

As Passed by the House

130th General Assembly

Regular Session

2013-2014

Am. Sub. S. B. No. 42

Senators Manning, Gardner

Cosponsors: Senators Seitz, Hite, Eklund, Oelslager, Patton, Peterson,

Schaffer, Uecker

Representatives Amstutz, Schuring, Anielski, Antonio, Bishoff, Boose,

Brown, Burkley, Carney, Foley, Grossman, Hackett, Hill, Letson, Mallory,

McClain, McGregor, Ruhl, Scherer, Smith, Sprague, Stautberg, Wachtmann

Speaker Batchelder

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A B I L L

To amend sections 145.012, 145.09, 145.191, 145.194, 1
145.28, 145.29, 145.295, 145.297, 145.2914, 2
145.2915, 145.31, 145.311, 145.33, 145.35, 3
145.362, 145.363, 145.37, 145.384, 145.391, 4
145.40, 145.43, 145.431, 145.45, 145.46, 145.563, 5
145.58, 145.581, 145.584, 145.63, 145.64, 145.82, 6
145.88, 145.92, 145.95, 171.04, 311.01, 742.53, 7
742.63, 3301.079, 3307.04, 3307.35, 3307.39, 8
3307.41, 3307.56, 3307.563, 3307.57, 3307.58, 9
3307.62, 3307.66, 3307.70, 3307.71, 3307.711, 10
3307.73, 3309.01, 3309.11, 3309.26, 3309.261, 11
3309.28, 3309.301, 3309.35, 3309.381, 3309.42, 12
3309.45, 3309.49, 3309.51, 3309.55, 3309.56, 13
3309.57, 3309.571, 3309.691, 3309.82, 5505.03, 14
5505.04, 5505.12, 5505.14, 5505.15, 5505.16, 15
5505.17, 5505.174, 5505.18, 5505.33, 5505.34, 16
5505.59, and 5705.21; to enact sections 4113.75 17
and 5505.112 and new sections 145.402, 3307.561, 18

and 3309.43; and to repeal sections 145.402, 19
3307.561, and 3309.43 of the Revised Code to 20
revise the law governing Ohio's public retirement 21
systems, to allow a private sector employer to 22
automatically deduct from an employee's 23
compensation contributions to an employee 24
retirement plan or program, to change the optional 25
qualifications to be eligible for the office of 26
sheriff, and to authorize school districts with a 27
safety and security tax levy to report how the 28
district is using funding from that levy to the 29
Ohio Department of Education. 30

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

Section 1. That sections 145.012, 145.09, 145.191, 145.194, 31
145.28, 145.29, 145.295, 145.297, 145.2914, 145.2915, 145.31, 32
145.311, 145.33, 145.35, 145.362, 145.363, 145.37, 145.384, 33
145.391, 145.40, 145.43, 145.431, 145.45, 145.46, 145.563, 145.58, 34
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3307.39, 3307.41, 3307.56, 3307.563, 3307.57, 3307.58, 3307.62, 37
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3309.26, 3309.261, 3309.28, 3309.301, 3309.35, 3309.381, 3309.42, 39
3309.45, 3309.49, 3309.51, 3309.55, 3309.56, 3309.57, 3309.571, 40
3309.691, 3309.82, 5505.03, 5505.04, 5505.12, 5505.14, 5505.15, 41
5505.16, 5505.17, 5505.174, 5505.18, 5505.33, 5505.34, 5505.59, 42
and 5705.21 be amended and sections 4113.75 and 5505.112 and new 43
sections 145.402, 3307.561, and 3309.43 of the Revised Code be 44
enacted as follows: 45

Sec. 145.012. (A) "Public employee," as defined in division 46
(A) of section 145.01 of the Revised Code, does not include any 47

person:	48
(1) Who is employed by a private, temporary-help service and performs services under the direction of a public employer or is employed on a contractual basis as an independent contractor under a personal service contract with a public employer;	49 50 51 52
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	53 54 55
(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	56 57 58
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	59 60 61 62
(5) Who is employed as an election worker and paid less than five <u>six</u> hundred dollars per calendar year for that service;	63 64
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	65 66 67 68 69
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	70 71 72
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	73 74 75 76
(c) Any firefighter who has elected under section 742.516 of	77

the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system. 78
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(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate; 80
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(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code; 86
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(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code; 88
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(10) Who is a member of the unemployment compensation advisory council; 90
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(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code; 92
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(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012. 95
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(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of mental health and addiction services, no resident in an institution for the mentally retarded operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or 100
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calculating service credit or benefits under this chapter. Nothing 109
in this division shall be construed to affect any service credit 110
attained by any person who was a public employee before becoming 111
an inmate, patient, or resident at any institution listed in this 112
division, or the payment of any benefit for which such a person or 113
such a person's beneficiaries otherwise would be eligible. 114

Sec. 145.09. The public employees retirement board shall 115
elect from its membership a chairperson, ~~and~~. The board shall 116
appoint an executive director who shall serve as secretary to the 117
board, an actuary, and other employees as necessary for the 118
transaction of the business of the public employees retirement 119
system. The compensation of all persons so appointed shall be 120
fixed by the board. Such persons appointed by the board are not 121
employees of the state and are not subject to Chapter 124. of the 122
Revised Code. 123

If the board provides health care coverage to employees of 124
the retirement system, it may permit employees of the Ohio public 125
employees deferred compensation board to participate. 126

Effective ninety days after September 15, 2004, the board may 127
not employ a state retirement system investment officer, as 128
defined in section 1707.01 of the Revised Code, who does not hold 129
a valid state retirement system investment officer license issued 130
by the division of securities in the department of commerce. 131

Every expense voucher of an employee, officer, or board 132
member of the public employees retirement system shall itemize all 133
purchases and expenditures. 134

The board shall perform other functions as required for the 135
proper execution of this chapter, and may adopt rules in 136
accordance with section 111.15 of the Revised Code for the proper 137
administration and management of this chapter. 138

The board may take all appropriate action to avoid payment by 139
the system or its members of federal or state income taxes on 140
contributions to the system or amounts earned on such 141
contributions. 142

Notice of proposed rules shall be given to interested parties 143
and rules adopted by the board shall be published and otherwise 144
made available. When it files a rule with the joint committee on 145
agency rule review pursuant to section 111.15 of the Revised Code, 146
the board shall submit to the Ohio retirement study council a copy 147
of the full text of the rule, and if applicable, a copy of the 148
rule summary and fiscal analysis required by division (B) of 149
section 127.18 of the Revised Code. 150

The board may sue and be sued, plead and be impleaded, 151
contract and be contracted with. All of its business shall be 152
transacted, all of its funds invested, all warrants for money 153
drawn and payments made, and all of its cash and securities and 154
other property shall be held in the name of the board, or in the 155
name of its nominee, provided that nominees are authorized by 156
retirement board resolution for the purpose of facilitating the 157
ownership and transfer of investments. 158

If the Ohio retirement study council establishes a uniform 159
format for any report the board is required to submit to the 160
council, the board shall submit the report in that format. 161

Sec. 145.191. (A) Except as provided in division (F) of this 162
section, a public employees retirement system member or 163
contributor who, as of December 31, 2002, has less than five years 164
of total service credit is eligible to make an election under this 165
section. A member or contributor who is employed in more than one 166
position subject to this chapter is eligible to make only one 167
election. The election applies to all positions subject to this 168
chapter. 169

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

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

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

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

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

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

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

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

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

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

Sec. 145.28. (A)~~(1)~~ As used in this section, "paying system" and "transferring system" have the same meanings as in section 145.37 of the Revised Code.

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

(2) A member may not purchase credit under this section for exempted service if the service was exempted from contribution under section 145.03 of the Revised Code and subject to the tax on

wages imposed by the "Federal Insurance Contributions Act," 68A 231
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 232

~~(B)~~(C) Credit shall be purchased under this section in 233
accordance with section 145.29 of the Revised Code. 234

~~(C)~~(D) Credit purchasable under this section shall not exceed 235
one year of service for any twelve-month period. If the period of 236
service for which credit is purchasable under this section is 237
concurrent with a period of service that will be used to calculate 238
a retirement benefit from this system, the state teachers 239
retirement system, or school employees retirement system, the 240
amount of the credit shall be adjusted in accordance with rules 241
adopted by the public employees retirement board. 242

A member who is also a member of the state teachers 243
retirement system or the school employees retirement system shall 244
purchase credit for any service for which the member exempted self 245
under section 145.03 or 3309.23 of the Revised Code, or former 246
section 3307.25 or 3309.25 of the Revised Code, or was exempt 247
under section 3307.24 of the Revised Code, from the retirement 248
system in which the member has the greatest number of years of 249
service credit. If the member receives benefits under section 250
145.37 of the Revised Code, the ~~retirement system that determines~~ 251
~~and pays the benefit~~ is the paying system under that section shall 252
receive from the ~~other~~ system or systems that are transferring 253
systems the amounts paid by the member for purchase of credit for 254
exempt service plus interest at the actuarial assumption rate of 255
the transferring system ~~paying that amount~~. The interest shall be 256
for the period beginning on the date of the member's last payment 257
for purchase of the credit and ending on the date of the member's 258
retirement. 259

~~(D) If a member dies or withdraws from service, any payment~~ 260
~~made by the member under this section shall be considered as~~ 261
~~accumulated contributions of the member.~~ 262

(E) The retirement board shall adopt rules to implement this section. 263
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Sec. 145.29. (A) A member of the public employees retirement system who elects to purchase or otherwise obtain service credit under section 145.28, 145.291, 145.292, 145.293, or 145.299 or division (G) of section 145.47 of the Revised Code shall do both of the following: 265
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(1) Submit a request to the public employees retirement board in a manner or form approved by the board; 270
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(2) For each year, or portion of a year, of credit purchased or otherwise obtained, pay to the employees' savings fund an amount specified by the board that is equal to one hundred per cent of the additional liability resulting from purchasing or obtaining that year or portion of a year of credit as determined by an actuary employed by the board. 272
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(B) Subject to board rules, a member may choose to purchase or otherwise obtain in any one payment only part of any service credit listed in division (A) of this section. 278
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(C) If a member dies or withdraws from service, any payment made by the member to purchase or obtain any service credit listed in division (A) of this section shall be considered as accumulated contributions of the member. 281
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Sec. 145.295. (A) As used in this section and section 145.2913 of the Revised Code: 285
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(1) "Uniform retirement system" or "uniform system" means the Ohio police and fire pension fund or state highway patrol retirement system. 287
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(2) "Military service credit" means credit purchased or obtained under this chapter or Chapter 742. or 5505. of the 290
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Revised Code for service in the armed forces of the United States. 292

(B) A member of the public employees retirement system who 293
has contributions on deposit with, but is no longer contributing 294
to, a uniform retirement system shall, in computing years of 295
service, be given full credit for service credit earned under 296
Chapter 742. or 5505. of the Revised Code or for military service 297
credit if a transfer to the public employees retirement system is 298
made under this division. At the request of the member a transfer 299
shall be made if all of the following conditions are met: 300

(1) The member's service credit in the public employees 301
retirement system is greater than the amount of credit that would 302
be transferred under this division. 303

(2) The member is eligible, or with the credit will be 304
eligible, for a retirement or disability benefit. 305

~~(2)~~(3) The member agrees to retire or accept a disability 306
benefit not later than ninety days after receiving notice from the 307
public employees retirement system that the credit has been 308
obtained. 309

~~(3)~~(4) For each year of service the uniform system transfers 310
to the public employees retirement system the sum of the 311
following: 312

(a) An amount equal to the member's accumulated contributions 313
to the uniform system making the transfer and any payments by the 314
member for military service credit; 315

(b) An amount equal to the lesser of the employer's 316
contributions to the uniform system or the appropriate employer 317
contribution under section 145.48 or 145.49 of the Revised Code; 318

(c) Interest, determined as provided in division (H) of this 319
section, on the amounts specified in divisions (B)~~(3)~~(4)(a) and 320
(b) of this section for the period from the last day of the year 321

for which the service credit in the uniform system was earned or 322
in which the military service credit was purchased or obtained to 323
the date the transfer is made. 324

(C) A member of the public employees retirement system who 325
has at least eighteen months of contributing service credit with 326
the public employees retirement system, who is a former member of 327
a uniform retirement system, and who has received a refund of the 328
member's accumulated contributions to that uniform system may 329
obtain credit for service credit earned under Chapter 742. or 330
5505. of the Revised Code or for military service credit if all of 331
the following conditions are met: 332

(1) The member's service credit in the public employees 333
retirement system is greater than the amount of credit that would 334
be transferred under this division. 335

(2) The member is eligible, or with the credit will be 336
eligible, for a retirement or disability benefit. 337

~~(2)~~(3) The member agrees to retire or accept a disability 338
benefit not later than ninety days after receiving notice from the 339
public employees retirement system that the credit has been 340
obtained. 341

~~(3)~~(4) For each year of service, the public employees 342
retirement system receives the sum of the following: 343

(a) An amount, which shall be paid by the member, equal to 344
the amount refunded by the uniform system to the member for that 345
year for accumulated contributions and payments for military 346
service credit, with interest at a rate established by the public 347
employees retirement board on that amount from the date of the 348
refund to the date of the payment; 349

(b) Interest, which shall be transferred by the uniform 350
system, on the amount refunded to the member that is attributable 351
to the year of service from the last day of the year for which the 352

service credit was earned or in which payment was made for 353
military service credit to the date the refund was made; 354

(c) An amount, which shall be transferred by the uniform 355
system, equal to the lesser of the employer's contributions to the 356
uniform system or the appropriate employer contribution under 357
section 145.48 or 145.49 of the Revised Code, with interest on 358
that amount from the last day of the year for which the service 359
credit was earned or in which payment was made for military 360
service credit to the date of the transfer. 361

On receipt of payment from the member, the public employees 362
retirement system shall notify the uniform system, which, on 363
receipt of the notice, shall make the transfer required by this 364
division. Interest shall be determined as provided in division (H) 365
of this section. 366

(D) A member of the public employees retirement system who 367
purchased credit under former division (A)(1) of this section, as 368
it existed before August 25, 1995, for service as a member of a 369
uniform retirement system may elect to have the amount the member 370
paid for this service credit refunded to the member under this 371
division if the member agrees to repurchase this service credit 372
pursuant to division (C) of this section. 373

(E) Service credit purchased or otherwise obtained under this 374
section shall be considered the equivalent of Ohio service credit. 375

The public employees retirement system shall withdraw the 376
credit and refund all amounts paid or transferred under this 377
section if either of the following occurs: 378

(1) The member fails to retire or accept a disability benefit 379
not later than ninety days after receiving notice from the public 380
employees retirement system that credit has been obtained. 381

(2) The member's application for a disability benefit is 382
denied. 383

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

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

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

Ohio police and fire pension fund. 416

(H) Interest charged under this section shall be calculated 417
separately for each year of service credit. Unless otherwise 418
specified in this section, it shall be calculated at the lesser of 419
the actuarial assumption rate for that year of the public 420
employees retirement system or of the uniform retirement system in 421
which the credit was earned. The interest shall be compounded 422
annually. 423

(I) At the request of the public employees retirement system, 424
the uniform retirement system shall certify to the public 425
employees retirement system a copy of the records of the service 426
and contributions of a public employees retirement system member 427
who seeks service credit under this section. 428

Sec. 145.297. (A) As used in this section, "employing unit" 429
means: 430

(1) A municipal corporation, agency of a municipal 431
corporation designated by the legislative authority, park 432
district, conservancy district, sanitary district, health 433
district, township, department of a township designated by the 434
board of township trustees, metropolitan housing authority, public 435
library, county law library, union cemetery, joint hospital, or 436
other political subdivision or unit of local government. 437

(2) With respect to state employees, any entity of the state 438
including any department, agency, institution of higher education, 439
board, bureau, commission, council, office, or administrative body 440
or any part of such entity that is designated by the entity as an 441
employing unit. 442

(3)(a) With respect to employees of a board of alcohol, drug 443
addiction, and mental health services, that board. 444

(b) With respect to employees of a county board of 445

developmental disabilities, that board. 446

(c) With respect to other county employees, the county or any 447
county agency designated by the board of county commissioners. 448

(4) In the case of an employee whose employing unit is in 449
question, the employing unit is the unit through whose payroll the 450
employee is paid. 451

(B) An employing unit may establish a retirement incentive 452
plan for its eligible employees. In the case of a county or county 453
agency, decisions on whether to establish a retirement incentive 454
plan for any employees other than employees of a board of alcohol, 455
drug addiction, and mental health services or county board of 456
developmental disabilities and on the terms of the plan shall be 457
made by the board of county commissioners. In the case of a 458
municipal corporation or an agency of a municipal corporation, 459
decisions on whether to establish a retirement incentive plan and 460
on the terms of the plan shall be made by the legislative 461
authority. 462

All terms of a retirement incentive plan shall be in writing. 463

A retirement incentive plan shall provide for purchase by the 464
employing unit of service credit for eligible employees who elect 465
to participate in the plan and for payment by the employing unit 466
of the entire cost of the service credit purchased. 467

Every retirement incentive plan shall remain in effect for at 468
least one year. The employing unit shall give employees at least 469
thirty days' notice before terminating the plan. 470

Every retirement incentive plan shall include provisions for 471
the timely and impartial resolution of grievances and disputes 472
arising under the plan. 473

No employing unit shall have more than one retirement 474
incentive plan in effect at any time. 475

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

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

(a) An elected official;

(b) A member of a board or commission;

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

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

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

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

Participation in the plan shall be available to all eligible employees except that the employing unit may limit the number of participants in the plan to a specified percentage of its employees who are members of the public employees retirement system on the date the plan goes into effect. The percentage shall not be less than five per cent of such employees. If participation is limited, employees with more total service credit have the

right to elect to participate before employees with less total 506
service credit. In the case of employees with the same total 507
service credit, employees with a greater length of service with 508
the employing unit have the right to elect to participate before 509
employees with less service with the employing unit. Employees 510
with less than eighteen months of service with the employing unit 511
have the right to elect to participate only after all other 512
eligible employees have been given the opportunity to elect to 513
participate. For the purpose of determining which employees may 514
participate in a plan, total service credit includes service 515
credit purchased by the employee under this chapter after the date 516
on which the plan is established. 517

A retirement incentive plan that limits participation may 518
provide that an employee who does not notify the employing unit of 519
the employee's decision to participate in the plan within a 520
specified period of time will lose priority to participate in the 521
plan ahead of other employees with less seniority. The time given 522
to an employee to elect to participate ahead of other employees 523
shall not be less than thirty days after the employee receives 524
written notice that the employee may participate in the plan. 525

(D) A retirement incentive plan shall provide for purchase of 526
the same amount of service credit for each participating employee, 527
except that the employer may not purchase more service credit for 528
any employee than the lesser of the following: 529

(1) Five years of service credit; 530

(2) An amount of service credit equal to one-fifth of the 531
total service credited to the participant under this chapter, 532
exclusive of service credit purchased under this section. 533

For each year of service credit purchased under this section, 534
the employing unit shall pay an amount equal to the additional 535
liability resulting from the purchase of that year of service 536

credit, as determined by an actuary employed by the public 537
employees retirement board. 538

(E) Upon the election by an eligible employee to participate 539
in the retirement incentive plan, the employee and the employing 540
unit shall agree upon a date for payment or contracting for 541
payment in installments to the public employees retirement system 542
of the cost of the service credit to be purchased. The employing 543
unit shall submit to the public employees retirement system a 544
written request for a determination of the cost of the service 545
credit, and within forty-five days after receiving the request, 546
the board shall give the employing unit written notice of the 547
cost. 548

The employing unit shall pay or contract to pay in 549
installments the cost of the service credit to be purchased to the 550
public employees retirement system on the date agreed to by the 551
employee and the employing unit. The payment shall be made in 552
accordance with rules adopted by the public employees retirement 553
board. The rules may provide for payment in installments and for 554
crediting the purchased credit to the employee's account upon the 555
employer's contracting to pay the cost in installments. The board 556
shall notify the member when the member is credited with service 557
purchased under this section. If the employee does not retire 558
within ninety days after receiving notice that the employee has 559
been credited with the purchased service credit, the system shall 560
refund to the employing unit the amount paid for the service 561
credit. 562

No payment made to the public employees retirement system 563
under this section shall affect any payment required by section 564
145.48 of the Revised Code. 565

(F) For the purpose of determining whether the cost of a 566
retirement incentive plan established by a county or county agency 567
under this section is an allowable cost for the purpose of federal 568

funding for any year, the cost shall be considered abnormal or 569
mass severance pay only if fifteen per cent or more of the county 570
or county agency's employees participate in the plan in that year. 571

Nothing in this division shall relieve a county or county 572
agency from seeking federal approval for any early retirement 573
incentive plan that uses federal dollars in accordance with 574
federal law. 575

Sec. 145.2914. (A) The public employees retirement board may 576
adopt rules in accordance with section 145.09 of the Revised Code 577
to establish a program under which service credit earned under 578
section 145.33 of the Revised Code or division (A)(2), 579
(B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised Code is 580
treated as service credit earned under division (A)(1), (B)(1)(a), 581
or (C)(1) of section 145.332 of the Revised Code if the member 582
elects to do one of the following: 583

(1) Have the amount of service credit earned under section 584
145.33 of the Revised Code or division (A)(2), (B)~~(2)~~(1)(b), or 585
(C)(2) of section 145.332 of the Revised Code reduced so there is 586
no additional liability to the public employees retirement system; 587

(2) Make payment to the public employees retirement system in 588
accordance with the rules. The number of years of service credit 589
earned under section 145.33 of the Revised Code or division 590
(A)(2), (B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised 591
Code that may be treated as service credit earned under division 592
(A)(1), (B)(1)(a), or (C)(1) of section 145.332 of the Revised 593
Code shall not exceed five. 594

(B) If the board adopts rules under division (A) of this 595
section, all of the following apply to payments made under 596
division (A)(2) of this section: 597

(1) For each year or portion of a year of service credit 598

earned under section 145.33 of the Revised Code or division 599
(A)(2), (B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised 600
Code that is to be treated as service credit earned under division 601
(A)(1), (B)(1)(a), or (C)(1) of section 145.332 of the Revised 602
Code, the member shall pay to the retirement system an amount 603
specified by the retirement board that is not less than one 604
hundred per cent of the additional liability resulting from the 605
purchase of that year, or portion of a year, of service. 606

(2) Any amounts paid under this section shall be credited to 607
the employees' savings fund. 608

(3) The amounts paid by the member under this section are 609
subject to the limits established by division (n) of section 415 610
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 611
415(n), as amended. 612

(C) A member may make the election authorized by this section 613
if the member is eligible to retire under this chapter or will 614
become eligible to retire as a result of the election. The member 615
shall agree to retire not later than ninety days after making the 616
election under division (A)(1) of this section or receiving notice 617
of the additional liability specified under division (B)(1) of 618
this section. If the member makes the election under division 619
(A)(2) of this section, payment shall be made in full for any 620
credit earned under section 145.33 of the Revised Code or division 621
(A)(2), (B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised 622
Code that is to be treated as service credit earned under division 623
(A)(1), (B)(1)(a), or (C)(1) of section 145.332 of the Revised 624
Code, but the member may choose to make payment for only part of 625
the credit for which the member is eligible. 626

(D) If the member does not retire not later than ninety days 627
after making the election under division (A)(1) of this section or 628
the payment under division (A)(2) of this section, the system 629
shall refund any payment and shall not treat the credit as service 630

credit earned under division (A)(1), (B)(1)(a), or (C)(1) of 631
section 145.332 of the Revised Code. 632

(E) The board's rules may deal with any other matter 633
necessary to implement this section. 634

Sec. 145.2915. (A) As used in this section, "workers' 635
compensation" means benefits paid under Chapter 4121. or 4123. of 636
the Revised Code. 637

(B) A member of the public employees retirement system may 638
purchase service credit under this section for any period during 639
which the member was out of service with a public employer and 640
receiving workers' compensation if the member returns to 641
employment covered by this chapter. 642

(C) For credit purchased under this section: 643

(1) If the member is employed by one public employer, for 644
each year of credit, the member shall pay to the system for credit 645
to the employees' savings fund an amount equal to the employee 646
contribution required under section 145.47 of the Revised Code 647
that would have been paid had the member not been out of service 648
based on the salary of the member before the member was out of 649
service. To this amount shall be added an amount equal to compound 650
interest at a rate established by the public employees retirement 651
board from the first date the member was out of service to the 652
final date of payment. 653

(2) If the member is employed by more than one public 654
employer, the member is eligible to purchase credit under this 655
section and make payments under division (C)(1)~~(b)~~ of this section 656
only for the position for which the member received workers' 657
compensation. For each year of credit, the member shall pay to the 658
system for credit to the employees' savings fund an amount equal 659
to the employee contribution required under section 145.47 of the 660

Revised Code that would have been paid had the member not been out 661
of service based on the salary of the member earned for the 662
position for which the member received workers' compensation 663
before the member was out of service. To this amount shall be 664
added an amount equal to compound interest at a rate established 665
by the public employees retirement board from the first date the 666
member was out of service to the final date of payment. 667

(D) The member may choose to purchase only part of such 668
credit in any one payment, subject to board rules. 669

(E) If a member makes a payment under division (C) of this 670
section, the employer to which workers' compensation benefits are 671
attributed shall pay to the system for credit to the employers' 672
accumulation fund an amount equal to the employer contribution 673
required under section 145.48 or 145.49 of the Revised Code 674
corresponding to that payment that would have been paid had the 675
member not been out of service based on the salary of the member 676
before the member was out of service. 677

Compound interest at a rate established by the board from the 678
later of the member's date of re-employment or ~~the effective date~~ 679
~~of this section~~ January 7, 2013, to the date of payment shall be 680
added to this amount if the employer pays all or any portion of 681
the amount ~~later than~~ after the end of the earlier of the 682
following: 683

(1) A period of five years or a; 684

(2) A period that is three times the period during which the 685
member was out of service and receiving workers' compensation 686
beginning from. 687

The period described in division (E)(1) or (2) of this 688
section begins with the later of the member's date of 689
re-employment or ~~the effective date of this section~~ January 7, 690
2013. 691

(F) The number of years purchased under this section shall 692
not exceed three. Credit purchased under this section may be 693
combined pursuant to section 145.37 of the Revised Code with 694
credit purchased or obtained under Chapter 3307. or 3309. of the 695
Revised Code for periods the member was out of service and 696
receiving workers' compensation, but not more than a total of 697
three years of credit may be used in determining retirement 698
eligibility or calculating benefits under section 145.37 of the 699
Revised Code. 700

Sec. 145.31. (A)(1) Except as provided in this section, a 701
member or former member of the public employees retirement system 702
with at least eighteen months of contributing service credit in 703
this system, the state teachers retirement system, the school 704
employees retirement system, the Ohio police and fire pension 705
fund, or the state highway patrol retirement system, after the 706
withdrawal of accumulated contributions and cancellation of 707
service credit in this system, may restore such service credit by 708
redepositing the amount withdrawn, with interest on such amount 709
compounded annually at a rate to be determined by the public 710
employees retirement board from the first day of the month of 711
withdrawal to and including the month of redeposit. ~~The~~ 712

(2) The amount redeposited shall be credited as follows: 713

~~(1)~~(a) The amount that equals the amount, if any, included 714
under section 145.401 of the Revised Code in the withdrawal of 715
accumulated contributions under section 145.40 of the Revised Code 716
shall be credited to the employers' accumulation fund. 717

~~(2)~~(b) The remaining amount shall be credited to the member's 718
account in the employees' savings fund. 719

(3) If the accumulated contributions were withdrawn under 720
section 145.402 of the Revised Code, service credit may be 721
restored only if the member or former member accrued eighteen 722

months of contributing service credit after withdrawal of the 723
accumulated contributions. 724

(B) The member may choose to purchase only part of ~~such~~ the 725
credit available under this section in any one payment, subject to 726
board rules. Except for any amount included under section 145.401 727
of the Revised Code in the withdrawal of accumulated contributions 728
under section 145.40 of the Revised Code, the total payment to 729
restore canceled service credit, plus any interest credited 730
thereto, shall be considered as accumulated contributions of the 731
member. If a former member is eligible to buy the service credit 732
as a member of the Ohio police and fire pension fund, state 733
highway patrol retirement system, or the city of Cincinnati 734
retirement system, the former member is ineligible to restore that 735
service credit under this section. 736

(C) Any employee who has been refunded the employee's 737
accumulated contributions to the public employees retirement 738
system solely by reason of membership in a former firemen's relief 739
and pension fund or a former police relief and pension fund may 740
restore membership in the public employees retirement system by 741
redepositing with the system the amount refunded, with interest on 742
such amount compounded annually at a rate to be determined by the 743
board from the month of refund to and including the month of 744
redeposit. The member may choose to purchase only part of such 745
credit in any one payment, subject to board rules. 746

~~(B)~~(D) In lieu of an amount required by division (A) of this 747
section, the board may by rule require deposit of an amount 748
specified in the rule. The amount shall not exceed the additional 749
liability to the retirement system that results from granting the 750
credit. 751

Sec. 145.311. (A) A member of the public employees retirement 752
system who has at least eighteen months of contributing service 753

credit in the system, the Ohio police and fire pension fund, 754
school employees retirement system, state teachers retirement 755
system, or state highway patrol retirement system, and is a former 756
member of or no longer contributing to the school employees 757
retirement system or state teachers retirement system may restore 758
service credit under section 3307.71 or 3309.26 of the Revised 759
Code by making payments pursuant to this section through a payroll 760
deduction plan established under section 145.294 of the Revised 761
Code. A member seeking to restore this service credit shall notify 762
the public employees retirement system on a form approved by the 763
public employees retirement board. After receiving the notice, the 764
public employees retirement system shall request that the former 765
retirement system calculate under section 3307.712 or 3309.262 of 766
the Revised Code the cost to the member to restore service credit 767
for each year or portion of a year of service for which the member 768
seeks to restore the service credit. The amount the former 769
retirement system certifies as the cost of restoring the service 770
credit, plus interest described in division (B) of this section, 771
is the cost to the member of restoring the service credit. On 772
receiving the certification from the former retirement system, the 773
public employees retirement system shall notify the member of the 774
cost. 775

(B) For each year or portion of a year of service credit 776
restored under section 3307.71 or 3309.26 of the Revised Code, a 777
member shall pay to the public employees retirement system the 778
amount certified by the former retirement system plus interest at 779
a rate specified by the former retirement system under section 780
3307.712 or 3309.262 of the Revised Code for the period during 781
which deductions are made under section 145.294 of the Revised 782
Code. 783

(C) The public employees retirement board shall at least 784
annually ~~notify~~ transmit to the former retirement system ~~that a~~ 785

~~payment notice and any payments made to restore service credit~~ 786
~~under section 3307.71 or 3309.26 of the Revised Code has been~~ 787
~~made. At the time the payment is transferred under division (D) of~~ 788
~~this section, the~~ The former retirement system shall restore the 789
service credit for the year or portion of a year for which the 790
payment was made. 791

~~(D) On application for a payment of accumulated contributions~~ 792
~~or an age and service retirement, disability, or survivor benefit~~ 793
~~under Chapter 145., 3307., or 3309. of the Revised Code by a~~ 794
~~member who made payments under this section to restore service~~ 795
~~credit in a former retirement system, the public employees~~ 796
~~retirement system shall pay to the former retirement system an~~ 797
~~amount equal to the total amount paid by the member under this~~ 798
~~section.~~ 799

~~(E)~~ The board shall adopt rules to implement this section. 800

Sec. 145.33. (A)(1) Except as provided in section 145.332 of 801
the Revised Code, when a member retires on age and service 802
retirement, the member's total annual single lifetime allowance 803
shall be an amount adjusted in accordance with division (A)(2) or 804
(B) of this section and determined by multiplying the member's 805
total service credit by the following: 806

(a) If the member is eligible for age and service retirement 807
under division (A) or (B) of section 145.32 of the Revised Code, 808
two and two-tenths per cent of the member's final average salary 809
for each of the first thirty years of service plus two and 810
one-half per cent of the member's final average salary for each 811
subsequent year of service; 812

(b) If the member is eligible for age and service retirement 813
under division (C) of section 145.32 of the Revised Code, two and 814
two-tenths per cent of the member's final average salary for each 815
of the first thirty-five years of service plus two and one-half 816

per cent of the member's final average salary for each subsequent year of service. 817
818

(2)(a) For a member eligible to retire under division (A) of section 145.32 of the Revised Code, the member's allowance under division (A)(1) of this section shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule: 819
820
821
822
823

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	824 825 826
59		26	80	827
60		27	85	828
61			88	829
		28	90	830
62			91	831
63			94	832
		29	95	833
64			97	834
65		30 or more	100	835 836

(b) For a member eligible to retire under division (B) or (C) of section 145.32 of the Revised Code, the member's allowance under division (A)(1) of this section shall be reduced by a percentage determined by the board's actuary ~~for each year the member retires before whichever of the following occurs first:~~ ~~attaining age sixty six, attaining age fifty two with thirty one years of total service credit, or earning thirty two years of total service credit.~~ 837
838
839
840
841
842
843
844

~~(c) For a member eligible to retire under division (C) of section 145.32 of the Revised Code, the member's allowance under division (A)(1) of this section shall be reduced by a percentage determined by the board's actuary for each year the member retires~~ 845
846
847
848

~~before whichever of the following occurs first: attaining age~~ 849
~~sixty seven, or attaining age fifty five with thirty two years of~~ 850
~~total service credit~~ based on the number of years the commencement 851
of the allowance precedes the member's eligibility for an 852
unreduced allowance. 853

~~(d)(c)~~ The actuary may use an actuarially based average 854
percentage reduction for purposes of division (A)(2)(b) ~~or (c)~~ of 855
this section. 856

(3) For a member eligible to retire under division (A) or (B) 857
of section 145.32 of the Revised Code, the right to a benefit 858
shall vest in accordance with the following schedule, based on the 859
member's attained age by September 1, 1976: 860

Attained	Percentage	
Birthday	of	
	Base Amount	
66	102	864
67	104	865
68	106	866
69	108	867
70 or more	110	868

(B) The total annual single lifetime allowance that a member 869
shall receive under this section shall not exceed the lesser of 870
the following: 871

(1) Any limit established under section 145.333 of the 872
Revised Code; 873

(2) One hundred per cent of the member's final average 874
salary; 875

(3) The limit established by section 415 of the "Internal 876
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 877
amended. 878

(C) Retirement allowances determined under this section shall 879

be paid as provided in section 145.46 of the Revised Code. 880

Sec. 145.35. (A) As used in this section, ~~"on-duty and~~ 881
sections 145.362 and 145.363 of the Revised Code: 882

(1) "Examining physician" means a physician appointed by the 883
public employees retirement board to conduct a medical examination 884
of a disability benefit applicant or recipient. 885

(2) "Medical consultant" means a physician appointed by the 886
board to review a member's application for a disability benefit or 887
an appeal of a denial or termination of a benefit. 888

(3) "On-duty" illness or injury" means an illness or injury 889
that occurred during or resulted from performance of duties under 890
the direct supervision of a public employer. 891

(B) The public employees retirement system shall provide 892
disability coverage to each member who has at least five years of 893
total service credit and disability coverage for on-duty illness 894
or injury to each member who is a PERS law enforcement officer or 895
PERS public safety officer, regardless of length of service. 896

The coverage shall extend only to illness or injury that 897
occurs before the member's contributing service terminates or, in 898
the case of illness or injury that results from contributing 899
service, becomes evident not later than two years after the date 900
the contributing service ends. The coverage shall not extend to 901
disability resulting from elective cosmetic surgery other than 902
reconstructive surgery. 903

Not later than October 16, 1992, the public employees 904
retirement board shall give each person who is a member on July 905
29, 1992, the opportunity to elect disability coverage either 906
under section 145.36 of the Revised Code or under section 145.361 907
of the Revised Code. The board shall mail notice of the election, 908
accompanied by an explanation of the coverage under each of the 909

Revised Code sections and a form on which the election is to be 910
made, to each member at the member's last known address. The board 911
shall also provide the explanation and form to any member on 912
request. 913

Regardless of whether the member actually receives notice of 914
the right to make an election, a member who fails to file a valid 915
election under this section shall be considered to have elected 916
disability coverage under section 145.36 of the Revised Code. To 917
be valid, an election must be made on the form provided by the 918
retirement board, signed by the member, and filed with the board 919
not later than one hundred eighty days after the date the notice 920
was mailed, or, in the case of a form provided at the request of a 921
member, a date specified by rule of the retirement board. Once 922
made, an election is irrevocable, but if the member ceases to be a 923
member of the retirement system, the election is void. If a person 924
who makes an election under this section also makes an election 925
under section 3307.62 or 3309.39 of the Revised Code, the election 926
made for the system that pays a disability benefit to that person 927
shall govern the benefit. 928

Disability coverage shall be provided under section 145.361 929
of the Revised Code for persons who become members after July 29, 930
1992, and for members who elect under this division to be covered 931
under section 145.361 of the Revised Code. 932

The retirement board may adopt rules governing elections made 933
under this division. 934

(C) Application for a disability benefit may be made by a 935
member, by a person acting in the member's behalf, or by the 936
member's employer, provided the member has disability coverage 937
under section 145.36 or 145.361 of the Revised Code and is not 938
receiving a disability benefit under any other Ohio state or 939
municipal retirement program. Application must be made within two 940
years from the date the member's contributing service under the 941

PERS defined benefit plan terminated or the date the member ceased 942
to make contributions to the PERS defined benefit plan under 943
section 145.814 of the Revised Code, unless the ~~retirement board~~ 944
board's medical consultant determines that the member's medical 945
records demonstrate conclusively that at the time the two-year 946
period expired, the member was physically or mentally 947
incapacitated for duty and unable to make an application. 948
Application may not be made by or for any person receiving age and 949
service retirement benefits under section 145.33, 145.331, 950
145.332, or 145.37 or former section 145.34 of the Revised Code or 951
any person who, pursuant to section 145.40 of the Revised Code, 952
has been paid the accumulated contributions standing to the credit 953
of the person's individual account in the employees' savings fund. 954
The application shall be made on a form provided by the retirement 955
board. 956

(D) The benefit payable to any member who is approved for a 957
disability benefit shall become effective on the first day of the 958
month immediately following the later of the following: 959

(1) The last day for which compensation was paid; 960

(2) The attainment of eligibility for a disability benefit. 961

(E) Medical examination of a member who has applied for a 962
disability benefit shall be conducted by a competent disinterested 963
examining physician ~~or physicians selected by the board~~ to 964
determine whether the member is mentally or physically 965
incapacitated for the performance of duty by a disabling condition 966
either permanent or presumed to be permanent. The disability must 967
have occurred since last becoming a member or have increased since 968
last becoming a member to such extent as to make the disability 969
permanent or presumed to be permanent. A disability is presumed to 970
be permanent if it is expected to last for a continuous period of 971
not less than twelve months following the filing of the 972
application. 973

The standard used to determine whether a member is 974
incapacitated for duty is that the member is mentally or 975
physically incapable of performing the duties of the most recent 976
public position held by the member ~~held at the time the disabling~~ 977
~~condition began or of a position with similar duties.~~ 978

~~If the~~ A member shall receive a disability benefit under 979
section 145.36 or 145.361 of the Revised Code if all of the 980
following apply: 981

(1) The board's examining physician ~~or physicians determine~~ 982
determines that the member qualifies for a disability benefit, ~~the~~ 983
and the board's medical consultant concurs with the determination; 984

(2) The board concurs with the medical consultant's 985
determination, ~~and the;~~ 986

(3) The member agrees to medical treatment as specified in 987
division (F) of this section, ~~the member shall receive a~~ 988
~~disability benefit under section 145.36 or 145.361 of the Revised~~ 989
~~Code. The.~~ 990

A disability benefit described in this division may be 991
commenced prior to the board's concurrence with the determination 992
if the conditions specified in divisions (E)(1) and (3) of this 993
section are met. 994

The action of the board shall be final. 995

(F) The public employees retirement board shall adopt rules 996
requiring a disability benefit recipient, as a condition of 997
continuing to receive a disability benefit, to agree in writing to 998
obtain any medical treatment recommended by the board's ~~physician~~ 999
medical consultant and submit medical reports regarding the 1000
treatment. If the board determines that a disability benefit 1001
recipient is not obtaining the medical treatment or the board does 1002
not receive a required medical report, the disability benefit 1003
shall be suspended until the treatment is obtained, the report is 1004

received by the board, or the board's ~~physician~~ medical consultant 1005
certifies that the treatment is no longer helpful or advisable. 1006
Should the recipient's failure to obtain treatment or submit a 1007
medical report continue for one year, the recipient's right to the 1008
disability benefit shall be terminated as of the effective date of 1009
the original suspension. 1010

The board shall require the recipient of a disability benefit 1011
who is described in section 145.363 of the Revised Code to comply 1012
with that section. 1013

(G) A disability benefit that has been granted a member but 1014
has not commenced shall not be paid if the member continues in or 1015
returns to employment with the same employer in the same position 1016
or in a position with duties similar to those of the position the 1017
member held at the time the benefit was granted. 1018

(H) In the event an employer files an application for a 1019
disability benefit as a result of a member having been separated 1020
from service because the member is considered to be mentally or 1021
physically incapacitated for the performance of the member's 1022
present duty, and the ~~physician or physicians selected by the~~ 1023
~~board~~ board's medical consultant reports to the board that the 1024
member is physically and mentally capable of performing service 1025
similar to that from which the member was separated and the board 1026
concurs in the report, the board shall so certify to the employer 1027
and the employer shall restore the member to the member's previous 1028
position and salary or to a similar position and salary. 1029

Sec. 145.362. A disability benefit recipient whose 1030
application for a disability benefit was received by the public 1031
employees retirement system before ~~the effective date of this~~ 1032
~~amendment~~ January 7, 2013, shall, regardless of when the 1033
disability occurred, retain membership status and shall be 1034
considered on leave of absence from employment during the first 1035

five years following the effective date of a disability benefit, 1036
notwithstanding any contrary provisions in this chapter. 1037

A disability benefit recipient whose application for a 1038
disability benefit is received by the system on or after ~~the~~ 1039
~~effective date of this amendment~~ January 7, 2013, shall, 1040
regardless of when the disability occurred, retain membership 1041
status and shall be considered on leave of absence from employment 1042
during the first three years following the effective date of a 1043
disability benefit, except that, if the member is receiving 1044
rehabilitative services acceptable to a the board's examining 1045
~~physician or physicians selected by the board~~, the board may 1046
permit the recipient to retain membership status and be considered 1047
on leave of absence from employment for up to five years following 1048
the effective date of a disability benefit. 1049

The public employees retirement board shall require any 1050
disability benefit recipient to undergo an annual medical 1051
examination, except that the board may waive the medical 1052
examination if the board's ~~physician or physicians certify~~ medical 1053
consultant certifies that the recipient's disability is ongoing or 1054
for any other reason specified in rules adopted by the board. If 1055
any disability benefit recipient refuses to submit to a medical 1056
examination, the recipient's disability benefit shall be suspended 1057
until withdrawal of the refusal. Should the refusal continue for 1058
one year, all the recipient's rights in and to the disability 1059
benefit shall be terminated as of the effective date of the 1060
original suspension. 1061

On completion of the examination by ~~an~~ the board's examining 1062
~~physician or physicians selected by the board~~, the physician ~~or~~ 1063
~~physicians~~ shall report to the board's medical consultant and 1064
certify ~~to the board~~ whether the disability benefit recipient 1065
meets the applicable standard for termination of a disability 1066
benefit. If the examining physician certifies that the recipient 1067

meets the applicable standard for termination of a disability 1068
benefit and the medical consultant concurs, the medical consultant 1069
shall certify to the board that the recipient meets the applicable 1070
standard for termination. 1071

(A) Regardless of when the disability occurred, if the 1072
recipient's application for a disability benefit was received by 1073
the system before ~~the effective date of this amendment~~ January 7, 1074
2013, or, if on or after that date, the recipient has been 1075
receiving the benefit for less than three years or is receiving 1076
rehabilitative services acceptable to the board's examining 1077
physician or physicians and considered on leave of absence, or, 1078
if, ~~when at the disability occurred~~ time contributing service 1079
terminated, the recipient was a PERS law enforcement officer, the 1080
standard for termination is that the recipient is no longer 1081
physically and mentally incapable of resuming the service from 1082
which the recipient was found disabled. 1083

(B) Regardless of when the disability occurred, if the 1084
recipient's application for a disability benefit is received by 1085
the system on or after ~~the effective date of this amendment~~ 1086
January 7, 2013, the recipient has been receiving the benefit for 1087
three years or longer, the recipient was not a PERS law 1088
enforcement officer ~~when at the disability occurred~~ time 1089
contributing service terminated, and the recipient is not 1090
receiving rehabilitative services acceptable to the board's 1091
examining physician or physicians, the standard for termination is 1092
that the recipient is not physically or mentally incapable of 1093
performing the duties of any position that meets all of the 1094
following criteria: 1095

(1) Replaces not less than seventy-five per cent of the 1096
member's final average salary, adjusted each year by the actual 1097
average increase in the consumer price index prepared by the 1098
United States bureau of labor statistics (U.S. city average for 1099

urban wage earners and clerical workers: "all items 1100
1982-1984=100"); 1101

(2) Is reasonably to be found in the member's regional job 1102
market; 1103

(3) Is one that the member is qualified for by experience or 1104
education. 1105

If the board concurs in the report that the disability 1106
benefit recipient meets the applicable standard for termination of 1107
a disability benefit, the payment of the disability benefit shall 1108
be terminated not later than three months after the date of the 1109
board's concurrence or upon employment as a public employee. If 1110
the leave of absence has not expired, the retirement board shall 1111
certify to the disability benefit recipient's last employer before 1112
being found disabled that the recipient is no longer physically 1113
and mentally incapable of resuming service that is the same or 1114
similar to that from which the recipient was found disabled. The 1115
employer shall restore the recipient to the recipient's previous 1116
position and salary or to a position and salary similar thereto, 1117
unless the recipient was dismissed or resigned in lieu of 1118
dismissal for dishonesty, misfeasance, malfeasance, or conviction 1119
of a felony. 1120

Each disability benefit recipient shall file with the board 1121
an annual statement of earnings, current medical information on 1122
the recipient's condition, and any other information required in 1123
rules adopted by the board. The board may waive the requirement 1124
that a disability benefit recipient file an annual statement of 1125
earnings or current medical information if the board's ~~physician~~ 1126
medical consultant certifies that the recipient's disability is 1127
ongoing. 1128

The board shall annually examine the information submitted by 1129
the recipient. If a disability benefit recipient refuses to file 1130

the statement or information, the disability benefit shall be 1131
suspended until the statement and information are filed. If the 1132
refusal continues for one year, the recipient's right to the 1133
disability benefit shall be terminated as of the effective date of 1134
the original suspension. 1135

If a disability benefit recipient is restored to service by, 1136
or elected to an elective office with, an employer covered by this 1137
chapter, the recipient's disability benefit shall cease. 1138

The board may terminate a disability benefit at the request 1139
of the recipient if the board's medical consultant determines that 1140
the recipient is no longer disabled. 1141

If disability retirement under section 145.36 of the Revised 1142
Code is terminated for any reason, the annuity and pension 1143
reserves at that time in the annuity and pension reserve fund 1144
shall be transferred to the employees' savings fund and the 1145
employers' accumulation fund, respectively. If the total 1146
disability benefit paid is less than the amount of the accumulated 1147
contributions of the member transferred to the annuity and pension 1148
reserve fund at the time of the member's disability retirement, 1149
the difference shall be transferred from the annuity and pension 1150
reserve fund to another fund as may be required. In determining 1151
the amount of a member's account following the termination of 1152
disability retirement for any reason, the total amount paid shall 1153
be charged against the member's refundable account. 1154

If a disability allowance paid under section 145.361 of the 1155
Revised Code is terminated for any reason, the reserve on the 1156
allowance at that time in the annuity and pension reserve fund 1157
shall be transferred from that fund to the employers' accumulation 1158
fund. 1159

If a former disability benefit recipient again becomes a 1160
contributor, other than as an other system retirant under section 1161

145.38 of the Revised Code, to this system, the state teachers 1162
retirement system, or the school employees retirement system, and 1163
completes an additional two years of service credit, the former 1164
disability benefit recipient shall be entitled to full service 1165
credit, not exceeding five years' service credit, for the period 1166
as a disability benefit recipient, except that if the board adopts 1167
a rule requiring payment for the service credit it shall be 1168
granted only if the former disability benefit recipient pays an 1169
amount determined under the rule. The rule shall not require 1170
payment of more than the additional liability to the retirement 1171
system resulting from granting the credit. The former recipient 1172
may choose to purchase only part of the credit in any one payment. 1173

If any employer employs any member who is receiving a 1174
disability benefit, the employer shall file notice of employment 1175
with the retirement board, designating the date of employment. In 1176
case the notice is not filed, the total amount of the benefit paid 1177
during the period of employment prior to notice shall be charged 1178
to and paid by the employer. 1179

Sec. 145.363. This section does not apply to a disability 1180
recipient who, ~~when~~ at the disability occurred time contributing 1181
service terminated, was a PERS law enforcement officer. 1182

(A) A recipient of a disability benefit granted under this 1183
chapter whose application for such benefit is received by the 1184
public employees retirement system on or after ~~the effective date~~ 1185
~~of this section~~ January 7, 2013, shall, regardless of when the 1186
disability occurred, apply for social security disability 1187
insurance benefit payments under 42 U.S.C. 423 if the recipient 1188
meets the requirements of divisions (a)(1)(A), (B), and (C) of that 1189
section. The application for a social security disability 1190
insurance benefit shall be made ~~not~~ before the later than of the 1191
ninety-first days day after the recipient is granted a disability 1192

benefit under this chapter or the ninety-first day after the 1193
recipient attains eligibility to apply for a social security 1194
disability insurance benefit, unless the public employees 1195
retirement ~~board~~ board's medical consultant determines from the 1196
member's medical records that the member is physically or mentally 1197
unable to make the application. The recipient shall file with the 1198
system a copy of the completed application ~~with the public~~ 1199
~~employees retirement system~~ or other evidence of application 1200
satisfactory to the board and the system shall accept the copy or 1201
other evidence as evidence of the member's application. If a 1202
recipient fails without just cause to apply for social security 1203
disability insurance benefit payments or to file a copy or other 1204
evidence of the application with the system, the disability 1205
benefit under this chapter shall be suspended until application is 1206
made and a copy or other evidence of the application filed with 1207
the system. If the recipient's failure to file a copy or other 1208
evidence of the application continues for one year, the disability 1209
benefit shall be terminated as of the effective date of the 1210
original suspension. 1211

(B) Regardless of whether the recipient's disability is 1212
ongoing, a recipient of a disability benefit under this chapter 1213
who also receives social security disability insurance benefit 1214
payments shall file an annual statement of earnings under section 1215
145.362 of the Revised Code and include a copy of the social 1216
security disability insurance benefit annual reward letter that 1217
specifies the amount of the social security disability insurance 1218
program benefit. 1219

(C) Except as provided in division (D) of this section, if 1220
any year the total of a disability benefit recipient's benefit 1221
under this chapter and social security disability insurance 1222
benefit payments exceeds the recipient's adjusted final average 1223
salary, the annual benefit under this chapter shall be reduced so 1224

that the annual total equals the recipient's adjusted final 1225
average salary. 1226

The recipient's adjusted final average salary shall be 1227
determined by annually increasing the recipient's final average 1228
salary by the percentage increase in the consumer price index, not 1229
exceeding three per cent, as determined by the United States 1230
bureau of labor statistics (U.S. city average for urban wage 1231
earners and clerical workers: "all items 1982-84=100") for the 1232
twelve-month period ending on the thirtieth day of June of the 1233
immediately preceding calendar year. If the consumer price index 1234
for that period did not increase, no increase shall be made to the 1235
recipient's adjusted final average salary for that period. No 1236
adjustment to a benefit shall exceed the limit established by 1237
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1238
2085, 26 U.S.C. 415, as amended. 1239

If a disability benefit recipient receives retroactive 1240
payments of social security disability insurance benefits, the 1241
system may reduce future disability benefit payments under this 1242
chapter to recoup any overpayments. 1243

(D) The reductions required by division (C) of this section 1244
do not apply to a recipient of a disability benefit under this 1245
chapter who has not less than five years of service credit for 1246
periods during which the recipient had earnings from other 1247
employment that was subject to the tax imposed by the "Federal 1248
Insurance Contributions Act," 26 U.S.C. 3101. 1249

Sec. 145.37. (A) As used in this section: 1250

(1) "State retirement system" means the public employees 1251
retirement system, school employees retirement system, or state 1252
teachers retirement system. 1253

(2) "Total service credit" means all service credit earned in 1254

the state retirement systems, except credit for service subject to 1255
section 145.38 of the Revised Code. Total service credit shall not 1256
exceed one year of credit for any twelve-month period. 1257

(3) In addition to the meaning given in division (N) of 1258
section 145.01 of the Revised Code, "disability benefit" means 1259
"disability benefit" as defined in sections 3307.01 and 3309.01 of 1260
the Revised Code. 1261

(4) "Paying system" means the state retirement system in 1262
which the member has the greatest service credit, without 1263
adjustment or, if a member who has equal service credit in two or 1264
more retirement systems, the retirement system in which the member 1265
has the greatest total contributions. 1266

(5) "Transferring system" means the state retirement system 1267
transferring a member's contributions and service credit in that 1268
system to the paying system. 1269

(6) "Retention percentage" means five per cent, or a 1270
percentage determined under division (D) of this section, of a 1271
member's earnable salary in the case of a member of the public 1272
employees retirement system or five per cent, or a percentage 1273
determined under division (D) of this section, of a member's 1274
compensation in the case of a member of the state teachers 1275
retirement system or school employees retirement system. 1276

(B) To coordinate and integrate membership in the state 1277
retirement systems, ~~the following provisions apply:~~ 1278

~~(1) Subject to division (B)(2) of this section, at the 1279
election of a member, total contributions and service credit in 1280
all state retirement systems, including amounts paid to restore 1281
service credit under sections 145.311, 3307.711, and 3309.261 of 1282
the Revised Code, shall be used in determining the eligibility and 1283
total retirement or disability benefit payable. When total 1284
contributions and service credit are so combined, the following 1285~~

provisions apply:	1286
(a)(1) Age and service retirement shall be effective on the first day of the month immediately following the later of:	1287 1288
(i)(a) The last day for which compensation was paid;	1289
(ii)(b) The attainment of minimum age or service credit eligibility for benefits provided under this section;	1290 1291
(iii)(c) Ninety days prior to receipt by the board of the member's completed application for retirement.	1292 1293
(b)(2) Disability benefits shall be effective on the first day of the month immediately following the later of the following:	1294 1295
(i)(a) The last day for which compensation was paid;	1296
(ii)(b) The attainment of eligibility for a disability benefit.	1297 1298
(c) Eligibility for a disability benefit shall be determined by the <u>(3) The board of the state retirement paying system that will calculate shall do both of the following:</u>	1299 1300 1301
<u>(a) Determine a member's eligibility for a retirement or disability benefit;</u>	1302 1303
<u>(b) Calculate and pay the member's retirement or disability benefit,</u> as provided in division (B)(1)(d) of this section. The state retirement	1304 1305 1306
<u>(4)(a) Each transferring system calculating and paying the disability benefit in which the member has service credit shall certify the determination to the board of each other state retirement paying system in which the member has service credit and shall be accepted by that board as sufficient for granting a disability benefit.</u>	1307 1308 1309 1310 1311 1312
(d) The board of the state retirement system in which the member had the greatest service credit, without adjustment, shall	1313 1314

~~calculate and pay the total retirement or disability benefit.~~ 1315
~~Where the member's credit is equal in two or more state retirement~~ 1316
~~systems, the system having the largest total contributions of the~~ 1317
~~member shall calculate and pay the total benefit.~~ 1318

~~(e) all of the following:~~ 1319

(i) The service credit earned by the member in the 1320
transferring system; 1321

(ii) The beginning and ending dates of the service credit 1322
period covered by the transferring system; 1323

(iii) Any breaks in service by the member, excluding school 1324
breaks; 1325

(iv) If available, a statement listing the member's monthly 1326
contributions and service credit earned, obtained, or purchased in 1327
the transferring system. 1328

(b) The certification under division (B)(4)(a) of this 1329
section may be reviewed by both the transferring system and the 1330
paying system. 1331

(5) In determining the total credit to be used in calculating 1332
a retirement or disability benefit, total combined service credit 1333
shall not exceed credit shall not be reduced below that certified 1334
by the transferring system, except as follows: 1335

(a) Not more than one year of credit may be certified by the 1336
transferring system for any one "year" as defined in the law of 1337
the transferring system making the calculation. 1338

~~(f)~~(b) The paying system may reduce any credit certified by 1339
the transferring system that is concurrent with any period of 1340
service credit the member earned from the paying system. 1341

(c) The paying system may reduce any credit certified by the 1342
transferring system if the amount certified, when added to the 1343
paying system's service credit for any one "year" as defined in 1344

the law of the paying system, exceeds one year. 1345

~~(6)(a)~~ The ~~state retirement~~ paying system calculating and 1346
~~paying a retirement or disability benefit~~ shall receive from the 1347
~~other~~ transferring system or systems all of the following for each 1348
year of service: 1349

(i) The amount contributed by the member, or, in the case of 1350
service credit purchased by the member, paid by the member, that 1351
is attributable to the year of service; 1352

(ii) An amount equal to the lesser of the employer's 1353
contributions made on behalf of the member to the ~~retirement~~ 1354
transferring system for that year of service less the retention 1355
percentage or the amount that would have been contributed by the 1356
employer for the service had the member been a member of the 1357
public employees retirement system at the time the credit was 1358
earned less the retention percentage; 1359

(iii) Interest compounded annually on the amounts specified 1360
in divisions (B)~~(1)~~~~(f)~~~~(6)(a)~~(i) and (ii) of this section at the 1361
lesser of the actuarial assumption rate for that year of the 1362
~~retirement~~ paying system ~~determining and paying the benefit~~ or the 1363
~~other retirement~~ transferring system or systems ~~transferring~~ 1364
~~amounts under this section.~~ 1365

(b) If applicable, the public employees retirement system 1366
shall pay to the ~~retirement~~ paying system ~~calculating and paying~~ 1367
~~the benefit~~ a portion of the amount paid on behalf of the member 1368
by an employer under section 145.483 of the Revised Code. The 1369
portion shall be paid from the employers' accumulation fund and 1370
shall equal the product obtained by multiplying by two the amount 1371
the member would have contributed during the period the employer 1372
failed to deduct contributions, as described in section 145.483 of 1373
the Revised Code. 1374

~~(g)~~(7) The annuity rates and mortality tables of the ~~state~~ 1375

retirement paying system ~~making the calculation and paying the~~ 1376
~~benefit~~ shall be exclusively applicable. 1377

~~(h)(8)~~ Deposits made for the purpose of an additional 1378
annuity, together with earnings as provided in section 145.62 of 1379
the Revised Code, upon the request of the member, shall be 1380
transferred to the ~~state retirement~~ paying system ~~paying the~~ 1381
~~benefit~~. The return upon such deposits shall be that offered by 1382
the ~~state retirement~~ paying system ~~making the calculation and~~ 1383
~~paying the benefit~~. 1384

~~(2)(9)~~ A former member receiving a retirement or disability 1385
benefit under this section, who accepts employment amenable to 1386
coverage in any state retirement system that participated in the 1387
former member's combined benefit, shall be subject to the 1388
applicable provisions of law governing such re-employment. If a 1389
former member should be paid any amount in a retirement benefit, 1390
to which the former member is not entitled under the applicable 1391
provisions of law governing such re-employment, such amount shall 1392
be recovered by the ~~state retirement~~ paying system ~~paying such~~ 1393
~~benefit~~ by utilizing any recovery procedure available under the 1394
~~code provisions of the state retirement system covering such~~ 1395
paying system's re-employment provisions. 1396

(C) A PERS retirant or other system retirant, as defined in 1397
section 145.38 of the Revised Code, is not eligible to receive any 1398
benefit under this section for service subject to section 145.38 1399
of the Revised Code. 1400

(D) The retention percentage used in the calculation under 1401
division (B)(6)(a)(ii) of this section shall be reviewed by the 1402
state retirement systems not less than once every five years after 1403
the effective date of this amendment or on request of any of the 1404
systems. If the retirement systems agree, the retention percentage 1405
may be changed if any system's employer contribution rate 1406
increases or decreases or the systems agree that a change is in 1407

the interest of one or more of the systems. 1408

Sec. 145.384. (A) As used in this section, "PERS retirant" 1409
means a PERS retirant who is not subject to division (C) of 1410
section 145.38 of the Revised Code. For purposes of this section, 1411
"PERS retirant" also includes both of the following: 1412

(1) A member who retired under section 145.383 of the Revised 1413
Code; 1414

(2) A retirant whose retirement allowance resumed under 1415
section 145.385 of the Revised Code. 1416

(B)(1) An other system retirant or PERS retirant who has made 1417
contributions under section 145.38 or 145.383 of the Revised Code 1418
or, in the case of a retirant described in division (A)(2) of this 1419
section, section 145.47 of the Revised Code may file an 1420
application with the public employees retirement system to receive 1421
either a benefit, as provided in division (B)(2) of this section, 1422
or payment of the retirant's contributions made under those 1423
sections, as provided in division (H) of this section. 1424

(2) A benefit under this section shall consist of an annuity 1425
having a reserve equal to the amount of the retirant's accumulated 1426
contributions for the period of employment, other than the 1427
contributions excluded pursuant to division (B)(4)(a) or (b) of 1428
section 145.38 of the Revised Code, and an amount of the 1429
employer's contributions determined by the board. 1430

(a) Unless, as described in division (I) of this section, the 1431
application is accompanied by a statement of the spouse's consent 1432
to another form of payment or the board waives the requirement of 1433
spousal consent, a PERS retirant or other system retirant who is 1434
married at the time of application for a benefit under this 1435
section shall receive a monthly annuity under which the actuarial 1436
equivalent of the retirant's single life annuity is paid in a 1437

lesser amount for life and one-half of the lesser amount continues 1438
after the retirant's death to the surviving spouse. 1439

(b) A PERS retirant or other system retirant who is not 1440
subject to division (B)(2)(a) of this section shall elect either 1441
to receive the benefit as a monthly annuity or a lump sum payment 1442
discounted to the present value using a rate of interest 1443
determined by the board. A retirant who elects to receive a 1444
monthly annuity shall select one of the following as the plan of 1445
payment: 1446

(i) The retirant's single life annuity; 1447

(ii) The actuarial equivalent of the retirant's single life 1448
annuity in an equal or lesser amount for life and continuing after 1449
death to a surviving beneficiary designated at the time the plan 1450
of payment is selected. 1451

If a retirant who is eligible to select a plan of payment 1452
under division (B)(2)(b) of this section fails to do so, the 1453
benefit shall be paid as a monthly annuity under the plan of 1454
payment specified in rules adopted by the public employees 1455
retirement board. 1456

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 1457
section, if a monthly annuity would be less than twenty-five 1458
dollars per month, the retirant shall receive a lump sum payment. 1459

(C)(1) The death of a spouse or other designated beneficiary 1460
under a plan of payment described in division (B)(2) of this 1461
section cancels that plan of payment. The PERS retirant or other 1462
system retirant shall receive the equivalent of the retirant's 1463
single life annuity, as determined by the board, effective the 1464
first day of the month following the date of death. 1465

(2) On divorce, annulment, or marriage dissolution, a PERS 1466
retirant or other system retirant receiving a benefit described in 1467
division (B)(2) of this section under which the beneficiary is the 1468

spouse may, with the written consent of the spouse or pursuant to 1469
an order of the court with jurisdiction over the termination of 1470
the marriage, elect to cancel the plan and receive the equivalent 1471
of the retirant's single life annuity as determined by the board. 1472
The election shall be made on a form provided by the board and 1473
shall be effective the month following its receipt by the board. 1474

(D) Following a marriage or remarriage, a PERS retirant or 1475
other system retirant who is receiving a benefit described in 1476
division (B)(2)(b)(i) of this section may elect a new plan of 1477
payment under division (B)(2)(b) of this section based on the 1478
actuarial equivalent of the retirant's single life annuity as 1479
determined by the board. 1480

If the marriage or remarriage occurs on or after June 6, 1481
2005, the election must be made not later than one year after the 1482
date of the marriage or remarriage. 1483

The plan elected under this division shall be effective on 1484
the date of receipt by the board of an application on a form 1485
approved by the board, but any change in the amount of the benefit 1486
shall commence on the first day of the month following the 1487
effective date of the plan. 1488

(E) A benefit payable under division (B)(2) of this section 1489
shall commence on the latest of the following: 1490

(1) The last day for which compensation for all employment 1491
subject to section 145.38, 145.383, or 145.385 of the Revised Code 1492
was paid; 1493

(2) Attainment by the PERS retirant or other system retirant 1494
of age sixty-five; 1495

(3) If the PERS retirant or other system retirant was 1496
previously employed under section 145.38, 145.383, or 145.385 of 1497
the Revised Code and is receiving or previously received a benefit 1498
under this section, completion of a period of twelve months since 1499

the effective date of the last benefit under this section; 1500

(4) Ninety days prior to receipt by the board of the member's 1501
completed application for retirement; 1502

(5) A date specified by the retirant. 1503

(F)(1) If a PERS retirant or other system retirant dies while 1504
employed in employment subject to section 145.38, 145.383, or 1505
145.385 of the Revised Code, a lump sum payment shall be paid to 1506
the retirant's beneficiary under division (G) of this section. The 1507
lump sum shall be calculated in accordance with division (H) of 1508
this section if the retirant was under age sixty-five at the time 1509
of death. It shall be calculated in accordance with division 1510
(B)(2) of this section if the retirant was age sixty-five or older 1511
at the time of death. 1512

(2) If at the time of death a PERS retirant or other system 1513
retirant receiving a monthly annuity under division (B)(2)(b)(i) 1514
of this section has received less than the retirant would have 1515
received as a lump sum payment, the difference between the amount 1516
received and the amount that would have been received as a lump 1517
sum payment shall be paid to the retirant's beneficiary under 1518
division (G) of this section. 1519

(3) If a beneficiary receiving a monthly annuity under 1520
division (B)(2) of this section dies and, at the time of the 1521
beneficiary's death, the total of the amounts paid to the retirant 1522
and beneficiary are less than the amount the retirant would have 1523
received as a lump sum payment, the difference between the total 1524
of the amounts received by the retirant and beneficiary and the 1525
amount that the retirant would have received as a lump sum payment 1526
shall be paid to the beneficiary's estate. 1527

(G) A PERS retirant or other system retirant employed under 1528
section 145.38, 145.383, or 145.385 of the Revised Code may 1529
designate one or more persons as beneficiary to receive any 1530

benefits payable under division (B)(2)(b) of this section due to 1531
death. The designation shall be in writing duly executed on a form 1532
provided by the public employees retirement board, signed by the 1533
PERS retirant or other system retirant, and filed with the board 1534
prior to death. The last designation of a beneficiary revokes all 1535
previous designations. The PERS retirant's or other system 1536
retirant's marriage, divorce, marriage dissolution, legal 1537
separation, withdrawal of account, birth of a child, or adoption 1538
of a child revokes all previous designations. If there is no 1539
designated beneficiary or the beneficiary is not located within 1540
ninety days, the beneficiary ~~is the beneficiary determined under~~ 1541
~~division (D) of section 145.43 of the Revised Code. If shall be~~ 1542
determined in the following order of precedence: 1543

(1) Surviving spouse; 1544

(2) Children, share and share alike; 1545

(3) Parents, share and share alike; 1546

(4) Estate. 1547

If any benefit payable under this section due to the death of 1548
a PERS retirant or other system retirant is not claimed by a 1549
beneficiary within five years after the death, the amount payable 1550
shall be transferred to the income fund and thereafter paid to the 1551
beneficiary or the estate of the PERS retirant or other system 1552
retirant on application to the board. 1553

(H)(1) A PERS retirant or other system retirant who applies 1554
under division (B)(1) of this section for payment of the 1555
retirant's contributions and is unmarried or is married and, 1556
unless the board has waived the requirement of spousal consent, 1557
includes with the application a statement of the spouse's consent 1558
to the payment, shall be paid the contributions made under section 1559
145.38 or 145.383 of the Revised Code or, in the case of a 1560
retirant described in division (A)(2) of this section, section 1561

145.47 of the Revised Code, plus interest as provided in section 1562
145.471 of the Revised Code, if the following conditions are met: 1563

(a) The retirant has not attained sixty-five years of age and 1564
has terminated employment subject to section 145.38, 145.383, or 1565
145.385 of the Revised Code for any cause other than death or the 1566
receipt of a benefit under this section. 1567

(b) Three months have elapsed since the termination of the 1568
retirant's employment subject to section 145.38, 145.383, or 1569
145.385 of the Revised Code, other than employment exempted from 1570
contribution pursuant to section 145.03 of the Revised Code. 1571

(c) The retirant has not returned to public service, other 1572
than service exempted from contribution pursuant to section 145.03 1573
of the Revised Code, during the three-month period. 1574

(2) Payment of a retirant's contributions cancels the 1575
retirant's right to a benefit under division (B)(2) of this 1576
section. 1577

(I) A statement of a spouse's consent under division (B)(2) 1578
of this section to the form of a benefit or under division (H) of 1579
this section to a payment of contributions is valid only if signed 1580
by the spouse and witnessed by a notary public. The board may 1581
waive the requirement of spousal consent if the spouse is 1582
incapacitated or cannot be located, or for any other reason 1583
specified by the board. Consent or waiver is effective only with 1584
regard to the spouse who is the subject of the consent or waiver. 1585

(J) No amount received under this section shall be included 1586
in determining an additional benefit under section 145.323 of the 1587
Revised Code or any other post-retirement benefit increase. 1588

Sec. 145.391. The public employees retirement board may 1589
establish and maintain a qualified governmental excess benefit 1590
arrangement that meets the requirements of division (m) of section 1591

415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1592
U.S.C.A. 415, as amended, and any regulations adopted thereunder. 1593
If established, the arrangement shall be a separate portion of the 1594
public employees retirement system and be maintained solely for 1595
the purpose of providing to retired members that part of a benefit 1596
otherwise payable under this chapter that exceeds the limits 1597
established by section 415 of the "Internal Revenue Code of 1986," 1598
as amended. If established, the amounts required to fund the 1599
arrangement shall be included in the employer's contribution 1600
required by sections 145.48 and 145.51 of the Revised Code. 1601

Members participating in an arrangement established under 1602
this section shall not be permitted to elect to defer compensation 1603
to the arrangement. Contributions to and benefits paid under an 1604
arrangement shall not be payable from a trust that is part of the 1605
system unless the trust is maintained solely for the purpose of 1606
providing such benefits. 1607

The board shall adopt rules to administer an arrangement 1608
established under this section. 1609

Sec. 145.40. (A)(1) Subject to the provisions of section 1610
145.57 of the Revised Code and except as provided in ~~section~~ 1611
~~145.402 of the Revised Code~~ and division (B) of this section, if a 1612
member elects to become exempt from contribution to the public 1613
employees retirement system pursuant to section 145.03 of the 1614
Revised Code or ceases to be a public employee for any cause other 1615
than death, retirement, receipt of a disability benefit, or 1616
current employment in a position in which the member has elected 1617
to participate in an alternative retirement plan under section 1618
3305.05 or 3305.051 of the Revised Code, upon application the 1619
public employees retirement board shall pay the member the 1620
member's accumulated contributions, plus any applicable amount 1621
calculated under section 145.401 of the Revised Code, provided 1622

that both the following apply: 1623

(a) Three months have elapsed since the member's service 1624
subject to this chapter, other than service exempted from 1625
contribution pursuant to section 145.03 of the Revised Code, was 1626
terminated; 1627

(b) The member has not returned to service subject to this 1628
chapter, other than service exempted from contribution pursuant to 1629
section 145.03 of the Revised Code, during that three-month 1630
period. 1631

The payment of such accumulated contributions shall cancel 1632
the total service credit of such member in the public employees 1633
retirement system. 1634

(2) A member described in division (A)(1) of this section who 1635
is married at the time of application for payment and is eligible 1636
for age and service retirement under section 145.32, 145.33, 1637
145.331, or 145.332 of the Revised Code or would be eligible for 1638
age and service retirement under any of those sections but for a 1639
forfeiture ordered under division (A) or (B) of section 2929.192 1640
of the Revised Code shall submit with the application a written 1641
statement by the member's spouse attesting that the spouse 1642
consents to the payment of the member's accumulated contributions. 1643
Consent shall be valid only if it is signed and witnessed by a 1644
notary public. 1645

The board may waive the requirement of consent if the spouse 1646
is incapacitated or cannot be located, or for any other reason 1647
specified by the board. Consent or waiver is effective only with 1648
regard to the spouse who is the subject of the consent or waiver. 1649

(B) This division applies to any member who is employed in a 1650
position in which the member has made an election under section 1651
3305.05 or 3305.051 of the Revised Code and due to the election 1652

ceases to be a public employee for purposes of that position. 1653

Subject to section 145.57 of the Revised Code, the public 1654
employees retirement system shall do the following: 1655

(1) On receipt of a certified copy of a form evidencing an 1656
election under section 3305.05 or 3305.051 of the Revised Code, 1657
pay to the appropriate provider, in accordance with section 1658
3305.052 of the Revised Code, the amount described in section 1659
3305.052 of the Revised Code; 1660

(2) If a member has accumulated contributions, in addition to 1661
those subject to division (B)(1) of this section, standing to the 1662
credit of the member's individual account and is not otherwise 1663
employed in a position in which the member is considered a public 1664
employee for the purposes of that position, pay, to the provider 1665
the member selected pursuant to section 3305.05 or 3305.051 of the 1666
Revised Code, the member's accumulated contributions. The payment 1667
shall be made on the member's application. 1668

(C) Payment of a member's accumulated contributions under 1669
division (B) of this section cancels the member's total service 1670
credit in the public employees retirement system. A member whose 1671
accumulated contributions are paid to a provider pursuant to 1672
division (B) of this section is forever barred from claiming or 1673
purchasing service credit under the public employees retirement 1674
system for the period of employment attributable to those 1675
contributions. 1676

Sec. 145.402. (A) As used in this section, "other retirement 1677
system" means the state teachers retirement system or the school 1678
employees retirement system. 1679

(B) Except as provided in this section, on application, a 1680
member of the public employees retirement system who is also a 1681
member of one or both of the other retirement systems and has 1682

ceased to be a public employee for the purposes of this chapter 1683
may be paid, in accordance with section 145.40 of the Revised 1684
Code, the member's accumulated contributions to the public 1685
employees retirement system, plus any applicable amount calculated 1686
under section 145.401 of the Revised Code. This payment does not 1687
affect the member's membership in the other retirement systems or 1688
any right the member may have to a benefit or return of 1689
contributions under those systems. 1690

(C) This section does not apply to a member of one of the 1691
other retirement systems whose employment under that system is 1692
with the public employer that was the employer under the public 1693
employees retirement system at the time the member's service 1694
subject to this chapter terminated. 1695

Sec. 145.43. (A) As used in this section and in section 1696
145.45 of the Revised Code: 1697

(1) "Child" means a biological or legally adopted child of a 1698
deceased member. If a court hearing for an interlocutory decree 1699
for adoption was held prior to the member's death, "child" 1700
includes the child who was the subject of the hearing 1701
notwithstanding the fact that the final decree of adoption, 1702
adjudging the surviving spouse as the adoptive parent, is made 1703
subsequent to the member's death. 1704

(2) "Parent" is a parent or legally adoptive parent of a 1705
deceased member. 1706

(3) "Dependent" means a beneficiary who receives one-half of 1707
the beneficiary's support from a member during the twelve months 1708
prior to the member's death. 1709

(4) "Surviving spouse" means an individual who establishes a 1710
valid marriage to a member at the time of the member's death by 1711
marriage certificate or pursuant to division (E) of this section. 1712

(5) "Survivor" means a surviving spouse, child, or parent. 1713

(6) "Accumulated contributions" has the meaning given in 1714
section 145.01 of the Revised Code, except that, notwithstanding 1715
that section, it does not include additional amounts deposited in 1716
the employees' savings fund pursuant to the version of division 1717
(C) of section 145.23 of the Revised Code as it existed 1718
immediately prior to April 6, 2007, or pursuant to section 145.62 1719
of the Revised Code. 1720

(B) Except as provided in division (C)(1) of section 145.45 1721
of the Revised Code, should a member die before age and service 1722
retirement, the member's accumulated contributions and any 1723
applicable amount calculated under section 145.401 of the Revised 1724
Code, shall be paid to the person or persons the member has 1725
designated under section 145.431 of the Revised Code. A member may 1726
designate two or more persons as beneficiaries to be paid the 1727
accumulated account in a lump sum. Subject to rules adopted by the 1728
public employees retirement board, a member who designates two or 1729
more persons as beneficiaries shall specify the percentage of the 1730
lump sum that each beneficiary is to be paid. If the member has 1731
not specified the percentages, the lump sum shall be divided 1732
equally among the beneficiaries. 1733

The last designation of any beneficiary revokes all previous 1734
designations. The member's marriage, divorce, marriage 1735
dissolution, legal separation, or withdrawal of account, or the 1736
birth of the member's child, or adoption of a child, shall 1737
constitute an automatic revocation of the member's previous 1738
designation. If a deceased member was also a member of the school 1739
employees retirement system or the state teachers retirement 1740
system, the beneficiary last established among the systems shall 1741
be the sole beneficiary in all the systems. 1742

If the accumulated contributions of a deceased member are not 1743
claimed by a beneficiary or by the estate of the deceased member 1744

within five years after the death, the contributions shall remain 1745
in the employees' savings fund or may be transferred to the income 1746
fund and thereafter shall be paid to the beneficiary or to the 1747
member's estate upon application to the board. The board shall 1748
formulate and adopt the necessary rules governing all designations 1749
of beneficiaries. 1750

(C) Except as provided in division (C)(1) of section 145.45 1751
of the Revised Code, if a member dies before age and service 1752
retirement and is not survived by a designated beneficiary, the 1753
following shall qualify, with all attendant rights and privileges, 1754
in the following order of precedence, the member's: 1755

(1) Surviving spouse; 1756

(2) Children, share and share alike; 1757

(3) A dependent parent, if that parent takes survivor 1758
benefits under division (B) of section 145.45 of the Revised Code; 1759

(4) Parents, share and share alike; 1760

(5) Estate. 1761

If the beneficiary is deceased or is not located within 1762
ninety days, the beneficiary ceases to qualify for any benefit and 1763
the beneficiary next in order of precedence shall qualify as a 1764
beneficiary. 1765

Any payment made to a beneficiary as determined by the board 1766
shall be a full discharge and release to the board from any future 1767
claims. 1768

(D) Any amount due a retirant or disability benefit recipient 1769
receiving a monthly benefit and unpaid to the retirant or 1770
recipient at death shall be paid to the beneficiary designated 1771
under section 145.431 of the Revised Code in writing duly executed 1772
on a form provided by the board, signed by the retirant or 1773
recipient, and filed with the board. If no such designation has 1774

been filed, or if the designated beneficiary is not located within 1775
ninety days, any amounts payable under this chapter due to the 1776
death of the retirant or recipient shall be paid in the following 1777
order of precedence to the retirant's or recipient's: 1778

(1) Surviving spouse; 1779

(2) Children, share and share alike; 1780

(3) Parents, share and share alike; 1781

(4) Estate. 1782

The payment shall be a full discharge and release to the 1783
board from any future claim for the payment. 1784

Any amount due a beneficiary receiving a monthly benefit and 1785
unpaid to the beneficiary at the beneficiary's death shall be paid 1786
to the beneficiary's estate. 1787

(E) If the validity of marriage cannot be established to the 1788
satisfaction of the board for the purpose of disbursing any amount 1789
due under this section or section 145.45 of the Revised Code, the 1790
board may accept a decision rendered by a court having 1791
jurisdiction in the state in which the member was domiciled at the 1792
time of death that the relationship constituted a valid marriage 1793
at the time of death, or the "spouse" would have the same status 1794
as a widow or widower for purposes of sharing the distribution of 1795
the member's intestate personal property. 1796

(F) As used in this division, "recipient" means an individual 1797
who is receiving or may be eligible to receive an allowance or 1798
benefit under this chapter based on the individual's service to a 1799
public employer. 1800

If the death of a member, a recipient, or any individual who 1801
would be eligible to receive an allowance or benefit under this 1802
chapter by virtue of the death of a member or recipient is caused 1803
by one of the following beneficiaries, no amount due under this 1804

chapter to the beneficiary shall be paid to the beneficiary in the 1805
absence of a court order to the contrary filed with the board: 1806

(1) A beneficiary who is convicted of, pleads guilty to, or 1807
is found not guilty by reason of insanity of a violation of or 1808
complicity in the violation of either of the following: 1809

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 1810

(b) An existing or former law of any other state, the United 1811
States, or a foreign nation that is substantially equivalent to 1812
section 2903.01, 2903.02, or 2903.03 of the Revised Code. 1813

(2) A beneficiary who is indicted for a violation of or 1814
complicity in the violation of the sections or laws described in 1815
division (F)(1)(a) or (b) of this section and is adjudicated 1816
incompetent to stand trial; 1817

(3) A beneficiary who is a juvenile found to be a delinquent 1818
child by reason of committing an act that, if committed by an 1819
adult, would be a violation of or complicity in the violation of 1820
the sections or laws described in division (F)(1)(a) or (b) of 1821
this section. 1822

Sec. 145.431. Designation of a beneficiary for the purposes 1823
of section 145.40 of the Revised Code or ~~payment of benefits or a~~ 1824
return of contributions to the beneficiary of a member 1825
participating in a PERS defined contribution plan shall be made 1826
under this section. A beneficiary shall be designated in writing 1827
duly executed on a form provided by the public employees 1828
retirement board and signed by the member. A designation under 1829
this section is not valid unless received by the board prior to 1830
the member's death. 1831

A beneficiary designation made under this section applies to 1832
the PERS defined benefit plan or PERS defined contribution plan in 1833
which the member participated or, if the member participated in 1834

both the defined benefit plan and one or more defined contribution 1835
plans, to both the defined benefit plan and the defined 1836
contribution plans. 1837

The last designation of any beneficiary revokes all previous 1838
designations. The member's marriage, divorce, marriage 1839
dissolution, legal separation, or withdrawal of account, or the 1840
birth of the member's child, or adoption of a child, shall 1841
constitute an automatic revocation of the member's previous 1842
designation. 1843

Sec. 145.45. Except as provided in division (C)(1) of this 1844
section, in lieu of accepting the payment of the accumulated 1845
account of a member who dies before service retirement, a 1846
beneficiary, as determined in this section or section 145.43 of 1847
the Revised Code, may elect to forfeit the accumulated 1848
contributions and to substitute certain other benefits under 1849
division (A) or (B) of this section. 1850

(A)(1) If a deceased member was eligible for a service 1851
retirement benefit as provided in section 145.33, 145.331, or 1852
145.332 of the Revised Code, a surviving spouse or other sole 1853
dependent beneficiary may elect to receive a monthly benefit 1854
computed as ~~the joint survivor benefit designated as "plan A" in~~ 1855
section 145.46 of the Revised Code a joint-life plan under which 1856
the spouse or beneficiary receives one hundred per cent of the 1857
actuarial equivalent of the deceased member's lesser retirement 1858
allowance payable for the member's life, which the member would 1859
have received had the member retired on the last day of the month 1860
of death and had the member at that time selected such 1861
~~joint survivor~~ a plan. Payment shall begin with the month 1862
subsequent to the member's death, except that a surviving spouse 1863
who is less than sixty-five years old may defer receipt of such 1864
benefit. Upon receipt, the benefit shall be calculated based upon 1865

the spouse's age at the time of first payment, and shall accrue 1866
regular interest during the time of deferral. 1867

(2) Beginning on a date selected by the public employees 1868
retirement board, which shall be not later than July 1, 2004, a 1869
surviving spouse or other sole dependent beneficiary may elect, in 1870
lieu of a monthly payment under division (A)(1) of this section, a 1871
plan of payment consisting of both of the following: 1872

(a) A lump sum in an amount the surviving spouse or other 1873
sole dependent beneficiary designates that constitutes a portion 1874
of the allowance that would be payable under division (A)(1) of 1875
this section; 1876

(b) The remainder of that allowance in monthly payments. 1877

The total amount paid as a lump sum and a monthly benefit 1878
shall be the actuarial equivalent of the amount that would have 1879
been paid had the lump sum not been selected. 1880

The lump sum amount designated by the surviving spouse or 1881
other sole dependent beneficiary under division (A)(2)(a) of this 1882
section shall be not less than six times and not more than 1883
thirty-six times the monthly amount that would be payable to the 1884
surviving spouse or other sole dependent beneficiary under 1885
division (A)(1) of this section and shall not result in a monthly 1886
payment that is less than fifty per cent of that monthly amount. 1887

(B) If a deceased member had, except as provided in division 1888
(B)(7) of this section, at least one and one-half years of 1889
contributing service credit, with, except as provided in division 1890
(B)(7) of this section, at least one-quarter year of contributing 1891
service credit within the two and one-half years prior to the date 1892
of death, or was receiving at the time of death a disability 1893
benefit as provided in section 145.36, 145.361, or 145.37 of the 1894
Revised Code, qualified survivors who elect to receive monthly 1895
benefits shall receive the greater of the benefits provided in 1896

division (B)(1)(a) or (b) and (4) of this section as allocated in			1897
accordance with division (B)(5) of this section.			1898
(1)(a) Number		Or	1899
of Qualified		Monthly	1900
survivors	Annual Benefit as a Per	Benefit	1901
affecting	Cent of Decedent's Final	shall not be	1902
the benefit	Average Salary	less than	1903
1	25%	\$250	1904
2	40	400	1905
3	50	500	1906
4	55	500	1907
5 or more	60	500	1908
(b) Years of	Annual Benefit as a Per Cent		1909
Service	of Member's Final Average		1910
	Salary		1911
20	29%		1912
21	33		1913
22	37		1914
23	41		1915
24	45		1916
25	48		1917
26	51		1918
27	54		1919
28	57		1920
29 or more	60		1921
(2) Benefits shall begin as qualified survivors meet			1922
eligibility requirements as follows:			1923
(a) A qualified spouse is the surviving spouse of the			1924
deceased member, who is age sixty-two, or regardless of age meets			1925
one of the following qualifications:			1926
(i) Except as provided in division (B)(7) of this section,			1927
the deceased member had ten or more years of Ohio service credit.			1928

(ii) The spouse is caring for a qualified child.	1929
(iii) The spouse is adjudged physically or mentally incompetent.	1930 1931
A spouse of a member who died prior to August 27, 1970, whose eligibility was determined at the member's death, and who is physically or mentally incompetent on or after August 20, 1976, shall be paid the monthly benefit which that person would otherwise receive when qualified by age.	1932 1933 1934 1935 1936
(b) A qualified child is any child of the deceased member who has never been married and to whom one of the following applies:	1937 1938
(i) Is under age eighteen, or under age twenty-two if the child is attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of such institution and as further determined by board policy;	1939 1940 1941 1942 1943 1944
(ii) Regardless of age, is adjudged physically or mentally incompetent at the time of the member's death.	1945 1946
(c) A qualified parent is a dependent parent aged sixty-five or older or regardless of age if physically or mentally incompetent, a dependent parent whose eligibility was determined by the member's death prior to August 20, 1976, and who is physically or mentally incompetent on or after August 20, 1976, shall be paid the monthly benefit for which that person would otherwise qualify.	1947 1948 1949 1950 1951 1952 1953
(3) "Physically or mentally incompetent" as used in this section may be determined by a court of jurisdiction, or by a physician appointed by the retirement board. Incapability of making a living because of a physically or mentally disabling condition shall meet the qualifications of this division.	1954 1955 1956 1957 1958

(4) Benefits to a qualified survivor shall terminate upon 1959
ceasing to meet eligibility requirements as provided in this 1960
division, a first marriage, abandonment, adoption, or during 1961
active military service. Benefits to a deceased member's surviving 1962
spouse that were terminated under a former version of this section 1963
that required termination due to remarriage and were not resumed 1964
prior to September 16, 1998, shall resume on the first day of the 1965
month immediately following receipt by the board of an application 1966
on a form provided by the board. 1967

Upon the death of any subsequent spouse who was a member of 1968
the public employees retirement system, state teachers retirement 1969
system, or school employees retirement system, the surviving 1970
spouse of such member may elect to continue receiving benefits 1971
under this division, or to receive survivor's benefits, based upon 1972
the subsequent spouse's membership in one or more of the systems, 1973
for which such surviving spouse is eligible under this section or 1974
section 3307.66 or 3309.45 of the Revised Code. If the surviving 1975
spouse elects to continue receiving benefits under this division, 1976
such election shall not preclude the payment of benefits under 1977
this division to any other qualified survivor. 1978

Benefits shall begin or resume on the first day of the month 1979
following the attainment of eligibility and shall terminate on the 1980
first day of the month following loss of eligibility. 1981

(5)(a) If a benefit is payable under division (B)(1)(a) of 1982
this section, benefits to a qualified spouse shall be paid in the 1983
amount determined for the first qualifying survivor in division 1984
(B)(1)(a) of this section. All other qualifying survivors shall 1985
share equally in the benefit or remaining portion thereof. 1986

(b) All qualifying survivors shall share equally in a benefit 1987
payable under division (B)(1)(b) of this section, except that if 1988
there is a surviving spouse, the surviving spouse shall receive 1989
not less than the amount determined for the first qualifying 1990

survivor in division (B)(1)(a) of this section. 1991

(6) The beneficiary of a member who is also a member of the 1992
state teachers retirement system or of the school employees 1993
retirement system, must forfeit the member's accumulated 1994
contributions in those systems and in the public employees 1995
retirement system, if the beneficiary takes a survivor benefit. 1996
Such benefit shall be exclusively governed by section 145.37 of 1997
the Revised Code. 1998

(7) The following restrictions do not apply if the deceased 1999
member was contributing toward benefits under section 145.332 of 2000
the Revised Code at the time of death: 2001

(a) That the deceased member have had at least one and 2002
one-half years of contributing service credit, with at least 2003
one-quarter year of contributing service within the two and 2004
one-half years prior to the date of death; 2005

(b) If the deceased member was killed in the line of duty, 2006
that the deceased member have had ten or more years of Ohio 2007
service credit as described in division (B)(2)(a)(i) of this 2008
section. 2009

For the purposes of division (B)(7)(b) of this section, 2010
"killed in the line of duty," means either that death occurred in 2011
the line of duty or that death occurred as a result of injury 2012
sustained in the line of duty. 2013

(C)(1) Regardless of whether the member is survived by a 2014
spouse or designated beneficiary, if the public employees 2015
retirement system receives notice that a deceased member described 2016
in division (A) or (B) of this section has one or more qualified 2017
children, all persons who are qualified survivors under division 2018
(B) of this section shall receive monthly benefits as provided in 2019
division (B) of this section. 2020

If, after determining the monthly benefits to be paid under 2021

division (B) of this section, the system receives notice that 2022
there is a qualified survivor who was not considered when the 2023
determination was made, the system shall, notwithstanding section 2024
145.561 of the Revised Code, recalculate the monthly benefits with 2025
that qualified survivor included, even if the benefits to 2026
qualified survivors already receiving benefits are reduced as a 2027
result. The benefits shall be calculated as if the qualified 2028
survivor who is the subject of the notice became eligible on the 2029
date the notice was received and shall be paid to qualified 2030
survivors effective on the first day of the first month following 2031
the system's receipt of the notice. 2032

If the retirement system did not receive notice that a 2033
deceased member has one or more qualified children prior to making 2034
payment under section 145.43 of the Revised Code to a beneficiary 2035
as determined by the retirement system, the payment is a full 2036
discharge and release of the system from any future claims under 2037
this section or section 145.43 of the Revised Code. 2038

(2) If benefits under division (C)(1) of this section to all 2039
persons, or to all persons other than a surviving spouse or other 2040
sole beneficiary, terminate, there are no children under the age 2041
of twenty-two years, and the surviving spouse or beneficiary 2042
qualifies for benefits under division (A) of this section, the 2043
surviving spouse or beneficiary may elect to receive benefits 2044
under division (A) of this section. The benefits shall be 2045
effective on the first day of the month immediately following the 2046
termination. 2047

(D) The final average salary used in the calculation of a 2048
benefit payable pursuant to division (A) or (B) of this section to 2049
a survivor or beneficiary of a disability benefit recipient shall 2050
be adjusted for each year between the disability benefit's 2051
effective date and the recipient's date of death by the lesser of 2052
three per cent or the actual average percentage increase in the 2053

consumer price index prepared by the United States bureau of labor 2054
statistics (U.S. city average for urban wage earners and clerical 2055
workers: "all items 1982-84=100"). 2056

(E) If the survivor benefits due and paid under this section 2057
are in a total amount less than the member's accumulated account 2058
that was transferred from the public employees' savings fund to 2059
the survivors' benefit fund, then the difference between the total 2060
amount of the benefits paid shall be paid to the beneficiary under 2061
section 145.43 of the Revised Code. 2062

Sec. 145.46. (A) A retirement allowance calculated under 2063
section 145.33, 145.331, or 145.332 of the Revised Code shall be 2064
paid as provided in this section. 2065

Unless the member is required by division (C) of this section 2066
to select a specified plan of payment, a member may elect a plan 2067
of payment as provided in division (B)(1), (2), or (3) of this 2068
section. An election shall be made at the time the member makes 2069
application for retirement and on a form provided by the public 2070
employees retirement board. A plan of payment elected under this 2071
section shall be effective only if approved by the board, which 2072
shall approve it only if it is certified by an actuary engaged by 2073
the board to be the actuarial equivalent of the retirement 2074
allowance calculated under section 145.33, 145.331, or 145.332 of 2075
the Revised Code. 2076

(B) The following plans of payment shall be offered by the 2077
public employees retirement system: 2078

(1) "Joint-life plan," an allowance that consists of the 2079
actuarial equivalent of the member's retirement allowance 2080
determined under section 145.33, 145.331, or 145.332 of the 2081
Revised Code in a lesser amount payable for life and one-half or 2082
some other portion equal to ten per cent or more of the allowance 2083
continuing after death to the member's designated beneficiary for 2084

the beneficiary's life. The beneficiary shall be nominated by 2085
written designation filed with the retirement board. The amount 2086
payable to the beneficiary shall not exceed the amount payable to 2087
the member. 2088

(2) "Single-life plan," the member's retirement allowance 2089
determined under section 145.33, 145.331, or 145.332 of the 2090
Revised Code; 2091

(3) "Multiple-life plan," an allowance that consists of the 2092
actuarial equivalent of the member's retirement allowance 2093
determined under section 145.33, 145.331, or 145.332 of the 2094
Revised Code in a lesser amount payable to the retirant for life 2095
and some portion of the lesser amount continuing after death to 2096
two, three, or four surviving beneficiaries designated at the time 2097
of the member's retirement. Unless required under division (C) of 2098
this section, no portion allocated under this plan of payment 2099
shall be less than ten per cent. The total of the portions 2100
allocated shall not exceed one hundred per cent of the member's 2101
lesser allowance. 2102

(C) A member shall select a plan of payment as follows: 2103

(1) Subject to division (C)(2) of this section, if the member 2104
is married at the time of retirement, the member shall select a 2105
joint-life plan and receive a plan of payment that consists of the 2106
actuarial equivalent of the member's retirement allowance 2107
determined under section 145.33, 145.331, or 145.332 of the 2108
Revised Code in a lesser amount payable for life and one-half of 2109
such allowance continuing after death to the member's surviving 2110
spouse for the life of the spouse. A married member is not 2111
required to select this plan of payment if the member's spouse 2112
consents in writing to the member's election of a plan of payment 2113
other than described in this division or the board waives the 2114
requirement that the spouse consent; 2115

(2) If prior to the effective date of the member's retirement, the public employees retirement board receives a copy of a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property the board shall accept the member's election of a plan of payment under this section only if the member complies with both of the following:

(a) The member elects a plan of payment that is in accordance with the order.

(b) If the member is married, the member elects a multiple-life plan and designates the member's current spouse as a beneficiary under that plan unless that spouse consents in writing to not being designated a beneficiary under any plan of payment or the board waives the requirement that the current spouse consent.

(D) An application for retirement shall include an explanation of all of the following:

(1) That, if the member is married, unless the spouse consents to another plan of payment or there is a court order dividing marital property issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property that provides for payment in a specified amount, the member's retirement allowance will be paid under a joint-life plan and consist of the actuarial equivalent of the member's retirement allowance in a lesser amount payable for life and one-half of the allowance continuing after death to the surviving spouse for the life of the spouse;

(2) A description of the alternative plans of payment, including all plans described in division (B) of this section, available with the consent of the spouse;

(3) That the spouse may consent to another plan of payment and the procedure for giving consent;

(4) That consent is irrevocable once notice of consent is 2147
filed with the board. 2148

Consent shall be valid only if it is signed, in writing, and 2149
witnessed by a notary public. The board may waive the requirement 2150
of consent if the spouse is incapacitated or cannot be located or 2151
for any other reason specified by the board. Consent or waiver is 2152
effective only with regard to the spouse who is the subject of the 2153
consent or waiver. 2154

(E)(1) Beginning on a date selected by the retirement board, 2155
which shall be not later than July 1, 2004, a member may elect to 2156
receive a retirement allowance under a plan of payment consisting 2157
of both a lump sum in an amount the member designates that 2158
constitutes a portion of the member's retirement allowance under a 2159
plan described in division (B) of this section and the remainder 2160
as a monthly allowance under that plan. 2161

The total amount paid as a lump sum and a monthly benefit 2162
shall be the actuarial equivalent of the amount that would have 2163
been paid had the lump sum not been selected. 2164

(2) The lump sum designated by a member shall be not less 2165
than six times and not more than thirty-six times the monthly 2166
amount that would be payable to the member under the plan of 2167
payment elected under division (B) of this section had the lump 2168
sum not been elected and shall not result in a monthly allowance 2169
that is less than fifty per cent of that monthly amount. 2170

(F) If the retirement allowances, as a single life annuity or 2171
payment plan as provided in this section, due and paid are in a 2172
total amount less than (1) the accumulated contributions, and (2) 2173
other deposits made by the member as provided by this chapter, 2174
standing to the credit of the member at the time of retirement, 2175
then the difference between the total amount of the allowances 2176
paid and the accumulated contributions and other deposits shall be 2177

paid to the beneficiary provided under division (D) of section 2178
145.43 of the Revised Code. 2179

(G)(1) The death of a spouse or any designated beneficiary 2180
following retirement shall cancel the portion of the plan of 2181
payment providing continuing lifetime benefits to the deceased 2182
spouse or deceased designated beneficiary. The retirant shall 2183
receive the actuarial equivalent of the retirant's single lifetime 2184
benefit, as determined by the board, based on the number of 2185
remaining beneficiaries, with no change in the amount payable to 2186
any remaining beneficiary. The change shall be effective the month 2187
following the date of death. 2188

(2) On divorce, annulment, or marriage dissolution, a 2189
retirant receiving a retirement allowance under a plan that 2190
provides for continuation of all or part of the allowance after 2191
death for the lifetime of the retirant's surviving spouse may, 2192
with the written consent of the spouse or pursuant to an order of 2193
the court with jurisdiction over the termination of the marriage, 2194
elect to cancel the portion of the plan providing continuing 2195
lifetime benefits to that spouse. The retirant shall receive the 2196
actuarial equivalent of the retirant's single lifetime benefit as 2197
determined by the retirement board based on the number of 2198
remaining beneficiaries, with no change in amount payable to any 2199
remaining beneficiary. The election shall be made on a form 2200
provided by the board and shall be effective the month following 2201
its receipt by the board. 2202

(H)(1) Following a marriage or remarriage, both of the 2203
following apply: 2204

(a) A retirant who is receiving the retirant's retirement 2205
allowance under a single-life plan may elect a new plan of payment 2206
under division (B)(1) ~~or (3)~~ of this section based on the 2207
actuarial equivalent of the retirant's single lifetime benefit as 2208
determined by the board. 2209

(b) A retirant who is receiving a retirement allowance 2210
pursuant to a plan of payment providing for payment to a former 2211
spouse pursuant to a court order described in division (C)(2) of 2212
this section may elect a new plan of payment in the form of a 2213
multiple-life plan based on the actuarial equivalent of the 2214
retirant's single lifetime retirement allowance as determined by 2215
the board if the new plan of payment elected does not reduce the 2216
payment to the former spouse. 2217

(2) If the marriage or remarriage occurs on or after June 6, 2218
2005, the election must be made not later than one year after the 2219
date of the marriage or remarriage. 2220

The plan elected under this division shall become effective 2221
on the date of receipt by the board of an application on a form 2222
approved by the board, but any change in the amount of the 2223
retirement allowance shall commence on the first day of the month 2224
following the effective date of the plan. 2225

(I) Any person who, prior to July 24, 1990, selected an 2226
optional plan of payment at retirement that provided for a return 2227
to the single life benefit after the designated beneficiary's 2228
death shall have the retirant's benefit adjusted to the optional 2229
plan equivalent without such provision. 2230

(J) A retirant's receipt of the first month's retirement 2231
allowance constitutes the retirant's final acceptance of the plan 2232
of payment and may be changed only as provided in this chapter. 2233

Sec. 145.563. Notwithstanding section 145.561 of the Revised 2234
Code: 2235

(A) The public employees retirement system may adjust an 2236
allowance or benefit payable under this chapter if an error 2237
occurred in calculation of the allowance or benefit; 2238

(B) If any person who is a member, former member, 2239

contributor, former contributor, retirant, beneficiary, or 2240
alternate payee, as defined in section 3105.80 of the Revised 2241
Code, is paid any benefit or payment by the public employees 2242
retirement system, including any payment made to a third party on 2243
the person's behalf, to which the person is not entitled, the 2244
benefit or payment shall be repaid to the retirement system by the 2245
person or third party. ~~If~~ A repayment required by this section may 2246
include a penalty or interest on the amount of the benefit or 2247
payment, as specified in rules adopted by the public employees 2248
retirement board. The rules shall specify the method for 2249
calculating a penalty or interest and the conditions under which a 2250
penalty or interest may be assessed. 2251

If the person or third party fails to make the repayment, the 2252
retirement system shall withhold the amount or a portion of the 2253
amount due from any benefit or payment due the person or the 2254
person's beneficiary under this chapter, or may collect the amount 2255
in any other manner provided by law. 2256

Sec. 145.58. (A) The public employees retirement board shall 2257
adopt rules establishing eligibility for any coverage provided 2258
under this section. The rules shall base eligibility on years and 2259
types of service credit earned by members. Eligibility 2260
determinations shall be made in accordance with the rules, except 2261
that an individual who, as a result of making a false statement in 2262
an attempt to secure a benefit under this section, is convicted of 2263
violating section 2921.13 of the Revised Code is ineligible for 2264
coverage. 2265

(B) The board may enter into agreements with insurance 2266
companies, health insuring corporations, or government agencies 2267
authorized to do business in the state for issuance of a policy or 2268
contract of health, medical, hospital, or surgical ~~benefits~~ 2269
coverage, or any combination thereof, for eligible individuals 2270

receiving age and service retirement or a disability or survivor 2271
benefit subscribing to the plan, or for PERS retirants employed 2272
under section 145.38 of the Revised Code, for coverage ~~of benefits~~ 2273
in accordance with division ~~(C)~~(D)(2) of section 145.38 of the 2274
Revised Code. Notwithstanding any other provision of this chapter, 2275
the policy or contract may also include coverage for any eligible 2276
individual's spouse and dependent children and for any of the 2277
eligible individual's sponsored dependents as the board determines 2278
appropriate. If all or any portion of the policy or contract 2279
premium is to be paid by any individual receiving age and service 2280
retirement or a disability or survivor benefit, the individual 2281
shall, by written authorization, instruct the board to deduct the 2282
premium agreed to be paid by the individual to the company, 2283
corporation, or agency. 2284

The board may contract for coverage on the basis of part or 2285
all of the cost of the coverage to be paid from appropriate funds 2286
of the public employees retirement system. The cost paid from the 2287
funds of the system shall be included in the employer's 2288
contribution rate provided by sections 145.48 and 145.51 of the 2289
Revised Code. The board may by rule provide coverage to 2290
individuals who are not eligible under the rules adopted under 2291
division (A) of this section if the coverage is provided at no 2292
cost to the retirement system. The board shall not pay or 2293
reimburse the cost for coverage under this section or section 2294
145.584 of the Revised Code for any such individual. 2295

The board may provide for self-insurance of risk or level of 2296
risk as set forth in the contract with the companies, 2297
corporations, or agencies, and may provide through the 2298
self-insurance method specific ~~benefits~~ coverage as authorized by 2299
rules of the board. 2300

(C) The board shall, beginning the month following receipt of 2301
satisfactory evidence of the payment for coverage, pay monthly to 2302

each recipient of service retirement, or a disability or survivor 2303
benefit under the public employees retirement system who is 2304
eligible for coverage under part B of the medicare program 2305
established under Title XVIII of "The Social Security Act 2306
Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 1395j, as 2307
amended, an amount determined by the board for such coverage, 2308
except that the board shall make no such payment to any individual 2309
who is not eligible for coverage under the rules adopted under 2310
division (A) of this section or pay an amount that exceeds the 2311
amount paid by the recipient for the coverage. 2312

At the request of the board, the recipient shall certify to 2313
the retirement system the amount paid by the recipient for 2314
coverage described in this division. 2315

(D) The board shall establish by rule requirements for the 2316
coordination of any coverage, or payment, ~~or benefit~~ provided 2317
under this section or section 145.584 of the Revised Code with any 2318
similar coverage, or payment, ~~or benefit~~ made available to the 2319
same individual by the Ohio police and fire pension fund, state 2320
teachers retirement system, school employees retirement system, or 2321
state highway patrol retirement system. 2322

(E) The board shall make all other necessary rules pursuant 2323
to the purpose and intent of this section. 2324

Sec. 145.581. (A) As used in this section: 2325

(1) "Long-term care insurance" has the same meaning as in 2326
section 3923.41 of the Revised Code. 2327

(2) "Retirement systems" means the public employees 2328
retirement system, the Ohio police and fire pension fund, the 2329
state teachers retirement system, the school employees retirement 2330
system, and the state highway patrol retirement system. 2331

(B) The public employees retirement board ~~shall~~ may establish 2332

a long-term care insurance program consisting of the programs 2333
authorized by divisions (C) and (D) of this section. Such program 2334
may be established independently or jointly with one or more of 2335
the other retirement systems. If the program is established 2336
jointly, the board shall adopt rules in accordance with section 2337
111.15 of the Revised Code to establish the terms and conditions 2338
of such joint participation. 2339

(C) The board ~~shall~~ may establish a program under which it 2340
makes long-term care insurance available to any person who 2341
participated in a policy of long-term care insurance for which the 2342
state or a political subdivision contracted under section 124.84 2343
or 124.841 of the Revised Code and is the recipient of a pension, 2344
benefit, or allowance from the system. To implement the program 2345
under this division, the board, subject to division (E) of this 2346
section, may enter into an agreement with the insurance company, 2347
health insuring corporation, or government agency that provided 2348
the insurance. The board shall, under any such agreement, deduct 2349
the full premium charged from the person's benefit, pension, or 2350
allowance notwithstanding any employer agreement to the contrary. 2351

Any long-term care insurance policy entered into under this 2352
division is subject to division (C) of section 124.84 of the 2353
Revised Code. 2354

(D)(1) The board, subject to division (E) of this section, 2355
~~shall~~ may establish a program under which a recipient of a 2356
pension, benefit, or allowance from the system who is not eligible 2357
for such insurance under division (C) of this section may 2358
participate in a contract for long-term care insurance. 2359
Participation may include the recipient's dependents and family 2360
members. 2361

(2) The board ~~shall~~ may adopt rules in accordance with 2362
section 111.15 of the Revised Code governing the program. ~~The~~ Any 2363
rules adopted by the board shall establish methods of payment for 2364

participation under this section, which may include deduction of 2365
the full premium charged from a recipient's pension, benefit, or 2366
allowance, or any other method of payment considered appropriate 2367
by the board. 2368

(E) Prior to entering into any agreement or contract with an 2369
insurance company or health insuring corporation for the purchase 2370
of, or participation in, a long-term care insurance policy under 2371
this section, the board shall request the superintendent of 2372
insurance to certify the financial condition of the company or 2373
corporation. The board shall not enter into the agreement or 2374
contract if, according to that certification, the company or 2375
corporation is insolvent, is determined by the superintendent to 2376
be potentially unable to fulfill its contractual obligations, or 2377
is placed under an order of rehabilitation or conservation by a 2378
court of competent jurisdiction or under an order of supervision 2379
by the superintendent. 2380

Sec. 145.584. (A) Except as otherwise provided in division 2381
(B) of this section, the board of the public employees retirement 2382
system shall make available to each retirant or disability benefit 2383
recipient receiving a monthly allowance or benefit on or after 2384
January 1, 1968, who has attained the age of sixty-five years, and 2385
who is not eligible to receive hospital insurance benefits under 2386
the federal old age, survivors, and disability insurance program 2387
without payment of premiums, hospital one of the following: 2388

(1) Hospital insurance coverage substantially equivalent to 2389
the federal hospital insurance benefits, Social Security 2390
Amendments of 1965, 79 Stat. 291, 42 U.S.C.A. 1395c, as amended; 2391

(2) An amount, determined by the board, to reimburse the 2392
retirant or disability benefit recipient for payment of premiums 2393
for federal hospital insurance benefits described in this 2394
division, which amount shall not exceed the premiums paid. This 2395

This coverage or amount shall also be made available to the spouse, widow, or widower of such retirant or disability benefit recipient provided such spouse, widow, or widower has attained age sixty-five and is not eligible to receive hospital insurance benefits under the federal old age, survivors, and disability insurance program without payment of premiums. The widow or widower of a retirant or disability benefit recipient shall be eligible for such coverage or amount only if he or she is the recipient of a monthly allowance or benefit from this system. A portion of the cost of the premium or amount for the spouse may be paid from the appropriate funds of the ~~public employees retirement~~ system. The remainder of the cost shall be paid by the recipient of the allowance or benefit.

The cost of such coverage or amount, paid from the funds of the system, shall be included in the employer's rate provided by section 145.48 of the Revised Code. The retirement board is authorized to make all necessary rules pursuant to the purpose and intent of this section, and ~~shall~~ may contract for such coverage as provided in section 145.58 of the Revised Code.

At the request of the board, the recipient of reimbursement under this section shall certify to the retirement system the premium paid for the federal insurance benefits described in division (A) of this section. Payment of the amount described in division (A)(2) of this section shall begin for the first month that the recipient is participating in both the federal hospital insurance benefits and a health care arrangement offered by the system.

(B) The board need not make the hospital insurance coverage or amount described in division (A) of this section available to any person for whom it is prohibited by section 145.58 of the Revised Code from paying or reimbursing the premium cost of such insurance.

Sec. 145.63. (A) Deposits under section 145.62 of the Revised Code, together with earnings, shall be refunded under whichever of the following circumstances applies:

(1) On withdrawal of accumulated contributions as provided in sections 145.40 and 145.43 of the Revised Code or payment of a lump sum under section 145.384 of the Revised Code;

(2) On the death of a contributor prior to retirement;

(3) In the case of a contributor participating in the PERS defined benefit plan, on application of the contributor prior to attaining eligibility for age and service retirement;

(4) In the case of a contributor under section 145.38 or 145.383 of the Revised Code, on application of the contributor prior to attaining eligibility for a benefit under section 145.384 of the Revised Code;

(5) In the case of a contributor who has attained eligibility for an age and service retirement benefit or a benefit under section 145.384 of the Revised Code and is not married, on application;

(6) In the case of a contributor who has attained eligibility for an age and service retirement benefit or a benefit under section 145.384 of the Revised Code and is married, on application if the application is accompanied by a statement of the spouse's consent to the refund or the public employees retirement board waives the requirement that the spouse consent;

(7) In the case of a contributor who has attained eligibility for an age and service retirement benefit as a consequence of section 145.37 of the Revised Code and will receive a retirement or disability benefit from the state teachers retirement system or school employees retirement system but has not requested a transfer of funds to the other retirement system under division

(B)~~(1)(g)~~(8) of section 145.37 of the Revised Code, at the time 2458
the public employees retirement system pays to the other 2459
retirement system the amount required under division (B)~~(1)(e)~~(6) 2460
of that section; 2461

(8) In the case of a disability benefit recipient under 2462
section 145.36 of the Revised Code who is not eligible for an age 2463
and service retirement allowance, on the effective date of 2464
disability retirement. 2465

(B) The consent of a spouse to a refund is valid only if it 2466
is in writing, signed, and witnessed by a notary public. 2467

The board may waive the requirement of consent if the spouse 2468
is incapacitated or cannot be located or for any other reason 2469
specified by the board. Consent or waiver is effective only with 2470
regard to the spouse who is the subject of the consent or waiver. 2471

Sec. 145.64. (A) As used in this section, "joint-life plan," 2472
"single-life plan," and "multiple-life plan" have the same 2473
meanings as in division (B) of section 145.46 of the Revised Code. 2474

(B) A contributor who has not received a refund of amounts 2475
deposited under section 145.62 or the version of division (C) of 2476
section 145.23 of the Revised Code as it existed immediately prior 2477
to April 6, 2007, may file an application with the public 2478
employees retirement system for a benefit under this section. 2479
Except as provided in section 145.62 of the Revised Code, the 2480
benefit shall consist of an annuity that shall be paid as 2481
described in division (B) of section 145.46 of the Revised Code. 2482

The application must be filed prior to receipt of an age and 2483
service retirement benefit from the retirement system or, in the 2484
case of a contributor under section 145.38 or 145.383 of the 2485
Revised Code, a benefit under section 145.384 of the Revised Code. 2486
A contributor who fails to file an application for a benefit under 2487

this section prior to receipt of an age and service retirement benefit or a benefit under section 145.384 of the Revised Code shall be eligible only for a refund under section 145.63 of the Revised Code.

(1) Except as provided in division (B)(2) of this section, a contributor who is married at the time of application for a benefit under this section shall receive the benefit as a monthly annuity under a joint-life plan.

(2) A contributor may receive a benefit under this section under a plan of payment other than a joint-life plan if one of the following is the case:

(a) The contributor is unmarried;

(b) The benefit application is accompanied by a statement of the spouse's consent to another plan of payment or the public employees retirement board waives the requirement that the spouse consent;

(c) A plan of payment providing for payment in a specified portion of the benefit continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property prior to the effective date of the contributor's benefit application.

(3) If a member is subject to division (B)(2)(c) of this section and the board has received a copy of the order described in that division, the board shall accept the member's election of a plan of payment under this section only if the member complies with both of the following:

(a) The member elects a plan of payment that is in accordance with the order described in division (B)(2)(c) of this section.

(b) If the member is married, the member elects a

multiple-life plan and designates the member's current spouse as a 2518
beneficiary under that plan unless that spouse consents in writing 2519
to not being designated a beneficiary or the board waives the 2520
requirement that the current spouse consent. 2521

(4) The contributor shall designate the beneficiary or 2522
beneficiaries under a plan of payment in writing at the time the 2523
plan is selected. 2524

(5) A plan of payment, other than a single-life plan, shall 2525
be effective only if it is certified by an actuary engaged by the 2526
board to be the actuarial equivalent of the contributor's 2527
single-life plan annuity and is approved by the board. 2528

(6) A contributor who is eligible to select a plan of payment 2529
under this section but fails to do so shall receive a monthly 2530
annuity under the plan of payment specified in rules adopted by 2531
the board. 2532

(C) An annuity shall be paid monthly and consist of an amount 2533
determined by the public employees retirement system or the 2534
actuarial equivalent of that amount paid as described in this 2535
section. 2536

Payments shall begin on whichever of the following applies: 2537

(1) Except as provided in this division, the later of the 2538
effective date of the contributor's age and service retirement 2539
allowance or the first day of the month following the latest of: 2540

(a) The last day for which compensation was paid; 2541

(b) The attainment of the member's applicable minimum age or 2542
service credit eligibility as provided in section 145.32 or 2543
145.332 of the Revised Code; 2544

(c) The first day of the month following receipt of an 2545
application for an age and service retirement benefit. 2546

(2) The later of the effective date of a benefit under 2547

section 145.384 of the Revised Code or the first day of the month	2548
following the latest of:	2549
(a) The last day for which compensation for employment	2550
subject to section 145.38 or 145.383 of the Revised Code was paid;	2551
(b) Attainment by the contributor of age sixty-five;	2552
(c) If the contributor was previously employed as described	2553
in division (E)(3) of section 145.384 of the Revised Code,	2554
completion of a period of twelve months since the effective date	2555
of the last benefit under that section;	2556
(d) Receipt of an application for a benefit under section	2557
145.384 of the Revised Code.	2558
(3) The later of the effective date of disability retirement	2559
under section 145.36 of the Revised Code or if the date on which a	2560
member receiving disability retirement would have been <u>is</u> eligible	2561
for an age and service retirement allowance <u>on that date</u> .	2562
(4) The first day of the month following the last day for	2563
which a disability allowance is paid under section 145.361 of the	2564
Revised Code.	2565
(D) The consent of a spouse to a plan of payment other than a	2566
joint-life plan is valid only if it is in writing, signed, and	2567
witnessed by a notary public. The board may waive the requirement	2568
of consent if the spouse is incapacitated or cannot be located or	2569
for any other reason specified by the board. Consent or waiver is	2570
effective only with regard to the spouse who is the subject of the	2571
consent or waiver.	2572
(E)(1) The death of a spouse or any designated beneficiary	2573
shall cancel the portion of an annuity providing continuing	2574
lifetime payments to the deceased spouse or deceased designated	2575
beneficiary. The contributor shall receive the actuarial	2576
equivalent of the contributor's remaining annuity, as determined	2577

by the board, based on the number of remaining beneficiaries, with 2578
no change in the amount payable to any remaining beneficiary. If 2579
the retirement system receives notice of the death on or after ~~the~~ 2580
~~effective date of this amendment~~ January 7, 2013, the change shall 2581
be effective the month following the date of death. 2582

(2) On divorce, annulment, or marriage dissolution, a 2583
contributor receiving an annuity under a plan of payment that 2584
provides for continuation of all or part of the annuity after 2585
death for the lifetime of the contributor's surviving spouse may, 2586
with the written consent of the spouse or pursuant to an order of 2587
the court with jurisdiction over the termination of the marriage, 2588
elect to cancel the portion of the plan providing continuing 2589
lifetime payments to that spouse. The contributor shall receive 2590
the actuarial equivalent of the contributor's annuity as 2591
determined by the board based on the number of remaining 2592
beneficiaries, with no change in the amount payable to any 2593
remaining beneficiary. The election shall be made on a form 2594
provided by the board and shall be effective the month following 2595
its receipt by the board. 2596

(F)(1) Following a marriage or remarriage, both of the 2597
following apply: 2598

(a) A contributor who is receiving payments under a 2599
single-life plan may elect a new plan of payment based on the 2600
actuarial equivalent of the contributor's single-life plan annuity 2601
as determined by the board. 2602

(b) A contributor receiving an annuity under this section 2603
pursuant to a plan of payment providing for payment to a former 2604
spouse pursuant to a court order as described in division 2605
(B)(2)(c) of this section may elect a new plan of payment under a 2606
multiple-life plan based on the actuarial equivalent of the 2607
contributor's benefit as determined by the board if the new plan 2608
of payment does not reduce the payment to the former spouse. 2609

(2) An election under division (F)(1) of this section must be made not later than one year after the date of the marriage or remarriage.

The plan elected shall become effective on the date of receipt by the board of an application on a form approved by the board, but any change in the amount of the annuity payment shall commence on the first day of the month following the effective date of the plan.

(G) If at the time of death a contributor receiving a monthly annuity under a single-life plan has received less than the retirant's deposits under section 145.62 or the version of division (C) of section 145.23 of the Revised Code as it existed immediately prior to April 6, 2007, plus earnings on those deposits, the difference between the amount received and the amount of the contributor's deposits plus earnings shall be paid to the contributor's beneficiary under section 145.65 of the Revised Code. If any designated beneficiary receiving a monthly annuity under this section dies and at the time of the beneficiary's death the amounts paid to the contributor and the beneficiary are less than the amount of the contributor's deposits plus earnings on those deposits, the difference between the amount received by the contributor and the beneficiary and the amount of the contributor's deposits plus earnings shall be paid to the beneficiary's estate.

(H) Receipt of the first month's annuity payment constitutes final acceptance of the plan of payment and may be changed only as provided in this section.

Sec. 145.82. (A) Except as provided in divisions (B) and (C) of this section, sections 145.201 to 145.70 of the Revised Code do not apply to a PERS defined contribution plan, except that a PERS defined contribution plan may incorporate provisions of those

sections as specified in the plan document. 2641

(B) The following sections of Chapter 145. of the Revised 2642
Code apply to a PERS defined contribution plan: ~~145.195~~ 145.01 to 2643
145.20, 145.22, 145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 2644
145.38, 145.384, 145.391, ~~145.43~~, 145.431, 145.47, 145.48, 2645
145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 2646
145.57, 145.571, 145.572, ~~145.573~~, ~~145.574~~, 145.69, and 145.70 of 2647
the Revised Code. 2648

(C) A PERS defined contribution plan that includes definitely 2649
determinable benefits may incorporate by reference all or part of 2650
sections 145.201 to 145.79 of the Revised Code to allow a member 2651
participating in the plan to purchase service credit or to be 2652
eligible for any of the following: 2653

(1) Retirement, disability, survivor, or death benefits; 2654

(2) Health or long-term care insurance or any other type of 2655
health care benefit; 2656

(3) Additional increases under section 145.323 of the Revised 2657
Code; 2658

(4) A refund of contributions made by or on behalf of a 2659
member. 2660

With respect to the benefits described in division (C)(1) of 2661
this section, the public employees retirement board may establish 2662
eligibility requirements and benefit formulas or amounts that 2663
differ from those of members participating in the PERS defined 2664
benefit plan. With respect to the purchase of service credit by a 2665
member participating in a PERS defined contribution plan, the 2666
board may reduce the cost of the service credit to reflect the 2667
different benefit formula established for the member. 2668

Sec. 145.88. Amounts contributed under sections 145.85 and 2669
145.86 of the Revised Code, and any earnings on those amounts, 2670

shall be deposited and credited in accordance with the PERS 2671
defined contribution plan that is selected by the member. The plan 2672
may include provisions authorizing the public employees retirement 2673
system to do either of the following: 2674

(A) Withhold from the amounts contributed under sections 2675
145.85 and 145.86 of the Revised Code a percentage of earnable 2676
salary or a fixed dollar amount that is determined by an actuary 2677
appointed by the public employees retirement board to be necessary 2678
to administer the plan; 2679

(B) Withhold from the amounts contributed under section 2680
145.86 of the Revised Code a percentage of earnable salary for the 2681
purpose of funding health care insurance coverage or any other 2682
type of health care benefit for a member participating in the 2683
plan. 2684

Sec. 145.92. If a member participating in a PERS defined 2685
contribution plan is married at the time benefits under the plan 2686
are to commence, unless the spouse consents to another plan of 2687
payment or the spouse's consent is waived, the member's benefit 2688
under the plan shall be paid in a lesser amount payable for life 2689
and one-half of that amount continuing after death to the 2690
surviving spouse for the life of the spouse. 2691

Consent is valid only if it is evidenced by a written 2692
document signed by the spouse and the signature is witnessed by a 2693
notary public. A plan may waive the requirement of consent if the 2694
spouse is incapacitated or cannot be located or for any other 2695
reason specified by the plan or in rules adopted by the public 2696
employees retirement board. 2697

A plan shall waive the requirement of consent if a plan of 2698
payment that provides for payment in a specified portion of the 2699
~~retirement allowance~~ benefit continuing after the member's death 2700
to a former spouse is required by a court order issued under 2701

section 3105.171 or 3105.65 of the Revised Code or laws of another 2702
state regarding division of marital property prior to the 2703
effective date of the member's retirement. If a court order 2704
requires this plan of payment, the member shall be required to 2705
annuitize the member's accumulated amounts in accordance with the 2706
order. If the member is married, the plan of payment selected by 2707
the member also shall provide for payment to the member's current 2708
spouse, unless the current spouse consents in writing to not being 2709
designated a beneficiary under the plan of payment or the current 2710
spouse's consent is waived by reason other than the court order. 2711

Consent or waiver is effective only with regard to the spouse 2712
who is the subject of the consent or waiver. 2713

Sec. 145.95. (A) Subject to division (B) of this section and 2714
sections 145.38, 145.56, 145.57, 145.572, 145.573, and 145.574 of 2715
the Revised Code, the right of a member participating in a PERS 2716
defined contribution plan to any payment or benefit accruing from 2717
contributions made by or on behalf of the member under sections 2718
145.85 and 145.86 of the Revised Code shall vest in accordance 2719
with this section. 2720

A member's right to any payment or benefit that is based on 2721
the member's contributions is nonforfeitable. 2722

A member's right to any payment or benefit that is based on 2723
contributions by the member's employer is nonforfeitable as 2724
specified by the plan selected by the member. 2725

(B) This section does not apply to an increase made under 2726
section 145.323 of the Revised Code for a recipient whose benefit 2727
effective date is on or after the effective date of this amendment 2728
January 7, 2013. 2729

Sec. 171.04. The Ohio retirement study council shall: 2730

(A) Make an impartial review from time to time of all laws 2731

governing the administration and financing of the pension and 2732
retirement funds under Chapters 145., 146., 742., 3307., 3309., 2733
and 5505. of the Revised Code and recommend to the general 2734
assembly any changes it may find desirable with respect to the 2735
allowances and benefits, sound financing of the cost of benefits, 2736
the prudent investment of funds, and the improvement of the 2737
language, structure, and organization of the laws; 2738

(B) Make an annual report to the governor and to the general 2739
assembly covering its evaluation and recommendations with respect 2740
to the operations of the state retirement systems and their funds; 2741

(C) Study all changes in the retirement laws proposed to the 2742
general assembly and report to the general assembly on their 2743
probable costs, actuarial implications, and desirability as a 2744
matter of public policy; 2745

(D) Review semiannually the policies, objectives, and 2746
criteria adopted under sections 145.11, 742.11, 3307.15, 3309.15, 2747
and 5505.06 of the Revised Code for the operation of the 2748
investment programs of the state retirement systems, including a 2749
review of asset allocation targets and ranges, risk factors, asset 2750
class benchmarks, time horizons, total return objectives, relative 2751
volatility, and performance evaluation guidelines. The council 2752
shall, not later than thirty days after completing a review, 2753
submit to the governor and the general assembly a report 2754
summarizing its findings. 2755

(E) Have prepared for each system by an independent actuary, 2756
at least once every ten years, an actuarial review of the 2757
actuarial valuations and quinquennial actuarial investigations 2758
prepared under sections 145.22, 742.14, 3307.20, 3309.21, and 2759
5505.12 of the Revised Code, including a review of the actuarial 2760
assumptions and methods, the data underlying the valuations and 2761
investigations, and the adequacy of each system's employee and 2762
employer contribution rates to amortize its unfunded actuarial 2763

pension liability, if any, and to support the payment of benefits 2764
authorized by Chapter 145., 742., 3307., 3309., or 5505. of the 2765
Revised Code. The council shall submit to the governor and the 2766
general assembly a report summarizing ~~the~~ each review. 2767

All costs associated with an actuarial review prepared 2768
pursuant to division (E) of this section shall be paid by the 2769
retirement system for which the review is prepared. 2770

(F) Have conducted by an independent auditor at least once 2771
every ten years a fiduciary performance audit of each of the state 2772
retirement systems. 2773

All costs associated with an audit conducted pursuant to 2774
division (F) of this section shall be paid by the retirement 2775
system audited. 2776

(G) Provide each member of the council with copies of all 2777
proposed rules submitted to the council pursuant to sections 2778
145.09, 742.10, 3307.04, 3309.04, and 5505.04 of the Revised Code 2779
and submit any recommendations to the joint committee on agency 2780
rule review. 2781

Sec. 311.01. (A) A sheriff shall be elected quadrennially in 2782
each county. A sheriff shall hold office for a term of four years, 2783
beginning on the first Monday of January next after the sheriff's 2784
election. 2785

(B) Except as otherwise provided in this section, no person 2786
is eligible to be a candidate for sheriff, and no person shall be 2787
elected or appointed to the office of sheriff, unless that person 2788
meets all of the following requirements: 2789

(1) The person is a citizen of the United States. 2790

(2) The person has been a resident of the county in which the 2791
person is a candidate for or is appointed to the office of sheriff 2792
for at least one year immediately prior to the qualification date. 2793

(3) The person has the qualifications of an elector as 2794
specified in section 3503.01 of the Revised Code and has complied 2795
with all applicable election laws. 2796

(4) The person has been awarded a high school diploma or a 2797
certificate of high school equivalence issued for achievement of 2798
specified minimum scores on the general educational development 2799
test of the American council on education. 2800

(5) The person has not been convicted of or pleaded guilty to 2801
a felony or any offense involving moral turpitude under the laws 2802
of this or any other state or the United States, and has not been 2803
convicted of or pleaded guilty to an offense that is a misdemeanor 2804
of the first degree under the laws of this state or an offense 2805
under the laws of any other state or the United States that 2806
carries a penalty that is substantially equivalent to the penalty 2807
for a misdemeanor of the first degree under the laws of this 2808
state. 2809

(6) The person has been fingerprinted and has been the 2810
subject of a search of local, state, and national fingerprint 2811
files to disclose any criminal record. Such fingerprints shall be 2812
taken under the direction of the administrative judge of the court 2813
of common pleas who, prior to the applicable qualification date, 2814
shall notify the board of elections, board of county 2815
commissioners, or county central committee of the proper political 2816
party, as applicable, of the judge's findings. 2817

(7) The person has prepared a complete history of the 2818
person's places of residence for a period of six years immediately 2819
preceding the qualification date and a complete history of the 2820
person's places of employment for a period of six years 2821
immediately preceding the qualification date, indicating the name 2822
and address of each employer and the period of time employed by 2823
that employer. The residence and employment histories shall be 2824
filed with the administrative judge of the court of common pleas 2825

of the county, who shall forward them with the findings under 2826
division (B)(6) of this section to the appropriate board of 2827
elections, board of county commissioners, or county central 2828
committee of the proper political party prior to the applicable 2829
qualification date. 2830

(8) The person meets at least one of the following 2831
conditions: 2832

(a) ~~Has obtained or held, within the four year period ending~~ 2833
~~immediately prior to the qualification date,~~ Holds a current valid 2834
~~basic~~ peace officer certificate of training issued by the Ohio 2835
peace officer training commission or has been issued a certificate 2836
of training pursuant to section 5503.05 of the Revised Code, ~~and,~~ 2837
~~within the four year period ending immediately prior to the~~ 2838
~~qualification date, has been employed as an appointee pursuant to~~ 2839
~~section 5503.01 of the Revised Code or as a full time peace~~ 2840
~~officer as defined in section 109.71 of the Revised Code~~ 2841
~~performing duties related to the enforcement of statutes,~~ 2842
~~ordinances, or codes;~~ 2843

(b) ~~Has obtained or held, within the three year period ending~~ 2844
~~immediately prior to the qualification date, a valid basic peace~~ 2845
~~officer certificate of training issued by the Ohio peace officer~~ 2846
~~training commission and has been employed for at least the last~~ 2847
~~three years prior to the qualification date as a full time law~~ 2848
~~enforcement officer, as defined in division (A)(11) of section~~ 2849
~~2901.01 of the Revised Code, performing duties related to the~~ 2850
~~enforcement of statutes, ordinances, or codes~~ Has been employed 2851
full-time by a law enforcement agency performing duties related to 2852
the enforcement of statutes, ordinances, or codes for a minimum of 2853
thirteen consecutive pay periods within the four-year period prior 2854
to the qualification date. As used in this division, "full-time" 2855
means a minimum of eighty hours of work in a fourteen-day period. 2856

(9) The person meets at least one of the following 2857

conditions: 2858

(a) Has at least two consecutive years of supervisory 2859
experience as a peace officer ~~at the rank of corporal or above, or~~ 2860
~~has been appointed pursuant to section 5503.01 of the Revised Code~~ 2861
~~and served at the rank of sergeant or above, in the five year~~ 2862
~~period ending immediately prior to the qualification date;~~ 2863

(b) Has completed ~~satisfactorily at least two years of~~ 2864
~~post secondary education or the equivalent in semester or quarter~~ 2865
~~hours in a bachelor's degree in any field or has an associate~~ 2866
~~degree in law enforcement or criminal justice from a college or~~ 2867
university authorized to confer degrees by the Ohio board of 2868
regents or the comparable agency of another state in which the 2869
college or university is located ~~or in a school that holds a~~ 2870
~~certificate of registration issued by the state board of career~~ 2871
~~colleges and schools under Chapter 3332. of the Revised Code.~~ 2872

(C) Persons who meet the requirements of division (B) of this 2873
section, except the requirement of division (B)(2) of this 2874
section, may take all actions otherwise necessary to comply with 2875
division (B) of this section. If, on the applicable qualification 2876
date, no person has met all the requirements of division (B) of 2877
this section, then persons who have complied with and meet the 2878
requirements of division (B) of this section, except the 2879
requirement of division (B)(2) of this section, shall be 2880
considered qualified candidates under division (B) of this 2881
section. 2882

(D) Newly elected sheriffs shall attend a basic training 2883
course conducted by the Ohio peace officer training commission 2884
pursuant to division (A) of section 109.80 of the Revised Code. A 2885
newly elected sheriff shall complete not less than two weeks of 2886
this course before the first Monday in January next after the 2887
sheriff's election. While attending the basic training course, a 2888
newly elected sheriff may, with the approval of the board of 2889

county commissioners, receive compensation, paid for from funds 2890
established by the sheriff's county for this purpose, in the same 2891
manner and amounts as if carrying out the powers and duties of the 2892
office of sheriff. 2893

Appointed sheriffs shall attend the first basic training 2894
course conducted by the Ohio peace officer training commission 2895
pursuant to division (A) of section 109.80 of the Revised Code 2896
within six months following the date of appointment or election to 2897
the office of sheriff. While attending the basic training course, 2898
appointed sheriffs shall receive regular compensation in the same 2899
manner and amounts as if carrying out their regular powers and 2900
duties. 2901

Five days of instruction at the basic training course shall 2902
be considered equal to one week of work. The costs of conducting 2903
the basic training course and the costs of meals, lodging, and 2904
travel of appointed and newly elected sheriffs attending the 2905
course shall be paid from state funds appropriated to the 2906
commission for this purpose. 2907

(E) In each calendar year, each sheriff shall attend and 2908
successfully complete at least sixteen hours of continuing 2909
education approved under division (B) of section 109.80 of the 2910
Revised Code. A sheriff who receives a waiver of the continuing 2911
education requirement from the commission under division (C) of 2912
section 109.80 of the Revised Code because of medical disability 2913
or for other good cause shall complete the requirement at the 2914
earliest time after the disability or cause terminates. 2915

(F)(1) Each person who is a candidate for election to or who 2916
is under consideration for appointment to the office of sheriff 2917
shall swear before the administrative judge of the court of common 2918
pleas as to the truth of any information the person provides to 2919
verify the person's qualifications for the office. A person who 2920
violates this requirement is guilty of falsification under section 2921

2921.13 of the Revised Code. 2922

(2) Each board of elections shall certify whether or not a 2923
candidate for the office of sheriff who has filed a declaration of 2924
candidacy, a statement of candidacy, or a declaration of intent to 2925
be a write-in candidate meets the qualifications specified in 2926
divisions (B) and (C) of this section. 2927

(G) The office of a sheriff who is required to comply with 2928
division (D) or (E) of this section and who fails to successfully 2929
complete the courses pursuant to those divisions is hereby deemed 2930
to be vacant. 2931

(H) As used in this section: 2932

(1) "Qualification date" means the last day on which a 2933
candidate for the office of sheriff can file a declaration of 2934
candidacy, a statement of candidacy, or a declaration of intent to 2935
be a write-in candidate, as applicable, in the case of a primary 2936
election for the office of sheriff; the last day on which a person 2937
may be appointed to fill a vacancy in a party nomination for the 2938
office of sheriff under Chapter 3513. of the Revised Code, in the 2939
case of a vacancy in the office of sheriff; or a date thirty days 2940
after the day on which a vacancy in the office of sheriff occurs, 2941
in the case of an appointment to such a vacancy under section 2942
305.02 of the Revised Code. 2943

(2) "Newly elected sheriff" means a person who did not hold 2944
the office of sheriff of a county on the date the person was 2945
elected sheriff of that county. 2946

Sec. 742.53. (A) As used in this section: 2947

(1) "Long-term care insurance" has the same meaning as in 2948
section 3923.41 of the Revised Code. 2949

(2) "Retirement systems" has the same meaning as in division 2950
(A) of section 145.581 of the Revised Code. 2951

(B) The board of trustees of the Ohio police and fire pension fund ~~shall~~ may establish a program under which members of the fund, employers on behalf of members, and persons receiving service or disability pensions or survivor benefits are permitted to participate in contracts for long-term care insurance. Participation may include dependents and family members. If a participant in a contract for long-term care insurance leaves employment, the participant and the participant's dependents and family members may, at their election, continue to participate in a program established under this section in the same manner as if the participant had not left employment, except that no part of the cost of the insurance shall be paid by the participant's former employer.

Such program may be established independently or jointly with one or more of the other retirement systems.

(C) The fund may enter into an agreement with insurance companies, health insuring corporations, or government agencies authorized to do business in the state for issuance of a long-term care policy or contract. However, prior to entering into such an agreement with an insurance company or health insuring corporation, the fund shall request the superintendent of insurance to certify the financial condition of the company or corporation. The fund shall not enter into the agreement if, according to that certification, the company or corporation is insolvent, is determined by the superintendent to be potentially unable to fulfill its contractual obligations, or is placed under an order of rehabilitation or conservation by a court of competent jurisdiction or under an order of supervision by the superintendent.

(D) The board ~~shall~~ may adopt rules in accordance with section 111.15 of the Revised Code governing the program. ~~The~~ Any rules adopted by the board shall establish methods of payment for

participation under this section, which may include establishment 2984
of a payroll deduction plan under section 742.56 of the Revised 2985
Code, deduction of the full premium charged from a person's 2986
service or disability pension or survivor benefit, or any other 2987
method of payment considered appropriate by the board. If the 2988
program is established jointly with one or more of the other 2989
retirement systems, the rules also shall establish the terms and 2990
conditions of such joint participation. 2991

Sec. 742.63. The board of trustees of the Ohio police and 2992
fire pension fund shall adopt rules for the management of the Ohio 2993
public safety officers death benefit fund and for disbursements of 2994
benefits as set forth in this section. 2995

(A) As used in this section: 2996

(1) "Member" means all of the following: 2997

(a) A member of the Ohio police and fire pension fund, 2998
including a member of the fund who has elected to participate in 2999
the deferred retirement option plan established under section 3000
742.43 of the Revised Code or a member of or contributor to a 3001
police or firemen's relief and pension fund established under 3002
former Chapter 521. or 741. of the Revised Code; 3003

(b) A member of the state highway patrol retirement system, 3004
including a member who is participating in the deferred retirement 3005
option plan established under section 5505.50 of the Revised Code; 3006

(c) A member of the public employees retirement system who at 3007
the time of the member's death was one of the following: 3008

(i) A county sheriff or deputy sheriff; 3009

(ii) A full-time regular police officer in a municipal 3010
corporation or township; 3011

(iii) A full-time regular firefighter employed by the state, 3012
an instrumentality of the state, a municipal corporation, a 3013

township, a joint fire district, or another political subdivision;	3014
(iv) A full-time park district ranger or patrol trooper;	3015
(v) A full-time law enforcement officer of the department of natural resources;	3016 3017
(vi) A full-time department of public safety enforcement agent;	3018 3019
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	3020 3021 3022
(viii) A full-time law enforcement officer of a conservancy district;	3023 3024
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	3025 3026 3027
(x) A state university law enforcement officer;	3028
(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation.	3029 3030 3031
(xii) A drug agent, as defined in section 145.01 of the Revised Code.	3032 3033
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	3034 3035 3036 3037
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of	3038 3039 3040 3041 3042 3043

rehabilitation and correction, the security force of a jail or 3044
workhouse under the control of a county, group of counties, or 3045
municipal corporation, the security force of a metropolitan, 3046
county, or township park district, the security force of lands 3047
under the control of the department of natural resources, 3048
department of public safety enforcement agents, the security force 3049
of parks, waterway lands, or reservoir lands under the control of 3050
a municipal corporation, the security force of a conservancy 3051
district, the police department of a township or municipal 3052
corporation, and the police force of a state university. 3053

(3) "Firefighter or police officer" includes a state highway 3054
patrol trooper, a county sheriff or deputy sheriff, a correction 3055
officer at an institution under the control of a county, a group 3056
of counties, a municipal corporation, or the department of 3057
rehabilitation and correction, a police officer employed by a 3058
township or municipal corporation, a firefighter employed by the 3059
state, an instrumentality of the state, a municipal corporation, a 3060
township, a joint fire district, or another political subdivision, 3061
a full-time park district ranger or patrol trooper, a full-time 3062
law enforcement officer of the department of natural resources, a 3063
full-time department of public safety enforcement agent, a 3064
full-time law enforcement officer of parks, waterway lands, or 3065
reservoir lands under the control of a municipal corporation, a 3066
full-time law enforcement officer of a conservancy district, and a 3067
state university law enforcement officer. 3068

(4) "Correction officer" includes, in addition to any 3069
correction officer, any correction corporal, sergeant, lieutenant, 3070
or captain, and the equivalents of all such persons. 3071

(5) "A park district ranger or patrol trooper" means a peace 3072
officer commissioned to make arrests, execute warrants, and 3073
preserve the peace upon lands under the control of a board of park 3074
commissioners of a metropolitan, county, or township park 3075

district.	3076
(6) "Metropolitan, county, or township park district" means a park district created under the authority of Chapter 511. or 1545. of the Revised Code.	3077 3078 3079
(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.	3080 3081
(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.	3082 3083 3084 3085
(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	3086 3087 3088 3089 3090 3091 3092 3093
(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.332, Chapter 145., 521., or 741., division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.	3094 3095 3096 3097 3098 3099 3100
(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been	3101 3102 3103 3104 3105 3106

granted the deceased member. 3107

(12) "Killed in the line of duty" means either of the 3108
following: 3109

(a) Death in the line of duty; 3110

(b) Death from injury sustained in the line of duty, 3111
including heart attack or other fatal injury or illness caused 3112
while in the line of duty. 3113

(B) A spouse of a deceased member shall receive a death 3114
benefit each month equal to the full death benefit amount, 3115
provided that the deceased member was a firefighter or police 3116
officer killed in the line of duty and there are no surviving 3117
children eligible for a benefit under this section. The spouse 3118
shall receive this benefit during the spouse's natural life until 3119
the deceased member's retirement eligibility date, on which date 3120
the benefit provided under this division shall terminate. 3121

(C)(1) If a member killed in the line of duty as a 3122
firefighter or police officer is survived only by a child or 3123
children, the child or children shall receive a benefit each month 3124
equal to the full death benefit amount. If there is more than one 3125
surviving child, the benefit shall be divided equally among these 3126
children. 3127

(2) If the death benefit paid under this division is divided 3128
among two or more surviving children and any of the children 3129
become ineligible to continue receiving a portion of the benefit 3130
as provided in division (H) of this section, the full death 3131
benefit amount shall be paid to the remaining eligible child or 3132
divided among the eligible children so that the benefit paid to 3133
the remaining eligible child or children equals the full death 3134
benefit amount. 3135

(3) Notwithstanding divisions (C)(1) and (2) of this section, 3136
all death benefits paid under this division shall terminate on the 3137

deceased member's retirement eligibility date. 3138

(D) If a member killed in the line of duty as a firefighter 3139
or police officer is survived by both a spouse and a child or 3140
children, the monthly benefit provided shall be as follows: 3141

(1)(a) If there is a surviving spouse and one surviving 3142
child, the spouse shall receive an amount each month equal to 3143
one-half of the full death benefit amount and the child shall 3144
receive an amount equal to one-half of the full death benefit 3145
amount. 3146

(b) If the surviving spouse dies or the child becomes 3147
ineligible as provided in division (H) of this section, the 3148
surviving spouse or child remaining eligible shall receive the 3149
full death benefit amount. 3150

(2)(a) If there is a surviving spouse and more than one 3151
child, the spouse shall receive an amount each month equal to 3152
one-third of the full death benefit amount and the children shall 3153
receive an amount, equally divided among them, equal to two-thirds 3154
of the full death benefit amount. 3155

(b) If a spouse and more than one child each are receiving a 3156
death benefit under division (D)(2)(a) of this section and the 3157
spouse dies, the children shall receive an amount each month, 3158
equally divided among them, equal to the full death benefit 3159
amount. 3160

(c) If a spouse and more than one child each are receiving a 3161
benefit under division (D)(2)(a) of this section and any of the 3162
children becomes ineligible to receive a benefit as provided in 3163
division (H) of this section, the spouse and remaining eligible 3164
child or children shall receive a death benefit as follows: 3165

(i) If there are two or more remaining eligible children, the 3166
spouse shall receive an amount each month equal to one-third of 3167
the full death benefit amount and the children shall receive an 3168

amount each month, equally divided among them, equal to two-thirds 3169
of the full death benefit amount; 3170

(ii) If there is one remaining eligible child, the spouse 3171
shall receive an amount each month equal to one-half of the full 3172
death benefit amount, and the child shall receive an amount each 3173
month equal to one-half of the full death benefit amount. 3174

(d) If a spouse and more than one child each are receiving a 3175
benefit under division (D)(2)(a) of this section and all of the 3176
children become ineligible to receive a benefit as provided in 3177
division (H) of this section, the spouse shall receive the full 3178
death benefit amount. 3179

(3) Notwithstanding divisions (D)(1) and (2) of this section, 3180
death benefits paid under this division to a surviving spouse 3181
shall terminate on the member's retirement eligibility date. Death 3182
benefits paid to a surviving child or children shall terminate on 3183
the deceased member's retirement eligibility date unless earlier 3184
terminated pursuant to division (H) of this section. 3185

(E) If a member, on or after January 1, 1980, is killed in 3186
the line of duty as a firefighter or police officer and is 3187
survived by only a parent or parents dependent upon the member for 3188
support, the parent or parents shall receive an amount each month 3189
equal to the full death benefit amount. If there is more than one 3190
surviving parent dependent upon the deceased member for support, 3191
the death benefit amount shall be divided equally among the 3192
surviving parents. On the death of one of the surviving parents, 3193
the full death benefit amount shall be paid to the other parent. 3194

(F)(1) The following shall receive a monthly death benefit 3195
under this division: 3196

(a) A surviving spouse whose benefits are terminated in 3197
accordance with division (B) or (D)(3) of this section on the 3198
deceased member's retirement eligibility date, or who would 3199

qualify for a benefit under division (B) or (D) of this section 3200
except that the deceased member reached the member's retirement 3201
eligibility date prior to the member's death; 3202

(b) A qualified surviving spouse of a deceased member of or 3203
contributor to a police or firemen's relief and pension fund 3204
established under former Chapter 521. or 741. of the Revised Code 3205
who was a firefighter or police officer killed in the line of 3206
duty. 3207

(2) The monthly death benefit shall be one-half of an amount 3208
equal to the monthly salary received by the deceased member prior 3209
to the member's death, plus any salary increases the deceased 3210
member would have received prior to the member's retirement 3211
eligibility date. The benefit shall terminate on the surviving 3212
spouse's death. A death benefit payable under this division shall 3213
be reduced by an amount equal to any allowance or benefit payable 3214
to the surviving spouse under section 742.3714 of the Revised 3215
Code. 3216

(3) A benefit granted to a surviving spouse under division 3217
(F)(1)(b) of this section shall commence on the first day of the 3218
month immediately following receipt by the board of a completed 3219
application on a form provided by the board and any evidence the 3220
board may require to establish that the deceased spouse was killed 3221
in the line of duty. 3222

(G)(1) If there is not a surviving spouse eligible to receive 3223
a death benefit under division (F) of this section or the 3224
surviving spouse receiving a death benefit under that division 3225
dies, a surviving child or children whose benefits under division 3226
(C) or (D) of this section are or have been terminated pursuant to 3227
division (C)(3) or (D)(3) of this section or who would qualify for 3228
a benefit under division (C) or (D) of this section except that 3229
the deceased member reached the member's retirement eligibility 3230
date prior to the member's death shall receive a monthly death 3231

benefit under this division. The monthly death benefit shall be 3232
one-half of an amount equal to the monthly salary received by the 3233
deceased member prior to the member's death, plus any salary 3234
increases the member would have received prior to the member's 3235
retirement eligibility date. If there is more than one surviving 3236
child, the benefit shall be divided equally among the surviving 3237
children. 3238

(2) If two or more surviving children each are receiving a 3239
benefit under this division and any of those children becomes 3240
ineligible to continue receiving a benefit as provided in division 3241
(H) of this section, the remaining eligible child or children 3242
shall receive an amount equal to one-half of the monthly salary 3243
received by the deceased member prior to death, plus any salary 3244
increases the deceased member would have received prior to the 3245
retirement eligibility date. If there is more than one remaining 3246
eligible child, the benefit shall be divided equally among the 3247
eligible children. 3248

(3) A death benefit, or portion of a death benefit, payable 3249
to a surviving child under this division shall be reduced by an 3250
amount equal to any allowance or benefit payable to that child 3251
under section 742.3714 of the Revised Code, but the reduction in 3252
that child's benefit shall not affect the amount payable to any 3253
other surviving child entitled to a portion of the death benefit. 3254

(H) A death benefit paid to a surviving child under division 3255
(C), (D), or (G) of this section shall terminate on the death of 3256
the child or, unless one of the following is the case, when the 3257
child reaches age eighteen: 3258

(1) The child, because of physical or mental disability, is 3259
unable to provide the child's own support, in which case the death 3260
benefit shall terminate when the disability is removed; 3261

(2) The child is unmarried, under age twenty-two, and a 3262

student in and attending an institution of learning or training 3263
pursuant to a program designed to complete in each school year the 3264
equivalent of at least two-thirds of the full-time curriculum 3265
requirements of the institution, as determined by the trustees of 3266
the fund. 3267

(I) Acceptance of any death benefit under this section does 3268
not prohibit a spouse or child from receiving other benefits 3269
provided under the Ohio police and fire pension fund, the state 3270
highway patrol retirement system, the public employees retirement 3271
system, or a retirement system operated by a municipal 3272
corporation. 3273

(J) No person shall receive a benefit under this section if 3274
any of the following occur: 3275

(1) The person fails to exercise the right to a monthly 3276
survivor benefit under division (A) or (B) of section 145.45, 3277
division (D), (E), or (F) of section 742.37, or division (A)(3), 3278
(4), or ~~(7)~~(6) of section 5505.17 of the Revised Code; to a 3279
monthly survivor benefit from a retirement system operated by a 3280
municipal corporation; or to a retirement allowance under section 3281
742.3714 of the Revised Code. 3282

(2) The member's accumulated contributions under this chapter 3283
or Chapter 145. or 5505. of the Revised Code are refunded unless 3284
the member had been a member of the public employees retirement 3285
system and had fewer than eighteen months of total service credit 3286
at the time of death. 3287

(3) In the case of a full-time park district ranger or patrol 3288
trooper, a full-time law enforcement officer of the department of 3289
natural resources, a full-time law enforcement officer of parks, 3290
waterway lands, or reservoir lands under the control of a 3291
municipal corporation, a full-time law enforcement officer of a 3292
conservancy district, a correction officer at an institution under 3293

the control of a county, group of counties, or municipal 3294
corporation, or a member of a retirement system operated by a 3295
municipal corporation who at the time of the member's death was a 3296
full-time law enforcement officer of parks, waterway lands, or 3297
reservoir lands under the control of the municipal corporation, 3298
the member died prior to April 9, 1981, in the case of a benefit 3299
under division (B), (C), or (D) of this section, or prior to 3300
January 1, 1980, in the case of a benefit under division (E) of 3301
this section. 3302

(4) In the case of a full-time department of public safety 3303
enforcement agent who prior to June 30, 1999, was a liquor control 3304
investigator of the department of public safety, the member died 3305
prior to December 23, 1986; 3306

(5) In the case of a full-time department of public safety 3307
enforcement agent other than an enforcement agent who, prior to 3308
June 30, 1999, was a liquor control investigator, the member died 3309
prior to June 30, 1999. 3310

(K) A surviving spouse whose benefit was terminated prior to 3311
June 30, 1999, due to remarriage shall receive a benefit under 3312
division (B), (D), or (F) of this section beginning on the first 3313
day of the month following receipt by the board of an application 3314
on a form provided by the board. The benefit amount shall be 3315
determined as of that date. 3316

(1) If the benefit will begin prior to the deceased member's 3317
retirement eligibility date, it shall be paid under division (B) 3318
or (D) of this section and shall terminate as provided in those 3319
divisions. A benefit paid to a surviving spouse under division (D) 3320
of this section shall be determined in accordance with that 3321
division, even if benefits paid to surviving children are reduced 3322
as a result. 3323

(2) If the benefit will begin on or after the deceased 3324

member's retirement eligibility date, it shall be paid under 3325
division (F) of this section and shall terminate as provided in 3326
that division. A benefit paid to a surviving spouse under division 3327
(F) of this section shall be determined in accordance with that 3328
division, even if benefits paid to surviving children are 3329
terminated as a result. 3330

Sec. 3301.079. (A)(1) The state board of education 3331
periodically shall adopt statewide academic standards with 3332
emphasis on coherence, focus, and essential knowledge and that are 3333
more challenging and demanding when compared to international 3334
standards for each of grades kindergarten through twelve in 3335
English language arts, mathematics, science, and social studies. 3336

(a) The state board shall ensure that the standards do all of 3337
the following: 3338

(i) Include the essential academic content and skills that 3339
students are expected to know and be able to do at each grade 3340
level that will allow each student to be prepared for 3341
postsecondary instruction and the workplace for success in the 3342
twenty-first century; 3343

(ii) Include the development of skill sets that promote 3344
information, media, and technological literacy; 3345

(iii) Include interdisciplinary, project-based, real-world 3346
learning opportunities; 3347

(iv) Instill life-long learning by providing essential 3348
knowledge and skills based in the liberal arts tradition, as well 3349
as science, technology, engineering, mathematics, and 3350
career-technical education; 3351

(v) Be clearly written, transparent, and understandable by 3352
parents, educators, and the general public. 3353

(b) Not later than July 1, 2012, the state board shall 3354

incorporate into the social studies standards for grades four to 3355
twelve academic content regarding the original texts of the 3356
Declaration of Independence, the Northwest Ordinance, the 3357
Constitution of the United States and its amendments, with 3358
emphasis on the Bill of Rights, and the Ohio Constitution, and 3359
their original context. The state board shall revise the model 3360
curricula and achievement assessments adopted under divisions (B) 3361
and (C) of this section as necessary to reflect the additional 3362
American history and American government content. The state board 3363
shall make available a list of suggested grade-appropriate 3364
supplemental readings that place the documents prescribed by this 3365
division in their historical context, which teachers may use as a 3366
resource to assist students in reading the documents within that 3367
context. 3368

(c) When the state board adopts or revises academic content 3369
standards in social studies, American history, American 3370
government, or science under division (A)(1) of this section, the 3371
state board shall develop such standards independently and not as 3372
part of a multistate consortium. 3373

(2) After completing the standards required by division 3374
(A)(1) of this section, the state board shall adopt standards and 3375
model curricula for instruction in technology, financial literacy 3376
and entrepreneurship, fine arts, and foreign language for grades 3377
kindergarten through twelve. The standards shall meet the same 3378
requirements prescribed in division (A)(1)(a) of this section. 3379

(3) The state board shall adopt the most recent standards 3380
developed by the national association for sport and physical 3381
education for physical education in grades kindergarten through 3382
twelve or shall adopt its own standards for physical education in 3383
those grades and revise and update them periodically. 3384

The department of education shall employ a full-time physical 3385
education coordinator to provide guidance and technical assistance 3386

to districts, community schools, and STEM schools in implementing 3387
the physical education standards adopted under this division. The 3388
superintendent of public instruction shall determine that the 3389
person employed as coordinator is qualified for the position, as 3390
demonstrated by possessing an adequate combination of education, 3391
license, and experience. 3392

(4) When academic standards have been completed for any 3393
subject area required by this section, the state board shall 3394
inform all school districts, all community schools established 3395
under Chapter 3314. of the Revised Code, all STEM schools 3396
established under Chapter 3326. of the Revised Code, and all 3397
nonpublic schools required to administer the assessments 3398
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 3399
of the content of those standards. Additionally, upon completion 3400
of any academic standards under this section, the department shall 3401
post those standards on the department's web site. 3402

(B)(1) The state board shall adopt a model curriculum for 3403
instruction in each subject area for which updated academic 3404
standards are required by division (A)(1) of this section and for 3405
each of grades kindergarten through twelve that is sufficient to 3406
meet the needs of students in every community. The model 3407
curriculum shall be aligned with the standards, to ensure that the 3408
academic content and skills specified for each grade level are 3409
taught to students, and shall demonstrate vertical articulation 3410
and emphasize coherence, focus, and rigor. When any model 3411
curriculum has been completed, the state board shall inform all 3412
school districts, community schools, and STEM schools of the 3413
content of that model curriculum. 3414

(2) Not later than June 30, 2013, the state board, in 3415
consultation with any office housed in the governor's office that 3416
deals with workforce development, shall adopt model curricula for 3417
grades kindergarten through twelve that embed career connection 3418

learning strategies into regular classroom instruction. 3419

(3) All school districts, community schools, and STEM schools 3420
may utilize the state standards and the model curriculum 3421
established by the state board, together with other relevant 3422
resources, examples, or models to ensure that students have the 3423
opportunity to attain the academic standards. Upon request, the 3424
department shall provide technical assistance to any district, 3425
community school, or STEM school in implementing the model 3426
curriculum. 3427

Nothing in this section requires any school district to 3428
utilize all or any part of a model curriculum developed under this 3429
section. 3430

(C) The state board shall develop achievement assessments 3431
aligned with the academic standards and model curriculum for each 3432
of the subject areas and grade levels required by divisions (A)(1) 3433
and (B)(1) of section 3301.0710 of the Revised Code. 3434

When any achievement assessment has been completed, the state 3435
board shall inform all school districts, community schools, STEM 3436
schools, and nonpublic schools required to administer the 3437
assessment of its completion, and the department shall make the 3438
achievement assessment available to the districts and schools. 3439

(D)(1) The state board shall adopt a diagnostic assessment 3440
aligned with the academic standards and model curriculum for each 3441
of grades kindergarten through two in reading, writing, and 3442
mathematics and for grade three in reading and writing. The 3443
diagnostic assessment shall be designed to measure student 3444
comprehension of academic content and mastery of related skills 3445
for the relevant subject area and grade level. Any diagnostic 3446
assessment shall not include components to identify gifted 3447
students. Blank copies of diagnostic assessments shall be public 3448
records. 3449

(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department shall make the diagnostic assessment available to the districts at no cost to the district. School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

(E) The state board shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.

(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel, and administrators with expertise in the appropriate subject area. Whenever practicable, the state board and department shall consult with teachers recognized as outstanding in their fields.

If the department contracts with more than one outside entity for the development of the achievement assessments required by this section, the department shall ensure the interchangeability of those assessments.

(G) Whenever the state board adopts standards or model curricula under this section, the department also shall provide information on the use of blended or digital learning in the delivery of the standards or curricula to students in accordance with division (A)(4) of this section.

(H) The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question

on any achievement or diagnostic assessment developed under this 3481
section or any proficiency test prescribed by former section 3482
3301.0710 of the Revised Code, as it existed prior to September 3483
11, 2001, to include, be written to promote, or inquire as to 3484
individual moral or social values or beliefs. The decision of the 3485
committee shall be final. This section does not create a private 3486
cause of action. 3487

(I)(1)(a) The English language arts academic standards review 3488
committee is hereby created to review academic content standards 3489
in the subject of English language arts. The committee shall 3490
consist of the following members: 3491

(i) Three experts who are residents of this state and who 3492
primarily conduct research, provide instruction, currently work 3493
in, or possess an advanced degree in the subject area. One expert 3494
shall be appointed by each of the president of the senate, the 3495
speaker of the house of representatives, and the governor; 3496

(ii) One parent or guardian appointed by the president of the 3497
senate; 3498

(iii) One educator who is currently teaching in a classroom, 3499
appointed by the speaker of the house of representatives; 3500

(iv) The chancellor of the Ohio board of regents, or the 3501
chancellor's designee; 3502

(v) The state superintendent, or the superintendent's 3503
designee, who shall serve as the chairperson of the committee. 3504

(b) The mathematics academic standards review committee is 3505
hereby created to review academic content standards in the subject 3506
of mathematics. The committee shall consist of the following 3507
members: 3508

(i) Three experts who are residents of this state and who 3509
primarily conduct research, provide instruction, currently work 3510

in, or possess an advanced degree in the subject area. One expert 3511
shall be appointed by each of the president of the senate, the 3512
speaker of the house of representatives, and the governor; 3513

(ii) One parent or guardian appointed by the speaker of the 3514
house of representatives; 3515

(iii) One educator who is currently teaching in a classroom, 3516
appointed by the president of the senate; 3517

(iv) The chancellor, or the chancellor's designee; 3518

(v) The state superintendent, or the superintendent's 3519
designee, who shall serve as the chairperson of the committee. 3520

(c) The science academic standards review committee is hereby 3521
created to review academic content standards in the subject of 3522
science. The committee shall consist of the following members: 3523

(i) Three experts who are residents of this state and who 3524
primarily conduct research, provide instruction, currently work 3525
in, or possess an advanced degree in the subject area. One expert 3526
shall be appointed by each of the president of the senate, the 3527
speaker of the house of representatives, and the governor; 3528

(ii) One parent or guardian appointed by the president of the 3529
senate; 3530

(iii) One educator who is currently teaching in a classroom, 3531
appointed by the speaker of the house of representatives; 3532

(iv) The chancellor, or the chancellor's designee; 3533

(v) The state superintendent, or the superintendent's 3534
designee, who shall serve as the chairperson of the committee. 3535

(d) The social studies academic standards review committee is 3536
hereby created to review academic content standards in the subject 3537
of social studies. The committee shall consist of the following 3538
members: 3539

(i) Three experts who are residents of this state and who 3540
primarily conduct research, provide instruction, currently work 3541
in, or possess an advanced degree in the subject area. One expert 3542
shall be appointed by each of the president of the senate, the 3543
speaker of the house of representatives, and the governor; 3544

(ii) One parent or guardian appointed by the speaker of the 3545
house of representatives; 3546

(iii) One educator who is currently teaching in a classroom, 3547
appointed by the president of the senate; 3548

(iv) The chancellor, or the chancellor's designee; 3549

(v) The state superintendent, or the superintendent's 3550
designee, who shall serve as the chairperson of the committee. 3551

(2)(a) Each committee created in division (I)(1) of this 3552
section shall review the academic content standards for its 3553
respective subject area to ensure that such standards are clear, 3554
concise, and appropriate for each grade level and promote higher 3555
student performance, learning, subject matter comprehension, and 3556
improved student achievement. Each committee also shall review 3557
whether the standards for its respective subject area promote 3558
essential knowledge in the subject, lifelong learning, the liberal 3559
arts tradition, and college and career readiness and whether the 3560
standards reduce remediation. 3561

(b) Each committee shall determine whether the assessments 3562
submitted to that committee under division (I)(4) of this section 3563
are appropriate for the committee's respective subject area and 3564
meet the academic content standards adopted under this section and 3565
community expectations. 3566

(3) The department of education shall provide administrative 3567
support for each committee created in division (I)(1) of this 3568
section. Members of each committee shall be reimbursed for 3569
reasonable and necessary expenses related to the operations of the 3570

committee. Members of each committee shall serve at the pleasure 3571
of the appointing authority. 3572

(4) Notwithstanding anything to the contrary in division (N) 3573
of section 3301.0711 of the Revised Code, the department shall 3574
submit to the appropriate committee created under division (I)(1) 3575
of this section copies of the questions and corresponding answers 3576
on the relevant assessments required by section 3301.0710 of the 3577
Revised Code on the first day of July following the school year 3578
that the assessments were administered. The department shall 3579
provide each committee with the entire content of each relevant 3580
assessment, including corresponding answers. 3581

The assessments received by the committees are not public 3582
records of the committees and are not subject to release by the 3583
committees to any other person or entity under section 149.43 of 3584
the Revised Code. However, the assessments shall become public 3585
records in accordance with division (N) of section 3301.0711 of 3586
the Revised Code. 3587

(J) Not later than ~~forty-five~~ sixty days prior to the 3588
adoption by the state board of updated academic standards under 3589
division (A)(1) of this section or updated model curricula under 3590
division (B)(1) of this section, the superintendent of public 3591
instruction shall present the academic standards or model 3592
curricula, as applicable, ~~to~~ in person at a public hearing of the 3593
respective committees of the house of representatives and senate 3594
that consider education legislation. 3595

(K) As used in this section: 3596

(1) "Blended learning" means the delivery of instruction in a 3597
combination of time in a supervised physical location away from 3598
home and online delivery whereby the student has some element of 3599
control over time, place, path, or pace of learning. 3600

(2) "Coherence" means a reflection of the structure of the 3601

discipline being taught. 3602

(3) "Digital learning" means learning facilitated by 3603
technology that gives students some element of control over time, 3604
place, path, or pace of learning. 3605

(4) "Focus" means limiting the number of items included in a 3606
curriculum to allow for deeper exploration of the subject matter. 3607

(5) "Vertical articulation" means key academic concepts and 3608
skills associated with mastery in particular content areas should 3609
be articulated and reinforced in a developmentally appropriate 3610
manner at each grade level so that over time students acquire a 3611
depth of knowledge and understanding in the core academic 3612
disciplines. 3613

Sec. 3307.04. The general administration and the management 3614
of the state teachers retirement system is hereby vested in the 3615
state teachers retirement board, which shall adopt rules necessary 3616
for the fulfillment of its duties and responsibilities under 3617
Chapter 3307. of the Revised Code. The board shall adopt policies 3618
for the operation of the system, and the investment of funds as 3619
provided by section 3307.15 of the Revised Code, and may authorize 3620
its administrative officers, or committees composed of board 3621
members, to act for the board in accord with such policies ~~and~~ 3622
~~subject to subsequent approval by the board.~~ 3623

The board may take all appropriate action to avoid payment by 3624
the system or its members of federal or state income taxes on 3625
contributions to the system or amounts earned on such 3626
contributions and to comply with any plan qualification 3627
requirements, including those on distributions, established under 3628
Title 26 of the United States Code. 3629

The attorney general shall prescribe procedures for the 3630
adoption of rules authorized under this chapter, consistent with 3631

the provision of section 111.15 of the Revised Code under which 3632
all rules shall be filed in order to be effective. Such procedures 3633
shall establish methods by which notice of proposed rules is given 3634
to interested parties and rules adopted by the board published and 3635
otherwise made available. When it files a rule with the joint 3636
committee on agency rule review pursuant to section 111.15 of the 3637
Revised Code, the board shall submit to the Ohio retirement study 3638
council a copy of the full text of the rule, and if applicable, a 3639
copy of the rule summary and fiscal analysis required by division 3640
(B) of section 127.18 of the Revised Code. 3641

All rules adopted pursuant to this chapter, prior to August 3642
20, 1976, shall be published and made available to interested 3643
parties by January 1, 1977. 3644

Sec. 3307.35. (A) As used in this section and section 3645
3307.352 of the Revised Code, "other system retirant" means ~~both~~ 3646
either of the following: 3647

(1) A member or former member of the public employees 3648
retirement system, Ohio police and fire pension fund, school 3649
employees retirement system, state highway patrol retirement 3650
system, or Cincinnati retirement system who is receiving from a 3651
system of which the retirant is a member or former member age and 3652
service or commuted age and service retirement, a benefit, 3653
allowance, or distribution under a plan established under section 3654
145.81 or 3309.81 of the Revised Code, or a disability benefit; 3655

(2) A person who is participating or has participated in an 3656
alternative retirement plan established under Chapter 3305. of the 3657
Revised Code and is receiving a benefit, allowance, or 3658
distribution under the plan. 3659

(B) Subject to this section and section 3307.353 of the 3660
Revised Code, a superannuate or other system retirant may be 3661
employed as a teacher. 3662

(C) A superannuate or other system retirant employed in 3663
accordance with this section shall contribute to the state 3664
teachers retirement system in accordance with section 3307.26 of 3665
the Revised Code and the employer shall contribute in accordance 3666
with sections 3307.28 and 3307.31 of the Revised Code. Such 3667
contributions shall be received as specified in section 3307.14 of 3668
the Revised Code. A superannuate or other system retirant employed 3669
as a teacher is not a member of the state teachers retirement 3670
system, does not have any of the rights, privileges, or 3671
obligations of membership, except as provided in this section, and 3672
is not eligible to receive health, medical, hospital, or surgical 3673
benefits under section 3307.39 of the Revised Code for employment 3674
subject to this section. 3675

(D) The employer that employs a superannuate or other system 3676
retirant shall notify the state teachers retirement board of the 3677
employment not later than the end of the month in which the 3678
employment commences. Any overpayment of benefits to a 3679
superannuate by the retirement system resulting from an employer's 3680
failure to give timely notice may be charged to the employer and 3681
may be certified and deducted as provided in section 3307.31 of 3682
the Revised Code. 3683

(E) On receipt of notice from an employer that a person who 3684
is an other system retirant has been employed, the state teachers 3685
retirement system shall notify the state retirement system of 3686
which the other system retirant was a member of such employment. 3687

(F) A superannuate or other system retirant who has received 3688
an allowance or benefit for less than two months when employment 3689
subject to this section or section 3305.05 of the Revised Code 3690
commences shall forfeit the allowance or benefit for any month the 3691
superannuate or retirant is employed prior to the expiration of 3692
such period. The allowance or benefit forfeited each month shall 3693
be equal to the monthly amount the superannuate or other system 3694

retirant is eligible to receive under a single lifetime benefit 3695
plan of payment described in division (A) of section 3307.60 of 3696
the Revised Code. Contributions shall be made to the retirement 3697
system from the first day of such employment, but service and 3698
contributions for that period shall not be used in the calculation 3699
of any benefit payable to the superannuate or other system 3700
retirant, and those contributions shall be refunded on the 3701
superannuate's or retirant's death or termination of the 3702
employment. Contributions made on compensation earned after the 3703
expiration of such period shall be used in calculation of the 3704
benefit or payment due under section 3307.352 of the Revised Code. 3705

For purposes of this division, "employment" does not include 3706
uncompensated volunteer work if the position is different from the 3707
superannuate's or other system retirant's position with the 3708
employer by which the superannuate or retirant was employed at the 3709
time of retirement. 3710

(G) On receipt of notice from the Ohio police and fire 3711
pension fund, public employees retirement system, or school 3712
employees retirement system of the re-employment of a 3713
superannuate, the state teachers retirement system shall not pay, 3714
or if paid shall recover, the amount to be forfeited by the 3715
superannuate in accordance with section 145.38, 742.26, or 3716
3309.341 of the Revised Code. 3717

(H) If the disability benefit of an other system retirant 3718
employed under this section is terminated, the retirant shall 3719
become a member of the state teachers retirement system, effective 3720
on the first day of the month next following the termination, with 3721
all the rights, privileges, and obligations of membership. If the 3722
retirant, after the termination of the retirant's disability 3723
benefit, earns two years of service credit under this retirement 3724
system or under the public employees retirement system, Ohio 3725
police and fire pension fund, school employees retirement system, 3726

or state highway patrol retirement system, the retirant's prior 3727
contributions as an other system retirant under this section shall 3728
be included in the retirant's total service credit, as defined in 3729
section 3307.50 of the Revised Code, as a state teachers 3730
retirement system member, and the retirant shall forfeit all 3731
rights and benefits of this section. Not more than one year of 3732
credit may be given for any period of twelve months. 3733

(I) This section does not affect the receipt of benefits by 3734
or eligibility for benefits of any person who on August 20, 1976, 3735
was receiving a disability benefit or service retirement pension 3736
or allowance from a state or municipal retirement system in Ohio 3737
and was a member of any other state or municipal retirement system 3738
of this state. 3739

(J) The state teachers retirement board may make the 3740
necessary rules to carry into effect this section and to prevent 3741
the abuse of the rights and privileges thereunder. 3742

Sec. 3307.39. (A) The state teachers retirement board may 3743
enter into an agreement with insurance companies, health insuring 3744
corporations, or government agencies authorized to do business in 3745
the state for issuance of a policy or contract of health, medical, 3746
hospital, or surgical ~~benefits~~ coverage, or any combination 3747
thereof, for those individuals receiving, under the STRS defined 3748
benefit plan, service retirement or a disability or survivor 3749
benefit who subscribe to the plan. Notwithstanding any other 3750
provision of this chapter, the policy or contract may also include 3751
coverage for any eligible individual's spouse and dependent 3752
children and for any of the individual's sponsored dependents as 3753
the board considers appropriate. If all or any portion of the 3754
policy or contract premium is to be paid by any individual 3755
receiving service retirement or a disability or survivor benefit, 3756
the individual shall, by written authorization, instruct the board 3757

to deduct the premium agreed to be paid by the individual to the 3758
companies, corporations, or agencies. 3759

The board may contract for coverage on the basis of part or 3760
all of the cost of the coverage to be paid from appropriate funds 3761
of the state teachers retirement system. The cost paid from the 3762
funds of the system shall be included in the employer's 3763
contribution rate provided by section 3307.28 of the Revised Code. 3764

The board may enter into an agreement under this division for 3765
coverage of recipients of benefits under an STRS defined 3766
contribution plan if the plan selected includes health, medical, 3767
hospital, or surgical ~~benefits~~ coverage, or any combination 3768
thereof. The board may contract for coverage on the basis that the 3769
cost of the coverage will be paid by the recipient or by the plan 3770
to which the recipient contributed under this chapter. The board 3771
may offer to recipients plans that provide for different levels of 3772
coverage or for prepayment of the cost of coverage. 3773

The board may provide for self-insurance of risk or level of 3774
risk as set forth in the contract with the companies, 3775
corporations, or agencies, and may provide through the 3776
self-insurance method specific ~~benefits~~ coverage as authorized by 3777
the rules of the board. 3778

(B) The board may make a monthly payment to each recipient of 3779
service retirement, or a disability or survivor benefit under the 3780
STRS defined benefit plan who is enrolled in coverage under part B 3781
of the medicare program established under Title XVIII of "The 3782
Social Security Amendments of 1965," 79 Stat. 301 (1965), 42 3783
U.S.C.A. 1395j, as amended, and may make a monthly payment to a 3784
recipient of benefits under an STRS defined contribution plan who 3785
is eligible for that insurance coverage if the monthly payments 3786
are funded through the plan selected by the recipient. The payment 3787
shall be the greater of the following: 3788

(1) Twenty-nine dollars and ninety cents; 3789

(2) An amount determined by the board, which shall not exceed 3790
ninety per cent of the basic premium for the coverage, except 3791
that the amount shall not exceed the amount paid by the recipient. 3792

At the request of the board, the recipient shall certify the 3793
amount paid by the recipient for coverage described in this 3794
division. 3795

The board shall make all payments under this division 3796
beginning the month following receipt of satisfactory evidence of 3797
the payment for the coverage. 3798

(C) The board shall establish by rule requirements for the 3799
coordination of any coverage, or payment, ~~or benefit~~ provided 3800
under this section with any similar coverage, or payment, ~~or~~ 3801
~~benefit~~ made available to the same individual by the public 3802
employees retirement system, Ohio police and fire pension fund, 3803
school employees retirement system, or state highway patrol 3804
retirement system. 3805

(D) The board shall make all other necessary rules pursuant 3806
to the purpose and intent of this section. 3807

Sec. 3307.41. The right of an individual to a pension, an 3808
annuity, or a retirement allowance itself, the right of an 3809
individual to any optional benefit, or any other right or benefit 3810
accrued or accruing to any individual under this chapter, the 3811
various funds created by section 3307.14 of the Revised Code, and 3812
all moneys, investments, and income from moneys or investments are 3813
exempt from any state tax, except the tax imposed by section 3814
5747.02 of the Revised Code, and are exempt from any county, 3815
municipal, or other local tax, except income taxes imposed 3816
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 3817
Code, and, except as provided in sections 3105.171, 3105.65, 3818

3115.32, ~~3119.80, 3119.81, 3121.02, 3121.03, 3123.06,~~ 3307.37, 3819
3307.372, and 3307.373 and Chapters 3119., 3121., 3123., and 3125. 3820
of the Revised Code, shall not be subject to execution, 3821
garnishment, attachment, the operation of bankruptcy or insolvency 3822
laws, or any other process of law whatsoever, and shall be 3823
unassignable except as specifically provided in this chapter ~~or~~ 3824
and sections 3105.171, 3105.65, and 3115.32, ~~3119.80, 3119.81,~~ 3825
~~3121.02, 3121.03, and 3123.06~~ and Chapters 3119., 3121., 3123., 3826
and 3125. of the Revised Code. 3827

Sec. 3307.56. (A)(1) Subject to ~~sections~~ section 3307.37 ~~and~~ 3828
~~3307.561~~ of the Revised Code and except as provided in division 3829
(B)(2) of this section, a member participating in the STRS defined 3830
benefit plan who ceases to be a teacher for any cause other than 3831
death, retirement, receipt of a disability benefit, or current 3832
employment in a position in which the member has elected to 3833
participate in an alternative retirement plan under section 3834
3305.05 or 3305.051 of the Revised Code, upon application, shall 3835
be paid the accumulated contributions standing to the credit of 3836
the member's individual account in the teachers' savings fund plus 3837
an amount calculated in accordance with section 3307.563 of the 3838
Revised Code. If the member or the member's legal representative 3839
cannot be found within ten years after the member ceased making 3840
contributions pursuant to section 3307.26 of the Revised Code, the 3841
accumulated contributions may be transferred to the guarantee fund 3842
and thereafter paid to the member, to the member's beneficiaries, 3843
or to the member's estate, upon proper application. 3844

(2) A member described in division (A)(1) of this section who 3845
is married at the time of application for payment and is eligible 3846
for age and service retirement under section 3307.58 or 3307.59 of 3847
the Revised Code or would be eligible for age and service 3848
retirement under either of those sections but for a forfeiture 3849
ordered under division (A) or (B) of section 2929.192 of the 3850

Revised Code shall submit with the application a written statement 3851
by the member's spouse attesting that the spouse consents to the 3852
payment of the member's accumulated contributions. Consent shall 3853
be valid only if it is signed and witnessed by a notary public. If 3854
the statement is not submitted under this division, the 3855
application shall be considered an application for service 3856
retirement and shall be subject to division (G)(1) of section 3857
3307.60 of the Revised Code. 3858

The state teachers retirement board may waive the requirement 3859
of consent if the spouse is incapacitated or cannot be located, or 3860
for any other reason specified by the board. Consent or waiver is 3861
effective only with regard to the spouse who is the subject of the 3862
consent or waiver. 3863

(B) This division applies to any member who is employed in a 3864
position in which the member has elected under section 3305.05 or 3865
3305.051 of the Revised Code to participate in an alternative 3866
retirement plan and due to the election ceases to be a teacher for 3867
the purposes of that position. 3868

Subject to ~~sections~~ section 3307.37 and ~~3307.561~~ of the 3869
Revised Code, the state teachers retirement system shall do the 3870
following: 3871

(1) On receipt of a certified copy of an election under 3872
section 3305.05 or 3305.051 of the Revised Code, pay, in 3873
accordance with section 3305.052 of the Revised Code, the amount 3874
described in that section to the appropriate provider; 3875

(2) If a member has accumulated contributions, in addition to 3876
those subject to division (B)(1) of this section, standing to the 3877
credit of a member's individual account and is not otherwise in a 3878
position in which the member is considered a teacher for the 3879
purposes of that position, pay, to the provider the member 3880
selected pursuant to section 3305.05 or 3305.051 of the Revised 3881

Code, the accumulated contributions standing to the credit of the 3882
member's individual account in the teachers' saving fund plus an 3883
amount calculated in accordance with section 3307.563 of the 3884
Revised Code. The payment shall be made on the member's 3885
application. 3886

(C) Payment of a member's accumulated contributions under 3887
division (B) of this section cancels the member's total service 3888
credit in the state teachers retirement system. A member whose 3889
accumulated contributions are paid to a provider pursuant to 3890
division (B) of this section is forever barred from claiming or 3891
purchasing service credit under the state teachers retirement 3892
system for the period of employment attributable to those 3893
contributions. 3894

Sec. 3307.561. (A) As used in this section, "other retirement 3895
system" means the public employees retirement system or the school 3896
employees retirement system. 3897

(B) Except as provided in division (C) of this section, on 3898
application, a member of the state teachers retirement system who 3899
is also a member of one or both of the other retirement systems 3900
and has ceased to be a teacher for purposes of this chapter may be 3901
paid, in accordance with section 3307.56 of the Revised Code, the 3902
member's accumulated contributions to the state teachers 3903
retirement system, plus any applicable amount calculated under 3904
section 3307.563 of the Revised Code. This payment does not affect 3905
the member's membership in the other retirement systems or any 3906
right the member may have to a benefit or return of contributions 3907
under those systems. 3908

(C) This section does not apply to a member of one of the 3909
other retirement systems whose employment under that system is 3910
with the public employer that was the employer under the state 3911
teachers retirement system at the time the member's service 3912

subject to this chapter terminated. 3913

Sec. 3307.563. For the purposes of this section, "service 3914
credit" includes only service credit obtained pursuant to sections 3915
3307.53, 3307.71, 3307.712, 3307.72, and 3307.77 of the Revised 3916
Code. 3917

(A) The state teachers retirement system shall add to a 3918
member's accumulated contributions to be paid under section 3919
3307.56 or 3307.562 of the Revised Code an amount paid from the 3920
employers' trust fund equal to one of the following: 3921

(1) If the member has less than three full years of service 3922
credit, an amount equal to interest on the member's accumulated 3923
contributions, compounded annually, at a rate not greater than 3924
four per cent established by the board; 3925

(2) If the member has three or more full years of service 3926
credit, but less than five full years, an amount equal to interest 3927
on the member's accumulated contributions, compounded annually, at 3928
a rate not greater than six per cent established by the board; 3929

(3) If the member has five or more full years of service 3930
credit, the sum of the following amounts: 3931

(a) An amount equal to interest on the member's accumulated 3932
contributions, compounded annually, at a rate not greater than six 3933
per cent established by the board; 3934

(b) An amount equal to fifty per cent of the sum of the 3935
member's contributions under section 3307.26, any contributions 3936
restored under ~~section~~ sections 3307.71 and 3307.712 of the 3937
Revised Code to the extent that the amount paid to restore the 3938
credit included amounts received by the member under division 3939
(A)(3)(b) of this section, and contributions deducted or paid 3940
under ~~division (C)~~ of section 3307.77 of the Revised Code plus 3941
interest on that amount at a rate not greater than six per cent 3942

established by the board. 3943

Interest for each year included in the calculation under this 3944
section shall be calculated from the first day of the following 3945
year to the last day of the month preceding payment under section 3946
3307.56 or 3307.562 of the Revised Code. 3947

(B) Notwithstanding sections 3307.56 and 3307.562 of the 3948
Revised Code, neither a member who returned to contributing 3949
service after receiving disability benefits nor the beneficiaries, 3950
survivors, or estate of a deceased member who was granted 3951
disability benefits prior to death is eligible for the payment of 3952
any amount calculated under this section. 3953

Sec. 3307.57. To coordinate and integrate membership in the 3954
state retirement systems, the following provisions apply: 3955

(A) As used in this section: 3956

(1) "Retirement systems" means the public employees 3957
retirement system, state teachers retirement system, and school 3958
employees retirement system. 3959

(2) In addition to the meaning given in section 3307.50 of 3960
the Revised Code, "disability benefit" means "disability benefit" 3961
as defined in sections 145.01 and 3309.01 of the Revised Code; 3962

(3) "Actuarial assumption rate" means the investment rate of 3963
return assumed for projecting assets in the STRS defined benefit 3964
plan. 3965

(4) "Total service credit" means the total credit in all 3966
retirement systems, except that such credit shall not exceed one 3967
year for any period of twelve months. 3968

(5) "Paying system" means the state retirement system in 3969
which the member has the greatest service credit, without 3970
adjustment or, if the member has equal service credit in two or 3971
more retirement systems, the retirement system in which the member 3972

has the greatest total contributions. 3973

(6) "Transferring system" means the state retirement system transferring a member's contributions and service credit in that system to the paying system. 3974
3975
3976

(7) "Retention percentage" means five per cent, or a percentage determined under division (D) of this section, of a member's earnable salary in the case of a member of the public employees retirement system or five per cent, or a percentage determined under division (D) of this section, of a member's compensation in the case of a member of the state teachers retirement system or school employees retirement system. 3977
3978
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(B) At the option of a member participating in the STRS defined benefit plan, total contributions and service credit in all retirement systems, including amounts paid to restore service credit under sections 145.311, 3307.711, and 3309.261 of the Revised Code, shall be used in determining ~~the eligibility for~~ benefits. If total contributions and service credit are combined, the following provisions apply: 3984
3985
3986
3987
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3990

(1) Service retirement or a disability benefit is effective on the first day of the month next following the later of: 3991
3992

(a) The last day for which compensation was paid; 3993

(b) The attainment of minimum age or service credit for benefits provided under this section. 3994
3995

~~(2) "Total service credit" includes the total credit in all retirement systems except that such credit shall not exceed one year for any period of twelve months.~~ 3996
3997
3998

~~(3) Eligibility for a disability benefit shall be determined by the The board of the ~~state retirement~~ paying system that will calculate shall do both of the following:~~ 3999
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4001

(a) Determine a member's eligibility for a retirement or 4002

disability benefit; 4003

(b) Calculate and pay the member's retirement or disability 4004
benefit, as provided in division (B)(4) of this section. The state 4005
retirement 4006

(3)(a) Each transferring system calculating and paying the 4007
disability benefit in which the member has service credit shall 4008
certify the determination to the board of each other state 4009
retirement paying system in which the member has service credit 4010
and shall be accepted by that board as sufficient for granting a 4011
disability benefit. 4012

(4) The board of the state retirement system in which the 4013
member had the greatest service credit, without adjustment, shall 4014
calculate and pay the total benefit. If the member's credit is 4015
equal in two or more retirement systems, the system having the 4016
member's largest total contributions shall calculate and pay the 4017
total benefit. 4018

(5) all of the following: 4019

(i) The service credit earned by the member in the 4020
transferring system; 4021

(ii) The beginning and ending dates of the service credit 4022
period covered by the transferring system; 4023

(iii) Any breaks in service by the member, excluding school 4024
breaks; 4025

(iv) If available, a statement listing the member's monthly 4026
contributions and service credit earned, obtained, or purchased in 4027
the transferring system. 4028

(b) The certification under division (B)(3)(a) of this 4029
section may be reviewed by both the transferring system and paying 4030
system. 4031

(4) In determining the total credit to be used in calculating 4032

a retirement or disability benefit, credit shall not be reduced 4033
below that certified by the transferring system ~~or systems~~ 4034
~~transferring credit~~, except ~~that such total combined service~~ 4035
~~credit shall not exceed~~ as follows: 4036

(a) Not more than one year of credit may be certified by the 4037
transferring system for any one "year" as defined in the ~~statute~~ 4038
law governing the transferring system ~~making the calculation.~~ 4039

(b) The paying system may reduce any credit certified by the 4040
transferring system that is concurrent with any period of service 4041
credit the member earned from the paying system. 4042

(c) The paying system may reduce any credit certified by the 4043
transferring system if the amount certified, when added to the 4044
paying system's service credit for any one "year" as defined in 4045
the law of the paying system, exceeds one year. 4046

~~(6)(5)~~(a) The ~~retirement~~ paying system ~~calculating and paying~~ 4047
~~the benefit~~ shall receive from the ~~other~~ transferring system or 4048
systems all of the following for each year of service: 4049

(i) The amount contributed by the member, or, in the case of 4050
service credit purchased by the member, paid by the member, that 4051
is attributable to the year of service; 4052

(ii) An amount equal to the lesser of the employer's 4053
contributions made on behalf of the member to the ~~retirement~~ 4054
transferring system for that year of service less the retention 4055
percentage or the amount that would have been contributed by the 4056
employer for the service had the member been a member of the state 4057
teachers retirement system at the time the credit was earned less 4058
the retention percentage; 4059

(iii) If applicable, an amount equal to the amount paid on 4060
behalf of the member by an employer under section 145.483 of the 4061
Revised Code; 4062

(iv) Interest compounded annually on the amounts specified in 4063
divisions (B)~~(6)~~(5)(a)(i), (ii), and (iii) of this section at the 4064
lesser of the actuarial assumption rate for that year of the ~~state~~ 4065
~~teachers retirement~~ paying system or the ~~other retirement~~ 4066
transferring system or systems ~~transferring amounts under this~~ 4067
~~section.~~ 4068

~~(b)(6)~~ The annuity rates and mortality tables of the 4069
retirement paying system ~~making the calculation and paying the~~ 4070
~~benefit~~ shall be applicable. 4071

~~(e)(7)~~ Deposits made for the purchase of additional income, 4072
with guaranteed interest, upon the member's request, shall be 4073
transferred to the retirement paying system ~~paying the regular~~ 4074
~~benefit~~. The return upon such deposits shall be that offered by 4075
the ~~retirement~~ paying system ~~making the calculation and paying the~~ 4076
~~regular benefit.~~ 4077

(C) A person receiving a benefit under this section, who 4078
accepts employment amenable to coverage in any retirement system 4079
that participated in the person's combined benefit, shall be 4080
subject to the applicable provisions of law governing such 4081
re-employment. 4082

If a retirant should be paid any amount to which the retirant 4083
is not entitled under the applicable provisions of law governing 4084
such re-employment, such amount shall be recouped by the 4085
retirement paying system ~~paying such benefit~~ by utilizing any 4086
recovery procedure available under the ~~law of the retirement~~ 4087
~~system covering such~~ paying system's re-employment provisions. 4088

(D) The retention percentage used in the calculation under 4089
division (B)(5)(a)(ii) of this section shall be reviewed by the 4090
state retirement systems not less than once every five years 4091
beginning after the effective date of this amendment or on request 4092
of any of the systems. If the retirement systems agree, the 4093

retention percentage may be changed if any of the system's 4094
employer contribution rate increases or decreases or the systems 4095
agree that a change is in the interest of one or more of the 4096
systems. 4097

Sec. 3307.58. (A) As used in this section, "qualifying 4098
service credit" means credit earned under section 3307.53 or for 4099
which contributions were made under section 145.47 or 3309.47 of 4100
the Revised Code; credit restored under section 145.31, 3307.71, 4101
or 3309.26 of the Revised Code; credit purchased under section 4102
145.302, 3307.752, or 3309.022, or division (D) of section 5505.16 4103
of the Revised Code, or obtained under section 742.521 of the 4104
Revised Code; and credit obtained under section 3307.761, 4105
3307.763, or 3307.765 of the Revised Code. 4106

(B) Any member participating in the STRS defined benefit plan 4107
who has attained the applicable combination of age and service 4108
credit shall be granted service retirement after filing with the 4109
state teachers retirement board a completed application on a form 4110
approved by the board. 4111

(1) Except as provided in division (B)(3) of this section, a 4112
member is eligible to retire under this division if ~~either~~ any of 4113
the following is the case: 4114

(a) The member has five or more years of qualifying service 4115
credit and has attained age sixty-five; 4116

(b) The member is applying for service retirement following 4117
termination of a disability benefit received under section 3307.63 4118
or 3307.631 of the Revised Code and has five or more years of 4119
total service credit; 4120

(c) The member meets one of the following requirements: 4121

(i) Before August 1, 2015, has thirty or more years of 4122
service credit at any age; 4123

(ii) On or after August 1, 2015, but before August 1, 2017,	4124
has thirty-one or more years of service credit at any age;	4125
(iii) On or after August 1, 2017, but before August 1, 2019,	4126
has thirty-two or more years of service credit at any age;	4127
(iv) On or after August 1, 2019, but before August 1, 2021,	4128
has thirty-three or more years of service credit at any age;	4129
(v) On or after August 1, 2021, but before August 1, 2023,	4130
has thirty-four or more years of service credit at any age;	4131
(vi) On or after August 1, 2023, but before August 1, 2026,	4132
has thirty-five or more years of service credit at any age;	4133
(vii) On or after August 1, 2026, has thirty-five or more	4134
years of service credit and has attained age sixty.	4135
(2) Except as provided in division (B)(3) of this section, a	4136
member is eligible to retire under this division if either <u>any</u> of	4137
the following is the case:	4138
(a) The member has five or more years of qualifying service	4139
credit and has attained age sixty;	4140
(b) <u>The member is applying for service retirement following</u>	4141
<u>termination of a disability benefit received under section 3307.63</u>	4142
<u>or 3307.631 of the Revised Code and has five or more years of</u>	4143
<u>total service credit;</u>	4144
(c) The member meets one of the following requirements:	4145
(i) Before August 1, 2015, has twenty-five or more years of	4146
service credit and has attained age fifty-five;	4147
(ii) On or after August 1, 2015, but before August 1, 2017,	4148
has twenty-six or more years of service credit and has attained	4149
age fifty-five or has thirty or more years of service credit at	4150
any age;	4151
(iii) On or after August 1, 2017, but before August 1, 2019,	4152

has twenty-seven or more years of service credit and has attained 4153
age fifty-five or has thirty or more years of service credit at 4154
any age; 4155

(iv) On or after after August 1, 2019, but before August 1, 4156
2021, has twenty-eight or more years of service credit and has 4157
attained age fifty-five or has thirty or more years of service 4158
credit at any age; 4159

(v) On or after August 1, 2021, but before August 1, 2023, 4160
has twenty-nine or more years of service credit and has attained 4161
age fifty-five or has thirty or more years of service credit at 4162
any age; 4163

(vi) On or after August 1, 2023, has thirty or more years of 4164
service credit at any age. 4165

(3) The board may adjust the retirement eligibility 4166
requirements of this section if the board's actuary, in its annual 4167
actuarial valuation required by section 3307.51 of the Revised 4168
Code or in other evaluations conducted under that section, 4169
determines that an adjustment does not materially impair the 4170
fiscal integrity of the retirement system or is necessary to 4171
preserve the fiscal integrity of the system. 4172

(C) Service retirement shall be effective ~~on~~ not earlier than 4173
the first day of the month next following the later of: 4174

(1) The last day for which compensation was paid; or 4175

(2) The attainment of minimum age ~~or~~ and service credit 4176
eligibility for benefits provided under this section. 4177

(D)(1) Except as provided in division (E) of this section, 4178
the annual single lifetime benefit of a member whose retirement 4179
effective date is before August 1, 2013, shall be the greater of 4180
the amounts determined by the member's Ohio service credit 4181
multiplied by one of the following: 4182

(a) Eighty-six dollars;	4183			
(b) The sum of the following amounts:	4184			
(i) For each of the first thirty years of Ohio service credit, two and two-tenths per cent of the member's final average salary or, subject to the limitation described in division (D)(1)(c) of this section, two and five-tenths per cent of the member's final average salary if the member has thirty-five or more years of service credit under section 3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, division (A)(2) or (B) of former section 3307.513 of the Revised Code, former section 3307.514 of the Revised Code, section 3307.72 of the Revised Code earned after July 1, 1978, or any combination of service credit under those sections;	4185 4186 4187 4188 4189 4190 4191 4192 4193 4194 4195 4196			
(ii) For each year or fraction of a year of Ohio service credit in excess of thirty years, two and two-tenths per cent of the member's final average salary or, subject to the limitation described in division (D)(1)(c) of this section, if the member has more than thirty years service credit under section 3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, division (A)(2) or (B) of former section 3307.513 of the Revised Code, former section 3307.514 of the Revised Code, section 3307.72 of the Revised Code earned after July 1, 1978, or any combination of service credit under those sections, the per cent of final average salary shown in the following schedule for each corresponding year or fraction of a year of service credit under those sections that is in excess of thirty years:	4197 4198 4199 4200 4201 4202 4203 4204 4205 4206 4207 4208 4209 4210			
Year	Per	Year	Per	4211
of	Cent	of	Cent	4212
Service	for that	Service	for that	4213
Credit	Year	Credit	Year	4214

30.01 - 31.00	2.5%	35.01 - 36.00	3.0%	4215
31.01 - 32.00	2.6	36.01 - 37.00	3.1	4216
32.01 - 33.00	2.7	37.01 - 38.00	3.2	4217
33.01 - 34.00	2.8	38.01 - 39.00	3.3	4218
34.01 - 35.00	2.9			4219

For purposes of this schedule, years of service credit shall be rounded to the nearest one-hundredth of a year.

(c) For purposes of division (D)(1) of this section, a percentage of final average salary in excess of two and two-tenths per cent shall be applied to service credit under section 3307.57 of the Revised Code only if the service credit was established under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised Code or restored under section 145.31 or 3309.26 of the Revised Code.

(2)(a) Except as provided in division (E) of this section, the annual single lifetime benefit of a member whose retirement effective date is on or after August 1, 2013, but before August 1, 2015, shall be the amount determined by the member's Ohio service credit multiplied by the sum of the following amounts:

(i) For each of the first thirty years of Ohio service credit, two and two-tenths per cent of the member's final average salary or, subject to the limitation described in division (D)(2)(b) of this section, two and five-tenths per cent of the member's final average salary if the member has thirty-five or more years of service credit under section 3307.48, 3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, division (A)(2) or (B) of former section 3307.513 of the Revised Code, former section 3307.514 of the Revised Code, section 3307.72 of the Revised Code earned after July 1, 1978, or any combination of service credit under those sections;

(ii) For each year or fraction of a year of Ohio service

credit in excess of thirty years, two and two-tenths per cent of 4247
the member's final average salary or, subject to the limitation 4248
described in division (D)(2)(b) of this section, if the member has 4249
more than thirty years service credit under section 3307.48, 4250
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 4251
3307.765, 3307.77, or 3307.771 of the Revised Code, division 4252
(A)(2) or (B) of former section 3307.513 of the Revised Code, 4253
former section 3307.514 of the Revised Code, section 3307.72 of 4254
the Revised Code earned after July 1, 1978, or any combination of 4255
service credit under those sections, the per cent of final average 4256
salary shown in the following schedule for each corresponding year 4257
or fraction of a year of service credit under those sections that 4258
is in excess of thirty years: 4259

Year	Per	Year	Per	
of	Cent	of	Cent	
Service	for that	Service	for that	
Credit	Year	Credit	Year	
30.01 - 31.00	2.5%	35.01 - 36.00	3.0%	4260
31.01 - 32.00	2.6	36.01 - 37.00	3.1	4261
32.01 - 33.00	2.7	37.01 - 38.00	3.2	4262
33.01 - 34.00	2.8	38.01 - 39.00	3.3	4263
34.01 - 35.00	2.9			4264

For purposes of this schedule, years of service credit shall be 4269
rounded to the nearest one-hundredth of a year. 4270

(b) For purposes of division (D)(2)(a)(ii) of this section, a 4271
percentage of final average salary in excess of two and two-tenths 4272
per cent shall be applied to service credit under section 3307.57 4273
of the Revised Code only if the service credit was established 4274
under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 4275
3309.021, 3309.022, or 3309.47 of the Revised Code or restored 4276
under section 145.31 or 3309.26 of the Revised Code. 4277

(3) Except as provided in division (E) of this section, the 4278

annual single lifetime benefit of a member whose retirement 4279
effective date is on or after August 1, 2015, shall be the amount 4280
determined by the member's service credit multiplied by two and 4281
two-tenths per cent of the member's final average salary. 4282

(E)(1) The annual single lifetime benefit of a member 4283
described in division (B)(2) of this section whose service 4284
retirement is effective before August 1, 2015, shall be adjusted 4285
by the greater per cent shown in the following schedule opposite 4286
the member's attained age or Ohio service credit. 4287

Attained Age	or	Years of Ohio Service Credit	Per Cent of Base Amount	
58		25	75%	4288
59		26	80	4289
60		27	85	4290
61			88	4291
		28	90	4292
62			91	4293
63			94	4294
		29	95	4295
64			97	4296
65		30 or more	100	4297

(2) The annual single lifetime benefit of a member described 4301
in division (B)(2) of this section whose service retirement is 4302
effective on or after August 1, 2015, shall be reduced by a 4303
percentage determined by the board's actuary for each year the 4304
member retires before attaining the applicable age and service 4305
credit specified in division (B)(1) of this section. The board's 4306
actuary may use an actuarially based average percentage reduction 4307
for this purpose. 4308

(F) Notwithstanding any other provision of this section, on 4309
application, a member who, as of July 1, 2015, has five or more 4310

years of Ohio service credit and has attained age sixty, has 4311
twenty-five or more years of Ohio service credit and has attained 4312
age fifty-five, or has thirty or more years of Ohio service credit 4313
shall be granted service retirement according to former section 4314
3307.58 of the Revised Code as in effect immediately prior to ~~the~~ 4315
~~effective date of this amendment~~ January 7, 2013. The member's 4316
benefit shall be the greater of the amount the member would have 4317
been eligible for had the member retired effective July 1, 2015, 4318
or the amount determined under division (D)(3) of this section. 4319

(G) The annual single lifetime benefit determined under 4320
division (D) or (E) of this section shall not exceed the lesser of 4321
one hundred per cent of the final average salary or the limit 4322
established by section 415 of the "Internal Revenue Code of 1986," 4323
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 4324

(H) The annual single lifetime benefit of a member whose 4325
retirement effective date is before August 1, 2013, shall be the 4326
greater of the amounts determined under division (D)(1) or (E)(1) 4327
of this section as appropriate or under this division. The benefit 4328
shall not exceed the lesser of the sum of the following amounts or 4329
the limit established by section 415 of the "Internal Revenue Code 4330
of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended: 4331

(1) An annuity with a reserve equal to the member's 4332
accumulated contributions; 4333

(2) A pension equal to the amount in division (H)(1) of this 4334
section; 4335

(3) An additional pension of forty dollars annually 4336
multiplied by the number of years of prior and military service 4337
credit, except years of credit purchased under section 3307.751 or 4338
3307.752 of the Revised Code. 4339

(I) If a member's disability benefit was terminated under 4340
section 3307.48 of the Revised Code and the member's retirement 4341

under this section is effective on the first day of the month 4342
following the last day for which the disability benefit was paid, 4343
the member's annual single lifetime benefit determined under 4344
division (D) or (E) of this section shall be increased by a 4345
percentage equal to the total of any percentage increases the 4346
member received under section 3307.67 of the Revised Code, plus 4347
any additional amount the member received under this chapter while 4348
receiving the disability benefit. The increase shall be based on 4349
the plan of payment selected by the member under section 3307.60 4350
of the Revised Code. However, the benefit used to calculate any 4351
future increases under section 3307.67 of the Revised Code shall 4352
be based on the plan of payment selected by the member, plus any 4353
additional amount added to the benefit determined under this 4354
division that established a new base benefit to the member. 4355

(J) Benefits determined under this section shall be paid as 4356
provided in section 3307.60 of the Revised Code. 4357

Sec. 3307.62. As used in this section, "qualifying service 4358
credit" has the same meaning as in section 3307.58 of the Revised 4359
Code. 4360

(A) The state teachers retirement system shall provide 4361
disability coverage to each member participating in the STRS 4362
defined benefit plan who meets either of the following: 4363

(1) If the member ~~earned~~ had service credit ~~before July 1 on~~ 4364
account on June 30, 2013, has at least five years of qualifying 4365
service credit; 4366

(2) If the member did not ~~earn~~ have any service credit ~~before~~ 4367
July 1 on account on June 30, 2013, has at least ten years of 4368
qualifying service credit. 4369

Not later than October 16, 1992, the state teachers 4370
retirement board shall give each person who is a member on July 4371

29, 1992, the opportunity to elect disability coverage either 4372
under former section 3307.43 of the Revised Code or under former 4373
section 3307.431 of the Revised Code. The board shall mail notice 4374
of the election, accompanied by an explanation of the coverage 4375
under each of the Revised Code sections and a form on which the 4376
election is to be made, to each member at the member's last known 4377
address. The board shall also provide the explanation and form to 4378
any member on the member's request. 4379

Regardless of whether the member actually receives notice of 4380
the right to make an election, a member who fails to file a valid 4381
election under this section shall be considered to have elected 4382
disability coverage under section 3307.63 of the Revised Code. To 4383
be valid, an election must be made on the form provided by the 4384
board, signed by the member, and filed with the board not later 4385
than one hundred eighty days after the date the notice was mailed, 4386
or, in the case of a form provided at the request of a member, a 4387
date specified by rule of the board. Once made, an election is 4388
irrevocable, but if the member ceases to be a member of the 4389
system, the election is void. If a person who makes an election 4390
under this section also makes an election under section 145.35 or 4391
3309.39 of the Revised Code, the election made for the system that 4392
pays a disability benefit to that person shall govern the benefit. 4393

Disability coverage shall be provided under section 3307.631 4394
of the Revised Code for persons who become members after July 29, 4395
1992, and for members who elect under this division to be covered 4396
under section 3307.631 of the Revised Code. 4397

The board may adopt rules governing elections made under this 4398
division. 4399

(B) Application for a disability benefit may be made by a 4400
member, by a person acting in the member's behalf, or by the 4401
member's employer and if the member has disability coverage under 4402
division (A) of this section. 4403

The application for a disability benefit shall be made on a form approved by the board. The benefit payable to any member whose application is approved shall become effective on the first day of the month next following the later of the following:

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

(2) The ~~attainment of eligibility date on which the member's~~ most recent application for a disability benefit was received by the board.

(C) Medical examination of the member shall be conducted by a competent, disinterested physician or physicians selected by the board to determine whether the member is mentally or physically incapacitated for the performance of duty by a disabling condition, either permanent or presumed to be permanent for twelve continuous months following the filing of an application. The disability must have occurred since last becoming a member, or it must have increased since last becoming a member to such an extent as to make the disability permanent or presumably permanent for twelve continuous months following the filing of an application.

(D) Application for a disability benefit must be made within a two-year period from the date the member's contributing service terminated, unless the board determines that the member's medical records demonstrate conclusively that at the time the period expired the member was physically or mentally incapacitated and unable to make application, except that if the member did not ~~earn~~ have any service credit ~~before July 1~~ on account on June 30, 2013, application must be made within a one-year period from the date contributing service terminated. Application may not be made by any person receiving service retirement benefits under section 3307.58 or 3307.59 of the Revised Code or any person whose accumulated contributions standing to the credit of the person's individual account in the teachers' savings fund have been paid under section 3307.56 of the Revised Code.

(E) If the physician or physicians determine that the member 4436
qualifies for a disability benefit, the board concurs with the 4437
determination, and the member agrees to medical treatment as 4438
specified in division (G) of this section, the member shall 4439
receive a disability benefit under section 3307.63 or 3307.631 of 4440
the Revised Code. If such physician or physicians determine that 4441
the member does not qualify for a disability benefit, the report 4442
of the examiner or examiners shall be evaluated by a board of 4443
medical review composed of at least three physicians appointed by 4444
the retirement board. 4445

(F) The state teachers retirement board shall render an order 4446
determining whether or not the applicant shall be granted a 4447
disability benefit. Notification to the applicant shall be issued, 4448
and upon the request of an applicant who is denied a disability 4449
benefit, a hearing or appeal relative to such order shall be 4450
conducted in accordance with procedures established by the 4451
retirement board. 4452

(G) The state teachers retirement board shall adopt rules 4453
requiring each disability benefit recipient, as a condition of 4454
continuing to receive a disability benefit, to agree in writing to 4455
obtain any medical treatment recommended by the board's physician 4456
and submit medical reports regarding the treatment. If the board 4457
determines that a disability benefit recipient is not obtaining 4458
the medical treatment or the board does not receive a required 4459
medical report, the disability benefit shall be suspended until 4460
the treatment is obtained, the report is received by the board, or 4461
the board's physician certifies that the treatment is no longer 4462
helpful or advisable. Should the recipient's failure to obtain 4463
treatment or submit a medical report continue for one year, the 4464
recipient's right to the disability benefit shall be terminated as 4465
of the effective date of the original suspension. 4466

(H) If an employer files an application for a disability 4467

benefit as a result of a member having been separated from service 4468
because the member is considered to be incapacitated for the 4469
performance of duty, and the board denies the disability benefit, 4470
the board shall so certify to the employer and the employer shall 4471
restore the member to the member's previous position and salary or 4472
to a similar position and salary. 4473

(I) The recipient of a disability allowance under section 4474
3307.631 of the Revised Code whose allowance terminates under 4475
division (C)(3) of that section due to age is not eligible to do 4476
either of the following: 4477

(1) Retire on disability under section 3307.63 of the Revised 4478
Code; 4479

(2) Receive a disability allowance under section 3307.631 of 4480
the Revised Code. 4481

Sec. 3307.66. (A) As used in this section: 4482

(1) "Physically or mentally incompetent" means incapable of 4483
earning a living because of a physically or mentally disabling 4484
condition. Physical or mental incompetency may be determined by a 4485
court or by a doctor of medicine or osteopathic medicine appointed 4486
by the state teachers retirement board. 4487

(2) "Qualifying service credit" has the same meaning as in 4488
section 3307.58 of the Revised Code. 4489

(B) For the purposes of this section: 4490

(1) A qualified spouse is the surviving spouse of a deceased 4491
member of the state teachers retirement system participating in 4492
the STRS defined benefit plan who is one of the following: 4493

(a) Sixty-two years of age or older or any age if the 4494
deceased member had ten or more years of Ohio service credit; 4495

(b) Caring for a qualified child; 4496

(c) Adjudged physically or mentally incompetent at the time	4497
of the member's death and has remained continuously incompetent;	4498
(d) Any age if the deceased member was eligible for a service	4499
retirement allowance as provided in section 3307.58 of the Revised	4500
Code and the surviving spouse elects to receive a benefit under	4501
division (C)(1) of this section.	4502
(2) A qualified child is a person who is the child of a	4503
deceased member participating in the STRS defined benefit plan to	4504
whom both of the following apply:	4505
(a) Never married;	4506
(b) Meets one of the following age-related requirements:	4507
(i) Is under age eighteen;	4508
(ii) Is under age twenty-two if attending an institution of	4509
learning or training pursuant to a program designed to complete in	4510
each school year the equivalent of at least two-thirds of the	4511
full-time curriculum requirements of such institution and as	4512
further determined by board policy;	4513
(iii) Is any age if adjudged physically or mentally	4514
incompetent, if the person became incompetent prior to attainment	4515
of age eighteen or prior to age twenty-two if attending an	4516
institution of learning or training described in division	4517
(B)(2)(b)(ii) of this section, and has remained continuously	4518
incompetent.	4519
(3) A qualified parent is a dependent parent of a deceased	4520
member participating in the STRS defined benefit plan who is age	4521
sixty-five or older.	4522
(4) A person is a "qualified survivor" if the person	4523
qualifies as a surviving spouse, child, or dependent parent.	4524
(C) Except as provided in division (G)(1) of this section, in	4525
lieu of accepting the payment of the accumulated account of a	4526

member participating in the STRS defined benefit plan who dies 4527
before service retirement, a beneficiary, as determined in section 4528
3307.562 of the Revised Code, may elect to forfeit the accumulated 4529
account and to substitute benefits under this division. 4530

(1) If a deceased member was eligible for a service 4531
retirement allowance as provided in section 3307.58 or 3307.59 of 4532
the Revised Code, a surviving spouse or an individual designated 4533
as the member's sole beneficiary pursuant to division (B) of 4534
section 3307.562 of the Revised Code who was a qualified child or 4535
dependent parent of the member or received one-half or more of 4536
support from the member during the twelve-month period preceding 4537
the member's death may elect to receive a monthly benefit computed 4538
as the joint-survivor allowance designated as option 1 in section 4539
3307.60 of the Revised Code, which the member would have received 4540
had the member retired on the last day of the month of death and 4541
had the member at that time selected such joint-survivor plan. 4542

(2)(a) A surviving spouse or other qualified survivor may 4543
elect to receive monthly benefits under division (C)(2) of this 4544
section if any of the following apply: 4545

(i) The deceased member ~~earned had~~ service credit ~~before July~~ 4546
~~1 on account on June 30, 2013,~~ and had completed at least one and 4547
one-half years of qualifying service credit, with at least 4548
one-quarter year of qualifying service credit within the two and 4549
one-half years prior to the date of death, or, if the member ~~had~~ 4550
~~did~~ not ~~earned have~~ service credit ~~before July 1 on account on~~ 4551
~~June 30, 2013,~~ had completed at least five years of qualifying 4552
service credit and died not later than one year after the date 4553
contributing service terminated. 4554

(ii) The member was receiving at the time of death a 4555
disability benefit as provided in section 3307.63 or 3307.631 of 4556
the Revised Code. 4557

(iii) The member was receiving, within twelve months prior to the date of death, a disability benefit as provided in section 3307.63 or 3307.631 of the Revised Code and was contributing under this chapter or Chapter 145. or 3309. of the Revised Code at the time of death.

(b) The surviving spouse or other qualified survivor shall elect one of the following methods of calculating benefits elected under division (C)(2) of this section, which shall, except as provided in division (G)(1) of this section, remain in effect without regard to any change in the number of qualified survivors:

Or

(i) Number of qualified survivors Annual benefit as a per cent of member's final average salary Monthly benefit shall not be less than

1	25%	\$ 96	4572
2	40	186	4573
3	50	236	4574
4	55	236	4575
5 or more	60	236	4576

Annual benefit as a per cent of member's final average salary

(ii) Years of service

20	29%	4580
21	33	4581
22	37	4582
23	41	4583
24	45	4584
25	48	4585
26	51	4586
27	54	4587
28	57	4588
29 or more	60	4589

(3)(a) If at the time of death the deceased member was 4590
receiving a disability benefit under section 3307.63 or 3307.631 4591
of the Revised Code, the benefit elected under division (C)(1) or 4592
(2) of this section shall be increased by a percentage equal to 4593
the total of any percentage increases the member received under 4594
section 3307.67 of the Revised Code, plus any additional amount 4595
the member received under this chapter while receiving the 4596
disability benefit. The increase shall be based on the benefit 4597
determined under division (C)(1) or (2) of this section. However, 4598
the benefit used to calculate any future increases under section 4599
3307.67 of the Revised Code shall be the benefit determined under 4600
division (C)(1) or (2) of this section. 4601

(b) If eligibility for a benefit under division (C)(1) or (2) 4602
of this section is not established until more than one year after 4603
the member's death, the annual benefit shall be increased by a 4604
percentage equal to the total of the percentage increases that 4605
would have been made under section 3307.67 of the Revised Code, 4606
plus any additional amount that would have been paid under this 4607
chapter had the benefit begun in the year in which the member 4608
died. However, the benefit used to calculate any future increases 4609
under section 3307.67 of the Revised Code shall be the benefit 4610
determined under division (C)(1) or (2) of this section, plus any 4611
additional amounts added to the benefit determined under this 4612
division that established a new base benefit to the deceased 4613
member. 4614

(D) If a benefit is calculated pursuant to division 4615
(C)(2)(b)(i) of this section, benefits to a surviving spouse shall 4616
be paid in the amount determined for the first qualifying survivor 4617
in division (C)(2)(b)(i) of this section, but shall not be less 4618
than one hundred six dollars per month if the deceased member had 4619
ten or more years of qualifying service credit. All other 4620
qualifying survivors shall share equally in the benefit or 4621

remaining portion thereof. 4622

If a benefit is calculated pursuant to division (C)(2)(b)(ii) 4623
of this section and is payable to more than one qualified 4624
survivor, the benefit shall be apportioned equally among the 4625
qualified survivors, except that if there is a surviving spouse, 4626
the portion of the benefit allocated to the surviving spouse shall 4627
be as follows: 4628

Number of 4629 survivors	Spouse's share of total benefit 4630
2 4631	62.5%
3 4632	50.0%
4 4633	45.45%
5 or more 4634	41.67%

(E) A qualified survivor shall file with the board an 4635
application for benefits payable under this section. Payments 4636
shall begin on whichever of the following applies: 4637

(1) If application is received not later than one year after 4638
the date of the member's death, benefits shall begin on the first 4639
day of the month following the date of death. 4640

(2) If application is received later than one year from the 4641
date of death, benefits shall begin on the first day of the month 4642
immediately following receipt of application by the board. 4643

Benefits to a qualified survivor shall terminate upon a first 4644
marriage, abandonment, or adoption. The termination of benefits is 4645
effective on the first day of the month following the day the 4646
person ceases to be a qualified survivor. Benefits to a deceased 4647
member's surviving spouse that were terminated under a former 4648
version of this section that required termination due to 4649
remarriage and were not resumed prior to the effective date of 4650
this amendment shall resume on the first day of the month 4651
immediately following receipt by the board of an application on a 4652

form provided by the board. 4653

Upon the death of any subsequent spouse who was a member of 4654
the public employees retirement system, state teachers retirement 4655
system, or school employees retirement system, the surviving 4656
spouse of such member may elect to continue receiving benefits 4657
under this division, or to receive survivor's benefits, based upon 4658
the subsequent spouse's membership in one or more of the systems, 4659
for which such surviving spouse is eligible under this section or 4660
section 145.45 or 3309.45 of the Revised Code. If the surviving 4661
spouse elects to continue receiving benefits under this division, 4662
such election shall not preclude the payment of benefits under 4663
this division to any other qualified survivor. 4664

(F) The beneficiary of a member who is also a member of the 4665
public employees retirement system, or the school employees 4666
retirement system, must forfeit the member's accumulated 4667
contributions in those systems, if the beneficiary elects to 4668
receive a benefit under division (C) of this section. Such benefit 4669
shall be exclusively governed by section 3307.57 of the Revised 4670
Code. 4671

(G)(1) Regardless of whether the member is survived by a 4672
spouse or designated beneficiary, if the state teachers retirement 4673
system receives notice that a deceased member described in 4674
division (C)(1) or (2) of this section has one or more qualified 4675
children, all persons who are qualified survivors under division 4676
(C)(2) of this section shall receive monthly benefits as provided 4677
in division (C)(2) of this section. 4678

If, after determining the monthly benefits to be paid under 4679
division (C)(2) of this section, the system receives notice that 4680
there is a qualified survivor who was not considered when the 4681
determination was made, the system shall, notwithstanding section 4682
3307.42 of the Revised Code, recalculate the monthly benefits with 4683
that qualified survivor included, even if the benefits to 4684

qualified survivors already receiving benefits are reduced as a 4685
result. The benefits shall be calculated as if the qualified 4686
survivor who is the subject of the notice became eligible on the 4687
date the notice was received and shall be paid to qualified 4688
survivors effective on the first day of the first month following 4689
the system's receipt of the notice. 4690

If the system did not receive notice that a deceased member 4691
has one or more qualified children prior to making payment under 4692
section 3307.562 of the Revised Code to a beneficiary as 4693
determined by the system, the payment is a full discharge and 4694
release of the system from any future claims under this section or 4695
section 3307.562 of the Revised Code. 4696

(2) If benefits under division (C)(2) of this section to all 4697
persons, or to all persons other than a surviving spouse or sole 4698
beneficiary, terminate, there are no children under the age of 4699
twenty-two years, and the surviving spouse or beneficiary 4700
qualifies for benefits under division (C)(1) of this section, the 4701
surviving spouse or beneficiary may elect to receive benefits 4702
under division (C)(1) of this section. The benefit shall be 4703
calculated based on the age of the spouse or beneficiary at the 4704
time of the member's death and is effective on the first day of 4705
the month following receipt by the board of an application for 4706
benefits under division (C)(1) of this section. 4707

(H) If the benefits due and paid under division (C) of this 4708
section are in a total amount less than the member's accumulated 4709
account that was transferred from the teachers' savings fund, 4710
school employees retirement fund, and public employees retirement 4711
fund, to the survivors' benefit fund, then the difference between 4712
the total amount of the benefits paid shall be paid to the 4713
beneficiary under section 3307.562 of the Revised Code. 4714

Sec. 3307.70. (A) A member of the state teachers retirement 4715

system who elects to purchase service credit described in section 4716
3307.73, 3307.74, 3307.751, 3307.76, 3307.771, or 3307.78 of the 4717
Revised Code shall do both of the following: 4718

(1) Submit an application to the state teachers retirement 4719
board in a manner or form approved by the board; 4720

(2)(a) If the purchase will be completed not later than 4721
December 31, 2013, for each year, or portion of a year, of credit 4722
purchased, pay to the ~~employees'~~ teachers' savings fund the amount 4723
specified by former section 3307.73, 3307.74, 3307.751, 3307.76, 4724
3307.771, or 3307.78 of the Revised Code as the appropriate 4725
section existed immediately before ~~the effective date of this~~ 4726
~~section~~ January 7, 2013. 4727

(b) If the purchase will not be completed until on or after 4728
January 1, 2014, for each year, or portion of a year, of credit 4729
purchased, pay to the ~~employees'~~ teachers' savings fund an amount 4730
specified by the board that is equal to one hundred per cent of 4731
the actuarial liability resulting from the purchase of that year 4732
or portion of a year of credit as determined by an actuary 4733
employed by the board. 4734

(c) If, on ~~the effective date of this amendment~~ January 7, 4735
2013, the purchase is being made through a payroll deduction plan 4736
under section 3307.701 of the Revised Code and at least one 4737
deduction has been made, pay to the ~~employees'~~ teachers' savings 4738
fund the amount specified by former section 3307.73, 3307.74, 4739
3307.751, 3307.76, 3307.771, or 3307.78 of the Revised Code as the 4740
appropriate section existed immediately before ~~the effective date~~ 4741
~~of this section~~ January 7, 2013. 4742

(B)(1) A purchase shall be considered completed for purposes 4743
of division (A)(2)(a) of this section only if the member's 4744
application is received by the retirement system as completed not 4745
later than December 31, 2013, and all payments are received by the 4746

retirement system not later than June 30, 2014. 4747

(2) A member purchasing credit through a payroll deduction 4748
plan under division (A)~~(1)~~(2)(c) of this section may pay in a 4749
single payment the balance of the cost of the credit. 4750

(C) Subject to board rules, a member may choose to purchase 4751
only part of any eligible service credit in any one payment. 4752

(D) The board shall adopt rules establishing criteria for 4753
determining eligibility for purchases of service credit and 4754
procedures for purchases of credit under this section. 4755

Any determination of the board under this section shall be 4756
final. 4757

(E) Service credit purchased under this section shall be 4758
included in the member's total service credit. 4759

If a member dies or withdraws from service, any payment made 4760
by the member under this section shall be considered as 4761
accumulated contributions of the member. 4762

Sec. 3307.71. (A)(1) Except as provided in this section, 4763
section 3305.05, or section 3305.051 of the Revised Code, a member 4764
or former member of the state teachers retirement system 4765
participating in the STRS defined benefit plan who has at least 4766
one and one-half years of contributing service credit in this 4767
system, the public employees retirement system, the school 4768
employees retirement system, the Ohio police and fire pension 4769
fund, or the state highway patrol retirement system after the 4770
withdrawal and cancellation of service credit in this system may 4771
restore all or part of such service credit by repayment of the 4772
amount withdrawn. To this amount shall be added interest at a rate 4773
per annum, compounded annually, to be determined by the state 4774
teachers retirement board. Interest shall be payable from the 4775
first of the month of withdrawal through the month of repayment. ~~A~~ 4776

(2) If the accumulated contributions were withdrawn under section 3307.561 of the Revised Code, service credit may be restored only if the member or former member accrued one and one-half years of service credit after the withdrawal and cancellation of service credit in this system.

(B) A member may choose to purchase only part of such credit in any one payment. The cost for restoring partial service shall be calculated as the proportion that it bears to the total cost at the time of purchase and is subject to the rules established by the board. If a former member is eligible to buy the service credit as a member of the Ohio police and fire pension fund, the state highway patrol retirement system, or the city of Cincinnati Retirement System, the former member is ineligible to restore that service credit under this section.

(C) The total payment to restore canceled service credit shall be credited as follows:

~~(A)~~(1) The amount that equals contributions made pursuant to section 3307.26 of the Revised Code, plus any interest on the contributions paid by the member pursuant to this section, to the member's account in the teachers' savings fund;

~~(B)~~(2) The amount that equals the amount paid under section 3307.563 of the Revised Code, to the employers trust fund;

~~(C)~~(3) The remainder of the payment to restore canceled service credit, to the guarantee fund.

Sec. 3307.711. (A) A member of the state teachers retirement system who has at least eighteen months of contributing service credit in the system, the police and firemen's disability and pension fund, public employees retirement system, school employees retirement system, or state highway patrol retirement system, and is a former member of or no longer contributing to the public

employees retirement system or school employees retirement system 4807
may restore service credit under section 145.31 or 3309.26 of the 4808
Revised Code by making payments pursuant to this section through a 4809
payroll deduction plan established under section 3307.701 of the 4810
Revised Code. A member seeking to restore this service credit 4811
shall notify the state teachers retirement system on a form 4812
approved by the state teachers retirement board. After receiving 4813
the notice, the state teachers retirement system shall request 4814
that the former retirement system calculate under section 145.312 4815
or 3309.262 of the Revised Code the cost to the member to restore 4816
service credit for each year or portion of a year of service for 4817
which the member seeks to restore the service credit. The amount 4818
the former retirement system certifies as the cost of restoring 4819
the service credit, plus interest described in division (B) of 4820
this section, is the cost to the member of restoring the service 4821
credit. On receiving the certification from the former retirement 4822
system, the state teachers retirement system shall notify the 4823
member of the cost. 4824

(B) For each year or portion of a year of service credit 4825
restored under section 145.31 or 3309.26 of the Revised Code, a 4826
member shall pay to the state teachers retirement system the 4827
amount certified by the former retirement system plus interest at 4828
a rate specified by the former retirement system under section 4829
145.312 or 3309.262 of the Revised Code for the period during 4830
which deductions are made under section 3307.701 of the Revised 4831
Code. 4832

(C) The state teachers retirement board shall at least 4833
annually ~~notify~~ transmit to the former retirement system ~~that a~~ 4834
~~payment notice and any payments made~~ to restore service credit 4835
under section 145.31 or 3309.26 of the Revised Code ~~has been made.~~ 4836
~~At the time the payment is transferred under division (D) of this~~ 4837
~~section, the~~ The former retirement system shall restore the 4838

service credit for the year or portion of a year for which the 4839
payment was made. 4840

~~(D) On application for a payment of accumulated contributions 4841
or an age and service retirement, disability, or survivor benefit 4842
under Chapter 145., 3307., or 3309. of the Revised Code by a 4843
member who made payments under this section to restore service 4844
credit in a former retirement system, the state teachers 4845
retirement system shall pay to the former retirement system an 4846
amount equal to the total amount paid by the member under this 4847
section. 4848~~

~~(E) The board shall adopt rules to implement this section. 4849~~

Sec. 3307.73. (A)~~(1)~~ As used in this section, "paying system" 4850
and "transferring system" have the same meanings as in section 4851
3307.57 of the Revised Code. 4852

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 4853
section, a member of the state teachers retirement system 4854
participating in the STRS defined benefit plan who has at least 4855
eighteen months of contributing service in the system, the public 4856
employees retirement system, or school employees retirement system 4857
who chose to be exempted from membership in one or more of the 4858
systems pursuant to section 145.03, or 3309.23 of the Revised 4859
Code, or former section 3307.25 or 3309.25 of the Revised Code, or 4860
was exempt under section 3307.24 of the Revised Code, may purchase 4861
credit under section 3307.70 of the Revised Code for each year or 4862
portion of a year of service for which the member was exempted. 4863

(2) A member may not purchase credit for service that was 4864
exempted from contribution under section 3307.24 of the Revised 4865
Code and subject to the tax on wages imposed by the "Federal 4866
Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 4867
3101, as amended. 4868

~~(B)~~(C) Credit described in this section shall not exceed one 4869
year of service for any twelve-month period. If the period of 4870
service for which credit is purchasable is concurrent with a 4871
period of service that will be used to calculate a retirement 4872
benefit from this system, the public employees retirement system, 4873
or school employees retirement system, the amount of the credit 4874
shall be adjusted in accordance with rules adopted by the board. 4875

~~(C)~~(D) A member who is also a member of the public employees 4876
retirement system or school employees retirement system shall 4877
purchase credit for any service for which the member exempted the 4878
member's self under section 145.03 or 3309.23 of the Revised Code, 4879
or former section 3307.25 or 3309.25 of the Revised Code, or was 4880
exempt under section 3307.24 of the Revised Code, from the 4881
retirement system in which the member has the greatest number of 4882
years of service credit. If the member receives benefits under 4883
section 3307.57 of the Revised Code, the ~~state retirement~~ system 4884
that ~~determines and pays the retirement benefit~~ is the paying 4885
system under that section shall receive from the ~~other~~ system or 4886
systems that are the transferring systems the amounts paid by the 4887
member for purchase of credit for exempt service plus interest at 4888
the actuarial assumption rate of the transferring system ~~paying~~ 4889
~~that amount~~. The interest shall be for the period beginning on the 4890
date of the member's last payment for purchase of the credit and 4891
ending on the date of the member's retirement. 4892

Sec. 3309.01. As used in this chapter: 4893

(A) "Employer" or "public employer" means boards of 4894
education, school districts, joint vocational districts, governing 4895
authorities of community schools established under Chapter 3314. 4896
of the Revised Code, a science, technology, engineering, and 4897
mathematics school established under Chapter 3326. of the Revised 4898
Code, educational institutions, technical colleges, state, 4899

municipal, and community colleges, community college branches, 4900
universities, university branches, other educational institutions, 4901
or other agencies within the state by which an employee is 4902
employed and paid, including any organization using federal funds, 4903
provided the federal funds are disbursed by an employer as 4904
determined by the above. In all cases of doubt, the school 4905
employees retirement board shall determine whether any employer is 4906
an employer as defined in this chapter, and its decision shall be 4907
final. 4908

(B) "Employee" means all of the following: 4909

(1) Any person employed by a public employer in a position 4910
for which the person is not required to have a certificate or 4911
license issued pursuant to sections 3319.22 to 3319.31 of the 4912
Revised Code; 4913

(2) Any person who performs a service common to the normal 4914
daily operation of an educational unit even though the person is 4915
employed and paid by one who has contracted with an employer to 4916
perform the service, and the contracting board or educational unit 4917
shall be the employer for the purposes of administering the 4918
provisions of this chapter; 4919

(3) Any person, not a faculty member, employed in any school 4920
or college or other institution wholly controlled and managed, and 4921
wholly or partly supported by the state or any political 4922
subdivision thereof, the board of trustees, or other managing body 4923
of which shall accept the requirements and obligations of this 4924
chapter. 4925

In all cases of doubt, the school employees retirement board 4926
shall determine whether any person is an employee, as defined in 4927
this division, and its decision is final. 4928

(C) "Prior service" means all service rendered prior to 4929
September 1, 1937: 4930

(1) As an employee as defined in division (B) of this section; 4931
4932

(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system; 4933
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4935

(3) As an employee of an institution in another state, service credit for which was procured by a member under the provisions of section 3309.31 of the Revised Code. 4936
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Prior service, for service as an employee in a capacity covered by the public employees retirement system or the state teachers retirement system, shall be granted a member under qualifications identical to the laws and rules applicable to service credit in those systems. 4939
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Prior service shall not be granted any member for service rendered in a capacity covered by the public employees retirement system, the state teachers retirement system, and this system in the event the service credit has, in the respective systems, been received, waived by exemption, or forfeited by withdrawal of contributions, except as provided in this chapter. 4944
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If a member who has been granted prior service should, subsequent to September 16, 1957, and before retirement, establish three years of contributing service in the public employees retirement system, or one year in the state teachers retirement system, then the prior service granted shall become, at retirement, the liability of the other system, if the prior service or employment was in a capacity that is covered by that system. 4950
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The provisions of this division shall not cancel any prior service granted a member by the school employees retirement board prior to August 1, 1959. 4958
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4960

(D) "Total service," "total service credit," or "Ohio service 4961

credit" means all contributing service of a member of the school 4962
employees retirement system, and all prior service, computed as 4963
provided in this chapter, and all service established pursuant to 4964
sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In 4965
addition, "total service" includes any period, not in excess of 4966
three years, during which a member was out of service and 4967
receiving benefits from the state insurance fund, provided the 4968
injury or incapacitation was the direct result of school 4969
employment. 4970

(E) "Member" means any employee, except an SERS retirant or 4971
other system retirant as defined in section 3309.341 of the 4972
Revised Code, who has established membership in the school 4973
employees retirement system. "Member" includes a disability 4974
benefit recipient. 4975

(F) "Contributor" means any person who has an account in the 4976
employees' savings fund. When used in the sections listed in 4977
division (B) of section 3309.82 of the Revised Code, "contributor" 4978
includes any person participating in a plan established under 4979
section 3309.81 of the Revised Code. 4980

(G) "Retirant" means any former member who retired and is 4981
receiving a service retirement allowance or commuted service 4982
retirement allowance as provided in this chapter. 4983

(H) "Beneficiary" or "beneficiaries" means the estate or a 4984
person or persons who, as the result of the death of a contributor 4985
or retirant, qualifies for or is receiving some right or benefit 4986
under this chapter. 4987

(I) "Interest," as specified in division (E) of section 4988
3309.60 of the Revised Code, means interest at the rates for the 4989
respective funds and accounts as the school employees retirement 4990
board may determine from time to time, except as follows: 4991

(1) The rate of interest credited on employee contributions 4992

at retirement shall be four per cent per annum, compounded 4993
annually, to and including June 30, 1955; three per cent per 4994
annum, compounded annually, from July 1, 1955, to and including 4995
June 30, 1963; three and one-quarter per cent per annum, 4996
compounded annually, from July 1, 1963, through June 30, 1966; and 4997
thereafter, four per cent per annum compounded annually until a 4998
change in the amount is recommended by the system's actuary and 4999
approved by the retirement board. Subsequent to June 30, 1959, the 5000
retirement board shall discontinue the annual crediting of current 5001
interest on a contributor's accumulated contributions. 5002
Noncrediting of current interest shall not affect the rate of 5003
interest at retirement guaranteed under this division. 5004

(2) In determining the reserve value for purposes of 5005
computing the amount of the contributor's annuity, the rate of 5006
interest used in the annuity values shall be four per cent per 5007
annum through September 30, 1956; three per cent per annum 5008
compounded annually from October 1, 1956, through June 30, 1963; 5009
three and one-quarter per cent per annum compounded annually from 5010
July 1, 1963, through June 30, 1966; and, thereafter, four per 5011
cent per annum compounded annually until a change in the amount is 5012
recommended by the system's actuary and approved by the retirement 5013
board. In the purchase of out-of-state service credit as provided 5014
in section 3309.31 of the Revised Code, and in the purchase of an 5015
additional annuity, as provided in section 3309.47 of the Revised 5016
Code, interest shall be computed and credited to reserves therefor 5017
at the rate the school employees retirement board shall fix as 5018
regular interest thereon. 5019

(J) "Accumulated contributions" means the sum of all amounts 5020
credited to a contributor's account in the employees' savings fund 5021
together with any regular interest credited thereon at the rates 5022
approved by the retirement board prior to retirement. 5023

(K) "Final average salary" means the sum of the annual 5024

compensation for the three highest years of compensation for which 5025
contributions were made by the member, divided by three. If the 5026
member has a partial year of contributing service in the year in 5027
which the member terminates employment and the partial year is at 5028
a rate of compensation that is higher than the rate of 5029
compensation for any one of the highest three years of annual 5030
earnings, the board shall substitute the compensation earned for 5031
the partial year for the compensation earned for a similar 5032
fractional portion in the lowest of the three high years of annual 5033
compensation before dividing by three. If a member has less than 5034
three years of contributing membership, the final average salary 5035
shall be the total compensation divided by the total number of 5036
years, including any fraction of a year, of contributing service. 5037

(L) "Annuity" means payments for life derived from 5038
contributions made by a contributor and paid from the annuity and 5039
pension reserve fund as provided in this chapter. All annuities 5040
shall be paid in twelve equal monthly installments. 5041

(M)(1) "Pension" means annual payments for life derived from 5042
appropriations made by an employer and paid from the employers' 5043
trust fund or the annuity and pension reserve fund. All pensions 5044
shall be paid in twelve equal monthly installments. 5045

(2) "Disability retirement" means retirement as provided in 5046
section 3309.40 of the Revised Code. 5047

(N) "Retirement allowance" means the pension plus the 5048
annuity. 5049

(O)(1) "Benefit" means a payment, other than a retirement 5050
allowance or the annuity paid under section ~~3309.341~~ 3309.344 of 5051
the Revised Code, payable from the accumulated contributions of 5052
the member or the employer, or both, under this chapter and 5053
includes a disability allowance or disability benefit. 5054

(2) "Disability allowance" means an allowance paid on account 5055

of disability under section 3309.401 of the Revised Code. 5056

(3) "Disability benefit" means a benefit paid as disability 5057
retirement under section 3309.40 of the Revised Code, as a 5058
disability allowance under section 3309.401 of the Revised Code, 5059
or as a disability benefit under section 3309.35 of the Revised 5060
Code. 5061

(P) "Annuity reserve" means the present value, computed upon 5062
the basis of mortality tables adopted by the school employees 5063
retirement board, of all payments to be made on account of any 5064
annuity, or benefit in lieu of any annuity, granted to a retirant. 5065

(Q) "Pension reserve" means the present value, computed upon 5066
the basis of mortality tables adopted by the school employees 5067
retirement board, of all payments to be made on account of any 5068
pension, or benefit in lieu of any pension, granted to a retirant 5069
or a beneficiary. 5070

(R) "Year" means the year beginning the first day of July and 5071
ending with the thirtieth day of June next following. 5072

(S) "Local district pension system" means any school 5073
employees' pension fund created in any school district of the 5074
state prior to September 1, 1937. 5075

(T) "Employer contribution" means the amount paid by an 5076
employer as determined under section 3309.49 of the Revised Code. 5077

(U) "Fiduciary" means a person who does any of the following: 5078

(1) Exercises any discretionary authority or control with 5079
respect to the management of the system, or with respect to the 5080
management or disposition of its assets; 5081

(2) Renders investment advice for a fee, direct or indirect, 5082
with respect to money or property of the system; 5083

(3) Has any discretionary authority or responsibility in the 5084
administration of the system. 5085

(V)(1) Except as otherwise provided in this division, 5086
"compensation" means all salary, wages, and other earnings paid to 5087
a contributor by reason of employment. The salary, wages, and 5088
other earnings shall be determined prior to determination of the 5089
amount required to be contributed to the employees' savings fund 5090
under section 3309.47 of the Revised Code and without regard to 5091
whether any of the salary, wages, or other earnings are treated as 5092
deferred income for federal income tax purposes. 5093

(2) Compensation does not include any of the following: 5094

(a) Payments for accrued but unused sick leave or personal 5095
leave, including payments made under a plan established pursuant 5096
to section 124.39 of the Revised Code or any other plan 5097
established by the employer; 5098

(b) Payments made for accrued but unused vacation leave, 5099
including payments made pursuant to section 124.13 of the Revised 5100
Code or a plan established by the employer; 5101

(c) Payments made for vacation pay covering concurrent 5102
periods for which other salary or compensation is also paid or 5103
during which benefits are paid under this chapter; 5104

(d) Amounts paid by the employer to provide life insurance, 5105
sickness, accident, endowment, health, medical, hospital, dental, 5106
or surgical coverage, or other insurance for the contributor or 5107
the contributor's family, or amounts paid by the employer to the 5108
contributor in lieu of providing the insurance; 5109

(e) Incidental benefits, including lodging, food, laundry, 5110
parking, or services furnished by the employer, use of the 5111
employer's property or equipment, and reimbursement for 5112
job-related expenses authorized by the employer, including moving 5113
and travel expenses and expenses related to professional 5114
development; 5115

(f) Payments made to or on behalf of a contributor that are 5116

in excess of the annual compensation that may be taken into 5117
account by the retirement system under division (a)(17) of section 5118
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 5119
U.S.C.A. 401(a)(17), as amended. For a contributor who first 5120
establishes membership before July 1, 1996, the annual 5121
compensation that may be taken into account by the retirement 5122
system shall be determined under division (d)(3) of section 13212 5123
of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 5124
103-66, 107 Stat. 472; 5125

(g) Payments made under division (B), (C), or (E) of section 5126
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 5127
No. 3 of the 119th general assembly, Section 3 of Amended 5128
Substitute Senate Bill No. 164 of the 124th general assembly, or 5129
Amended Substitute House Bill No. 405 of the 124th general 5130
assembly; 5131

(h) Anything of value received by the contributor that is 5132
based on or attributable to retirement or an agreement to retire, 5133
except that payments made on or before January 1, 1989, that are 5134
based on or attributable to an agreement to retire shall be 5135
included in compensation if both of the following apply: 5136

(i) The payments are made in accordance with contract 5137
provisions that were in effect prior to January 1, 1986. 5138

(ii) The employer pays the retirement system an amount 5139
specified by the retirement board equal to the additional 5140
liability from the payments. 5141

(3) The retirement board shall determine by rule whether any 5142
form of earnings not enumerated in this division is to be included 5143
in compensation, and its decision shall be final. 5144

(W) "Disability benefit recipient" means a member who is 5145
receiving a disability benefit. 5146

(X) "Actuary" means an individual who satisfies all of the 5147

following requirements: 5148

(1) Is a member of the American academy of actuaries; 5149

(2) Is an associate or fellow of the society of actuaries; 5150

(3) Has a minimum of five years' experience in providing 5151
actuarial services to public retirement plans. 5152

Sec. 3309.11. The school employees retirement board shall 5153
elect, from its membership, a ~~chairman~~ chairperson, and shall 5154
employ an executive director who shall serve as secretary ~~and who~~ 5155
~~may be a member of the board.~~ 5156

Sec. 3309.26. (A) The membership of any person in the school 5157
employees retirement system shall terminate if the person 5158
withdraws the person's accumulated contributions, retires on a 5159
retirement allowance as provided in sections 3309.36 and 3309.381 5160
of the Revised Code, or dies, unless otherwise provided in Chapter 5161
3309. of the Revised Code. 5162

(B) A former member with an account in the employees' savings 5163
fund who formerly lost membership shall be reinstated as a member 5164
with all the rights, privileges, and obligations as provided in 5165
Chapter 3309. of the Revised Code. 5166

(C)(1) Except as provided in this section, a member or former 5167
member of the school employees retirement system with at least one 5168
and one-half years of contributing service credit in this system, 5169
the public employees retirement system, the state teachers 5170
retirement system, the Ohio police and fire pension fund, or the 5171
state highway patrol retirement system, subsequent to the 5172
withdrawal of contributions and cancellation of service credit in 5173
this system may restore such service credit by redepositing in the 5174
employees' savings fund the amount withdrawn with interest at a 5175
rate to be determined by the board, compounded annually, from the 5176
first of the month of withdrawal to and including the month of 5177

redeposit. A 5178

(2) If the accumulated contributions were withdrawn under 5179
section 3309.43 of the Revised Code, service credit may be 5180
restored only if the member or former member accrued one and 5181
one-half years of service credit after the withdrawal of the 5182
accumulated contributions. 5183

(D) A member may choose to purchase only part of such credit 5184
in any one payment, subject to board rules. The total payment to 5185
restore cancelled service credit, plus any interest credited 5186
thereto, shall be considered as accumulated contributions of the 5187
member. If a former member is eligible to buy the service credit 5188
as a member of the Ohio police and fire pension fund, the state 5189
highway patrol retirement system, or the city of Cincinnati 5190
retirement system, the former member is ineligible to restore that 5191
service credit under this section. 5192

Sec. 3309.261. (A) A member of the school employees 5193
retirement system who has at least eighteen months of contributing 5194
service credit in the system, the Ohio police and fire pension 5195
fund, public employees retirement system, state teachers 5196
retirement system, or state highway patrol retirement system, and 5197
is a former member of or no longer contributing to the public 5198
employees retirement system or state teachers retirement system 5199
may restore service credit under section 145.31 or 3307.71 of the 5200
Revised Code by making payments pursuant to this section through a 5201
payroll deduction plan established under section 3309.27 of the 5202
Revised Code. A member seeking to restore service credit shall 5203
notify the school employees retirement system on a form approved 5204
by the school employees retirement board. After receiving the 5205
notice, the school employees retirement system shall request that 5206
the former retirement system calculate under section 145.312 or 5207
3307.712 of the Revised Code the cost to the member to restore 5208

service credit for each year or portion of a year of service for 5209
which the member seeks to restore the service credit. The amount 5210
the former retirement system certifies as the cost of restoring 5211
the service credit, plus interest described in division (B) of 5212
this section, is the cost to the member of restoring the service 5213
credit. On receiving the certification from the former retirement 5214
system, the school employees retirement system shall notify the 5215
member of the cost. 5216

(B) For each year or portion of a year of service credit 5217
restored under section 145.31 or 3307.71 of the Revised Code, a 5218
member shall pay to the school employees retirement system the 5219
amount certified by the former retirement system plus interest at 5220
a rate specified by the former retirement system under section 5221
145.312 or 3307.712 of the Revised Code for the period during 5222
which deductions are made under section 3309.27 of the Revised 5223
Code. 5224

(C) The school employees retirement board shall at least 5225
annually ~~notify~~ transmit to the former retirement system ~~that a~~ 5226
~~payment notice and any payments made~~ to restore service credit 5227
under section 145.31 or 3307.71 of the Revised Code ~~has been made.~~ 5228
~~At the time the payment is transferred under division (D) of this~~ 5229
~~section, the~~ The former retirement system shall restore the 5230
service credit for the year or portion of a year for which the 5231
payment was made. 5232

(D) ~~On application for a payment of accumulated contributions~~ 5233
~~or an age and service retirement, disability, or survivor benefit~~ 5234
~~under Chapter 145., 3307., or 3309. of the Revised Code by a~~ 5235
~~member who made payments under this section to restore service~~ 5236
~~credit in a former retirement system, the school employees~~ 5237
~~retirement system shall pay to the former retirement system an~~ 5238
~~amount equal to the total amount paid by the member under this~~ 5239
~~section.~~ 5240

~~(E)~~ The board shall adopt rules to implement this section. 5241

Sec. 3309.28. Not later than thirty days after an employee 5242
begins employment, the employer shall file with the school 5243
employees retirement system a detailed statement of the employee's 5244
personal information and ~~all of the employee's previous service as~~ 5245
~~an employee or such other service as comes under this chapter or~~ 5246
~~Chapter 145., 742., 3307., or 5505. of the Revised Code, and such~~ 5247
other information as the school employees retirement board 5248
requires for the proper operation of the school employees 5249
retirement system. 5250

Sec. 3309.301. (A)~~(1)~~ As used in this section, "paying 5251
system" and "transferring system" have the same meanings as in 5252
section 3309.35 of the Revised Code. 5253

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 5254
section, a member of the school employees retirement system with 5255
at least eighteen months of contributing service in the system, 5256
the public employees retirement system, or the state teachers 5257
retirement system who exempted self from membership in one or more 5258
of the systems pursuant to section 145.03 or 3309.23 of the 5259
Revised Code, or former section 3307.25 or 3309.25 of the Revised 5260
Code, or was exempt under section 3307.24 of the Revised Code, may 5261
purchase credit for each year or portion of a year of service for 5262
which the member was exempted. 5263

(2) A member may not purchase credit under this section for 5264
service that was exempted from contribution under section 3309.23 5265
of the Revised Code and subject to the tax on wages imposed by the 5266
"Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 5267
U.S.C.A. 3101, as amended. 5268

~~(B)~~(C) Upon receipt of a request from a member eligible to 5269
purchase credit under this section and certification of the 5270

member's service and compensation from the employer for which the 5271
exempt service was performed, the school employees retirement 5272
system shall determine the amount of credit the member is eligible 5273
to purchase in accordance with divisions ~~(B)~~(C)(1) and (2) of this 5274
section. 5275

(1) If the credit to be purchased is for service exempted 5276
under section 3309.23 or former section 3309.25 of the Revised 5277
Code, determine the amount of credit that would have been earned 5278
had the service not been exempt. 5279

(2) If the credit to be purchased is for service exempted 5280
under section 145.03 or 3307.24, or former section 3307.25 of the 5281
Revised Code, request certification from the applicable retirement 5282
system that the service was exempt and the amount of service 5283
credit that would have been earned had the service not been 5284
exempt. 5285

~~(C)~~(D) For each year or portion of a year of credit purchased 5286
under this section, a member shall pay to the retirement system an 5287
amount determined by multiplying the member's compensation for the 5288
twelve months of contributing service preceding the month in which 5289
the member applies to purchase the credit by a percentage rate 5290
established by rule of the school employees retirement board 5291
adopted under division ~~(G)~~(H) of this section. 5292

~~(D)~~(E) Subject to board rules, a member may purchase all or 5293
part of the credit the member is eligible to purchase under this 5294
section in one or more payments. If the member purchases the 5295
credit in more than one payment, compound interest at a rate 5296
specified by rule of the board shall be charged on the balance 5297
remaining after the first payment is made. 5298

~~(E)~~(F) Credit purchasable under this section shall not exceed 5299
one year of service for any twelve-month period. If the period of 5300
service for which credit is purchasable under this section is 5301

concurrent with a period of service that will be used to calculate 5302
a retirement benefit from this system, the public employees 5303
retirement system, or the state teachers retirement system, the 5304
amount of the credit shall be adjusted in accordance with rules 5305
adopted by the school employees retirement board. 5306

A member who is also a member of the public employees 5307
retirement system or the state teachers retirement system shall 5308
purchase credit for any service for which the member exempted self 5309
under section 145.03 or 3309.23 of the Revised Code, or former 5310
section 3307.25 or 3309.25 of the Revised Code, or was exempt 5311
under section 3307.24 of the Revised Code, from the retirement 5312
system in which the member has the greatest number of years of 5313
service credit. If the member receives benefits under section 5314
3309.35 of the Revised Code, the state retirement system that 5315
~~determines and pays the retirement benefit~~ is the paying system 5316
under that section shall receive from the ~~other~~ system or systems 5317
that are the transferring systems the amounts paid by the member 5318
for purchase of credit for exempt service plus interest at the 5319
actuarial assumption rate of the transferring system ~~paying that~~ 5320
~~amount~~. The interest shall be for the period beginning on the date 5321
of the member's last payment for purchase of the credit and ending 5322
on the date of the member's retirement. 5323

~~(F)~~(G) If a member dies or withdraws from service, any 5324
payment made by the member under this section shall be considered 5325
as accumulated contributions of the member. 5326

~~(G)~~(H) The retirement board shall adopt rules to implement 5327
this section. 5328

Sec. 3309.35. (A) As used in this section: 5329

(1) "State retirement system" means the public employees 5330
retirement system, state teachers retirement system, or school 5331
employees retirement system. 5332

(2) "Total service credit" means all service credit earned in all state retirement systems, except credit for service subject to section 3309.341 of the Revised Code. Total service credit shall not exceed one year of credit for any twelve-month period.

(3) In addition to the meaning given in division (O) of section 3309.01 of the Revised Code, "disability benefit" means "disability benefit" as defined in sections 145.01 and 3307.01 of the Revised Code.

(4) "Paying system" means the state retirement system in which the member has the greatest service credit, without adjustment or, if a member who has equal service credit in two or more retirement systems, the retirement system in which the member has the greatest total contributions.

(5) "Transferring system" means the state retirement system transferring a member's contributions and service credit in that system to the paying system.

(6) "Retention percentage" means five per cent, or a percentage determined under division (E) of this section, of a member's earnable salary in the case of a member of the public employees retirement system or five per cent, or a percentage determined under division (E) of this section, of a member's compensation in the case of a member of the state teachers retirement system or school employees retirement system.

(B) To coordinate and integrate membership in the state retirement systems, at the option of a member, total contributions and service credit in all state retirement systems, including amounts paid to restore service credit under sections 145.311, 3307.711, and 3309.261 of the Revised Code, shall be used in determining the eligibility and total retirement or disability benefit payable. When total contributions and service credit are so combined, the following provisions apply:

(1) Service and commuted service retirement or a disability benefit is effective no sooner than the first day of the month next following the last day of employment for which compensation was paid. If the application is filed after that date, the board may retire the member on the first day of the month next following the last day of employment for which compensation was paid.

(2) ~~Eligibility for a disability benefit shall be determined by the~~ The board of the state retirement paying system that will calculate shall do both of the following:

(a) Determine a member's eligibility for a retirement or disability benefit;

(b) Calculate and pay the member's retirement or disability benefit, ~~as provided in division (B)(3) of this section. The state retirement~~

(3)(a) Each transferring system calculating and paying the disability benefit in which the member has service credit shall certify the determination to the board of each other state retirement paying system in which the member has service credit and shall be accepted by that board as sufficient for granting a disability benefit.

~~(3) The board of the state retirement system in which the member had the greatest service credit, without adjustment, shall calculate and pay the total retirement or disability benefit. Where the member's credit is equal in two or more state retirement systems, the system having the largest total contributions of the member shall calculate and pay the total benefit all of the following:~~

(i) The service credit earned by the member in the transferring system;

(ii) The beginning and ending dates of the service credit period covered by the transferring system;

<u>(iii) Any breaks in service by the member, excluding school breaks;</u>	5395
	5396
<u>(iv) If available, a statement listing the member's monthly contributions and service credit earned, obtained, or purchased in the transferring system.</u>	5397
	5398
	5399
<u>(b) The certification under division (B)(3)(a) of this section may be reviewed by both the transferring system and paying system.</u>	5400
	5401
	5402
(4) In determining the total credit to be used in calculating a retirement allowance or disability benefit, credit shall not be reduced below that certified by the system or systems transferring credit, except that such total combined service credit shall not exceed <u>as follows:</u>	5403
	5404
	5405
	5406
	5407
<u>(a) Not more than one year of credit may be certified by the transferring system for any one "year" as defined in the law of the transferring system making the calculation.</u>	5408
	5409
	5410
<u>(b) The paying system may reduce any credit certified by the transferring system that is concurrent with any period of service credit the member earned from the paying system.</u>	5411
	5412
	5413
<u>(c) The paying system may reduce any credit certified by the transferring system if the amount certified, when added to the paying system's service credit for any one "year" as defined in the law of the paying system, exceeds one year.</u>	5414
	5415
	5416
	5417
(5)(a) The state retirement paying system calculating and paying a retirement or disability benefit shall receive from the other <u>transferring</u> system or systems all of the following for each year of service:	5418
	5419
	5420
	5421
(i) The amount contributed by the member, or, in the case of service credit purchased by the member, paid by the member, that is attributable to the year of service;	5422
	5423
	5424

(ii) An amount equal to the lesser of the employer's 5425
contributions made on behalf of the member to the ~~retirement~~ 5426
~~transferring~~ system for that year of service less the retention 5427
percentage or the amount that would have been contributed by the 5428
employer for the service had the member been a member of the 5429
school employees retirement system at the time the credit was 5430
earned less the retention percentage; 5431

(iii) If applicable, an amount equal to the amount paid on 5432
behalf of the member by an employer under section 145.483 of the 5433
Revised Code; 5434

(iv) Interest compounded annually on the amounts specified in 5435
divisions (B)(5)(a)(i), (ii), and (iii) of this section at the 5436
lesser of the actuarial assumption rate for that year of the 5437
~~school employees retirement~~ paying system or the ~~other retirement~~ 5438
~~transferring~~ system or systems ~~transferring amounts under this~~ 5439
~~section.~~ 5440

(b) The annuity rates and mortality tables of the ~~state~~ 5441
~~retirement~~ paying system ~~making the calculation and paying the~~ 5442
~~benefit~~ shall be exclusively applicable. 5443

(c) Deposits made for the purchase of an additional annuity, 5444
and including guaranteed interest, upon the request of the member, 5445
shall be transferred to the ~~state retirement~~ paying system ~~paying~~ 5446
~~the retirement or disability benefit.~~ The return upon such 5447
deposits shall be that offered by the ~~state retirement~~ paying 5448
system ~~making the calculation and paying the retirement or~~ 5449
~~disability benefit.~~ 5450

(C) A former member receiving a retirement or disability 5451
benefit under this section, who accepts employment amenable to 5452
coverage in any state retirement system that participated in the 5453
member's combined benefit, shall be subject to the applicable 5454
provisions of law governing such re-employment. If a former member 5455

should be paid any amount in a retirement allowance, to which the 5456
former member is not entitled under the applicable provisions of 5457
law governing such re-employment, such amount shall be recovered 5458
by the ~~state retirement~~ paying system ~~paying such allowance~~ by 5459
utilizing any recovery procedure available under the ~~code~~ 5460
~~provisions of the state retirement system covering such~~ paying 5461
system's re-employment provisions. 5462

(D) An SERS retirant or other system retirant, as defined in 5463
section 3309.341 of the Revised Code, is not eligible to receive 5464
any benefit under this section for service subject to section 5465
3309.341 of the Revised Code. 5466

(E) The retention percentage used in the calculation under 5467
division (B)(5)(a)(ii) of this section shall be reviewed by the 5468
state retirement systems not less than once every five years 5469
beginning after the effective date of this amendment or on request 5470
of any of the systems. If the retirement systems agree, the 5471
retention percentage may be changed if any of the system's 5472
employer contribution rate increases or decreases or the systems 5473
agree that a change is in the interest of one or more of the 5474
systems. 5475

Sec. 3309.381. (A) A recipient of a disability allowance 5476
under section 3309.401 of the Revised Code who is subject to 5477
division (C)(3) of that section may make application for 5478
retirement under this section. Retirement shall be effective on 5479
the first day of the first month following the last day for which 5480
the disability allowance is paid. 5481

(B) The annual allowance payable under this section shall 5482
consist of the sum of the amounts determined under divisions 5483
(B)(1) and (2) of this section: 5484

(1) The greater of the following: 5485

(a) An allowance calculated as ~~provided in section 3309.36 of~~ 5486
~~the Revised Code follows~~, excluding any period during which the 5487
applicant received a disability benefit under section 3309.401 of 5488
the Revised Code; 5489

(i) For an applicant who would be eligible to retire under 5490
division (A)(1) of section 3309.34 of the Revised Code, the 5491
allowance shall be calculated under divisions (B)(1)(a) and (B)(2) 5492
of section 3309.36 of the Revised Code; 5493

(ii) For an applicant who would be eligible to retire under 5494
division (A)(2) of section 3309.34 of the Revised Code, the 5495
allowance shall be calculated under divisions (B)(1)(b) and (B)(3) 5496
of section 3309.36 of the Revised Code. 5497

(b) An allowance calculated by multiplying the applicant's 5498
total service credit, including service credit for the last 5499
continuous period during which the applicant received a disability 5500
benefit under section 3309.401 of the Revised Code, by two and 5501
two-tenths per cent of the applicant's final average salary, 5502
except that the allowance shall not exceed forty-five per cent of 5503
the applicant's final average salary. 5504

(2) An amount equal to the additional allowance the recipient 5505
would receive under section 3309.374 of the Revised Code, plus any 5506
other additional amount the recipient would receive under this 5507
chapter, had the recipient retired under section 3309.36 of the 5508
Revised Code effective on the effective date of the recipient's 5509
most recent continuous period of receipt of a disability benefit 5510
under section 3309.401 of the Revised Code. 5511

(C) The allowance calculated under division (B) of this 5512
section, exclusive of any amount added under division (B)(2) of 5513
this section based on section 3309.374 of the Revised Code, shall 5514
be the base for all future additional allowances under section 5515
3309.374 of the Revised Code. 5516

The anniversary date for future additional allowances under 5517
section 3309.374 of the Revised Code shall be the effective date 5518
of the recipient's most recent continuous period of receipt of a 5519
disability benefit under section 3309.401 of the Revised Code. 5520

(D) The retirement allowance determined under this section 5521
shall be paid as provided in section 3309.46 of the Revised Code. 5522

Sec. 3309.42. (A)(1) Subject to ~~sections 3309.43 and section~~ 5523
3309.67 of the Revised Code and except as provided in division (B) 5524
of this section, a member who elects to become exempt from 5525
contribution to the school employees retirement system pursuant to 5526
section 3309.23 of the Revised Code, or ceases to be an employee 5527
for any cause other than death, retirement, receipt of a 5528
disability benefit, or current employment in a position in which 5529
the member has elected to participate in an alternative retirement 5530
plan pursuant to section 3305.05 or 3305.051 of the Revised Code, 5531
shall be paid the accumulated contributions standing to the credit 5532
of the member's individual account in the employees' savings fund 5533
upon application and subject to such rules as are established by 5534
the school employees retirement board and provided three months 5535
have elapsed since employment, other than employment exempt from 5536
contribution under division (C) of section 3309.23 of the Revised 5537
Code, ceased. 5538

(2) A member described in division (A)(1) of this section who 5539
is married at the time of application for payment and would be 5540
eligible for age and service retirement under section 3309.34, 5541
3309.36, or 3309.40 of the Revised Code but for a forfeiture 5542
ordered under division (A) or (B) of section 2929.192 of the 5543
Revised Code shall submit with the application a written statement 5544
by the member's spouse attesting that the spouse consents to the 5545
payment of the member's accumulated contributions. Consent shall 5546
be valid only if it is signed and witnessed by a notary public. 5547

The board may waive the requirement of consent if the spouse is 5548
incapacitated or cannot be located, or for any other reason 5549
specified by the board. Consent or waiver is effective only with 5550
regard to the spouse who is the subject of the consent or waiver. 5551

(B) This division applies to any member who is employed in a 5552
position in which the member has elected under section 3305.05 or 5553
3305.051 of the Revised Code to participate in an alternative 5554
retirement plan and due to the election ceases to be an employee 5555
for purposes of that position. 5556

Subject to ~~sections 3309.43 and~~ section 3309.67 of the 5557
Revised Code, the school employees retirement system shall do the 5558
following: 5559

(1) On receipt of an election under section 3305.05 or 5560
3305.051 of the Revised Code, pay, in accordance with section 5561
3305.052 of the Revised Code, the amount described in that section 5562
to the appropriate provider; 5563

(2) If a member has accumulated contributions, in addition to 5564
those subject to division (B)(1) of this section, standing to the 5565
credit of the member's individual account and is not otherwise in 5566
a position in which the member is considered an employee for the 5567
purposes of that position, pay, to the provider the member 5568
selected pursuant to section 3305.05 or 3305.051 of the Revised 5569
Code, the accumulated contributions standing to the credit of the 5570
member's individual account in the employees' saving fund. The 5571
payment shall be made on the member's application. 5572

(C) Payment of a member's accumulated contributions under 5573
this section cancels the member's total service credit in the 5574
school employees retirement system. A member whose accumulated 5575
contributions are paid to a provider pursuant to division (B) of 5576
this section is forever barred from claiming or purchasing service 5577
credit under the school employees retirement system for the period 5578

of employment attributable to those contributions. 5579

Sec. 3309.43. (A) As used in this section, "other retirement system" means the public employees retirement system or the state teachers retirement system. 5580
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(B) Except as provided in division (C) of this section, on application, a member of the school employees retirement system who is also a member of one or both of the other retirement systems and has ceased to be an employee under this chapter may be paid, in accordance with section 3309.42 of the Revised Code, the member's accumulated contributions to the school employees retirement system. This payment does not affect the member's membership in the other retirement systems or any right the member may have to a benefit or return of contributions under those systems. 5583
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(C) This section does not apply to a member of one of the other retirement systems whose employment under that system is with the public employer that was the employer under the school employees retirement system at the time the member's service subject to this chapter terminated. 5593
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Sec. 3309.45. Except as provided in division (C)(1) of this section, in lieu of accepting the payment of the accumulated account of a member who dies before service retirement, the beneficiary, as determined in section 3309.44 of the Revised Code, may elect to forfeit the accumulated account and to substitute certain other benefits either under division (A) or (B) of this section. 5598
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(A)(1) If a deceased member was eligible for a service retirement allowance as provided in section 3309.36 or 3309.381 of the Revised Code, a surviving spouse or other sole dependent beneficiary may elect to receive a monthly benefit computed as the 5605
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joint-survivor allowance designated as "plan D" in section 3309.46 5609
of the Revised Code, which the member would have received had the 5610
member retired on the last day of the month of death and had the 5611
member at that time selected such joint-survivor plan. Payment 5612
shall begin with the month subsequent to the member's death. 5613

(2) Beginning on a date selected by the school employees 5614
retirement board, which shall be not later than July 1, 2004, a 5615
surviving spouse or other sole dependent beneficiary may elect, in 5616
lieu of a monthly payment under division (A)(1) of this section, a 5617
plan of payment consisting of both of the following: 5618

(a) A lump sum in an amount the surviving spouse or other 5619
sole dependent beneficiary designates that constitutes a portion 5620
of the allowance that would be payable under division (A)(1) of 5621
this section; 5622

(b) The remainder of that allowance in monthly payments. 5623

The total amount paid as a lump sum and a monthly benefit 5624
shall be the actuarial equivalent of the amount that would have 5625
been paid had the lump sum not been selected. 5626

The lump sum amount designated by the surviving spouse or 5627
other sole dependent beneficiary under division (A)(2)(a) of this 5628
section shall be not less than six times and not more than 5629
thirty-six times the monthly amount that would be payable to the 5630
surviving spouse or other sole dependent beneficiary under 5631
division (A)(1) of this section and shall not result in a monthly 5632
benefit that is less than fifty per cent of that monthly amount. 5633

(B) If the deceased member had completed at least one and 5634
one-half years of credit for Ohio service, with at least 5635
one-quarter year of Ohio contributing service credit within the 5636
two and one-half years prior to the date of death, or was 5637
receiving at the time of death a disability benefit as provided in 5638
section 3309.40 or 3309.401 of the Revised Code, qualified 5639

survivors who elect to receive monthly benefits shall receive the greater of the benefits provided in division (B)(1)(a) or (b) as allocated in accordance with division (B)(5) of this section.

(1)(a) Number		Or	5643
of Qualified		Monthly	5644
survivors	Annual Benefit as a Per	Benefit	5645
affecting	Cent of Decedent's Final	shall not be	5646
the benefit	Average Salary	less than	5647
1	25%	\$96	5648
2	40	186	5649
3	50	236	5650
4	55	236	5651
5 or more	60	236	5652

(b) Years of Service	Annual Benefit as a Per Cent of	5653
	Member's Final Average Salary	
20	29%	5654
21	33	5655
22	37	5656
23	41	5657
24	45	5658
25	48	5659
26	51	5660
27	54	5661
28	57	5662
29 or more	60	5663

(2) Benefits shall begin as qualified survivors meet eligibility requirements as follows:

(a) A qualified spouse is the surviving spouse of the deceased member who is age sixty-two, or regardless of age if the deceased member had ten or more years of Ohio service credit, or regardless of age if caring for a surviving child, or regardless of age if adjudged physically or mentally incompetent.

(b) A qualified child whose benefit began before ~~the~~ 5671
~~effective date of this amendment~~ January 7, 2013, is any child of 5672
the deceased member who has never been married and to whom one of 5673
the following applies: 5674

(i) Is under age eighteen, or under age twenty-two if the 5675
child is attending an institution of learning or training pursuant 5676
to a program designed to complete in each school year the 5677
equivalent of at least two-thirds of the full-time curriculum 5678
requirements of such institution and as further determined by 5679
board policy; 5680

(ii) Regardless of age, is adjudged physically or mentally 5681
incompetent if the incompetence existed prior to the member's 5682
death and prior to the child attaining age eighteen, or age 5683
twenty-two if attending an institution described in division 5684
(B)(2)(b)(i) of this section. 5685

(c) A qualified child whose benefit begins on or after ~~the~~ 5686
~~effective date of this amendment~~ January 7, 2013, is any child of 5687
the deceased member who has never been married and to whom one of 5688
the following applies: 5689

(i) Is under age nineteen; 5690

(ii) Regardless of age, is adjudged physically or mentally 5691
incompetent if the incompetence existed prior to the member's 5692
death and prior to the child attaining age nineteen. 5693

(d) A qualified parent is a dependent parent aged sixty-five 5694
or older. 5695

(3) "Physically or mentally incompetent" as used in this 5696
section may be determined by a court of jurisdiction, or by a 5697
physician appointed by the retirement board. Incapability of 5698
earning a living because of a physically or mentally disabling 5699
condition shall meet the qualifications of this division. 5700

(4) Benefits to a qualified survivor shall terminate upon a first marriage, abandonment, adoption, or during active military service. Benefits to a deceased member's surviving spouse that were terminated under a former version of this section that required termination due to remarriage and were not resumed prior to September 16, 1998, shall resume on the first day of the month immediately following receipt by the board of an application on a form provided by the board.

Upon the death of any subsequent spouse who was a member of the public employees retirement system, state teachers retirement system, or school employees retirement system, the surviving spouse of such member may elect to continue receiving benefits under this division, or to receive survivor's benefits, based upon the subsequent spouse's membership in one or more of the systems, for which such surviving spouse is eligible under this section or section 145.45 or 3307.66 of the Revised Code. If the surviving spouse elects to continue receiving benefits under this division, such election shall not preclude the payment of benefits under this division to any other qualified survivor.

Benefits shall begin or resume on the first day of the month following the attainment of eligibility and shall terminate on the first day of the month following loss of eligibility.

(5)(a) If a benefit is payable under division (B)(1)(a) of this section, benefits to a qualified spouse shall be paid in the amount determined for the first qualifying survivor in division (B)(1)(a) of this section, but shall not be less than one hundred six dollars per month if the deceased member had ten or more years of Ohio service credit. All other qualifying survivors shall share equally in the benefit or remaining portion thereof.

(b) All qualifying survivors shall share equally in a benefit payable under division (B)(1)(b) of this section, except that if there is a surviving spouse, the surviving spouse shall receive no

less than the greater of the amount determined for the first 5733
qualifying survivor in division (B)(1)(a) of this section or one 5734
hundred six dollars per month. 5735

(6) The beneficiary of a member who is also a member of the 5736
public employees retirement system, or of the state teachers 5737
retirement system, must forfeit the member's accumulated 5738
contributions in those systems, if the beneficiary takes a 5739
survivor benefit. Such benefit shall be exclusively governed by 5740
section 3309.35 of the Revised Code. 5741

(C)(1) Regardless of whether the member is survived by a 5742
spouse or designated beneficiary, if the school employees 5743
retirement system receives notice that a deceased member described 5744
in division (A) or (B) of this section has one or more qualified 5745
children, all persons who are qualified survivors under division 5746
(B) of this section shall receive monthly benefits as provided in 5747
division (B) of this section. 5748

If, after determining the monthly benefits to be paid under 5749
division (B) of this section, the system receives notice that 5750
there is a qualified survivor who was not considered when the 5751
determination was made, the system shall, notwithstanding section 5752
3309.661 of the Revised Code, recalculate the monthly benefits 5753
with that qualified survivor included, even if the benefits to 5754
qualified survivors already receiving benefits are reduced as a 5755
result. The benefits shall be calculated as if the qualified 5756
survivor who is the subject of the notice became eligible on the 5757
date the notice was received and shall be paid to qualified 5758
survivors effective on the first day of the first month following 5759
the system's receipt of the notice. 5760

If the retirement system did not receive notice that a 5761
deceased member has one or more qualified children prior to making 5762
payment under section 3309.44 of the Revised Code to a beneficiary 5763
as determined by the retirement system, the payment is a full 5764

discharge and release of the system from any future claims under 5765
this section or section 3309.44 of the Revised Code. 5766

(2) If benefits under division (C)(1) of this section to all 5767
persons, or to all persons other than a surviving spouse or other 5768
sole beneficiary, terminate, there are no qualified children ~~under~~ 5769
~~the age of twenty-two years~~, and the surviving spouse or 5770
beneficiary qualifies for benefits under division (A) of this 5771
section, the surviving spouse or beneficiary may elect to receive 5772
benefits under division (A) of this section. Benefits shall be 5773
effective on the first day of the month following receipt by the 5774
board of an application for benefits under division (A) of this 5775
section. 5776

(D) The final average salary used in the calculation of a 5777
benefit payable pursuant to division (A) or (B) of this section to 5778
a survivor or beneficiary of a disability benefit recipient shall 5779
be adjusted for each year between the disability benefit's 5780
effective date and the recipient's date of death by the lesser of 5781
three per cent or the actual average percentage increase in the 5782
consumer price index prepared by the United States bureau of labor 5783
statistics (U.S. City Average for Urban Wage Earners and Clerical 5784
Workers: "All Items 1982-84=100"). 5785

(E) If the survivor benefits due and paid under this section 5786
are in a total amount less than the member's accumulated account 5787
that was transferred from the employees' savings fund, the state 5788
teachers retirement fund, and the public employees retirement fund 5789
to the survivors' benefit fund, then the difference between the 5790
total amount of the benefits paid shall be paid to the beneficiary 5791
under section 3309.44 of the Revised Code. 5792

Sec. 3309.49. Each employer shall pay ~~annually~~ to the school 5793
employees retirement system at such times as required by the 5794
school employees retirement board under section 3309.51 of the 5795

Revised Code an amount ~~certified by the secretary~~ that shall be a 5796
certain per cent of the earnable compensation of all employees, 5797
and shall be known as the "employer contribution." The rate per 5798
cent of such contribution shall be fixed by the actuary on the 5799
basis of the actuary's evaluation of the liabilities of the school 5800
employees retirement system, but shall not exceed fourteen per 5801
cent, and shall be approved by the school employees retirement 5802
board. The school employees retirement board may raise the rate 5803
per cent of the contribution to fourteen per cent of the earnable 5804
compensation of all employees. In making such evaluation, the 5805
actuary shall use, as the actuarial assumptions, regular interest 5806
and such mortality and other tables as are adopted by the school 5807
employees retirement board. The actuary shall compute the 5808
percentage of such earnable compensation, to be known as the 5809
"employer rate," required annually to fund the liability for all 5810
allowances, annuities, pensions and other benefits, and any 5811
deficiencies in the various funds, provided for in this chapter, 5812
after deducting therefrom the annuity and other benefits provided 5813
by the contributor's accumulated contributions and deposits or 5814
other applicable moneys. 5815

Sec. 3309.51. (A) Each employer shall pay into the employers' 5816
trust fund, ~~in~~ monthly or ~~less frequent installments~~ at such times 5817
as the school employees retirement board requires, an amount 5818
certified by the school employees retirement board, which shall be 5819
as required by Chapter 3309. of the Revised Code. 5820

Payments by school district boards of education to the 5821
employers' trust fund of the school employees retirement system 5822
may be made from the amounts allocated under Chapter 3317. of the 5823
Revised Code prior to their distribution to the individual school 5824
districts. The amount due from each school district may be 5825
certified by the secretary of the system to the superintendent of 5826

public instruction monthly, or at such times as is determined by 5827
the school employees retirement board. 5828

Payments by governing authorities of community schools to the 5829
employers' trust fund of the school employees retirement system 5830
shall be made from the amounts allocated under section 3314.08 of 5831
the Revised Code prior to their distribution to the individual 5832
community schools. The amount due from each community school shall 5833
be certified by the secretary of the system to the superintendent 5834
of public instruction monthly, or at such times as determined by 5835
the school employees retirement board. 5836

Payments by a science, technology, engineering, and 5837
mathematics school to the employers' trust fund of the school 5838
employees retirement system shall be made from the amounts 5839
allocated under section 3326.33 of the Revised Code prior to their 5840
distribution to the school. The amount due from a science, 5841
technology, engineering, and mathematics school shall be certified 5842
by the secretary of the school employees retirement system to the 5843
superintendent of public instruction monthly, or at such times as 5844
determined by the school employees retirement board. 5845

(B) The superintendent shall deduct from the amount allocated 5846
to each community school under section 3314.08 of the Revised 5847
Code, to each school district under Chapter 3317. of the Revised 5848
Code, or to each science, technology, engineering, and mathematics 5849
school under section 3326.33 of the Revised Code the entire 5850
amounts due to the school employees retirement system from such 5851
school or school district upon the certification to the 5852
superintendent by the secretary thereof. 5853

(C) Where an employer fails or has failed or refuses to make 5854
payments to the employers' trust fund, as provided for under 5855
Chapter 3309. of the Revised Code, or fails to pay any penalty 5856
imposed under section 3309.571 of the Revised Code the secretary 5857
of the school employees retirement system may certify to the state 5858

superintendent of public instruction, monthly or at such times as 5859
is determined by the school employees retirement board, the amount 5860
due from such employer, and the superintendent shall deduct from 5861
the amount allocated to the employer under section 3314.08 or 5862
3326.33 or Chapter 3317. of the Revised Code, as applicable, the 5863
entire amounts due to the system from the employer upon the 5864
certification to the superintendent by the secretary of the school 5865
employees retirement system. 5866

(D) The superintendent shall certify to the director of 5867
budget and management the amounts thus due the system for payment. 5868

Sec. 3309.55. Each employer shall on the first day of each 5869
calendar month, or at such ~~less frequent~~ intervals as the school 5870
employees retirement board approves, notify the board of ~~the~~ 5871
~~employment of new employees,~~ removals, and withdrawals, ~~and~~ 5872
~~changes in compensation~~ of employees that have occurred during the 5873
month preceding or the period since the period covered by the last 5874
notification. ~~At least once a year each employer shall submit to~~ 5875
~~the board a complete listing of all employees not contributing to~~ 5876
~~the school employees retirement system.~~ Each employer shall keep 5877
such records and shall furnish such information and assistance to 5878
the school employees retirement board as it requires in the 5879
discharge of its duties. 5880

Sec. 3309.56. Each employer shall cause to be deducted, on 5881
each payroll of a contributor for each payroll period, the 5882
contribution payable by such contributor. ~~Each employer shall~~ 5883
~~certify to the treasurer of said employer on each payroll a~~ 5884
~~statement as voucher for the amount so deducted and for the amount~~ 5885
~~of the contribution payable by the employer.~~ Each employer shall 5886
send a duplicate of such statement to the secretary of report that 5887
lists such contributions deducted by contributor to the school 5888
employees retirement system at such time and in such manner as 5889

required by the school employees retirement board. 5890

Sec. 3309.57. ~~The treasurer of each~~ Each employer ~~on receipt~~ 5891
~~from the employer of the voucher for deductions from the~~ 5892
~~compensation of employees and for the contributions of the~~ 5893
~~employer~~ shall transmit monthly or at such times as the school 5894
employees retirement board designates the ~~amounts specified in~~ 5895
~~such voucher to the secretary of the board~~ contributions required 5896
under this chapter. The ~~secretary of the board~~ school employees 5897
retirement system after making a record of all such receipts shall 5898
pay them to the treasurer of state for use according to this 5899
chapter. 5900

Sec. 3309.571. The school employees retirement system shall 5901
impose the following penalties, which may be collected in the same 5902
manner as described in division (B) of section 3309.51 of the 5903
Revised Code: 5904

(A) For a failure to transmit contributions withheld from 5905
employees not later than the date specified under rules adopted by 5906
the school employees retirement board, one hundred dollars per day 5907
for each day the employer fails to transmit the contributions; 5908

(B) For a failure to transmit any amount due the employer's 5909
trust fund not later than the date specified under rules adopted 5910
by the board, one hundred dollars per day for each day the 5911
employer fails to transmit the amounts; 5912

(C) Except for a statement required by section 3309.28 of the 5913
Revised Code, for a failure to submit, ~~complete, or correct any a~~ 5914
payroll information report or other report required under this 5915
chapter not later than the date specified under rules adopted by 5916
the board, one hundred dollars per day for each day the employer 5917
fails to submit, ~~complete, or correct the information or report,~~ 5918
except that the penalty shall not exceed one thousand five hundred 5919

dollars; 5920

(D) For a failure to submit a record in the form of a 5921
statement required by section 3309.28 of the Revised Code, fifty 5922
dollars per record for each month the record is not filed, except 5923
that the penalty shall not exceed three hundred dollars. 5924

Sec. 3309.691. The school employees retirement board ~~shall~~ 5925
may establish a program under which members of the retirement 5926
system, employers on behalf of members, and persons receiving 5927
service, disability, or survivor benefits are permitted to 5928
participate in contracts for long-term health care insurance. 5929
Participation may include dependents and family members. If a 5930
participant in a contract for long-term care insurance leaves 5931
employment, the participant and the participant's dependents and 5932
family members may, at their election, continue to participate in 5933
a program established under this section in the same manner as if 5934
the participant had not left employment, except that no part of 5935
the cost of the insurance shall be paid by the participant's 5936
former employer. 5937

Such program may be established independently or jointly with 5938
one or more of the other retirement systems. For purposes of this 5939
section, "retirement systems" has the same meaning as in division 5940
(A) of section 145.581 of the Revised Code. 5941

The board may enter into an agreement with insurance 5942
companies, health insuring corporations, or government agencies 5943
authorized to do business in the state for issuance of a long-term 5944
care insurance policy or contract. However, prior to entering into 5945
such an agreement with an insurance company or health insuring 5946
corporation, the board shall request the superintendent of 5947
insurance to certify the financial condition of the company or 5948
corporation. The board shall not enter into the agreement if, 5949
according to that certification, the company or corporation is 5950

insolvent, is determined by the superintendent to be potentially 5951
unable to fulfill its contractual obligations, or is placed under 5952
an order of rehabilitation or conservation by a court of competent 5953
jurisdiction or under an order of supervision by the 5954
superintendent. 5955

The board ~~shall~~ may adopt rules in accordance with section 5956
111.15 of the Revised Code governing the program. ~~The~~ Any rules 5957
adopted by the board shall establish methods of payment for 5958
participation under this section, which may include establishment 5959
of a payroll deduction plan under section 3309.27 of the Revised 5960
Code, deduction of the full premium charged from a person's 5961
service, disability, or survivor benefit, or any other method of 5962
payment considered appropriate by the board. If the program is 5963
established jointly with one or more of the other retirement 5964
systems, the rules also shall establish the terms and conditions 5965
of such joint participation. 5966

Sec. 3309.82. (A) Except as provided in division (B) of this 5967
section, sections 3309.02, 3309.021, and 3309.022 and sections 5968
3309.18 to 3309.70 of the Revised Code do not apply to a plan 5969
established under section 3309.81 of the Revised Code, except that 5970
a plan may incorporate provisions of those sections as specified 5971
in the plan document. 5972

(B) The following sections of Chapter 3309. of the Revised 5973
Code apply to a plan established under section 3309.81 of the 5974
Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 5975
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 5976
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, ~~3309.53,~~ 5977
~~3309.54,~~ 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 5978
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 5979
3309.673, 3309.68, and 3309.70 of the Revised Code. 5980

Sec. 4113.75. (A) As used in this section: 5981

(1) "Employee" and "employer" have the same meanings as in section 4113.51 of the Revised Code except that "employer" does not include the state, any municipal corporation, county, township, school district, or other political subdivision, or any agency or instrumentality of any of those entities. 5982
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(2) "Employee retirement plan" means an employee retirement plan described in section 401(k) or 403(b) of the Internal Revenue Code or a payroll deduction individual retirement account plan described in section 408 or 408A of the Internal Revenue Code. 5987
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(3) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., as amended. 5991
5992

(B)(1) Notwithstanding section 4113.15 of the Revised Code, an employer may create and implement a program for automatically withholding a specified percentage of employees' wages to be contributed on behalf of the employees to an employee retirement plan. The program shall allow an employee to affirmatively elect not to participate in the program and not have wages withheld under the program. 5993
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(2) The employer shall provide each participating employee with all of the following: 6000
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(a) Notice of the percentage of the employee's wages that will be withheld and contributed on behalf of the employee to an employee retirement plan unless the employee affirmatively elects not to participate in the plan; 6002
6003
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(b) At least one opportunity each calendar quarter to select investments for the employee's contributions between investment alternatives available under the plan; 6006
6007
6008

(c) A description of every investment alternative available for employee investment direction under the plan; 6009
6010

(d) Notice of the default investment decisions that will be 6011
made in the absence of the employee's direction; 6012

(e) A brief description of available procedures that allow an 6013
employee to change investments; 6014

(f) A report, at least once a year, of the actual default 6015
investments made of contributions attributable to the employee. 6016

(3) An employer that creates or implements a program 6017
described in division (B) of this section shall provide its 6018
participating employees with reasonable opportunities to 6019
affirmatively elect not to participate in the program and not have 6020
wages withheld under the program. An affirmative election not to 6021
participate in a program shall be effective as soon after the 6022
employer receives the election as is administratively feasible. 6023

Sec. 5505.03. (A) The funds created by this section are the 6024
"employees' savings fund," "employer's accumulation fund," 6025
"pension reserve fund," "survivors' benefit fund," "income fund," 6026
and "expense fund." When reference is made to any of such funds, 6027
such reference is made to each as a separate legal entity; 6028
provided that the moneys in the funds may be intermingled for 6029
deposit and investment purposes. 6030

(B) The employees' savings fund is the fund in which shall be 6031
accumulated the contributions deducted from the salaries of 6032
members, except as provided in division (B)(1)(b) of section 6033
5505.54 of the Revised Code. Any refunds of accumulated 6034
contributions, as provided in the plan, shall be paid from such 6035
fund. Upon a member's retirement, the accumulated contributions 6036
standing to the member's credit in the fund shall be transferred 6037
to the pension reserve fund ~~if the member's retirement occurs on~~ 6038
~~or after January 1, 1966, or to the employer's accumulation fund~~ 6039
~~if the member's retirement occurred prior to January 1, 1966.~~ If a 6040
pension is payable on account of the death of a member, the 6041

accumulated contributions standing to the member's credit in the 6042
employees' savings fund shall be transferred to the survivors' 6043
benefit fund ~~if the member's death occurs after January 1, 1966,~~ 6044
~~or to the employer's accumulation fund if the member's death~~ 6045
~~occurs prior to January 1, 1966.~~ 6046

(C)~~(1)~~ The employer's accumulation fund is the fund in which 6047
shall be accumulated the state's contribution to the state highway 6048
patrol retirement system and the amounts contributed under 6049
division (B)(1)(b) of section 5505.54 of the Revised Code. Upon a 6050
member's retirement ~~after January 1, 1966,~~ the difference between 6051
the member's pension reserve and the member's accumulated 6052
contributions shall be transferred to the pension reserve fund. If 6053
a pension is payable on account of a member's death occurring 6054
~~after January 1, 1966,~~ the difference between the pension reserve 6055
for that pension and the member's accumulated contributions shall 6056
be transferred to the survivors' benefit fund. 6057

~~(2) All pensions allowed and payable prior to January 1,~~ 6058
~~1966, shall be continued according to the provisions of the plan~~ 6059
~~in force the day preceding January 1, 1966, unless otherwise~~ 6060
~~provided for in this chapter and shall be paid from the employer's~~ 6061
~~accumulation fund.~~ 6062

(D) The pension reserve fund is the fund from which shall be 6063
paid all pensions on account of members ~~who retire on or after~~ 6064
~~January 1, 1966.~~ If a disability retirant returns to the employ of 6065
the state highway patrol, the disability retirant's pension 6066
reserve at that time shall be transferred to the employees' 6067
savings fund and the employer's accumulation fund in the same 6068
proportion as the pension reserve was originally transferred to 6069
the pension reserve fund. 6070

(E) The survivors' benefit fund is the fund from which shall 6071
be paid all pensions, payable under section 5505.17 of the Revised 6072
Code, ~~on account of members who die on or after January 1, 1966.~~ 6073

(F)(1) The income fund is the fund to which shall be credited 6074
all interest, dividends, distributions, and other income derived 6075
from deposits and investments of moneys of the retirement system, 6076
all gifts and bequests to the system, all transfers from the 6077
employees' savings fund because of lack of claimant, and any other 6078
moneys the disposition of which is not otherwise provided for in 6079
the plan. 6080

(2) If the balance in the income fund exceeds the 6081
requirements of the fund, the state highway patrol retirement 6082
board may transfer amounts from the income fund to meet special 6083
requirements of the various other funds of the retirement system. 6084

(G) The expense fund is the fund from which the expense of 6085
the administration of this chapter shall be paid, exclusive of 6086
amounts payable as retirement allowances and as other benefits. 6087
The state highway patrol retirement board shall estimate annually 6088
the amount to be provided in the expense fund and such amount 6089
shall be transferred from the income fund. If such amount is 6090
insufficient during any year, the board is authorized to transfer 6091
the amount of such insufficiency from the income fund. 6092

Sec. 5505.04. (A)(1) The general administration and 6093
management of the state highway patrol retirement system and the 6094
making effective of this chapter are hereby vested in the state 6095
highway patrol retirement board. The board may sue and be sued, 6096
plead and be impleaded, contract and be contracted with, and do 6097
all things necessary to carry out this chapter. 6098

The board shall consist of the following members: 6099

(a) The superintendent of the state highway patrol; 6100

(b) Two retirant members who reside in this state; 6101

(c) Five employee-members; 6102

(d) One member, known as the treasurer of state's investment 6103

designee, who shall be appointed by the treasurer of state for a 6104
term of four years and who shall have the following 6105
qualifications: 6106

(i) The member is a resident of this state. 6107

(ii) Within the three years immediately preceding the 6108
appointment, the member has not been employed by the public 6109
employees retirement system, police and fire pension fund, state 6110
teachers retirement system, school employees retirement system, or 6111
state highway patrol retirement system or by any person, 6112
partnership, or corporation that has provided to one of those 6113
retirement systems services of a financial or investment nature, 6114
including the management, analysis, supervision, or investment of 6115
assets. 6116

(iii) The member has direct experience in the management, 6117
analysis, supervision, or investment of assets. 6118

(iv) The member is not currently employed by the state or a 6119
political subdivision of the state. 6120

(e) Two investment expert members, who shall be appointed to 6121
four-year terms. One investment expert member shall be appointed 6122
by the governor, and one investment expert member shall be jointly 6123
appointed by the speaker of the house of representatives and the 6124
president of the senate. Each investment expert member shall have 6125
the following qualifications: 6126

(i) Each investment expert member shall be a resident of this 6127
state. 6128

(ii) Within the three years immediately preceding the 6129
appointment, each investment expert member shall not have been 6130
employed by the public employees retirement system, police and 6131
fire pension fund, state teachers retirement system, school 6132
employees retirement system, or state highway patrol retirement 6133
system or by any person, partnership, or corporation that has 6134

provided to one of those retirement systems services of a 6135
financial or investment nature, including the management, 6136
analysis, supervision, or investment of assets. 6137

(iii) Each investment expert member shall have direct 6138
experience in the management, analysis, supervision, or investment 6139
of assets. 6140

(2) The board shall annually elect a chairperson and 6141
vice-chairperson from among its members. The vice-chairperson 6142
shall act as chairperson in the absence of the chairperson. A 6143
majority of the members of the board shall constitute a quorum and 6144
any action taken shall be approved by a majority of the members of 6145
the board. The board shall meet not less than once each year, upon 6146
sufficient notice to the members. All meetings of the board shall 6147
be open to the public except executive sessions as set forth in 6148
division (G) of section 121.22 of the Revised Code, and any 6149
portions of any sessions discussing medical records or the degree 6150
of disability of a member excluded from public inspection by this 6151
section. 6152

(3) Any ~~investment expert~~ member appointed to fill a vacancy 6153
~~occurring prior to the expiration of the term for which the~~ 6154
~~member's predecessor was appointed holds~~ under this section shall 6155
hold office until the end of ~~such term. The member continues in~~ 6156
~~office subsequent to the expiration date of the member's term~~ 6157
until or, if later, the date the member's successor takes office, 6158
~~or until a period of sixty days has elapsed, whichever occurs~~ 6159
~~first.~~ 6160

(B) The attorney general shall prescribe procedures for the 6161
adoption of rules authorized under this chapter, consistent with 6162
the provision of section 111.15 of the Revised Code under which 6163
all rules shall be filed in order to be effective. Such procedures 6164
shall establish methods by which notice of proposed rules are 6165
given to interested parties and rules adopted by the board 6166

published and otherwise made available. When it files a rule with 6167
the joint committee on agency rule review pursuant to section 6168
111.15 of the Revised Code, the board shall submit to the Ohio 6169
retirement study council a copy of the full text of the rule, and 6170
if applicable, a copy of the rule summary and fiscal analysis 6171
required by division (B) of section 127.18 of the Revised Code. 6172

(C)(1) As used in this division, "personal history record" 6173
means information maintained by the board on an individual who is 6174
a member, former member, retirant, or beneficiary that includes 6175
the address, electronic mail address, telephone number, social 6176
security number, record of contributions, correspondence with the 6177
system, and other information the board determines to be 6178
confidential. 6179

(2) The records of the board shall be open to public 6180
inspection and may be made available in printed or electronic 6181
format, except for the following which shall be excluded: the 6182
member's, former member's, retirant's, or beneficiary's personal 6183
history record and the amount of a monthly allowance or benefit 6184
paid to a retirant, beneficiary, or survivor, except with the 6185
written authorization of the individual concerned. 6186

(D) All medical reports and recommendations are privileged 6187
except as follows: 6188

(1) Copies of such medical reports or recommendations shall 6189
be made available to the individual's personal physician, 6190
attorney, or authorized agent upon written release received from 6191
such individual or such individual's agent, or when necessary for 6192
the proper administration of the fund to the board-assigned 6193
physician. 6194

(2) Documentation required by section 2929.193 of the Revised 6195
Code shall be provided to a court holding a hearing under that 6196
section. 6197

(E) Notwithstanding the exceptions to public inspection in 6198
division (C)(2) of this section, the board may furnish the 6199
following information: 6200

(1) If a member, former member, or retirant is subject to an 6201
order issued under section 2907.15 of the Revised Code or an order 6202
issued under division (A) or (B) of section 2929.192 of the 6203
Revised Code or is convicted of or pleads guilty to a violation of 6204
section 2921.41 of the Revised Code, on written request of a 6205
prosecutor as defined in section 2935.01 of the Revised Code, the 6206
board shall furnish to the prosecutor the information requested 6207
from the individual's personal history record. 6208

(2) Pursuant to a court order issued under Chapters 3119., 6209
3121., and 3123. of the Revised Code, the board shall furnish to a 6210
court or child support enforcement agency the information required 6211
under those chapters. 6212

(3) At the written request of any nonprofit organization or 6213
association providing services to retirement system members, 6214
retirants, or beneficiaries, the board shall provide to the 6215
organization or association a list of the names and addresses of 6216
members, former members, retirants, or beneficiaries if the 6217
organization or association agrees to use such information solely 6218
in accordance with its stated purpose of providing services to 6219
such individuals and not for the benefit of other persons, 6220
organizations, or associations. The costs of compiling, copying, 6221
and mailing the list shall be paid by such entity. 6222

(4) Within fourteen days after receiving from the director of 6223
job and family services a list of the names and social security 6224
numbers of recipients of public assistance pursuant to section 6225
5101.181 of the Revised Code, the board shall inform the auditor 6226
of state of the name, current or most recent employer address, and 6227
social security number of each member whose name and social 6228
security number are the same as those of a person whose name or 6229

social security number was submitted by the director. The board 6230
and its employees, except for purposes of furnishing the auditor 6231
of state with information required by this section, shall preserve 6232
the confidentiality of recipients of public assistance in 6233
compliance with section 5101.181 of the Revised Code. 6234

(5) The system shall comply with orders issued under section 6235
3105.87 of the Revised Code. 6236

On the written request of an alternate payee, as defined in 6237
section 3105.80 of the Revised Code, the system shall furnish to 6238
the alternate payee information on the amount and status of any 6239
amounts payable to the alternate payee under an order issued under 6240
section 3105.171 or 3105.65 of the Revised Code. 6241

(6) At the request of any person, the board shall make 6242
available to the person copies of all documents, including 6243
resumes, in the board's possession regarding filling a vacancy of 6244
an employee member or retirant member of the board. The person who 6245
made the request shall pay the cost of compiling, copying, and 6246
mailing the documents. The information described in this division 6247
is a public record. 6248

(7) The system shall provide the notice required by section 6249
5505.263 of the Revised Code to the prosecutor assigned to the 6250
case. 6251

(8) The system may provide information requested by the 6252
United States social security administration, United States 6253
centers for medicare and medicaid, public employees retirement 6254
system, Ohio public employees deferred compensation program, Ohio 6255
police and fire pension fund, school employees retirement system, 6256
state teachers retirement system, or Cincinnati retirement system. 6257

(F) A statement that contains information obtained from the 6258
system's records that is certified and signed by an officer of the 6259
retirement system and to which the system's official seal is 6260

affixed, or copies of the system's records to which the signature 6261
and seal are attached, shall be received as true copies of the 6262
system's records in any court or before any officer of this state. 6263

(G) The board may maintain records in printed or electronic 6264
format. 6265

Sec. 5505.112. Any action brought against the state highway 6266
patrol retirement system or the state highway patrol retirement 6267
board or its officers, employees, or board members in their 6268
official capacities shall be brought in the appropriate court in 6269
Franklin county, Ohio. 6270

Sec. 5505.12. (A) The state highway patrol retirement board 6271
shall have prepared annually by or under the supervision of an 6272
actuary an actuarial valuation of the pension assets, liabilities, 6273
and funding requirements of the state highway patrol retirement 6274
system as established pursuant to this chapter. The actuary shall 6275
complete the valuation in accordance with actuarial standards of 6276
practice promulgated by the actuarial standards board of the 6277
American academy of actuaries and prepare a report of the 6278
valuation. The report shall include all of the following: 6279

(1) A summary of the benefit provisions evaluated; 6280

(2) A summary of the census data and financial information 6281
used in the valuation; 6282

(3) A description of the actuarial assumptions, actuarial 6283
cost method, and asset valuation method used in the valuation, 6284
including a statement of the assumed rate of payroll growth and 6285
assumed rate of growth or decline in the number of members 6286
contributing to the retirement system; 6287

(4) A summary of findings that includes a statement of the 6288
actuarial accrued pension liabilities and unfunded actuarial 6289
accrued pension liabilities; 6290

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

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

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of ~~July~~ September following the year for which the valuation was made.

(B) At such times as the state highway patrol retirement board determines, and at least once in each five-year period ~~after January 1, 1966~~, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

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

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

(3) A measurement of the financial effect of the recommended

changes in actuarial assumptions; 6322

(4) If the investigation required by this division includes 6323
the investigation required by division (F) of this section, a 6324
report of the result of that investigation. 6325

The board shall submit the report to the Ohio retirement 6326
study council and the standing committees of the house of 6327
representatives and the senate with primary responsibility for 6328
retirement legislation not later than the first day of November 6329
following the last fiscal year of the period the report covers. 6330

(C) The board may at any time request the actuary to make any 6331
studies or actuarial valuations to determine the adequacy of the 6332
rates of contributions provided by section 5505.15 of the Revised 6333
Code. 6334

(D) The board shall have prepared by or under the supervision 6335
of an actuary an actuarial analysis of any introduced legislation 6336
expected to have a measurable financial impact on the retirement 6337
system. The actuarial analysis shall be completed in accordance 6338
with the actuarial standards of practice promulgated by the 6339
actuarial standards board of the American academy of actuaries. 6340
The actuary shall prepare a report of the actuarial analysis, 6341
which shall include all of the following: 6342

(1) A summary of the statutory changes that are being 6343
evaluated; 6344

(2) A description of or reference to the actuarial 6345
assumptions and actuarial cost method used in the report; 6346

(3) A description of the participant group or groups included 6347
in the report; 6348

(4) A statement of the financial impact of the legislation, 6349
including the resulting increase, if any, in the employer normal 6350
cost percentage; the increase, if any, in actuarial accrued 6351

liabilities; and the per cent of payroll that would be required to 6352
amortize the increase in actuarial accrued liabilities as a level 6353
per cent of covered payroll for all active members over a period 6354
not to exceed thirty years; 6355

(5) A statement of whether the scheduled contributions to the 6356
system after the proposed change is enacted are expected to be 6357
sufficient to satisfy the funding objectives established by the 6358
board. 6359

Not later than sixty days from the date of introduction of 6360
the legislation, the board shall submit a copy of the actuarial 6361
analysis to the legislative service commission, the standing 6362
committees of the house of representatives and the senate with 6363
primary responsibility for retirement legislation, and the Ohio 6364
retirement study council. 6365

(E) The board shall have prepared annually a report giving a 6366
full accounting of the revenues and costs relating to the 6367
provision of benefits under section 5505.28 of the Revised Code. 6368
The report shall be made ~~as of December 31, 1997, and not later~~ 6369
than the thirty-first day of December of each year ~~thereafter~~. The 6370
report shall include the following: 6371

(1) A description of the statutory authority for the benefits 6372
provided; 6373

(2) A summary of the benefits; 6374

(3) A summary of the eligibility requirements for the 6375
benefits; 6376

(4) A statement of the number of participants eligible for 6377
the benefits; 6378

(5) A description of the accounting, asset valuation, and 6379
funding method used to provide the benefits; 6380

(6) A statement of the net assets available for the provision 6381

of the benefits as of the last day of the fiscal year; 6382

(7) A statement of any changes in the net assets available 6383
for the provision of benefits, including participant and employer 6384
contributions, net investment income, administrative expenses, and 6385
benefits provided to participants, as of the last day of the 6386
fiscal year; 6387

(8) For the last six consecutive fiscal years, a schedule of 6388
the net assets available for the benefits, the annual cost of 6389
benefits, administrative expenses incurred, and annual employer 6390
contributions allocated for the provision of benefits; 6391

(9) A description of any significant changes that affect the 6392
comparability of the report required under this division; 6393

(10) A statement of the amount paid under division (B) of 6394
section 5505.28 of the Revised Code. 6395

The board shall submit the report to the Ohio retirement 6396
study council, the director of budget and management, and the 6397
standing committees of the house of representatives and the senate 6398
with primary responsibility for retirement legislation immediately 6399
upon its availability and not later than the thirtieth day of June 6400
following the year for which the report was made. 6401

(F) At least once in each five-year period, the board shall 6402
have prepared by or under the supervision of an actuary an 6403
actuarial investigation of the deferred retirement option plan 6404
established under section 5505.50 of the Revised Code. The 6405
investigation shall include an examination of the financial 6406
impact, if any, on the retirement system of offering the plan to 6407
members. 6408

The actuary shall prepare a report of the actuarial 6409
investigation. The report shall include a determination of whether 6410
the plan, as established or modified, has a negative financial 6411
impact on the retirement system and, if so, recommendations on how 6412

to modify the plan to eliminate the negative financial impact. If 6413
the actuarial report indicates that the plan has a negative 6414
financial impact on the retirement system, the board shall modify 6415
the plan. If the board modifies the plan, the rights and 6416
obligations of members who have already elected to participate 6417
shall not be altered. 6418

The state's contributions to the employer accumulation fund 6419
shall not be increased to offset any negative financial impact of 6420
the deferred retirement option plan. 6421

The board may include the actuarial investigation required 6422
under this division as part of the actuarial investigation 6423
required under division (B) of this section. If the report of the 6424
actuarial investigation required by this division is not included 6425
in the report required by division (B) of this section, the board 6426
shall submit the report required by this division to the Ohio 6427
retirement study council and the standing committees of the house 6428
of representatives and the senate with primary responsibility for 6429
retirement legislation not later than the first day of November 6430
following the last fiscal year of the period the report covers. 6431

Sec. 5505.14. Subject to such rules and regulations as the 6432
state highway patrol retirement board adopts, the board shall 6433
issue, upon written request of the member, a certificate 6434
certifying to the aggregate length of all ~~his~~ the member's prior 6435
service as a state highway patrol employee. ~~In no event shall~~ 6436
~~service be computed prior to November 15, 1933.~~ 6437

Sec. 5505.15. (A)~~(1)~~ A member of the state highway patrol 6438
retirement system shall contribute a certain percentage of the 6439
member's annual salary to the state highway patrol retirement 6440
fund. The percentage shall be not less than ten per cent of the 6441
member's annual salary but not more than fourteen per cent. The 6442

state highway patrol retirement board shall establish and may 6443
adjust the rate as it considers necessary to meet the amortization 6444
period requirement of section 5505.121 of the Revised Code. The 6445
board shall base its determination of the necessary rate on the 6446
annual actuarial valuation required by section 5505.12 of the 6447
Revised Code. The amount shall be deducted by the employer from 6448
the employee's salary for each payroll period. 6449

~~(2) The total contributions arising from deductions made 6450
prior to January 1, 1966, from the salaries of members in the 6451
employ of the state highway patrol and standing to the credit of 6452
their individual accounts in the retirement fund shall be 6453
transferred and credited to their respective individual accounts 6454
in the employees' savings fund. 6455~~

(B) The state shall annually pay into the employer 6456
accumulation fund, in monthly or less frequent installments as the 6457
state highway patrol retirement board requires, the employer 6458
contribution. The employer contribution shall be an amount equal 6459
to twenty-six and one-half per cent of the total salaries paid 6460
contributing members. If a member severs connection with the 6461
patrol or is dismissed, the employer contribution shall remain in 6462
the retirement system. 6463

The rate percentage of the employer contribution shall be 6464
certified by the board to the director of budget and management 6465
and shall not be lower than nine per cent of the total salaries 6466
paid contributing members and shall not exceed three times the 6467
rate percentage being deducted from the annual salaries of 6468
contributing members. The board shall prepare and submit to the 6469
director, on or before the first day of November of each 6470
even-numbered year, an estimate of the amounts necessary to pay 6471
the state's obligations accruing during the biennium beginning the 6472
first day of July of the following year. Such amounts shall be 6473
included in the budget and allocated as certified by the board. 6474

Sec. 5505.16. (A) A member of the state highway patrol 6475
retirement system who has ~~been in the service of the state highway~~ 6476
~~patrol for a period of~~ twenty-five years ~~as an employee of service~~ 6477
credit according to the rules adopted by the state highway patrol 6478
retirement board may make application for a pension which, if the 6479
member is under age forty-eight, shall be deferred until age 6480
forty-eight. 6481

(B) A member ~~of the retirement system~~ who has ~~been in the~~ 6482
~~service of the highway patrol for a period of~~ twenty years ~~as an~~ 6483
~~employee of service credit~~ according to the rules adopted by the 6484
retirement board, may make application for a pension that, if the 6485
member is under age fifty-two, shall be deferred until age 6486
fifty-two, except that any such member who has attained twenty 6487
years of service may, on or after attaining age forty-eight but 6488
before attaining age fifty-two, elect to receive a reduced pension 6489
of the greater of nine hundred dollars or an amount computed as 6490
follows: 6491

Attained Age	Reduced Pension	
48	75% of normal service pension	6493
49	80% of normal service pension	6494
50	86% of normal service pension	6495
51	93% of normal service pension	6496

In the case of a member who elects to receive a reduced 6497
pension after attaining age forty-eight, the reduced pension is 6498
payable from the later of the date of the member's most recent 6499
birthday or the date the member becomes eligible to receive the 6500
reduced pension. 6501

A member who has elected to receive a reduced pension in 6502
accordance with the schedule provided in this division and has 6503
received a payment in connection therewith may not change the 6504
election. 6505

(C) Any member who attains the age of sixty years and has 6506
~~been in the service of the patrol for a period of twenty years as~~ 6507
~~a uniformed patrol officer~~ of service credit according to the 6508
rules adopted by the board, shall file application for retirement 6509
with the board, and if the member refuses or neglects to do so, 6510
the board may deem the member's application to have been filed on 6511
the member's sixtieth birthday. The member may, upon written 6512
application approved by the superintendent of the state highway 6513
patrol, be continued in service after attaining the age of sixty 6514
years, but only until the member has accumulated twenty years of 6515
service credit in accordance with rules adopted by the board. 6516

(D)(1) As used in this division: 6517

(a) "Service in the uniformed services" means the performance 6518
of duty on a voluntary or involuntary basis in a uniformed service 6519
under competent authority and includes active duty, active duty 6520
for training, initial active duty for training, inactive duty 6521
training, full-time national guard duty, and a period for which a 6522
person is absent from a position of employment for the purpose of 6523
an examination to determine the fitness of the person to perform 6524
any such duty. 6525

(b) "Uniformed services" of the United States includes both: 6526

(i) Army, navy, air force, marine corps, coast guard, or any 6527
reserve components of these services; auxiliary corps as 6528
established by congress; army nurse corps; navy nurse corps; 6529
service as red cross nurse with the army, navy, air force, or 6530
hospital service of the United States, or serving full-time with 6531
the American red cross in a combat zone; and such other service as 6532
is designated by congress as included therein; 6533

(ii) Personnel of the Ohio national guard, the Ohio military 6534
reserve, the Ohio naval militia, and the reserve components of the 6535
armed forces enumerated in division (D)(1) of this section who are 6536

called to active duty pursuant to an executive order issued by the 6537
president of the United States or an act of congress. 6538

(2) A member's total service credit may include periods not 6539
to exceed a total of seven years, while the member's employment 6540
with the state highway patrol is or was interrupted due to service 6541
in the uniformed services of the United States. Such military 6542
service shall be credited to the member towards total service as 6543
provided by this chapter and to the extent approved by the board, 6544
provided that: 6545

(a) The member is or was honorably discharged from service in 6546
the uniformed services; 6547

(b) The member is or was re-employed by the state highway 6548
patrol within ninety days immediately following termination of 6549
service in the uniformed services; 6550

(c) The member, subject to board rules, pays into the 6551
retirement system to the member's credit in the employees' savings 6552
fund an amount equal to the total contributions the member would 6553
have paid had state highway patrol employment not been so 6554
interrupted. Such payment may be made at any time prior to receipt 6555
of a pension. 6556

(3) If the member meets the requirements of division (D)(2) 6557
of this section, on receipt of contributions from the member, the 6558
state highway patrol shall be billed for the employer contribution 6559
that would have been paid pursuant to section 5505.15 of the 6560
Revised Code if the member had not rendered service in the 6561
uniformed services, subject to board rules. 6562

(4) If under division (D)(2)(c) of this section a member pays 6563
all or any portion of the contributions later than the lesser of 6564
five years or a period that is three times the member's period of 6565
service in the uniformed services beginning from the ~~later of the~~ 6566
member's date of re-employment ~~or October 29, 1996~~, an amount 6567

equal to compound interest at a rate established by the board from 6568
the ~~later of the~~ member's date of re-employment ~~or October 29,~~ 6569
~~1996,~~ to the date of payment shall be added to the remaining 6570
amount to be paid by the member to purchase service credit under 6571
this section. 6572

(5) Credit purchased by a member under division (D)(2) of 6573
this section shall be used to determine the member's eligibility 6574
for retirement under this section and section 5505.17 of the 6575
Revised Code. 6576

Sec. 5505.17. (A)(1) Upon retirement as provided in section 6577
5505.16 of the Revised Code, a member of the state highway patrol 6578
retirement system shall receive a life pension, without guaranty 6579
or refund, equal to the greater of one thousand fifty dollars or 6580
the sum of two and one-half per cent of the member's final average 6581
salary multiplied by the first twenty years of total service 6582
credit, plus two and one-quarter per cent of the member's final 6583
average salary multiplied by the number of years, and fraction of 6584
a year, of total service credit in excess of twenty years but not 6585
in excess of twenty-five years, plus two per cent of the member's 6586
final average salary multiplied by the number of years, and 6587
fraction of a year, in excess of twenty-five years; provided that 6588
in no case shall the pension exceed the lesser of seventy-nine and 6589
one-quarter per cent of the member's final average salary or the 6590
limit established by section 415 of the "Internal Revenue Code of 6591
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 6592

(2) A member with fifteen or more years of total service 6593
credit, who voluntarily resigns or who is discharged from the 6594
state highway patrol for any reason except retirement under this 6595
chapter, death, dishonesty, cowardice, intemperate habits, or 6596
conviction of a felony, shall receive a pension equal to one and 6597
one-half per cent of the member's final average salary multiplied 6598

by the number of years, and fraction of a year, of total service 6599
credit, except that the pension shall not exceed the limit 6600
established by section 415 of the "Internal Revenue Code of 1986," 6601
100 Stat. 2085, 26 U.S.C.A. 415, as amended. The pension shall 6602
commence at the end of the calendar month in which the application 6603
is filed with the retirement board on or after the attainment of 6604
age fifty-five years by the applicant. A member who withdraws any 6605
part or all of the accumulated contributions from the employees' 6606
savings fund shall thereupon forfeit all rights to a pension 6607
provided for in this division. 6608

(3)(a) A surviving spouse of a deceased member shall receive 6609
a monthly pension, determined as follows, during the spouse's 6610
life: 6611

(i) If at the time of death the member was not eligible to be 6612
granted a pension payable under this section or to elect to 6613
receive a reduced pension payable under section 5505.16 of the 6614
Revised Code, nine hundred dollars; 6615

(ii) If at the time of death the member was eligible to be 6616
granted a pension payable under this section or to elect to 6617
receive a reduced pension payable under section 5505.16 of the 6618
Revised Code, the greater of nine hundred dollars or fifty per 6619
cent of the computed monthly pension the member would have 6620
received had the member been granted a pension under this section 6621
or elected to receive a reduced pension under section 5505.16 of 6622
the Revised Code. 6623

(b) The surviving spouse of a retirant shall receive a 6624
monthly pension, determined as follows, during the spouse's life: 6625

(i) If the retirant had applied for a pension payable under 6626
section 5505.16 of the Revised Code, but at the time of death had 6627
not attained the age of eligibility for the pension, nine hundred 6628
dollars; 6629

(ii) If the retirant had applied for a pension payable under section 5505.16 of the Revised Code and had attained the age of eligibility for the pension, but at the time of death had not elected to begin receiving the pension, the greater of nine hundred dollars or fifty per cent of the computed monthly pension the retirant was eligible to receive under section 5505.16 of the Revised Code;

(iii) If the retirant was receiving a pension under this section or section 5505.16 or 5505.18 of the Revised Code, or, regardless of whether or not the retirant had actually received any payment, if the retirant was eligible to receive a pension under this section or section 5505.16 or 5505.18 of the Revised Code and had elected to begin receiving it, the greater of nine hundred dollars or fifty per cent of the computed monthly pension awarded the retirant.

(c) If a monthly pension to a surviving spouse was terminated due to a remarriage, the surviving spouse is eligible to receive a monthly pension under division (A)(3) of this section effective the first day of the first month following June 5, 1996. The pension shall be computed under division (A)(3) of this section as of June 5, 1996. The pension payable to a person who is the surviving spouse of more than one state highway patrol retirement system member or retirant shall be computed on the basis of the service of the member or retirant to whom the surviving spouse was most recently married.

(4) A pension of one hundred fifty dollars per month shall be paid by the system to or for the benefit of each child of a deceased member or retirant until the child attains the age of eighteen years or marries, whichever event occurs first, or until the child attains twenty-three years of age if the child is a student in and attending an institution of learning or training pursuant to a program designed to complete in each school year the

equivalent of at least two-thirds of the full-time curriculum 6662
requirements of the institution, as determined by the retirement 6663
board. If any surviving child, regardless of age at the time of 6664
the member's or retirant's death, because of physical or mental 6665
disability, was totally dependent upon the deceased member or 6666
retirant for support at the time of death, a pension of one 6667
hundred fifty dollars per month shall be paid by the system to or 6668
for the benefit of the child during the child's natural life or 6669
until the child recovers from the disability. 6670

(5)(a) If a retirant died prior to June 6, 1988, and the 6671
surviving spouse was not married to the retirant while the 6672
retirant was in the active service of the patrol, the surviving 6673
spouse shall receive a pension of the greater of four hundred 6674
twenty-five dollars per month or fifty per cent of the computed 6675
monthly pension the retirant was receiving. 6676

(b) If the pension payable to a person receiving a pension 6677
under division (A)(5)(a) of this section on ~~the effective date of~~ 6678
~~this amendment~~ June 30, 2000, is less than nine hundred dollars 6679
per month, the pension shall be increased to nine hundred dollars 6680
per month. 6681

~~(6)(a) If the pension payable to the surviving spouse of a~~ 6682
~~deceased member or retirant under division (A)(3) of this section~~ 6683
~~on the effective date of this amendment is less than nine hundred~~ 6684
~~dollars per month, the pension shall be increased to nine hundred~~ 6685
~~dollars per month.~~ 6686

~~(b) The pension payable to a child of a deceased member or~~ 6687
~~retirant who is receiving a pension under division (A)(4) of this~~ 6688
~~section on June 5, 1996, shall be increased to one hundred fifty~~ 6689
~~dollars per month.~~ 6690

~~(7) If a deceased member or retirant leaves no spouse or~~ 6691
~~surviving children, but leaves two parents depending solely upon~~ 6692

the deceased member or retirant for support, each parent shall be 6693
paid a monthly pension of one hundred fifty-four dollars. If in 6694
such case there is only one parent dependent solely upon the 6695
deceased member or retirant for support, such parent shall be paid 6696
a monthly pension of one hundred fifty-four dollars. Such pension 6697
shall be paid during the life of the surviving parents, or until 6698
dependency ceases, or until remarriage, whichever event occurs 6699
first. 6700

~~(8)~~(7) Any amount remaining as accumulated contributions at 6701
the time of death of a ~~member or~~ retirant who leaves no surviving 6702
spouse or dependent children or parents shall be paid to the 6703
estate of the ~~member or~~ retirant. 6704

~~(9)~~(8) The ~~increases~~ increase provided for by ~~divisions~~ 6705
division (A)(5) ~~and (A)(6)(a)~~ of this section shall be included in 6706
the calculation of the additional benefit paid under section 6707
5505.174 of the Revised Code. 6708

(B) The board shall adopt, and may amend or rescind, the 6709
necessary rules for the administration of this section and all 6710
decisions of the board shall be final. Any payment of a pension or 6711
benefit under this section is subject to the provisions of section 6712
5505.26 of the Revised Code. 6713

(C) A member's total service credit may include periods 6714
during which the member's employment with the state highway patrol 6715
is interrupted by a leave of absence, when requested by the 6716
governor, to accept employment with another agency of the state, 6717
provided that: 6718

(1) The member is reemployed by the state highway patrol 6719
within thirty days following termination of such other employment; 6720

(2) The member pays into the retirement system, to the credit 6721
of the employees' savings fund, an amount equal to the total 6722
contributions the member would have paid had the state highway 6723

patrol employment not been so interrupted. Such repayment shall 6724
begin within ninety days after the member's return to duty with 6725
the state highway patrol and be completed within a period equal to 6726
that of the leave of absence. 6727

(D) Service credits granted under division (C) of this 6728
section shall not include any duplications of credits for which a 6729
pension is payable by the public employees retirement system. 6730

Sec. 5505.174. (A) Eligibility for an increase under this 6731
section shall be determined as follows: 6732

(1) For a person whose pension effective date is prior to ~~the~~ 6733
~~effective date of this amendment~~ January 7, 2013, an "eligible 6734
person" is one of the following: 6735

(a) A person fifty-three years old or older who has been 6736
receiving a pension pursuant to division (B) of section 5505.16, 6737
division (A)(1) of section 5505.17, or division (B) of section 6738
5505.18 of the Revised Code for not less than twelve months; 6739

(b) A person who has been receiving a pension pursuant to 6740
division (B) of section 5505.18 of the Revised Code for not less 6741
than sixty months regardless of age; 6742

(c) A person who has been receiving a pension pursuant to 6743
section 5505.162 or division (A)(3), (4), (5), or (6), ~~or~~ (7) of 6744
section 5505.17 of the Revised Code for not less than twelve 6745
months regardless of age. 6746

(2) For a person whose pension effective date is on or after 6747
~~the effective date of this amendment~~ January 7, 2013, an "eligible 6748
person" is a person who is sixty years old or older who has been 6749
receiving a pension pursuant to division (B) of section 5505.16, 6750
section 5505.162, division (A)(1), (3), (4), (5), or (6), ~~or~~ (7) 6751
of section 5505.17, or division (B) of section 5505.18 of the 6752
Revised Code for not less than twelve months. 6753

(B)(1) Except as otherwise provided in this section, the state highway patrol retirement board shall annually increase pensions payable to eligible persons under this chapter in accordance with the following:

(a) For each person sixty-five years of age or older who is receiving a pension not greater than one hundred eighty-five per cent of the federal poverty level for a family of two persons, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, the board shall increase the pension by three per cent.

(b) For persons other than those described in division (B)(1)(a) of this section, the board may increase the pension. Any increase shall be determined by the board based on compliance with the amortization period requirement of section 5505.121 of the Revised Code. The board's determination shall be based on the annual actuarial valuation required by section 5505.12 of the Revised Code. If the board determines that an increase may be made, the increase shall not exceed three per cent of the eligible person's pension.

(2) No increase under this section shall exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended.

(3) The date of the first increase paid under this section shall be the anniversary date for future increases. The pension used in the first calculation of an increase under this section shall remain as the base for all future increases paid under this section, unless a new base is established.

(C) If payment of a portion of a benefit is made to an alternate payee under section 5505.261 of the Revised Code, increases under this section granted while the order is in effect

shall be apportioned between the alternate payee and the eligible person in the same proportion that the amount being paid to the alternate payee bears to the amount paid to the eligible person.

If payment of a portion of a benefit is made to one or more beneficiaries under "option 4" under division (A)(4) of section 5505.162 of the Revised Code, each increase under this section granted while the plan of payment is in effect shall be divided among the designated beneficiaries in accordance with the portion each beneficiary has been allocated.

(D) The board shall adopt, and may amend or rescind, any rule necessary to carry out this section.

Sec. 5505.18. As used in this section, "member" does not include state highway patrol cadets attending training schools pursuant to section 5503.05 of the Revised Code.

(A) Upon the application of a member of the state highway patrol retirement system, a person acting on behalf of a member, or the superintendent of the state highway patrol on behalf of a member, a member who becomes totally and permanently incapacitated for duty in the employ of the state highway patrol may be retired on disability by the board.

The medical or psychological examination of a member who has applied for disability retirement shall be conducted by a competent health-care professional or professionals appointed by the board. The health-care professional or professionals shall file a written report with the board containing the following information:

(1) Whether the member is totally incapacitated for duty in the employ of the patrol;

(2) Whether the incapacity is expected to be permanent;

(3) The cause of the member's incapacity.

The board shall determine whether the member qualifies for disability retirement and its decision shall be final. The board shall consider the written medical or psychological report, opinions, statements, and other competent evidence in making its determination. If the incapacity is a result of heart disease or any cardiovascular disease of a chronic nature, which disease or any evidence of which was not revealed by the physical examination passed by the member on entry into the patrol, the member is presumed to have incurred the disease in the line of duty as a member of the patrol, unless the contrary is shown by competent evidence.

(B)(1) Except as provided under division (A) of section 5505.58 of the Revised Code, a member whose retirement on account of disability incurred in the line of duty shall receive the applicable pension provided for in section 5505.17 of the Revised Code, except that if the member has less than twenty-five years of contributing service, the member's service credit shall be deemed to be twenty-five years for the purpose of this provision. In no case shall the member's disability pension be less than sixty-one and one-quarter per cent or exceed the lesser of seventy-nine and one-quarter per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(2) Except as provided under division (B) of section 5505.58 of the Revised Code, a member whose retirement on account of disability incurred not in the line of duty shall receive the applicable pension provided for in section 5505.17 of the Revised Code, except that if the member has less than twenty years of contributing service, the member's service credit shall be deemed to be twenty years for the purpose of this provision. In no case shall the member's disability pension exceed the lesser of seventy-nine and one-quarter per cent of the member's final

average salary or the limit established by section 415 of the 6847
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 6848
as amended. 6849

(C) The state highway patrol retirement board shall adopt 6850
rules requiring a disability ~~pension recipient~~ retirant, as a 6851
condition of continuing to receive a disability pension, to agree 6852
in writing to obtain any medical or psychological treatment 6853
recommended by the board's health-care professional and submit 6854
medical or psychological reports regarding the treatment. If the 6855
board determines that a disability ~~pension recipient~~ retirant is 6856
not obtaining the medical or psychological treatment or the board 6857
does not receive a required medical or psychological report, the 6858
disability pension shall be suspended until the treatment is 6859
obtained, the report is received by the board, or the board's 6860
health-care professional certifies that the treatment is no longer 6861
helpful or advisable. Should the ~~recipient's~~ retirant's failure to 6862
obtain treatment or submit a medical or psychological report 6863
continue for one year, the recipient's right to the disability 6864
~~benefit~~ pension shall be terminated as of the effective date of 6865
the original suspension. 6866

(D) A ~~member placed on a disability pension~~ disability 6867
retirant who has not attained the age of sixty years shall be 6868
subject to an annual medical or psychological re-examination by 6869
health-care professionals appointed by the board, except that the 6870
board may waive the re-examination if the board's health-care 6871
professionals certify that the ~~member's~~ retirant's disability is 6872
ongoing. If any ~~member placed on a disability pension~~ retirant 6873
refuses to submit to a medical or psychological re-examination, 6874
the ~~member's~~ retirant's disability pension shall be suspended 6875
until the ~~member~~ retirant withdraws the refusal. If the refusal 6876
continues for one year, all the ~~member's~~ retirant's rights under 6877
and to the disability pension shall be terminated as of the 6878

effective date of the original suspension. 6879

(E) Each ~~recipient of a disability pension~~ disability 6880
retirant who has not attained the age of sixty years shall file 6881
with the board an annual statement of earnings, current medical or 6882
psychological information on the recipient's condition, and any 6883
other information required in rules adopted by the board. The 6884
board may waive the requirement that a disability ~~benefit~~ 6885
~~recipient~~ retirant file an annual statement of earnings or current 6886
medical or psychological information if the board's health-care 6887
professional certifies that the ~~recipient's~~ retirant's disability 6888
is ongoing. 6889

The board shall annually examine the information submitted by 6890
the ~~recipient~~ retirant. If a ~~recipient~~ retirant refuses to file 6891
the statement or information, the disability pension shall be 6892
suspended until the statement and information are filed. If the 6893
refusal continues for one year, the right to the pension shall be 6894
terminated as of the effective date of the original suspension. 6895

(F)(1) Except as provided in division (F)(2) of this section, 6896
a disability retirant ~~who has been on disability pension, and~~ who 6897
has been physically or psychologically examined and found no 6898
longer incapable of performing the retirant's duties, shall be 6899
restored to the rank the retirant held at the time the retirant 6900
was pensioned and all previous rights shall be restored, including 6901
the retirant's civil service status, and the disability pension 6902
shall terminate. Upon return to employment in the patrol, the 6903
retirant shall again become a contributing member of the 6904
retirement system, the total service at the time of the retirant's 6905
retirement shall be restored to the retirant's credit, and the 6906
retirant shall be given service credit for the period the retirant 6907
was in receipt of a disability pension. The provisions of division 6908
(F)(1) of this section shall be retroactive to September 5, 1941. 6909

(2) The state highway patrol is not required to take action 6910

under division (F)(1) of this section if the retirant was 6911
dismissed or resigned in lieu of dismissal for dishonesty, 6912
misfeasance, malfeasance, or conviction of a felony. 6913

(G) The board may adopt rules to carry out this section, 6914
including rules that specify the types of health-care 6915
professionals the board may appoint for the purpose of this 6916
section. 6917

Sec. 5505.33. (A) As used in this section: 6918

(1) "Long-term care insurance" has the same meaning as in 6919
section 3923.41 of the Revised Code. 6920

(2) "Retirement systems" has the same meaning as in division 6921
(A) of section 145.581 of the Revised Code. 6922

(B) The state highway patrol retirement board ~~shall~~ may 6923
establish a program under which members of the retirement system, 6924
employers on behalf of members, and persons receiving service or 6925
disability pensions or survivor benefits are permitted to 6926
participate in contracts for long-term care insurance. 6927
Participation may include dependents and family members. If a 6928
participant in a contract for long-term care insurance leaves 6929
employment, the person and the person's dependents and family 6930
members may, at their election, continue to participate in a 6931
program established under this section in the same manner as if 6932
the person had not left employment, except that no part of the 6933
cost of the insurance shall be paid by the person's former 6934
employer. Such program may be established independently or jointly 6935
with one or more of the retirement systems. 6936

(C) The board may enter into an agreement with insurance 6937
companies, health insuring corporations, or government agencies 6938
authorized to do business in the state for issuance of a long-term 6939
care insurance policy or contract. However, prior to entering into 6940

such an agreement with an insurance company or health insuring 6941
corporation, the board shall request the superintendent of 6942
insurance to certify the financial condition of the company or 6943
corporation. The board shall not enter into the agreement if, 6944
according to that certification, the company or corporation is 6945
insolvent, is determined by the superintendent to be potentially 6946
unable to fulfill its contractual obligations, or is placed under 6947
an order of rehabilitation or conservation by a court of competent 6948
jurisdiction or under an order of supervision by the 6949
superintendent. 6950

(D) The board ~~shall~~ may adopt rules in accordance with 6951
section 111.15 of the Revised Code governing the program. ~~The~~ Any 6952
rules adopted by the board shall establish methods of payment for 6953
participation under this section, which may include establishment 6954
of a payroll deduction plan under section 5505.203 of the Revised 6955
Code, deduction of the full premium charged from a person's 6956
service or disability pension or survivor benefit, or any other 6957
method of payment considered appropriate by the board. If the 6958
program is established jointly with one or more of the other 6959
retirement systems, the rules also shall establish the terms and 6960
conditions of such joint participation. 6961

Sec. 5505.34. If a person ~~who is a disability benefit~~ 6962
~~recipient or an alternate payee, as defined in section 3105.80 of~~ 6963
~~the Revised Code,~~ is paid any benefit or payment by the state 6964
highway patrol retirement system to which the person is not 6965
entitled, the ~~person shall repay~~ benefit or payment shall be 6966
repaid to the retirement system by the person. If the person fails 6967
to ~~repay~~ make the repayment, the retirement system shall withhold 6968
the amount due from any benefit or payment due the person or the 6969
person's beneficiary or may collect the amount in any other manner 6970
provided by law. 6971

Sec. 5505.59. If a member dies while participating in the 6972
deferred retirement option plan, all of the following apply: 6973

(A) The amounts accrued to the member's benefit shall be paid 6974
to the member's surviving spouse or, if there is no surviving 6975
spouse, the beneficiary designated by the member on a form 6976
provided by the state highway patrol retirement system. If there 6977
is no surviving spouse or designated beneficiary, the amounts 6978
accrued to the member's benefit shall be paid to the member's 6979
estate. 6980

Any payment made under this division shall be made in the 6981
form of a single lump sum payment. 6982

(B) The surviving spouse and, if eligible, each surviving 6983
child, shall receive a pension as described in division 6984
(A)(3)(b)(iii) or (4) of section 5505.17 of the Revised Code, 6985
utilizing the pension amount calculated under section 5505.53 of 6986
the Revised Code. 6987

(C) If the member has no surviving spouse or surviving 6988
children, but has a parent or parents dependent on the member for 6989
support, the parent or parents shall receive a pension determined 6990
under division (A)~~(7)~~(6) of section 5505.17 of the Revised Code. 6991

(D) The lump sum payment described in section 5505.30 of the 6992
Revised Code shall be paid to the member's surviving spouse or, if 6993
there is no surviving spouse, to the member's estate. 6994

Sec. 5705.21. (A) At any time, the board of education of any 6995
city, local, exempted village, cooperative education, or joint 6996
vocational school district, by a vote of two-thirds of all its 6997
members, may declare by resolution that the amount of taxes ~~which~~ 6998
that may be raised within the ten-mill limitation by levies on the 6999
current tax duplicate will be insufficient to provide an adequate 7000
amount for the necessary requirements of the school district, that 7001

it is necessary to levy a tax in excess of such limitation for one 7002
of the purposes specified in division (A), (D), (F), (H), or (DD) 7003
of section 5705.19 of the Revised Code, for general permanent 7004
improvements, for the purpose of operating a cultural center, for 7005
the purpose of providing for school safety and security, or for 7006
the purpose of providing education technology, and that the 7007
question of such additional tax levy shall be submitted to the 7008
electors of the school district at a special election on a day to 7009
be specified in the resolution. In the case of a qualifying 7010
library levy for the support of a library association or private 7011
corporation, the question shall be submitted to the electors of 7012
the association library district. If the resolution states that 7013
the levy is for the purpose of operating a cultural center, the 7014
ballot shall state that the levy is "for the purpose of operating 7015
the (name of cultural center)." 7016

As used in this division, "cultural center" means a 7017
freestanding building, separate from a public school building, 7018
that is open to the public for educational, musical, artistic, and 7019
cultural purposes; "education technology" means, but is not 7020
limited to, computer hardware, equipment, materials, and 7021
accessories, equipment used for two-way audio or video, and 7022
software; and "general permanent improvements" means permanent 7023
improvements without regard to the limitation of division (F) of 7024
section 5705.19 of the Revised Code that the improvements be a 7025
specific improvement or a class of improvements that may be 7026
included in a single bond issue. 7027

A resolution adopted under this division shall be confined to 7028
a single purpose and shall specify the amount of the increase in 7029
rate that it is necessary to levy, the purpose of the levy, and 7030
the number of years during which the increase in rate shall be in 7031
effect. The number of years may be any number not exceeding five 7032
or, if the levy is for current expenses of the district or for 7033

general permanent improvements, for a continuing period of time. 7034

(B)(1) The board of education of a qualifying school 7035
district, by resolution, may declare that it is necessary to levy 7036
a tax in excess of the ten-mill limitation for the purpose of 7037
paying the current expenses of the district and of partnering 7038
community schools and that the question of the additional tax levy 7039
shall be submitted to the electors of the school district at a 7040
special election on a day to be specified in the resolution. The 7041
resolution shall state the purpose of the levy, the rate of the 7042
tax expressed in mills per dollar of taxable value, the number of 7043
such mills to be levied for the current expenses of the partnering 7044
community schools and the number of such mills to be levied for 7045
the current expenses of the school district, the number of years 7046
the tax will be levied, and the first year the tax will be levied. 7047
The number of years the tax may be levied may be any number not 7048
exceeding ten years, or for a continuing period of time. 7049

The levy of a tax for the current expenses of a partnering 7050
community school under this section and the distribution of 7051
proceeds from the tax by a qualifying school district to 7052
partnering community schools is hereby determined to be a proper 7053
public purpose. 7054

(2) The form of the ballot at an election held pursuant to 7055
division (B) of this section shall be as follows: 7056

"Shall a levy be imposed by the (insert the name of 7057
the qualifying school district) for the purpose of current 7058
expenses of the school district and of partnering community 7059
schools at a rate not exceeding (insert the number of 7060
mills) mills for each one dollar of valuation (of which 7061
(insert the number of mills to be allocated to partnering 7062
community schools) mills is to be allocated to partnering 7063
community schools), which amounts to (insert the rate 7064
expressed in dollars and cents) for each one hundred dollars of 7065

valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning (insert first year the tax is to be levied), which will first be payable in calendar year (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	"

(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution.

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools that were either sponsored by the district or entered into an agreement pursuant to division (B)(6)(b) of this section on or before the first day of June of the preceding fiscal year. Each such

partnering community school shall receive a portion of the amount 7098
distributed by the board from the partnering community schools 7099
fund during the fiscal year in the proportion that the number of 7100
its resident students bears to the aggregate number of resident 7101
students of all such partnering community schools as of the date 7102
the school district received and deposited the most recent tax 7103
distribution. On or before the fifteenth day of June of each 7104
fiscal year, the board of education shall announce an estimated 7105
allocation to partnering community schools for the ensuing fiscal 7106
year. The board is not required to allocate to partnering 7107
community schools the entire partnering community schools amount 7108
in the fiscal year in which a tax distribution is received and 7109
deposited in the partnering community schools fund. The estimated 7110
allocation shall be published on the web site of the school 7111
district and expressed as a dollar amount per resident student. 7112
The actual allocation to community schools in a fiscal year need 7113
not conform to the estimate published by the school district so 7114
long if the estimate was made in good faith. 7115

Distributions by a school district under division (B)(3)(b) 7116
of this section shall be made in accordance with distribution 7117
agreements entered into by the board of education and each 7118
partnering community school eligible for distributions under this 7119
division. The distribution agreements shall be certified to the 7120
department of education each fiscal year before the thirtieth day 7121
of July. Each agreement shall provide for at least three 7122
distributions by the school district to the partnering community 7123
school during the fiscal year and shall require the initial 7124
distribution be made on or before the thirtieth day of July. 7125

(c) For the purposes of division (B) of this section, the 7126
number of resident students shall be the number of such students 7127
reported under section 3317.03 of the Revised Code and established 7128
by the department of education as of the date of receipt and 7129

deposit of the tax distribution. 7130

(4) To the extent an agreement whereby the qualifying school 7131
district and a community school endorse each other's programs is 7132
necessary for the community school to qualify as a partnering 7133
community school under division (B)(6)(b) of this section, the 7134
board of education of the school district shall certify to the 7135
department of education the agreement along with the determination 7136
that such agreement satisfies the requirements of that division. 7137
The board's determination is conclusive. 7138

(5) For the purposes of Chapter 3317. of the Revised Code or 7139
other laws referring to the "taxes charged and payable" for a 7140
school district, the taxes charged and payable for a qualifying 7141
school district that levies a tax under division (B) of this 7142
section includes only the taxes charged and payable under that 7143
levy for the current expenses of the school district, and does not 7144
include the taxes charged and payable for the current expenses of 7145
partnering community schools. The taxes charged and payable for 7146
the current expenses of partnering community schools shall not 7147
affect the calculation of "state education aid" as defined in 7148
section 5751.20 of the Revised Code. 7149

(6) As used in division (B) of this section: 7150

(a) "Qualifying school district" means a municipal school 7151
district, as defined in section 3311.71 of the Revised Code or a 7152
school district that has an average daily membership, as reported 7153
under division (A) of section 3317.03 of the Revised Code, greater 7154
than sixty thousand and the majority of the territory of which 7155
district is located in a city with a population greater than seven 7156
hundred thousand according to the most recent federal decennial 7157
census. 7158

(b) "Partnering community school" means a community school 7159
established under Chapter 3314. of the Revised Code that is 7160

located within the territory of the qualifying school district and 7161
that either is sponsored by the district or is a party to an 7162
agreement with the district whereby the district and the community 7163
school endorse each other's programs. 7164

(c) "Partnering community schools amount" means the product 7165
obtained, as of the receipt and deposit of the tax distribution, 7166
by multiplying the amount of a tax distribution by a fraction, the 7167
numerator of which is the number of mills per dollar of taxable 7168
value of the property tax to be allocated to partnering community 7169
schools, and the denominator of which is the total number of mills 7170
per dollar of taxable value authorized by the electors in the 7171
election held under division (B) of this section, each as set 7172
forth in the resolution levying the tax. 7173

(d) "Partnering community schools fund" means a separate fund 7174
established by the board of education of a qualifying school 7175
district for the deposit of partnering community school amounts 7176
under this section. 7177

(e) "Resident student" means a student enrolled in a 7178
partnering community school who is entitled to attend school in 7179
the qualifying school district under section 3313.64 or 3313.65 of 7180
the Revised Code. 7181

(f) "Tax distribution" means a distribution of proceeds of 7182
the tax authorized by division (B) of this section under section 7183
321.24 of the Revised Code and distributions that are attributable 7184
to that tax under sections 323.156 and 4503.068 of the Revised 7185
Code or other applicable law. 7186

(C) A resolution adopted under this section shall specify the 7187
date of holding the election, which shall not be earlier than 7188
ninety days after the adoption and certification of the resolution 7189
and which shall be consistent with the requirements of section 7190
3501.01 of the Revised Code. 7191

A resolution adopted under this section may propose to renew 7192
one or more existing levies imposed under division (A) or (B) of 7193
this section or to increase or decrease a single levy imposed 7194
under either such division. 7195

If the board of education imposes one or more existing levies 7196
for the purpose specified in division (F) of section 5705.19 of 7197
the Revised Code, the resolution may propose to renew one or more 7198
of those existing levies, or to increase or decrease a single such 7199
existing levy, for the purpose of general permanent improvements. 7200

If the resolution proposes to renew two or more existing 7201
levies, the levies shall be levied for the same purpose. The 7202
resolution shall identify those levies and the rates at which they 7203
are levied. The resolution also shall specify that the existing 7204
levies shall not be extended on the tax lists after the year 7205
preceding the year in which the renewal levy is first imposed, 7206
regardless of the years for which those levies originally were 7207
authorized to be levied. 7208

If the resolution proposes to renew an existing levy imposed 7209
under division (B) of this section, the rates allocated to the 7210
qualifying school district and to partnering community schools 7211
each may be increased or decreased or remain the same, and the 7212
total rate may be increased, decreased, or remain the same. The 7213
resolution and notice of election shall specify the number of the 7214
mills to be levied for the current expenses of the partnering 7215
community schools and the number of the mills to be levied for the 7216
current expenses of the qualifying school district. 7217

A resolution adopted under this section shall go into 7218
immediate effect upon its passage, and no publication of the 7219
resolution shall be necessary other than that provided for in the 7220
notice of election. A copy of the resolution shall immediately 7221
after its passing be certified to the board of elections of the 7222
proper county in the manner provided by section 5705.25 of the 7223

Revised Code. That section shall govern the arrangements for the 7224
submission of such question and other matters concerning the 7225
election to which that section refers, including publication of 7226
notice of the election, except that the election shall be held on 7227
the date specified in the resolution. In the case of a resolution 7228
adopted under division (B) of this section, the publication of 7229
notice of that election shall state the number of the mills to be 7230
levied for the current expenses of partnering community schools 7231
and the number of the mills to be levied for the current expenses 7232
of the qualifying school district. If a majority of the electors 7233
voting on the question so submitted in an election vote in favor 7234
of the levy, the board of education may make the necessary levy 7235
within the school district or, in the case of a qualifying library 7236
levy for the support of a library association or private 7237
corporation, within the association library district, at the 7238
additional rate, or at any lesser rate in excess of the ten-mill 7239
limitation on the tax list, for the purpose stated in the 7240
resolution. A levy for a continuing period of time may be reduced 7241
pursuant to section 5705.261 of the Revised Code. The tax levy 7242
shall be included in the next tax budget that is certified to the 7243
county budget commission. 7244

(D)(1) After the approval of a levy on the current tax list 7245
and duplicate for current expenses, for recreational purposes, for 7246
community centers provided for in section 755.16 of the Revised 7247
Code, or for a public library of the district under division (A) 7248
of this section, and prior to the time when the first tax 7249
collection from the levy can be made, the board of education may 7250
anticipate a fraction of the proceeds of the levy and issue 7251
anticipation notes in a principal amount not exceeding fifty per 7252
cent of the total estimated proceeds of the levy to be collected 7253
during the first year of the levy. 7254

(2) After the approval of a levy for general permanent 7255

improvements for a specified number of years or for permanent 7256
improvements having the purpose specified in division (F) of 7257
section 5705.19 of the Revised Code, the board of education may 7258
anticipate a fraction of the proceeds of the levy and issue 7259
anticipation notes in a principal amount not exceeding fifty per 7260
cent of the total estimated proceeds of the levy remaining to be 7261
collected in each year over a period of five years after the 7262
issuance of the notes. 7263

The notes shall be issued as provided in section 133.24 of 7264
the Revised Code, shall have principal payments during each year 7265
after the year of their issuance over a period not to exceed five 7266
years, and may have a principal payment in the year of their 7267
issuance. 7268

(3) After approval of a levy for general permanent 7269
improvements for a continuing period of time, the board of 7270
education may anticipate a fraction of the proceeds of the levy 7271
and issue anticipation notes in a principal amount not exceeding 7272
fifty per cent of the total estimated proceeds of the levy to be 7273
collected in each year over a specified period of years, not 7274
exceeding ten, after the issuance of the notes. 7275

The notes shall be issued as provided in section 133.24 of 7276
the Revised Code, shall have principal payments during each year 7277
after the year of their issuance over a period not to exceed ten 7278
years, and may have a principal payment in the year of their 7279
issuance. 7280

(4) After the approval of a levy on the current tax list and 7281
duplicate under division (B) of this section, and prior to the 7282
time when the first tax collection from the levy can be made, the 7283
board of education may anticipate a fraction of the proceeds of 7284
the levy for the current expenses of the school district and issue 7285
anticipation notes in a principal amount not exceeding fifty per 7286
cent of the estimated proceeds of the levy to be collected during 7287

the first year of the levy and allocated to the school district. 7288
The portion of the levy proceeds to be allocated to partnering 7289
community schools under that division shall not be included in the 7290
estimated proceeds anticipated under this division and shall not 7291
be used to pay debt charges on any anticipation notes. 7292

The notes shall be issued as provided in section 133.24 of 7293
the Revised Code, shall have principal payments during each year 7294
after the year of their issuance over a period not to exceed five 7295
years, and may have a principal payment in the year of their 7296
issuance. 7297

(E) The submission of questions to the electors under this 7298
section is subject to the limitation on the number of election 7299
dates established by section 5705.214 of the Revised Code. 7300

(F) The board of education of any school district that levies 7301
a tax under this section for the purpose of providing for school 7302
safety and security may report to the department of education how 7303
the district is using revenue from that tax. 7304

Section 2. That existing sections 145.012, 145.09, 145.191, 7305
145.194, 145.28, 145.29, 145.295, 145.297, 145.2914, 145.2915, 7306
145.31, 145.311, 145.33, 145.35, 145.362, 145.363, 145.37, 7307
145.384, 145.391, 145.40, 145.43, 145.431, 145.45, 145.46, 7308
145.563, 145.58, 145.581, 145.584, 145.63, 145.64, 145.82, 145.88, 7309
145.92, 145.95, 171.04, 311.01, 742.53, 742.63, 3301.079, 3307.04, 7310
3307.35, 3307.39, 3307.41, 3307.56, 3307.563, 3307.57, 3307.58, 7311
3307.62, 3307.66, 3307.70, 3307.71, 3307.711, 3307.73, 3309.01, 7312
3309.11, 3309.26, 3309.261, 3309.28, 3309.301, 3309.35, 3309.381, 7313
3309.42, 3309.45, 3309.49, 3309.51, 3309.55, 3309.56, 3309.57, 7314
3309.571, 3309.691, 3309.82, 5505.03, 5505.04, 5505.12, 5505.14, 7315
5505.15, 5505.16, 5505.17, 5505.174, 5505.18, 5505.33, 5505.34, 7316
5505.59, and 5705.21 and sections 145.402, 3307.561, and 3309.43 7317
of the Revised Code are hereby repealed. 7318

Section 3. Notwithstanding sections 742.03 and 742.04 of the Revised Code, the individual who receives the second highest number of votes in the 2015 election for the two employee member firefighter positions on the Board of Trustees of the Ohio Police and Fire Pension Fund shall serve a term of three years.

Section 4. Section 742.63 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. S.B. 340 and Sub. S.B. 343 of the 129th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 5705.21 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 59 and Sub. H.B. 167 of the 130th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.