

# AN ACT

To amend section 145.037 of the Revised Code to delay determinations by the Public Employees Retirement System of eligibility for retirement system membership and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 145.037 of the Revised Code be amended to read as follows:

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

(B)(1) Except as provided in division (B)(2) of this section, an individual who provided personal services to a public employer on or before ~~the effective date of this section~~ January 7, 2013, but was not classified as a public employee may request from the public employees retirement board a determination of whether the individual should have been classified as a public employee for purposes of this chapter. The request shall be made on a form provided by the board.

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

~~(C)(1)~~ Not later than thirty days after ~~the effective date of this section~~ January 7, 2013, the board shall notify each employer of the right of an individual described in division (B)(1) of this section to seek the determination described in that division. The notice shall be accompanied by copies of the form described in division (B)(1) of this section.

~~(2)~~ Not later than ~~sixty days after the effective date of this section~~ September 7, 2013, the employer shall send to each individual described in division (B)(1) of this section a copy of the form provided by the retirement system and written notice of the right to seek a determination of whether the individual should have been classified as a public employee. The notice shall be sent to the individual's last known address on record with the

employer.

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

(4) The board shall notify the individual and the employer of its determination. The determination shall apply to services performed before, on, or after ~~the effective date of this section~~ January 7, 2013, for the same employer in the same capacity.

(D) Regardless of whether an individual actually receives notice under this section, the request for a determination must be made not later than ~~one year after the effective date of this section~~ August 7, 2014, unless the individual can demonstrate to the board's satisfaction through medical records that ~~at the time the one-year period ended on that date~~ the individual was physically or mentally incapacitated and unable to request a determination.

SECTION 2. That existing section 145.037 of the Revised Code is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to delay implementation of Public Employees Retirement System member determinations under Sub. S.B. 343 of the 129th General Assembly. Therefore, this act shall go into immediate effect.

---

*Speaker* \_\_\_\_\_ *of the House of Representatives.*

---

*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

---

*Governor.*

H. B. No. 67

130th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

---

*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

---

*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_