in this chapter; all service credit 102
established pursuant to section 145.297 of the Revised Code; and 103
any other service credited under this chapter. For the exclusive 104
purpose of satisfying the service credit requirement and of 105
determining eligibility for benefits under sections 145.32, 106
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 107
Revised Code, "five or more years of total service credit" means 108
sixty or more calendar months of contributing service in this 109
system. 110

(2) "One and one-half years of contributing service credit," 111
as used in division (B) of section 145.45 of the Revised Code, 112
also means eighteen or more calendar months of employment by a 113
municipal corporation that formerly operated its own retirement 114
plan for its employees or a part of its employees, provided that 115

all employees of that municipal retirement plan who have eighteen 116
or more months of such employment, upon establishing membership in 117
the public employees retirement system, shall make a payment of 118
the contributions they would have paid had they been members of 119
this system for the eighteen months of employment preceding the 120
date membership was established. When that payment has been made 121
by all such employee members, a corresponding payment shall be 122
paid into the employers' accumulation fund by that municipal 123
corporation as the employer of the employees. 124

(3) Where a member also is a member of the state teachers 125
retirement system or the school employees retirement system, or 126
both, except in cases of retirement on a combined basis pursuant 127
to section 145.37 of the Revised Code or as provided in section 128
145.383 of the Revised Code, service credit for any period shall 129
be credited on the basis of the ratio that contributions to the 130
public employees retirement system bear to total contributions in 131
all state retirement systems. 132

(4) Not more than one year of credit may be given for any 133
period of twelve months. 134

(5) "Ohio service credit" means credit for service that was 135
rendered to the state or any of its political subdivisions or any 136
employer. 137

(I) "Regular interest" means interest at any rates for the 138
respective funds and accounts as the public employees retirement 139
board may determine from time to time. 140

(J) "Accumulated contributions" means the sum of all amounts 141
credited to a contributor's individual account in the employees' 142
savings fund together with any interest credited to the 143
contributor's account under section 145.471 or 145.472 of the 144
Revised Code. 145

(K)(1) "Final average salary" means the greater of the 146

following: 147

(a) The sum of the member's earnable salaries for the 148
appropriate number of calendar years of contributing service, 149
determined under section 145.017 of the Revised Code, in which the 150
member's earnable salary was highest, divided by the same number 151
of calendar years or, if the member has fewer than the appropriate 152
number of calendar years of contributing service, the total of the 153
member's earnable salary for all years of contributing service 154
divided by the number of calendar years of the member's 155
contributing service; 156

(b) The sum of a member's earnable salaries for the 157
appropriate number of consecutive months, determined under section 158
145.017 of the Revised Code, that were the member's last months of 159
service, up to and including the last month, divided by the 160
appropriate number of years or, if the time between the first and 161
final months of service is less than the appropriate number of 162
consecutive months, the total of the member's earnable salary for 163
all months of contributing service divided by the number of years 164
between the first and final months of contributing service, 165
including any fraction of a year, except that the member's final 166
average salary shall not exceed the member's highest earnable 167
salary for any twelve consecutive months. 168

(2) If contributions were made in only one calendar year, 169
"final average salary" means the member's total earnable salary. 170

(L) "Annuity" means payments for life derived from 171
contributions made by a contributor and paid from the annuity and 172
pension reserve fund as provided in this chapter. All annuities 173
shall be paid in twelve equal monthly installments. 174

(M) "Annuity reserve" means the present value, computed upon 175
the basis of the mortality and other tables adopted by the board, 176
of all payments to be made on account of any annuity, or benefit 177

in lieu of any annuity, granted to a retirant as provided in this chapter.	178 179
(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.	180 181
(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.	182 183
(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.	184 185 186 187
(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	188 189
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.	190 191 192
(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.	193 194 195 196 197 198
(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.	199 200 201
(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund	202 203 204 205 206 207

under section 145.47 of the Revised Code and without regard to	208
whether any of the salary, wages, or other earnings are treated as	209
deferred income for federal income tax purposes. "Earnable salary"	210
includes the following:	211
(a) Payments made by the employer in lieu of salary, wages,	212
or other earnings for sick leave, personal leave, or vacation used	213
by the contributor;	214
(b) Payments made by the employer for the conversion of sick	215
leave, personal leave, and vacation leave accrued, but not used if	216
the payment is made during the year in which the leave is accrued,	217
except that payments made pursuant to section 124.383 or 124.386	218
of the Revised Code are not earnable salary;	219
(c) Allowances paid by the employer for maintenance,	220
consisting of housing, laundry, and meals, as certified to the	221
retirement board by the employer or the head of the department	222
that employs the contributor;	223
(d) Fees and commissions paid under section 507.09 of the	224
Revised Code;	225
(e) Payments that are made under a disability leave program	226
sponsored by the employer and for which the employer is required	227
by section 145.296 of the Revised Code to make periodic employer	228
and employee contributions;	229
(f) Amounts included pursuant to former division (K)(3) and	230
former division (Y) of this section and section 145.2916 of the	231
Revised Code.	232
(2) "Earnable salary" does not include any of the following:	233
(a) Fees and commissions, other than those paid under section	234
507.09 of the Revised Code, paid as sole compensation for personal	235
services and fees and commissions for special services over and	236
above services for which the contributor receives a salary;	237

(b) Amounts paid by the employer to provide life insurance,	238
sickness, accident, endowment, health, medical, hospital, dental,	239
or surgical coverage, or other insurance for the contributor or	240
the contributor's family, or amounts paid by the employer to the	241
contributor in lieu of providing the insurance;	242
(c) Incidental benefits, including lodging, food, laundry,	243
parking, or services furnished by the employer, or use of the	244
employer's property or equipment, or amounts paid by the employer	245
to the contributor in lieu of providing the incidental benefits;	246
(d) Reimbursement for job-related expenses authorized by the	247
employer, including moving and travel expenses and expenses	248
related to professional development;	249
(e) Payments for accrued but unused sick leave, personal	250
leave, or vacation that are made at any time other than in the	251
year in which the sick leave, personal leave, or vacation was	252
accrued;	253
(f) Payments made to or on behalf of a contributor that are	254
in excess of the annual compensation that may be taken into	255
account by the retirement system under division (a)(17) of section	256
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	257
U.S.C.A. 401(a)(17), as amended;	258
(g) Payments made under division (B), (C), or (E) of section	259
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	260
No. 3 of the 119th general assembly, Section 3 of Amended	261
Substitute Senate Bill No. 164 of the 124th general assembly, or	262
Amended Substitute House Bill No. 405 of the 124th general	263
assembly;	264
(h) Anything of value received by the contributor that is	265
based on or attributable to retirement or an agreement to retire,	266
except that payments made on or before January 1, 1989, that are	267
based on or attributable to an agreement to retire shall be	268

included in earnable salary if both of the following apply:	269
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	270 271
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	272 273 274
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	275 276
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	277 278 279
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	280 281 282 283 284
(T) "Contributing service" means both of the following:	285
(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.	286 287 288 289 290
(2) Service credit received by election of the member under section 145.814 of the Revised Code.	291 292
(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.	293 294 295
(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of	296 297 298

the Revised Code. 299

(W) "Employer contribution" means the amount paid by an 300
employer as determined under section 145.48 of the Revised Code. 301

(X) "Public service terminates" means the last day for which 302
a public employee is compensated for services performed for an 303
employer or the date of the employee's death, whichever occurs 304
first. 305

(Y) "Five years of service credit," for the exclusive purpose 306
of satisfying the service credit requirements and of determining 307
eligibility under section 145.33 or 145.332 of the Revised Code, 308
means employment covered under this chapter or under a former 309
retirement plan operated, recognized, or endorsed by the employer 310
prior to coverage under this chapter or under a combination of the 311
coverage. 312

(Z) "Deputy sheriff" means any person who is commissioned and 313
employed as a full-time peace officer by the sheriff of any 314
county, and has been so employed since on or before December 31, 315
1965; any person who is or has been commissioned and employed as a 316
peace officer by the sheriff of any county since January 1, 1966, 317
and who has received a certificate attesting to the person's 318
satisfactory completion of the peace officer training school as 319
required by section 109.77 of the Revised Code; or any person 320
deputized by the sheriff of any county and employed pursuant to 321
section 2301.12 of the Revised Code as a criminal bailiff or court 322
constable who has received a certificate attesting to the person's 323
satisfactory completion of the peace officer training school as 324
required by section 109.77 of the Revised Code. 325

(AA) "Township constable or police officer in a township 326
police department or district" means any person who is 327
commissioned and employed as a full-time peace officer pursuant to 328
Chapter 505. or 509. of the Revised Code, who has received a 329

certificate attesting to the person's satisfactory completion of 330
the peace officer training school as required by section 109.77 of 331
the Revised Code. 332

(BB) "Drug agent" means any person who is either of the 333
following: 334

(1) Employed full time as a narcotics agent by a county 335
narcotics agency created pursuant to section 307.15 of the Revised 336
Code and has received a certificate attesting to the satisfactory 337
completion of the peace officer training school as required by 338
section 109.77 of the Revised Code; 339

(2) Employed full time as an undercover drug agent as defined 340
in section 109.79 of the Revised Code and is in compliance with 341
section 109.77 of the Revised Code. 342

(CC) "Department of public safety enforcement agent" means a 343
full-time employee of the department of public safety who is 344
designated under section 5502.14 of the Revised Code as an 345
enforcement agent and who is in compliance with section 109.77 of 346
the Revised Code. 347

(DD) "Natural resources law enforcement staff officer" means 348
a full-time employee of the department of natural resources who is 349
designated a natural resources law enforcement staff officer under 350
section 1501.013 of the Revised Code and is in compliance with 351
section 109.77 of the Revised Code. 352

(EE) "Park officer" means a full-time employee of the 353
department of natural resources who is designated a park officer 354
under section 1541.10 of the Revised Code and is in compliance 355
with section 109.77 of the Revised Code. 356

(FF) "Forest officer" means a full-time employee of the 357
department of natural resources who is designated a forest officer 358
under section 1503.29 of the Revised Code and is in compliance 359
with section 109.77 of the Revised Code. 360

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

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

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

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

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

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

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

(NN) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section

5119.08 of the Revised Code and is in compliance with section 392
109.77 of the Revised Code. 393

(OO) "Special police officer for an institution for the 394
developmentally disabled" means any person who is designated as 395
such pursuant to section 5123.13 of the Revised Code and is in 396
compliance with section 109.77 of the Revised Code. 397

(PP) "State university law enforcement officer" means any 398
person who is employed full time as a state university law 399
enforcement officer pursuant to section 3345.04 of the Revised 400
Code and who is in compliance with section 109.77 of the Revised 401
Code. 402

(QQ) "House sergeant at arms" means any person appointed by 403
the speaker of the house of representatives under division (B)(1) 404
of section 101.311 of the Revised Code who has arrest authority 405
under division (E)(1) of that section. 406

(RR) "Assistant house sergeant at arms" means any person 407
appointed by the house sergeant at arms under division (C)(1) of 408
section 101.311 of the Revised Code. 409

(SS) "Regional transit authority police officer" means a 410
person who is employed full time as a regional transit authority 411
police officer under division (Y) of section 306.35 of the Revised 412
Code and is in compliance with section 109.77 of the Revised Code. 413

(TT) "State highway patrol police officer" means a special 414
police officer employed full time and designated by the 415
superintendent of the state highway patrol pursuant to section 416
5503.09 of the Revised Code or a person serving full time as a 417
special police officer pursuant to that section on a permanent 418
basis on October 21, 1997, who is in compliance with section 419
109.77 of the Revised Code. 420

(UU) "Municipal public safety director" means a person who 421
serves full time as the public safety director of a municipal 422

corporation with the duty of directing the activities of the 423
municipal corporation's police department and fire department. 424

(VV) Notwithstanding section 2901.01 of the Revised Code, 425
"PERS law enforcement officer" means a sheriff or any of the 426
following whose primary duties are to preserve the peace, protect 427
life and property, and enforce the laws of this state: a deputy 428
sheriff, township constable or police officer in a township police 429
department or district, drug agent, department of public safety 430
enforcement agent, natural resources law enforcement staff 431
officer, park officer, forest officer, preserve officer, wildlife 432
officer, state watercraft officer, park district police officer, 433
conservancy district officer, veterans' home police officer, 434
special police officer for a mental health institution, special 435
police officer for an institution for the developmentally 436
disabled, state university law enforcement officer, municipal 437
police officer, house sergeant at arms, assistant house sergeant 438
at arms, regional transit authority police officer, or state 439
highway patrol police officer. "PERS law enforcement officer" also 440
includes a person serving as a municipal public safety director at 441
any time during the period from September 29, 2005, to March 24, 442
2009, if the duties of that service were to preserve the peace, 443
protect life and property, and enforce the laws of this state. 444

(WW) "Hamilton county municipal court bailiff" means a person 445
appointed by the clerk of courts of the Hamilton county municipal 446
court under division (A)(3) of section 1901.32 of the Revised Code 447
who is employed full time as a bailiff or deputy bailiff, who has 448
received a certificate attesting to the person's satisfactory 449
completion of the peace officer basic training described in 450
division (D)(1) of section 109.77 of the Revised Code. 451

(XX) "PERS public safety officer" means a Hamilton county 452
municipal court bailiff, or any of the following whose primary 453
duties are other than to preserve the peace, protect life and 454

property, and enforce the laws of this state: a deputy sheriff, 455
township constable or police officer in a township police 456
department or district, drug agent, department of public safety 457
enforcement agent, natural resources law enforcement staff 458
officer, park officer, forest officer, preserve officer, wildlife 459
officer, state watercraft officer, park district police officer, 460
conservancy district officer, veterans' home police officer, 461
special police officer for a mental health institution, special 462
police officer for an institution for the developmentally 463
disabled, state university law enforcement officer, municipal 464
police officer, house sergeant at arms, assistant house sergeant 465
at arms, regional transit authority police officer, or state 466
highway patrol police officer. "PERS public safety officer" also 467
includes a person serving as a municipal public safety director at 468
any time during the period from September 29, 2005, to March 24, 469
2009, if the duties of that service were other than to preserve 470
the peace, protect life and property, and enforce the laws of this 471
state. 472

(YY) "Fiduciary" means a person who does any of the 473
following: 474

(1) Exercises any discretionary authority or control with 475
respect to the management of the system or with respect to the 476
management or disposition of its assets; 477

(2) Renders investment advice for a fee, direct or indirect, 478
with respect to money or property of the system; 479

(3) Has any discretionary authority or responsibility in the 480
administration of the system. 481

(ZZ) "Actuary" means an individual who satisfies all of the 482
following requirements: 483

(1) Is a member of the American academy of actuaries; 484

(2) Is an associate or fellow of the society of actuaries; 485

(3) Has a minimum of five years' experience in providing 486
actuarial services to public retirement plans. 487

(AAA) "PERS defined benefit plan" means the plan described in 488
sections 145.201 to 145.79 of the Revised Code. 489

(BBB) "PERS defined contribution plans" means the plan or 490
plans established under section 145.81 of the Revised Code. 491

Sec. 145.191. (A) Except as provided in division (F) of this 492
section, a public employees retirement system member or 493
contributor who, as of December 31, 2002, has less than five years 494
of total service credit is eligible to make an election under this 495
section. A member or contributor who is employed in more than one 496
position subject to this chapter is eligible to make only one 497
election. The election applies to all positions subject to this 498
chapter. 499

Not later than June 30, 2003, an eligible member or 500
contributor may elect to participate in a PERS defined 501
contribution plan. Unless a form evidencing an election is 502
received by the system on or before that date, a member or 503
contributor to whom this section applies is deemed to have elected 504
to continue participating in the PERS defined benefit plan. 505

(B) An election under this section shall be made in writing 506
on a form provided by the system and filed with the system. 507

(C) On the request of a member or contributor who made an 508
election under this section, the system shall credit to the plan 509
elected the accumulated contributions standing to the credit of 510
the member or contributor in the employees' savings fund and 511
cancel all service credit and eligibility for any payment, 512
benefit, or right under the PERS defined benefit plan. 513

(D) For each member or contributor who elected under this 514
section to participate in a PERS defined contribution plan and 515

made a request under division (C) of this section, any additional 516
deposits that were made by the member or contributor prior to 517
April 6, 2007, under the version of division (C) of section 145.23 518
of the Revised Code as it existed immediately prior to that date 519
shall be credited to the defined contribution plan. 520

(E) An election under this section is effective as of January 521
1, 2003, and, except as provided in section 145.814 of the Revised 522
Code or rules governing the PERS defined benefit plan, is 523
irrevocable on receipt by the system. 524

(F) An election may not be made under this section by a 525
member or contributor who is ~~either of the following:~~ 526

~~(1) A PERS retirant who is a member under division (D) of 527
section 145.38 of the Revised Code;~~ 528

~~(2) A a PERS law enforcement officer or a PERS public safety 529
officer.~~ 530

Sec. 145.38. (A) As used in this section ~~and sections 145.381 531
and 145.384 of the Revised Code:~~ 532

(1) "PERS retirant" means a former member of the public 533
employees retirement system who is receiving one of the following: 534

(a) Age and service retirement benefits under section 145.32, 535
145.33, 145.331, 145.332, or 145.46 or former section 145.34 of 536
the Revised Code; 537

(b) Age and service retirement benefits paid by the public 538
employees retirement system under section 145.37 of the Revised 539
Code; 540

(c) Any benefit paid under a PERS defined contribution plan. 541

(2) "Other system retirant" means both of the following: 542

(a) A member or former member of the Ohio police and fire 543
pension fund, state teachers retirement system, school employees 544

retirement system, state highway patrol retirement system, or 545
Cincinnati retirement system who is receiving age and service or 546
commuted age and service retirement benefits or a disability 547
benefit from a system of which the person is a member or former 548
member; 549

(b) A member or former member of the public employees 550
retirement system who is receiving age and service retirement 551
benefits or a disability benefit under section 145.37 of the 552
Revised Code paid by the school employees retirement system or the 553
state teachers retirement system. 554

(3) "Employ" or "employment" includes providing personal 555
services pursuant to a contract or as a consultant, as well as 556
direct employment. 557

(B)(1) Subject to this section ~~and section 145.381 of the~~ 558
~~Revised Code~~, a PERS retirant or other system retirant may be 559
employed by a public employer. If ~~so employed~~ employment commenced 560
prior to the effective date of this amendment, the PERS retirant 561
or other system retirant shall contribute to the public employees 562
retirement system in accordance with section 145.47 of the Revised 563
Code, and the employer shall make contributions in accordance with 564
section 145.48 of the Revised Code. 565

~~(2) A public employer that employs a PERS retirant or other 566
system retirant, or enters into a contract for services as an 567
independent contractor with a PERS retirant, shall notify the 568
retirement board of the employment or contract not later than the 569
end of the month in which the employment or contract commences. 570
Any overpayment of benefits to a PERS retirant by the retirement 571
system resulting from delay or failure of the employer to give the 572
notice shall be repaid to the retirement system by the employer. 573~~

~~(3) On receipt of notice from a public employer that a person 574
who is an other system retirant has been employed, the retirement 575~~

~~system shall notify the retirement system of which the other 576
system retirant was a member of such employment. 577~~

~~(4)(a) A An individual who became a PERS retirant prior to 578
the effective date of this amendment who has received a retirement 579
allowance for less than two months when employment subject to this 580
~~section~~ division commences shall forfeit the retirement allowance 581
for any month the PERS retirant is employed prior to the 582
expiration of the two-month period. Service and contributions for 583
that period shall not be included in calculation of any benefits 584
payable to the PERS retirant, and those contributions shall be 585
refunded on the retirant's death or termination of the employment. 586~~

~~(b) An individual who became an other system retirant prior 587
to the effective date of this amendment who has received a 588
retirement allowance or disability benefit for less than two 589
months when employment subject to this section commences shall 590
forfeit the retirement allowance or disability benefit for any 591
month the other system retirant is employed prior to the 592
expiration of the two-month period. Service and contributions for 593
that period shall not be included in the calculation of any 594
benefits payable to the other system retirant, and those 595
contributions shall be refunded on the retirant's death or 596
termination of the employment. 597~~

~~(e)(3) Contributions made on compensation earned after the 598
expiration of the two-month period described in division (B)(2) of 599
this section shall be used in the calculation of the benefit or 600
payment due under section 145.384 of the Revised Code. 601~~

~~(5) On receipt of notice from the Ohio police and fire 602
pension fund, school employees retirement system, or state 603
teachers retirement system of the re-employment of a PERS 604
retirant, the public employees retirement system shall not pay, or 605
if paid, shall recover, the amount to be forfeited by the PERS 606
retirant in accordance with section 742.26, 3307.35, or 3309.341 607~~

~~of the Revised Code.~~ 608

~~(6)(C)~~ A PERS retirant who enters, prior to the effective 609
date of this amendment, entered into a contract to provide 610
services as an independent contractor to the employer by which the 611
retirant was employed at the time of retirement or, less than two 612
months after the retirement allowance ~~commences, begins~~ commenced 613
began providing services as an independent contractor pursuant to 614
a contract with another public employer, shall forfeit the pension 615
portion of the retirement benefit for the period beginning the 616
first day of the month following the month in which the services 617
begin and ending on the first day of the month following the month 618
in which the services end. The annuity portion of the retirement 619
allowance shall be suspended on the day services under the 620
contract begin and shall accumulate to the credit of the retirant 621
to be paid in a single payment after services provided under the 622
contract terminate. A PERS retirant subject to this division 623
~~(B)(6) of this section~~ shall not contribute to the retirement 624
system and shall not become a member of the system. 625

~~(7) As used in this division, "employment" includes service~~ 626
~~for which a PERS retirant or other system retirant, the retirant's~~ 627
~~employer, or both, have waived any earnable salary for the~~ 628
~~service.~~ 629

~~(C)(1) Except as provided in division (C)(3) of this section,~~ 630
~~this division applies to both of the following:~~ 631

~~(a) A PERS retirant who, prior to September 14, 2000, was~~ 632
~~subject to division (C)(1)(b) of this section as that division~~ 633
~~existed immediately prior to September 14, 2000, and has not~~ 634
~~elected pursuant to Am. Sub. S.B. 144 of the 123rd general~~ 635
~~assembly to cease to be subject to that division;~~ 636

~~(b) A PERS retirant to whom both of the following apply:~~ 637

~~(i) The retirant held elective office in this state, or in~~ 638

~~any municipal corporation, county, or other political subdivision
of this state at the time of retirement under this chapter.~~ 639
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~~(ii) The retirant was elected or appointed to the same office
for the remainder of the term or the term immediately following
the term during which the retirement occurred.~~ 641
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~~(2) A PERS retirant who is subject to this division is a
member of the public employees retirement system with all the
rights, privileges, and obligations of membership, except that the
membership does not include survivor benefits provided pursuant to
section 145.45 of the Revised Code or, beginning on the ninetieth
day after September 14, 2000, any amount calculated under section
145.401 of the Revised Code. The pension portion of the PERS
retirant's retirement allowance shall be forfeited until the first
day of the first month following termination of the employment.
The annuity portion of the retirement allowance shall accumulate
to the credit of the PERS retirant to be paid in a single payment
after termination of the employment. The retirement allowance
shall resume on the first day of the first month following
termination of the employment. On termination of the employment,
the PERS retirant shall elect to receive either a refund of the
retirant's contributions to the retirement system during the
period of employment subject to this section or a supplemental
retirement allowance based on the retirant's contributions and
service credit for that period of employment.~~ 644
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~~(3) This division does not apply to any of the following:~~ 663

~~(a) A PERS retirant elected to office who, at the time of the
election for the retirant's current term, was not retired but, not
less than ninety days prior to the primary election for the term
or the date on which a primary for the term would have been held,
filed a written declaration of intent to retire before the end of
the term with the director of the board of elections of the county
in which petitions for nomination or election to the office are~~ 664
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~~filed;~~ 671

~~(b) A PERS retirant elected to office who, at the time of the election for the retirant's current term, was a retirant and had been retired for not less than ninety days;~~ 672
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~~(c) A PERS retirant appointed to office who, at the time of appointment to the retirant's current term, notified the person or entity making the appointment that the retirant was already retired or intended to retire before the end of the term.~~ 675
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~~(D)(1) Except as provided in division (C) of this section, a~~ 679
An individual who becomes a PERS retirant or other system retirant on or after the effective date of this amendment shall forfeit the pension portion of the retirement allowance for the period beginning the first day of the month following the month in which employment begins and ending on the first day of the month following the month in which employment ends. The annuity portion of the retirement allowance shall be suspended on the day employment begins and accumulate to the credit of the retirant to be used in a recalculation of the retirement allowance after employment ends. Neither the retirant nor the retirant's employer shall contribute to the public employees retirement system on the retirant's behalf. 680
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(E)(1) A public employer that employs a PERS retirant or other system retirant shall notify the retirement board of the employment not later than the end of the month in which the employment commences. Any overpayment of benefits to a PERS retirant by the retirement system resulting from delay or failure of the employer to give the notice shall be repaid to the retirement system by the employer. 692
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(2) On receipt of notice from a public employer that an individual who is an other system retirant has been employed, the retirement system shall notify the retirement system of which the 699
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other system retirant was a member of the employment. 702

(F) On receipt of notice from the Ohio police and fire 703
pension fund, school employees retirement system, or state 704
teachers retirement system of the re-employment of a PERS 705
retirant, the public employees retirement system shall not pay, or 706
if paid, shall recover, the amount to be forfeited by the PERS 707
retirant in accordance with section 742.26, 3307.35, or 3309.341 708
of the Revised Code. 709

(G)(1) A PERS retirant or other system retirant subject to 710
this section is not a member of the public employees retirement 711
system, and, except as specified in this section does not have any 712
of the rights, privileges, or obligations of membership. Except as 713
specified in division ~~(D)~~(G)(2) of this section, the retirant is 714
not eligible to receive health, medical, hospital, or surgical 715
benefits under section 145.58 of the Revised Code for employment 716
subject to this section. 717

(2) A PERS retirant subject to this section shall receive 718
primary health, medical, hospital, or surgical insurance coverage 719
from the retirant's employer, if the employer provides coverage to 720
other employees performing comparable work. Neither the employer 721
nor the PERS retirant may waive the employer's coverage, except 722
that the PERS retirant may waive the employer's coverage if the 723
retirant has coverage comparable to that provided by the employer 724
from a source other than the employer or the public employees 725
retirement system. If a claim is made, the employer's coverage 726
shall be the primary coverage and shall pay first. The benefits 727
provided under section 145.58 of the Revised Code shall pay only 728
those medical expenses not paid through the employer's coverage or 729
coverage the PERS retirant receives through a source other than 730
the retirement system. 731

~~(E)~~(H) If the disability benefit of an other system retirant 732
employed under this section is terminated, the retirant shall 733

become a member of the public employees retirement system, 734
effective on the first day of the month next following the 735
termination with all the rights, privileges, and obligations of 736
membership. If such person, after the termination of the 737
disability benefit, earns two years of service credit under this 738
system or under the Ohio police and fire pension fund, state 739
teachers retirement system, school employees retirement system, or 740
state highway patrol retirement system, the person's prior 741
contributions as an other system retirant under this section shall 742
be included in the person's total service credit as a public 743
employees retirement system member, and the person shall forfeit 744
all rights and benefits of this section. Not more than one year of 745
credit may be given for any period of twelve months. 746

~~(F)~~(I) This section does not affect the receipt of benefits 747
by or eligibility for benefits of any person who on August 20, 748
1976, was receiving a disability benefit or service retirement 749
pension or allowance from a state or municipal retirement system 750
in Ohio and was a member of any other state or municipal 751
retirement system of this state. 752

~~(G)~~(J) The public employees retirement board may adopt rules 753
to carry out this section. 754

Sec. 145.384. (A) As used in this section, "PERS retirant" 755
~~means a PERS retirant who is not subject to division (C) of has~~ 756
~~the same meaning as in section 145.38 of the Revised Code. ~~For~~~~ 757
~~purposes of this section, "PERS retirant", except that it also~~ 758
includes both of the following: 759

(1) A member who retired under section 145.383 of the Revised 760
Code; 761

(2) A retirant whose retirement allowance resumed under 762
section 145.385 of the Revised Code. 763

(B)(1) An other system retirant or PERS retirant who has made 764
contributions under section 145.38 or 145.383 of the Revised Code 765
or, in the case of a retirant described in division (A)(2) of this 766
section, section 145.47 of the Revised Code may file an 767
application with the public employees retirement system to receive 768
either a benefit, as provided in division (B)(2) of this section, 769
or payment of the retirant's contributions made under those 770
sections, as provided in division (H) of this section. 771

(2) A benefit under this section shall consist of an annuity 772
having a reserve equal to the amount of the retirant's accumulated 773
contributions for the period of employment, other than the 774
contributions excluded pursuant to division (B)~~(4)~~(2)(a) or (b) of 775
section 145.38 of the Revised Code, and an amount of the 776
employer's contributions determined by the board. 777

(a) Unless, as described in division (I) of this section, the 778
application is accompanied by a statement of the spouse's consent 779
to another form of payment or the board waives the requirement of 780
spousal consent, a PERS retirant or other system retirant who is 781
married at the time of application for a benefit under this 782
section shall receive a monthly annuity under which the actuarial 783
equivalent of the retirant's single life annuity is paid in a 784
lesser amount for life and one-half of the lesser amount continues 785
after the retirant's death to the surviving spouse. 786

(b) A PERS retirant or other system retirant who is not 787
subject to division (B)(2)(a) of this section shall elect either 788
to receive the benefit as a monthly annuity or a lump sum payment 789
discounted to the present value using a rate of interest 790
determined by the board. A retirant who elects to receive a 791
monthly annuity shall select one of the following as the plan of 792
payment: 793

(i) The retirant's single life annuity; 794

(ii) The actuarial equivalent of the retirant's single life annuity in an equal or lesser amount for life and continuing after death to a surviving beneficiary designated at the time the plan of payment is selected.

If a retirant who is eligible to select a plan of payment under division (B)(2)(b) of this section fails to do so, the benefit shall be paid as a monthly annuity under the plan of payment specified in rules adopted by the public employees retirement board.

(c) Notwithstanding divisions (B)(2)(a) and (b) of this section, if a monthly annuity would be less than twenty-five dollars per month, the retirant shall receive a lump sum payment.

(C)(1) The death of a spouse or other designated beneficiary under a plan of payment described in division (B)(2) of this section cancels that plan of payment. The PERS retirant or other system retirant shall receive the equivalent of the retirant's single life annuity, as determined by the board, effective the first day of the month following the date of death.

(2) On divorce, annulment, or marriage dissolution, a PERS retirant or other system retirant receiving a benefit described in division (B)(2) of this section under which the beneficiary is the spouse may, with the written consent of the spouse or pursuant to an order of the court with jurisdiction over the termination of the marriage, elect to cancel the plan and receive the equivalent of the retirant's single life annuity as determined by the board. The election shall be made on a form provided by the board and shall be effective the month following its receipt by the board.

(D) Following a marriage or remarriage, a PERS retirant or other system retirant who is receiving a benefit described in division (B)(2)(b)(i) of this section may elect a new plan of payment under division (B)(2)(b) of this section based on the

actuarial equivalent of the retirant's single life annuity as 826
determined by the board. 827

If the marriage or remarriage occurs on or after June 6, 828
2005, the election must be made not later than one year after the 829
date of the marriage or remarriage. 830

The plan elected under this division shall be effective on 831
the date of receipt by the board of an application on a form 832
approved by the board, but any change in the amount of the benefit 833
shall commence on the first day of the month following the 834
effective date of the plan. 835

(E) A benefit payable under division (B)(2) of this section 836
shall commence on the latest of the following: 837

(1) The last day for which compensation for all employment 838
subject to section 145.38, 145.383, or 145.385 of the Revised Code 839
was paid; 840

(2) Attainment by the PERS retirant or other system retirant 841
of age sixty-five; 842

(3) If the PERS retirant or other system retirant was 843
previously employed under section 145.38, 145.383, or 145.385 of 844
the Revised Code and is receiving or previously received a benefit 845
under this section, completion of a period of twelve months since 846
the effective date of the last benefit under this section; 847

(4) Ninety days prior to receipt by the board of the member's 848
completed application for retirement; 849

(5) A date specified by the retirant. 850

(F)(1) If a PERS retirant or other system retirant dies while 851
employed in employment subject to section 145.38, 145.383, or 852
145.385 of the Revised Code, a lump sum payment shall be paid to 853
the retirant's beneficiary under division (G) of this section. The 854
lump sum shall be calculated in accordance with division (H) of 855

this section if the retirant was under age sixty-five at the time 856
of death. It shall be calculated in accordance with division 857
(B)(2) of this section if the retirant was age sixty-five or older 858
at the time of death. 859

(2) If at the time of death a PERS retirant or other system 860
retirant receiving a monthly annuity under division (B)(2)(b)(i) 861
of this section has received less than the retirant would have 862
received as a lump sum payment, the difference between the amount 863
received and the amount that would have been received as a lump 864
sum payment shall be paid to the retirant's beneficiary under 865
division (G) of this section. 866

(3) If a beneficiary receiving a monthly annuity under 867
division (B)(2) of this section dies and, at the time of the 868
beneficiary's death, the total of the amounts paid to the retirant 869
and beneficiary are less than the amount the retirant would have 870
received as a lump sum payment, the difference between the total 871
of the amounts received by the retirant and beneficiary and the 872
amount that the retirant would have received as a lump sum payment 873
shall be paid to the beneficiary's estate. 874

(G) A PERS retirant or other system retirant employed under 875
section 145.38, 145.383, or 145.385 of the Revised Code may 876
designate one or more persons as beneficiary to receive any 877
benefits payable under division (B)(2)(b) of this section due to 878
death. The designation shall be in writing duly executed on a form 879
provided by the public employees retirement board, signed by the 880
PERS retirant or other system retirant, and filed with the board 881
prior to death. The last designation of a beneficiary revokes all 882
previous designations. The PERS retirant's or other system 883
retirant's marriage, divorce, marriage dissolution, legal 884
separation, withdrawal of account, birth of a child, or adoption 885
of a child revokes all previous designations. If there is no 886
designated beneficiary, the beneficiary is the beneficiary 887

determined under division (D) of section 145.43 of the Revised Code. If any benefit payable under this section due to the death of a PERS retirant or other system retirant is not claimed by a beneficiary within five years after the death, the amount payable shall be transferred to the income fund and thereafter paid to the beneficiary or the estate of the PERS retirant or other system retirant on application to the board.

(H)(1) A PERS retirant or other system retirant who applies under division (B)(1) of this section for payment of the retirant's contributions and is unmarried or is married and, unless the board has waived the requirement of spousal consent, includes with the application a statement of the spouse's consent to the payment, shall be paid the contributions made under section 145.38 or 145.383 of the Revised Code or, in the case of a retirant described in division (A)(2) of this section, section 145.47 of the Revised Code, plus interest as provided in section 145.471 of the Revised Code, if the following conditions are met:

(a) The retirant has not attained sixty-five years of age and has terminated employment subject to section 145.38, 145.383, or 145.385 of the Revised Code for any cause other than death or the receipt of a benefit under this section.

(b) Three months have elapsed since the termination of the retirant's employment subject to section 145.38, 145.383, or 145.385 of the Revised Code, other than employment exempted from contribution pursuant to section 145.03 of the Revised Code.

(c) The retirant has not returned to public service, other than service exempted from contribution pursuant to section 145.03 of the Revised Code, during the three-month period.

(2) Payment of a retirant's contributions cancels the retirant's right to a benefit under division (B)(2) of this section.

(I) A statement of a spouse's consent under division (B)(2) 919
of this section to the form of a benefit or under division (H) of 920
this section to a payment of contributions is valid only if signed 921
by the spouse and witnessed by a notary public. The board may 922
waive the requirement of spousal consent if the spouse is 923
incapacitated or cannot be located, or for any other reason 924
specified by the board. Consent or waiver is effective only with 925
regard to the spouse who is the subject of the consent or waiver. 926

(J) No amount received under this section shall be included 927
in determining an additional benefit under section 145.323 of the 928
Revised Code or any other post-retirement benefit increase. 929

Sec. 145.471. (A)(1) On and after December 13, 2000, the 930
public employees retirement board shall credit interest to the 931
individual accounts of contributors, except that interest shall 932
not be credited to the individual account of a PERS or other 933
system retirant, as defined in section 145.38 of the Revised Code, 934
for contributions received during the period described in division 935
(B)~~(4)~~(2)(a) or (b) of section 145.38 of the Revised Code. For 936
amounts deposited by a contributor under section 145.62 or the 937
version of division (C) of section 145.23 of the Revised Code as 938
it existed immediately prior to ~~the effective date of this~~ 939
~~amendment~~ April 6, 2007, interest or earnings shall be credited in 940
accordance with that section and former division. 941

(2) Except as provided in section 145.472 of the Revised 942
Code, the board shall not credit interest to individual accounts 943
for the period beginning December 31, 1958, and ending on December 944
13, 2000. 945

(B) For contributions received in a calendar year, interest 946
shall be earned beginning on the first day of the calendar year 947
next following and ending on the last day of that year, except 948
that interest shall be earned, in the case of an application for 949

retirement or payment under section 145.40 or 145.43 of the Revised Code, ending on the last day of the month prior to retirement or payment under those sections. The board shall credit interest at the end of the calendar year in which it is earned.

Sec. 145.472. This section applies to individuals who are contributors on December 13, 2000.

(A) Not later than thirty days after December 13, 2000, the public employees retirement board shall credit interest to the individual account of each contributor in accordance with this section, except that interest shall not be credited to the individual account of a PERS or other system retirant, as defined in section 145.38 of the Revised Code, for contributions received during the period described in division (B)~~(4)~~(2)(a) or (b) of section 145.38 of the Revised Code. For amounts deposited by a contributor under section 145.62 or the version of division (C) of section 145.23 of the Revised Code as it existed immediately prior to ~~the effective date of this amendment~~ April 6, 2007, interest or earnings shall be credited in accordance with that section or former division.

For contributors with service credit earned prior to December 31, 1981, the board may reflect the compounding of interest by using factors provided by the board's actuary.

(B) The interest credited under this section shall be calculated on all amounts on deposit in an individual's account in the employees' savings fund as follows:

(1) If this section takes effect on or before December 31, 2000, interest shall be calculated on amounts on deposit on December 31, 1998.

(2) If this section takes effect after December 31, 2000, interest shall be calculated on amounts on deposit on December 31,

1999. 980

Sec. 145.58. (A) The public employees retirement board shall 981
adopt rules establishing eligibility for any coverage provided 982
under this section. The rules shall base eligibility on years and 983
types of service credit earned by members. Eligibility 984
determinations shall be made in accordance with the rules, except 985
that an individual who, as a result of making a false statement in 986
an attempt to secure a benefit under this section, is convicted of 987
violating section 2921.13 of the Revised Code is ineligible for 988
coverage. 989

(B) The board may enter into agreements with insurance 990
companies, health insuring corporations, or government agencies 991
authorized to do business in the state for issuance of a policy or 992
contract of health, medical, hospital, or surgical benefits, or 993
any combination thereof, for eligible individuals receiving age 994
and service retirement or a disability or survivor benefit 995
subscribing to the plan, or for PERS retirants employed under 996
section 145.38 of the Revised Code, for coverage of benefits in 997
accordance with division ~~(C)~~(G)(2) of section 145.38 of the 998
Revised Code. Notwithstanding any other provision of this chapter, 999
the policy or contract may also include coverage for any eligible 1000
individual's spouse and dependent children and for any of the 1001
eligible individual's sponsored dependents as the board determines 1002
appropriate. If all or any portion of the policy or contract 1003
premium is to be paid by any individual receiving age and service 1004
retirement or a disability or survivor benefit, the individual 1005
shall, by written authorization, instruct the board to deduct the 1006
premium agreed to be paid by the individual to the company, 1007
corporation, or agency. 1008

The board may contract for coverage on the basis of part or 1009
all of the cost of the coverage to be paid from appropriate funds 1010

of the public employees retirement system. The cost paid from the 1011
funds of the system shall be included in the employer's 1012
contribution rate provided by sections 145.48 and 145.51 of the 1013
Revised Code. The board may by rule provide coverage to 1014
individuals who are not eligible under the rules adopted under 1015
division (A) of this section if the coverage is provided at no 1016
cost to the retirement system. The board shall not pay or 1017
reimburse the cost for coverage under this section or section 1018
145.584 of the Revised Code for any such individual. 1019

The board may provide for self-insurance of risk or level of 1020
risk as set forth in the contract with the companies, 1021
corporations, or agencies, and may provide through the 1022
self-insurance method specific benefits as authorized by rules of 1023
the board. 1024

(C) The board shall, beginning the month following receipt of 1025
satisfactory evidence of the payment for coverage, pay monthly to 1026
each recipient of service retirement, or a disability or survivor 1027
benefit under the public employees retirement system who is 1028
eligible for coverage under part B of the medicare program 1029
established under Title XVIII of "The Social Security Act 1030
Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 1395j, as 1031
amended, an amount determined by the board for such coverage, 1032
except that the board shall make no such payment to any individual 1033
who is not eligible for coverage under the rules adopted under 1034
division (A) of this section or pay an amount that exceeds the 1035
amount paid by the recipient for the coverage. 1036

At the request of the board, the recipient shall certify to 1037
the retirement system the amount paid by the recipient for 1038
coverage described in this division. 1039

(D) The board shall establish by rule requirements for the 1040
coordination of any coverage, payment, or benefit provided under 1041
this section or section 145.584 of the Revised Code with any 1042

similar coverage, payment, or benefit made available to the same 1043
individual by the Ohio police and fire pension fund, state 1044
teachers retirement system, school employees retirement system, or 1045
state highway patrol retirement system. 1046

(E) The board shall make all other necessary rules pursuant 1047
to the purpose and intent of this section. 1048

Sec. 742.26. (A) As used in this section: 1049

(1) "Actuarial present value" means the calculation under 1050
which the probability of occurrence, based on a specified 1051
mortality table, and the discount for future monetary growth at a 1052
specified interest rate are considered by an actuary to determine 1053
the value of an annuity. 1054

(2) "Other system retirant" means a former member of the 1055
public employees retirement system, state teachers retirement 1056
system, school employees retirement system, state highway patrol 1057
retirement system, or Cincinnati retirement system who is 1058
receiving a disability benefit or an age and service or commuted 1059
age and service retirement benefit or allowance from a system of 1060
which the person is a former member. 1061

(3) "OPFPF retirant" means any person who is receiving a 1062
retirement allowance, other than a disability benefit, from the 1063
Ohio police and fire pension fund. 1064

(4) "Employ" or "employment" includes providing personal 1065
services pursuant to a contract or as a consultant, as well as 1066
direct employment. 1067

(B) The mortality table and interest rate used in determining 1068
actuarial present value shall be determined by the board of 1069
trustees of the fund based on the recommendations of an actuary 1070
employed by the board. 1071

(C)(1) An OPFPF retirant or other system retirant may be 1072

employed as a member of a police or fire department. If ~~se~~ 1073
employed employment commenced before the effective date of this 1074
amendment, the retirant shall make contributions to the fund in 1075
accordance with section 742.31 of the Revised Code, and the 1076
employer shall make contributions in accordance with sections 1077
742.33 and 742.34 of the Revised Code. 1078

~~(2) An employer that employs an OPFPF retirant or other 1079
system retirant shall notify the board of trustees of the fund of 1080
the employment not later than the end of the month in which the 1081
employment commences. On receipt of notice from an employer that a 1082
person who is an other system retirant has been employed, the fund 1083
shall notify the retirement system of which the other system 1084
retirant was a member of such employment. 1085~~

~~(D) An individual who became an OPFPF retirant or other 1086
system retirant prior to the effective date of this amendment who 1087
has received a retirement allowance or benefit for less than two 1088
months when employment subject to this ~~section~~ division commences 1089
shall forfeit the retirement allowance or benefit for the period 1090
that begins on the date the employment commences and ends on the 1091
earlier of the date the employment terminates or the date that is 1092
two months after the date on which the retirement allowance or 1093
benefit commenced. Service and contributions for that period shall 1094
not be included in the calculation of any benefits payable under 1095
this section, and those contributions shall be refunded on the 1096
retirant's death or termination of the employment. 1097~~

~~(D) An individual who becomes an OPFPF retirant or other 1098
system retirant on or after the effective date of this amendment 1099
shall forfeit the pension portion of the retirement allowance or 1100
benefit for the period beginning the first day of the month 1101
following the month in which employment begins and ending on the 1102
first day of the month following the month in which employment 1103
ends. The annuity portion of the retirement allowance or benefit 1104~~

shall be suspended on the day employment begins and be used in a 1105
recalculation of the retirement allowance after employment ends. 1106
Neither the retirant nor the retirant's employer shall contribute 1107
to the Ohio police and fire pension fund on the retirant's behalf. 1108

(E) A police or fire department that employs an OPFPF 1109
retirant or other system retirant shall notify the board of 1110
trustees of the fund of the employment not later than the end of 1111
the month in which the employment commences. On receipt of notice 1112
from an employer that an individual who is an other system 1113
retirant has been employed, the fund shall notify the retirement 1114
system of which the other system retirant was a member of such 1115
employment. 1116

(F) On receipt of notice from the public employees retirement 1117
system, school employees retirement system, or state teachers 1118
retirement system of the re-employment of an OPFPF retirant, the 1119
Ohio police and fire pension fund shall not pay, or if paid shall 1120
recover, the amount to be forfeited by the OPFPF retirant in 1121
accordance with section 145.38, 3307.35, or 3309.341 of the 1122
Revised Code. 1123

~~(F)~~(G)(1) On termination of employment under this section, an 1124
OPFPF retirant or other system retirant may file an application 1125
with the board of trustees of the fund to receive either a 1126
benefit, as provided in division ~~(F)~~(G)(2) of this section, or 1127
payment of the retirant's contributions made under this section, 1128
as provided in division ~~(H)~~(I) of this section. 1129

(2) A benefit under this section shall consist of an annuity 1130
the actuarial present value of which is equal to two times the sum 1131
of all amounts deducted from the salary of the OPFPF retirant or 1132
other system retirant and credited to the retirant's individual 1133
account in the fund, other than contributions excluded pursuant to 1134
division ~~(D)~~(C)(2) of this section, together with interest 1135
credited thereon at the rate determined by the board. 1136

(a) Unless, as described in division ~~(I)~~(J) of this section, 1137
the application is accompanied by a statement of the spouse's 1138
consent to another form of payment or the board of trustees waives 1139
the requirement of spousal consent, a retirant who is married at 1140
the time of application under this division shall receive a 1141
monthly annuity under which the actuarial equivalent of the 1142
retirant's single life annuity is paid in a lesser amount for life 1143
and one-half of the lesser amount continues after the retirant's 1144
death to the surviving spouse. 1145

(b) A retirant who is not subject to division ~~(F)~~(G)(2)(a) of 1146
this section shall elect to receive either a monthly annuity or a 1147
~~lump sum~~ lump sum payment. If the retirant fails to elect a plan 1148
of payment, the annuity shall be paid as a monthly annuity under 1149
the plan of payment specified in rules adopted by the board of 1150
trustees of the fund. 1151

A retirant who elects to receive a monthly annuity shall 1152
select one of the following as the plan of payment: 1153

(i) The retirant's single life annuity; 1154

(ii) The actuarial equivalent of the retirant's single life 1155
annuity in an equal or lesser amount for life and continuing after 1156
death to a surviving beneficiary designated at the time the plan 1157
of payment is selected. 1158

(c) Notwithstanding divisions ~~(F)~~(G)(2)(a) and (b) of this 1159
section, if a monthly annuity would be less than twenty-five 1160
dollars per month, the retirant shall receive a lump sum payment. 1161

(3) Interest shall be credited to accounts only at the time 1162
of calculation of a benefit payable under division ~~(F)~~(G)(2) of 1163
this section. 1164

(4) A benefit payable under this division shall commence on 1165
the first day of the month immediately after the latest of the 1166
following: 1167

(a) The last day for which compensation for employment 1168
subject to this section was paid; 1169

(b) Attainment by the OPFPPF retirant or other system retirant 1170
of age sixty; 1171

(c) If the OPFPPF retirant or other system retirant was 1172
previously employed under this section and is receiving or 1173
previously received a benefit under this division, completion of a 1174
period of twelve months since the last benefit paid under this 1175
section commenced. 1176

(5) No amount received under this division shall be included 1177
in determining an additional benefit under section 742.3711, 1178
742.3716, or 742.3717 of the Revised Code or any other 1179
post-retirement benefit increase. 1180

~~(G)~~(H)(1) If an OPFPPF retirant or other system retirant dies 1181
while employed in employment subject to this section, a ~~lump sum~~ 1182
lump sum payment calculated in accordance with division ~~(F)~~(G)(2) 1183
of this section shall be paid to the retirant's surviving spouse, 1184
or if there is no surviving spouse, to the retirant's estate. 1185

(2) If at the time of death an OPFPPF retirant or other system 1186
retirant receiving a monthly annuity under division ~~(F)~~(G)(2) of 1187
this section has received less than would have been received as a 1188
~~lump sum~~ lump sum payment under division ~~(F)~~(G)(2) of this 1189
section, the difference between the amount received and the amount 1190
that would have been received as a ~~lump sum~~ lump sum payment shall 1191
be paid to the retirant's surviving spouse, or if there is no 1192
surviving spouse, to the retirant's estate. 1193

(3) If a beneficiary receiving a monthly annuity under 1194
division ~~(F)~~(G)(2) of this section dies and, at the time of the 1195
beneficiary's death, the total of the amounts paid to the retirant 1196
and beneficiary are less than the amount the retirant would have 1197
received as a lump sum payment, the difference between the total 1198

of the amounts received by the retirant and beneficiary and the 1199
amount that the retirant would have received as a lump sum payment 1200
shall be paid to the beneficiary's estate. 1201

~~(H)~~(I)(1) An OPFPF retirant or other system retirant who 1202
applies under division ~~(F)~~(G)(1) of this section for payment of 1203
the retirant's contributions and is unmarried or is married and, 1204
unless the board of trustees has waived the requirement of spousal 1205
consent, includes with the application a statement of the spouse's 1206
consent to the payment shall be paid the contributions made under 1207
division (C)(1) of this section, plus interest, if the following 1208
conditions are met: 1209

(a) The retirant has not attained sixty years of age and has 1210
terminated employment subject to this section for any cause other 1211
than death or the receipt of a benefit under division ~~(F)~~(G) of 1212
this section. 1213

(b) Three months have elapsed since the termination of 1214
employment subject to this section. 1215

(c) The retirant has not returned to service subject to this 1216
chapter or Chapter 145., 3307., or 3309. of the Revised Code, 1217
other than service exempted from contribution to the public 1218
employees retirement system pursuant to section 145.03 of the 1219
Revised Code, during the three-month period. 1220

(2) Payment of a retirant's contributions cancels the 1221
retirant's right to a benefit under division ~~(F)~~(G) of this 1222
section. 1223

~~(I)~~(J) A statement of a spouse's consent under division 1224
~~(F)~~(G) of this section to the form of a benefit or under division 1225
~~(H)~~(I) of this section to a payment of contributions is valid only 1226
if signed by the spouse and witnessed by a notary public. The 1227
board of trustees may waive the requirement of spousal consent if 1228
the spouse is incapacitated or cannot be located, or for any other 1229

reason specified by the board. Consent or waiver is effective only 1230
with regard to the spouse who is the subject of the consent or 1231
waiver. 1232

~~(J)~~(K) An other system retirant subject to this section is 1233
not a member of the Ohio police and fire pension fund, does not 1234
have any of the rights, privileges, or obligations of membership, 1235
except as specified in this section, and is not eligible to 1236
receive health, medical, hospital, or surgical benefits under 1237
section 742.45 of the Revised Code for employment subject to this 1238
section. 1239

~~(K)~~(L) If any payment is made by the Ohio police and fire 1240
pension fund to an OPFPF retirant or other system retirant to 1241
which the retirant is not entitled, the retirant shall repay it to 1242
the fund. If the retirant fails to make the repayment, the fund 1243
shall withhold the amount due from any allowances or other amounts 1244
due the OPFPF retirant or other system retirant. 1245

~~(L)~~(M) An OPFPF retirant who is employed under this section 1246
is not eligible to receive any benefits under section 742.37 of 1247
the Revised Code for the employment under this section. 1248

~~(M)~~(N) This section does not affect the receipt of benefits 1249
by or eligibility for benefits of any person who on August 20, 1250
1976, was receiving a disability benefit or service retirement 1251
pension or allowance from a state or municipal retirement system 1252
in Ohio and was a member of any other state or municipal 1253
retirement system of this state. 1254

~~(N)~~(O) The board of trustees of the fund may adopt rules to 1255
carry out this section. 1256

Sec. 3307.01. As used in this chapter: 1257

(A) "Employer" or "public employer" means the board of 1258
education, school district, governing authority of any community 1259

school established under Chapter 3314. of the Revised Code, a 1260
science, technology, engineering, and mathematics school 1261
established under Chapter 3326. of the Revised Code, college, 1262
university, institution, or other agency within the state by which 1263
a teacher is employed and paid. 1264

(B) "Teacher" means all of the following: 1265

(1) Any person paid from public funds and employed in the 1266
public schools of the state under any type of contract described 1267
in section 3311.77 or 3319.08 of the Revised Code in a position 1268
for which the person is required to have a license issued pursuant 1269
to sections 3319.22 to 3319.31 of the Revised Code; 1270

(2) Any person employed as a teacher by a community school or 1271
a science, technology, engineering, and mathematics school 1272
pursuant to Chapter 3314. or 3326. of the Revised Code; 1273

(3) Any person having a license issued pursuant to sections 1274
3319.22 to 3319.31 of the Revised Code and employed in a public 1275
school in this state in an educational position, as determined by 1276
the state board of education, under programs provided for by 1277
federal acts or regulations and financed in whole or in part from 1278
federal funds, but for which no licensure requirements for the 1279
position can be made under the provisions of such federal acts or 1280
regulations; 1281

(4) Any person having a license issued pursuant to sections 1282
3319.22 to 3319.31 of the Revised Code and performing services 1283
that are funded under section 3317.06 of the Revised Code and 1284
provided to students attending nonpublic schools, without regard 1285
to whether the services are performed in a public school and 1286
whether the person is employed under a contract with a third 1287
party; 1288

(5) Any other teacher or faculty member employed in any 1289
school, college, university, institution, or other agency wholly 1290

controlled and managed, and supported in whole or in part, by the 1291
state or any political subdivision thereof, including Central 1292
state university, Cleveland state university, and the university 1293
of Toledo; 1294

(6) The educational employees of the department of education, 1295
as determined by the state superintendent of public instruction. 1296

In all cases of doubt, the state teachers retirement board 1297
shall determine whether any person is a teacher, and its decision 1298
shall be final. 1299

"Teacher" does not include any eligible employee of a public 1300
institution of higher education, as defined in section 3305.01 of 1301
the Revised Code, who elects to participate in an alternative 1302
retirement plan established under Chapter 3305. of the Revised 1303
Code. 1304

(C) "Member" means any person included in the membership of 1305
the state teachers retirement system, which shall consist of all 1306
teachers and contributors as defined in divisions (B) and (D) of 1307
this section and all disability benefit recipients, as defined in 1308
section 3307.50 of the Revised Code. However, for purposes of this 1309
chapter, the following persons shall not be considered members: 1310

(1) A student, intern, or resident who is not a member while 1311
employed part-time by a school, college, or university at which 1312
the student, intern, or resident is regularly attending classes; 1313

(2) A person denied membership pursuant to section 3307.24 of 1314
the Revised Code; 1315

(3) An other system retirant, as defined in section 3307.35 1316
of the Revised Code, or a superannuate; 1317

(4) An individual employed in a program established pursuant 1318
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 1319
U.S.C.A. 1501; 1320

(5) The surviving spouse of a member or retirant if the 1321
surviving spouse's only connection to the retirement system is an 1322
account in an STRS defined contribution plan. 1323

(D) "Contributor" means any person who has an account in the 1324
teachers' savings fund or defined contribution fund, except that 1325
"contributor" does not mean a member or retirant's surviving 1326
spouse with an account in an STRS defined contribution plan. 1327

(E) "Beneficiary" means any person eligible to receive, or in 1328
receipt of, a retirement allowance or other benefit provided by 1329
this chapter. 1330

(F) "Year" means the year beginning the first day of July and 1331
ending with the thirtieth day of June next following, except that 1332
for the purpose of determining final average salary under the plan 1333
described in sections 3307.50 to 3307.79 of the Revised Code, 1334
"year" may mean the contract year. 1335

(G) "Local district pension system" means any school teachers 1336
pension fund created in any school district of the state in 1337
accordance with the laws of the state prior to September 1, 1920. 1338

(H) "Employer contribution" means the amount paid by an 1339
employer, as determined by the employer rate, including the normal 1340
and deficiency rates, contributions, and funds wherever used in 1341
this chapter. 1342

(I) "Five years of service credit" means employment covered 1343
under this chapter and employment covered under a former 1344
retirement plan operated, recognized, or endorsed by a college, 1345
institute, university, or political subdivision of this state 1346
prior to coverage under this chapter. 1347

(J) "Actuary" means an actuarial professional contracted with 1348
or employed by the state teachers retirement board, who shall be 1349
either of the following: 1350

(1) A member of the American academy of actuaries;	1351
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	1352 1353
(K) "Fiduciary" means a person who does any of the following:	1354
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	1355 1356 1357
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	1358 1359
(3) Has any discretionary authority or responsibility in the administration of the system.	1360 1361
(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	1362 1363 1364 1365 1366 1367 1368 1369 1370 1371
(2) Compensation does not include any of the following:	1372
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	1373 1374 1375 1376
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	1377 1378 1379
(c) Payments made for vacation pay covering concurrent	1380

periods for which other salary, compensation, or benefits under 1381
this chapter or Chapter 145. or 3309. of the Revised Code are 1382
paid; 1383

(d) Amounts paid by the employer to provide life insurance, 1384
sickness, accident, endowment, health, medical, hospital, dental, 1385
or surgical coverage, or other insurance for the teacher or the 1386
teacher's family, or amounts paid by the employer to the teacher 1387
in lieu of providing the insurance; 1388

(e) Incidental benefits, including lodging, food, laundry, 1389
parking, or services furnished by the employer, use of the 1390
employer's property or equipment, and reimbursement for 1391
job-related expenses authorized by the employer, including moving 1392
and travel expenses and expenses related to professional 1393
development; 1394

(f) Payments made by the employer in exchange for a member's 1395
waiver of a right to receive any payment, amount, or benefit 1396
described in division (L)(2) of this section; 1397

(g) Payments by the employer for services not actually 1398
rendered; 1399

(h) Any amount paid by the employer as a retroactive increase 1400
in salary, wages, or other earnings, unless the increase is one of 1401
the following: 1402

(i) A retroactive increase paid to a member employed by a 1403
school district board of education in a position that requires a 1404
license designated for teaching and not designated for being an 1405
administrator issued under section 3319.22 of the Revised Code 1406
that is paid in accordance with uniform criteria applicable to all 1407
members employed by the board in positions requiring the licenses; 1408

(ii) A retroactive increase paid to a member employed by a 1409
school district board of education in a position that requires a 1410
license designated for being an administrator issued under section 1411

3319.22 of the Revised Code that is paid in accordance with 1412
uniform criteria applicable to all members employed by the board 1413
in positions requiring the licenses; 1414

(iii) A retroactive increase paid to a member employed by a 1415
school district board of education as a superintendent that is 1416
also paid as described in division (L)(2)(h)(i) of this section; 1417

(iv) A retroactive increase paid to a member employed by an 1418
employer other than a school district board of education in 1419
accordance with uniform criteria applicable to all members 1420
employed by the employer. 1421

(i) Payments made to or on behalf of a teacher that are in 1422
excess of the annual compensation that may be taken into account 1423
by the retirement system under division (a)(17) of section 401 of 1424
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1425
401(a)(17), as amended. For a teacher who first establishes 1426
membership before July 1, 1996, the annual compensation that may 1427
be taken into account by the retirement system shall be determined 1428
under division (d)(3) of section 13212 of the "Omnibus Budget 1429
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1430

(j) Payments made under division (B), (C), or (E) of section 1431
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1432
No. 3 of the 119th general assembly, Section 3 of Amended 1433
Substitute Senate Bill No. 164 of the 124th general assembly, or 1434
Amended Substitute House Bill No. 405 of the 124th general 1435
assembly; 1436

(k) Anything of value received by the teacher that is based 1437
on or attributable to retirement or an agreement to retire; 1438

(l) Any amount paid by the employer as a retroactive payment 1439
of earnings, damages, or back pay pursuant to a court order, 1440
court-adopted settlement agreement, or other settlement agreement, 1441
unless the retirement system receives both of the following: 1442

(i) Teacher and employer contributions under sections 3307.26 1443
and 3307.28 of the Revised Code, plus interest compounded annually 1444
at a rate determined by the board, for each year or portion of a 1445
year for which amounts are paid under the order or agreement; 1446

(ii) Teacher and employer contributions under sections 1447
3307.26 and 3307.28 of the Revised Code, plus interest compounded 1448
annually at a rate determined by the board, for each year or 1449
portion of a year not subject to division (L)(2)(1)(i) of this 1450
section for which the board determines the teacher was improperly 1451
paid, regardless of the teacher's ability to recover on such 1452
amounts improperly paid. 1453

(3) The retirement board shall determine both of the 1454
following: 1455

(a) Whether particular forms of earnings are included in any 1456
of the categories enumerated in this division; 1457

(b) Whether any form of earnings not enumerated in this 1458
division is to be included in compensation. 1459

Decisions of the board made under this division shall be 1460
final. 1461

(M) "Superannuate" means both of the following: 1462

(1) A former teacher receiving from the system a retirement 1463
allowance under section 3307.58 or 3307.59 of the Revised Code; 1464

(2) A former teacher receiving a benefit from the system 1465
under a plan established under section 3307.81 of the Revised 1466
Code, except that "superannuate" does not include a former teacher 1467
who is receiving a benefit based on disability under a plan 1468
established under section 3307.81 of the Revised Code. 1469

For purposes of ~~sections~~ section 3307.35 ~~and 3307.353~~ of the 1470
Revised Code, "superannuate" also means a former teacher receiving 1471
from the system a combined service retirement benefit paid in 1472

accordance with section 3307.57 of the Revised Code, regardless of 1473
which retirement system is paying the benefit. 1474

(N) "STRS defined benefit plan" means the plan described in 1475
sections 3307.50 to 3307.79 of the Revised Code. 1476

(O) "STRS defined contribution plan" means the plans 1477
established under section 3307.81 of the Revised Code and includes 1478
the STRS combined plan under that section. 1479

Sec. 3307.35. (A) As used in this section and section 1480
3307.352 of the Revised Code, ~~"other:~~ 1481

(1) "Other system retirant" means both of the following: 1482

~~(1)(a)~~ (a) A member or former member of the public employees 1483
retirement system, Ohio police and fire pension fund, school 1484
employees retirement system, state highway patrol retirement 1485
system, or Cincinnati retirement system who is receiving from a 1486
system of which the retirant is a member or former member age and 1487
service or commuted age and service retirement, a benefit, 1488
allowance, or distribution under a plan established under section 1489
145.81 or 3309.81 of the Revised Code, or a disability benefit; 1490

~~(2)(b)~~ (b) A person who is participating or has participated in 1491
an alternative retirement plan established under Chapter 3305. of 1492
the Revised Code and is receiving a benefit, allowance, or 1493
distribution under the plan. 1494

(2) "Employ" or "employment" includes providing personal 1495
services pursuant to a contract or as a consultant, as well as 1496
direct employment. 1497

(B)(1) Subject to this section ~~and section 3307.353 of the~~ 1498
~~Revised Code~~, a superannuate or other system retirant may be 1499
employed as a teacher. 1500

~~(C)~~ A If employment commenced before the effective date of 1501
this amendment, the superannuate or other system retirant employed 1502

in accordance with this ~~section~~ division shall contribute to the 1503
state teachers retirement system in accordance with section 1504
3307.26 of the Revised Code and the employer shall contribute in 1505
accordance with sections 3307.28 and 3307.31 of the Revised Code. 1506
Such contributions shall be received as specified in section 1507
3307.14 of the Revised Code. ~~A superannuate or other system~~ 1508
~~retirant employed as a teacher is not a member of the state~~ 1509
~~teachers retirement system, does not have any of the rights,~~ 1510
~~privileges, or obligations of membership, except as provided in~~ 1511
~~this section, and is not eligible to receive health, medical,~~ 1512
~~hospital, or surgical benefits under section 3307.39 of the~~ 1513
~~Revised Code for employment subject to this section.~~ 1514

~~(D) The employer that employs a superannuate or other system~~ 1515
~~retirant shall notify the state teachers retirement board of the~~ 1516
~~employment not later than the end of the month in which the~~ 1517
~~employment commences. Any overpayment of benefits to a~~ 1518
~~superannuate by the retirement system resulting from an employer's~~ 1519
~~failure to give timely notice may be charged to the employer and~~ 1520
~~may be certified and deducted as provided in section 3307.31 of~~ 1521
~~the Revised Code.~~ 1522

~~(E) On receipt of notice from an employer that a person who~~ 1523
~~is an other system retirant has been employed, the state teachers~~ 1524
~~retirement system shall notify the state retirement system of~~ 1525
~~which the other system retirant was a member of such employment.~~ 1526

~~(F) A (2) An individual who became a superannuate or other~~ 1527
~~system retirant prior to the effective date of this amendment who~~ 1528
~~has received an allowance or benefit for less than two months when~~ 1529
~~employment subject to this ~~section~~ division or section 3305.05 of~~ 1530
~~the Revised Code commences shall forfeit the allowance or benefit~~ 1531
~~for any month the superannuate or retirant is employed prior to~~ 1532
~~the expiration of such period. The allowance or benefit forfeited~~ 1533
~~each month shall be equal to the monthly amount the superannuate~~ 1534

or other system retirant is eligible to receive under a single 1535
lifetime benefit plan of payment described in section 3307.60 of 1536
the Revised Code. Contributions shall be made to the retirement 1537
system from the first day of such employment, but service and 1538
contributions for that period shall not be used in the calculation 1539
of any benefit payable to the superannuate or other system 1540
retirant, and those contributions shall be refunded on the 1541
superannuate's or retirant's death or termination of the 1542
employment. Contributions made on compensation earned after the 1543
expiration of such period shall be used in calculation of the 1544
benefit or payment due under section 3307.352 of the Revised Code. 1545

~~(G)~~(C) An individual who becomes a superannuate or other 1546
system retirant on or after the effective date of this amendment 1547
shall forfeit the pension portion of the retirement allowance for 1548
the period beginning the first day of the month following the 1549
month in which employment begins and ending on the first day of 1550
the month following the month in which employment ends. The 1551
annuity portion of the retirement allowance shall be suspended on 1552
the day employment begins and accumulate to the credit of the 1553
superannuate or retirant to be used in a recalculation of the 1554
retirement allowance after employment ends. Neither the 1555
superannuate or retirant nor the employer shall contribute to the 1556
state teachers retirement system on behalf of the superannuate or 1557
retirant. 1558

(D) A superannuate or other system retirant employed as a 1559
teacher is not a member of the state teachers retirement system, 1560
does not have any of the rights, privileges, or obligations of 1561
membership, except as provided in this section, and is not 1562
eligible to receive health, medical, hospital, or surgical 1563
benefits under section 3307.39 of the Revised Code for employment 1564
subject to this section. 1565

(E)(1) The public employer that employs a superannuate or 1566

other system retirant shall notify the state teachers retirement board of the employment not later than the end of the month in which the employment commences. Any overpayment of benefits to a superannuate by the retirement system resulting from an employer's failure to give timely notice may be charged to the employer and may be certified and deducted as provided in section 3307.31 of the Revised Code.

(2) On receipt of notice from an employer that an individual who is an other system retirant has been employed, the state teachers retirement system shall notify the state retirement system of which the other system retirant was a member of such employment.

(F) On receipt of notice from the Ohio police and fire pension fund, public employees retirement system, or school employees retirement system of the re-employment of a superannuate, the state teachers retirement system shall not pay, or if paid shall recover, the amount to be forfeited by the superannuate in accordance with section 145.38, 742.26, or 3309.341 of the Revised Code.

~~(H)~~(G) If the disability benefit of an other system retirant employed under this section is terminated, the retirant shall become a member of the state teachers retirement system, effective on the first day of the month next following the termination, with all the rights, privileges, and obligations of membership. If the retirant, after the termination of the retirant's disability benefit, earns two years of service credit under this retirement system or under the public employees retirement system, Ohio police and fire pension fund, school employees retirement system, or state highway patrol retirement system, the retirant's prior contributions as an other system retirant under this section shall be included in the retirant's total service credit, as defined in section 3307.50 of the Revised Code, as a state teachers

retirement system member, and the retirant shall forfeit all 1599
rights and benefits of this section. Not more than one year of 1600
credit may be given for any period of twelve months. 1601

~~(I)~~(H) This section does not affect the receipt of benefits 1602
by or eligibility for benefits of any person who on August 20, 1603
1976, was receiving a disability benefit or service retirement 1604
pension or allowance from a state or municipal retirement system 1605
in Ohio and was a member of any other state or municipal 1606
retirement system of this state. 1607

~~(J)~~(I) The state teachers retirement board may make the 1608
necessary rules to carry into effect this section and to prevent 1609
the abuse of the rights and privileges thereunder. 1610

Sec. 3307.352. For purposes of this section, "superannuate" 1611
includes a member who retired under section 3307.351 of the 1612
Revised Code. 1613

(A) Except as provided in division (B)(3) of this section, a 1614
superannuate or other system retirant who has made contributions 1615
under section 3307.35 or 3307.351 of the Revised Code may file an 1616
application with the state teachers retirement system for a 1617
benefit consisting of a single life annuity. The annuity shall 1618
have a reserve equal to the amount of the superannuate's or 1619
retirant's accumulated contributions, as defined in section 1620
3307.50 of the Revised Code, for the period of employment, other 1621
than the contributions excluded pursuant to division ~~(F)~~(B)(2) of 1622
section 3307.35 of the Revised Code, and an amount determined by 1623
the state teachers retirement board from the employers' trust 1624
created by section 3307.14 of the Revised Code, plus interest 1625
credited to the date of retirement at a rate of interest 1626
determined by the board. The superannuate or other system retirant 1627
shall elect either to receive the benefit as a monthly annuity for 1628
life or a lump sum payment discounted to the present value using a 1629

rate of interest determined by the board, except that if the 1630
monthly annuity would be less than twenty-five dollars per month 1631
the superannuate or retirant shall receive a lump sum payment. 1632

A benefit payable under this division shall commence on the 1633
first day of the month immediately following the latest of the 1634
following: 1635

(1) The last day for which compensation for employment 1636
subject to this section was paid; 1637

(2) Attainment by the superannuate or other system retirant 1638
of age sixty-five; 1639

(3) If the superannuate or other system retirant was 1640
previously employed under section 3307.35 or 3307.351 of the 1641
Revised Code and previously received or is receiving a benefit 1642
under this division, completion of a period of twelve months since 1643
the effective date of the last benefit under this division. 1644

(B)(1) A superannuate or other system retirant under age 1645
sixty-five who has made contributions under section 3307.35 or 1646
3307.351 of the Revised Code may file an application with the 1647
state teachers retirement system for a return of those 1648
contributions if both of the following conditions are met: 1649

(a) The superannuate or retirant has terminated, for any 1650
reason other than death, the employment for which the 1651
contributions were made. 1652

(b) If the superannuate or retirant received a return of 1653
contributions under this division for a previous period of 1654
employment under section 3307.35 or 3307.351 of the Revised Code, 1655
twelve months have passed since the date the retirement system 1656
returned the contributions. 1657

(2) A return of contributions under this division shall 1658
consist of the sum of the following: 1659

(a) The contributions the superannuate or other system 1660
retirant made under section 3307.35 or 3307.351 of the Revised 1661
Code other than the contributions excluded under division 1662
(F)(B)(2) of section 3307.35 of the Revised Code; 1663

(b) Interest at a rate determined by the state teachers 1664
retirement board credited through the later of the month the 1665
superannuate or retirant terminated the employment for which the 1666
contributions are made or the date required by division (B)(1)(b) 1667
of this section. 1668

(3) Payment of a return of contributions under this division 1669
shall be made on a date determined by the state teachers 1670
retirement board but shall be not earlier than the later of the 1671
first day of the first month following termination of employment 1672
or the date required by division (B)(1)(b) of this section. The 1673
payment cancels the ~~superannuate~~ superannuate's or retirant's 1674
right to a benefit under division (A) of this section for the 1675
service for which the contributions were made. 1676

(C)(1) If a superannuate or other system retirant who made 1677
contributions under section 3307.35 or 3307.351 of the Revised 1678
Code dies before receiving a benefit under division (A) of this 1679
section or a return of contributions under division (B) of this 1680
section, a lump sum payment shall be paid to the beneficiary 1681
designated under division (D)(1) of section 3307.562 of the 1682
Revised Code. The lump sum shall be calculated in accordance with 1683
division (A) of this section, except that the interest shall be 1684
credited as follows: 1685

(a) If the superannuate or retirant was under age sixty-five 1686
at the time of death, the interest shall be credited through the 1687
month of death. 1688

(b) If the superannuate or retirant was age sixty-five or 1689
older at the time of death, the interest shall be credited through 1690

the later of the month in which the superannuate or retirant 1691
terminated the employment for which the contributions are made or 1692
the month the superannuate or retirant attained age sixty-five. 1693

(2) If at the time of death a superannuate or other system 1694
retirant receiving a monthly annuity under division (A) of this 1695
section has received less than the superannuate or retirant would 1696
have received as a lump sum payment, the difference between the 1697
amount received and the amount that would have been received as a 1698
lump sum payment shall be paid to the superannuate's or retirant's 1699
beneficiary designated under division (D)(1) of section 3307.562 1700
of the Revised Code. 1701

(D) No amount received under this section shall be included 1702
in determining an additional benefit under section 3307.67 of the 1703
Revised Code or any other post-retirement benefit increase. 1704

Sec. 3309.341. (A) As used in this section and section 1705
3309.344 of the Revised Code: 1706

(1) "SERS retirant" means any person who is receiving a 1707
retirement allowance from the school employees retirement system 1708
under section 3309.36 or 3309.381 or former section 3309.38 of the 1709
Revised Code or any benefit paid under a plan established under 1710
section 3309.81 of the Revised Code. 1711

(2) "Other system retirant" means a member or former member 1712
of the public employees retirement system, Ohio police and fire 1713
pension fund, state teachers retirement system, state highway 1714
patrol retirement system, or Cincinnati retirement system who is 1715
receiving age and service or commuted age and service retirement, 1716
or a disability benefit from a system of which the retirant is a 1717
member or former member. 1718

(3) "Employ" or "employment" includes providing personal 1719
services pursuant to a contract or as a consultant, as well as 1720

direct employment. 1721

(B)(1) Subject to this section ~~and section 3309.345 of the~~ 1722
~~Revised Code~~, an SERS retirant or other system retirant may be 1723
employed by a public employer. If ~~so employed~~ employment commenced 1724
before the effective date of this amendment, the SERS retirant or 1725
other system retirant shall contribute to the school employees 1726
retirement system in accordance with section 3309.47 of the 1727
Revised Code, and the employer shall make contributions in 1728
accordance with section 3309.49 of the Revised Code. 1729

(2) ~~An employer that employs an SERS retirant or other system~~ 1730
~~retirant shall notify the retirement board of the employment not~~ 1731
~~later than the end of the month in which the employment commences.~~ 1732
~~On receipt of notice from an employer that a person who is an~~ 1733
~~other system retirant has been employed, the school employees~~ 1734
~~retirement system shall notify the state retirement system of~~ 1735
~~which the other system retirant was a member of such employment.~~ 1736

~~(C)~~ An individual who became an SERS retirant or other system 1737
retirant prior to the effective date of this amendment who has 1738
received a retirement allowance or disability benefit for less 1739
than two months when employment subject to this ~~section~~ division 1740
commences shall forfeit the retirement allowance or disability 1741
benefit for any month the SERS retirant or other system retirant 1742
is employed prior to the expiration of the two-month period. 1743
Service and contributions for that period shall not be included in 1744
the calculation of any benefits payable to the SERS retirant or 1745
other system retirant, and those contributions shall be refunded 1746
on death or termination of the employment. Contributions made on 1747
compensation earned after the expiration of such period shall be 1748
used in the calculation of the benefit or payment due under 1749
section 3309.344 of the Revised Code. 1750

(C) An individual who becomes an SERS retirant or other 1751
system retirant on or after the effective date of this amendment 1752

shall forfeit the pension portion of the retirement allowance for 1753
the period beginning the first day of the month following the 1754
month in which employment begins and ending on the first day of 1755
the month following the month in which employment ends. The 1756
annuity portion of the retirement allowance shall be suspended on 1757
the day employment begins and accumulate to the credit of the 1758
retirant to be used in a recalculation of the retirement allowance 1759
after employment ends. Neither the retirant nor the retirant's 1760
employer shall contribute to the school employees retirement 1761
system on the retirant's behalf. 1762

(D) An employer that employs an SERS retirant or other system 1763
retirant shall notify the school employees retirement board of the 1764
employment not later than the end of the month in which the 1765
employment commences. On receipt of notice from an employer that 1766
an individual who is an other system retirant has been employed, 1767
the school employees retirement system shall notify the state 1768
retirement system of which the other system retirant was a member 1769
of such employment. 1770

(E) On receipt of notice from the Ohio police and fire 1771
pension fund, public employees retirement system, or state 1772
teachers retirement system of the re-employment of an SERS 1773
retirant, the school employees retirement system shall not pay, or 1774
if paid shall recover, the amount to be forfeited by the SERS 1775
retirant in accordance with section 145.38, 742.26, or 3307.35 of 1776
the Revised Code. 1777

~~(E)~~(F) An SERS retirant or other system retirant subject to 1778
this section is not a member of the school employees retirement 1779
system; does not have any of the rights, privileges, or 1780
obligations of membership, except as specified in this section; 1781
and is not eligible to receive health, medical, hospital, or 1782
surgical benefits under section 3309.69 of the Revised Code for 1783
employment subject to this section. 1784

~~(F)~~(G) If the disability benefit of an other system retirant 1785
employed under this section is terminated, the retirant shall 1786
become a member of the school employees retirement system, 1787
effective on the first day of the month next following the 1788
termination, with all the rights, privileges, and obligations of 1789
membership. If the retirant, after the termination of the 1790
disability benefit, earns two years of service credit under this 1791
retirement system or under the public employees retirement system, 1792
Ohio police and fire pension fund, state teachers retirement 1793
system, or state highway patrol retirement system, the retirant's 1794
prior contributions as an other system retirant under this section 1795
shall be included in the retirant's total service credit as a 1796
school employees retirement system member, and the retirant shall 1797
forfeit all rights and benefits of this section. Not more than one 1798
year of credit may be given for any period of twelve months. 1799

~~(G)~~(H) This section does not affect the receipt of benefits 1800
by or eligibility for benefits of any person who on August 29, 1801
1976, was receiving a disability benefit or service retirement 1802
pension or allowance from a state or municipal retirement system 1803
in Ohio and was a member of any other state or municipal 1804
retirement system of this state. 1805

~~(H)~~(I) The school employees retirement board may adopt rules 1806
to carry out this section. 1807

Sec. 3309.344. For purposes of this section, "SERS retirant" 1808
includes a member who retired under section 3309.343 of the 1809
Revised Code. 1810

(A) Except as provided in division (B)(3) of this section, an 1811
SERS retirant or other system retirant who has made contributions 1812
under section 3309.341 or 3309.343 of the Revised Code may file an 1813
application with the school employees retirement system for a 1814
benefit consisting of a single life annuity. The annuity shall 1815

have a reserve equal to the amount of the retirant's accumulated 1816
contributions for the period of employment, other than the 1817
contributions excluded pursuant to division ~~(C)~~(B)(2) of section 1818
3309.341 of the Revised Code, and an amount of the employer's 1819
contributions determined by the board, plus interest credited to 1820
the date of retirement at a rate determined by the board. The SERS 1821
retirant or other system retirant shall elect either to receive 1822
the benefit as a monthly annuity for life or a lump sum payment 1823
discounted to the present value using a rate of interest 1824
determined by the board, except that if the monthly annuity would 1825
be less than twenty-five dollars per month, the retirant shall 1826
receive a lump sum payment. 1827

A benefit payable under this division shall commence on the 1828
first day of the month after the latest of the following: 1829

(1) The last day for which compensation for all employment 1830
subject to sections 3309.341 and 3309.343 of the Revised Code was 1831
paid; 1832

(2) Attainment by the SERS retirant or other system retirant 1833
of age sixty-five; 1834

(3) If the SERS retirant or other system retirant was 1835
previously employed under section 3309.341 or 3309.343 of the 1836
Revised Code and is receiving or previously received a benefit 1837
under this division, completion of a period of twelve months since 1838
the effective date of that benefit. 1839

(B)(1) An SERS or other system retirant under age sixty-five 1840
who has made contributions under section 3309.341 or 3309.343 of 1841
the Revised Code may file an application with the school employees 1842
retirement system for a return of those contributions if both of 1843
the following conditions are met: 1844

(a) The retirant has terminated, for any reason other than 1845
death, the employment for which the contributions were made. 1846

(b) If the retirant received a return of contributions under 1847
this division for a previous period of employment under section 1848
3309.341 or 3309.343 of the Revised Code, twelve months have 1849
passed since the date the retirement system returned the 1850
contributions. 1851

(2) A return of contributions under this division shall 1852
consist of all of the contributions the SERS or other system 1853
retirant made under section 3309.341 or 3309.343 of the Revised 1854
Code. 1855

(3) Payment of a return of contributions under this division 1856
cancels the SERS or other system retirant's right to a benefit 1857
under division (A) of this section for the service for which the 1858
contributions were made. 1859

(C)(1) If an SERS retirant or other system retirant who made 1860
contributions under section 3309.341 or 3309.343 of the Revised 1861
Code dies before receiving a benefit under division (A) of this 1862
section or a return of contributions under division (B) of this 1863
section, a lump sum payment shall be paid to the beneficiary under 1864
division (D) of this section. The lump sum shall be calculated in 1865
accordance with division (A) of this section. 1866

(2) If at the time of death an SERS retirant or other system 1867
retirant receiving a monthly annuity under division (A) of this 1868
section has received less than the retirant would have received as 1869
a lump sum payment, the difference between the amount received and 1870
the amount that would have been received as a lump sum payment 1871
shall be paid to the retirant's beneficiary under division (D) of 1872
this section. 1873

(D) An SERS retirant or other system retirant employed under 1874
section 3309.341 or 3309.343 of the Revised Code may designate one 1875
or more persons as beneficiary to receive any benefits payable 1876
under this section due to death. The designation shall be in 1877

writing duly executed on a form provided by the school employees 1878
retirement board, signed by the SERS retirant or other system 1879
retirant, and filed with the board prior to death. The last 1880
designation of a beneficiary revokes all previous designations. 1881
The SERS retirant's or other system retirant's marriage, divorce, 1882
marriage dissolution, legal separation, withdrawal of account, 1883
birth of the retirant's child, or adoption of a child revokes all 1884
previous designations. If there is no designated beneficiary, the 1885
beneficiary is the beneficiary designated under division (D) of 1886
section 3309.44 of the Revised Code. If any benefit payable under 1887
this section due to the death of an SERS retirant or other system 1888
retirant is not claimed by a beneficiary within five years after 1889
the death, the amount payable shall be transferred to the 1890
guarantee fund and thereafter paid to the beneficiary or the 1891
estate of the SERS retirant or other system retirant on 1892
application to the board. 1893

(E) No amount received under this section shall be included 1894
in determining an additional benefit under section 3309.374 of the 1895
Revised Code or any other post-retirement benefit increases. 1896

Sec. 3501.13. (A) The director of the board of elections 1897
shall keep a full and true record of the proceedings of the board 1898
and of all moneys received and expended; file and preserve in the 1899
board's office all orders and records pertaining to the 1900
administration of registrations, primaries, and elections; receive 1901
and have the custody of all books, papers, and property belonging 1902
to the board; and perform other duties in connection with the 1903
office of director and the proper conduct of elections as the 1904
board determines. 1905

(B) Before entering upon the duties of the office, the 1906
director shall subscribe to an oath that the director will support 1907
the Constitution of the United States and the Ohio Constitution, 1908

perform all the duties of the office to the best of the director's ability, enforce the election laws, and preserve all records, documents, and other property pertaining to the conduct of elections placed in the director's custody.

(C) The director may administer oaths to persons required by law to file certificates or other papers with the board, to judges of elections, to witnesses who are called to testify before the board, and to voters filling out blanks at the board's offices. Except as otherwise provided by state or federal law, the records of the board and papers and books filed in its office are public records and open to inspection under such reasonable regulations as shall be established by the board. The following notice shall be posted in a prominent place at each board office:

"Except as otherwise provided by state or federal law, records filed in this office of the board of elections are open to public inspection during normal office hours, pursuant to the following reasonable regulations: (the board shall here list its regulations). Whoever prohibits any person from inspecting the public records of this board is subject to the penalties of section 3599.161 of the Revised Code."

~~(D) Upon receipt of a written declaration of intent to retire as provided for in section 145.38 of the Revised Code, the director shall provide a copy to each member of the board of elections.~~

Section 2. That existing sections 145.01, 145.191, 145.38, 145.384, 145.471, 145.472, 145.58, 742.26, 3307.01, 3307.35, 3307.352, 3309.341, 3309.344, and 3501.13 and sections 145.381, 145.382, 3307.353, and 3309.345 of the Revised Code are hereby repealed.