

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 594

Representatives Crossman, Baldrige

**Cosponsors: Representatives Lightbody, Abrams, Galonski, Russo, Miranda,
Brown, Lepore-Hagan, Sweeney, Smith, K., Carruthers, Weinstein**

A BILL

To amend sections 742.44 and 5505.51 and to enact
sections 145.386, 742.261, 3307.355, and
3309.346 of the Revised Code regarding re-
employment of a retirant as a police officer,
firefighter, or emergency medical worker during
a state of emergency, to allow a deferred
retirement option plan participant to work past
the participant's employment end date during a
state of emergency, and to declare an emergency.

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

Section 1. That sections 742.44 and 5505.51 be amended and
sections 145.386, 742.261, 3307.355, and 3309.346 of the Revised
Code be enacted to read as follows:

Sec. 145.386. (A) As used in this section:

(1) "Emergency declaration" means an order or regulation
that is made or issued by any of the following to declare an
emergency:

(a) The governor;

<u>(b) The president of the United States;</u>	18
<u>(c) The board of health of a city health district pursuant</u>	19
<u>to section 3709.20 of the Revised Code;</u>	20
<u>(d) The board of health of a general health district</u>	21
<u>pursuant to section 3709.21 of the Revised Code;</u>	22
<u>(e) A health commissioner pursuant to section 3707.34 of</u>	23
<u>the Revised Code;</u>	24
<u>(f) The department of health pursuant to section 3701.13</u>	25
<u>of the Revised Code;</u>	26
<u>(g) The director of the United States centers for disease</u>	27
<u>control and prevention pursuant to 42 C.F.R. part 70 or 71 or</u>	28
<u>any other federal agency pursuant to federal law.</u>	29
<u>(2) "Emergency medical worker" means a first responder,</u>	30
<u>emergency medical technician-basic, emergency medical</u>	31
<u>technician-intermediate, or emergency medical technician-</u>	32
<u>paramedic, certified under Chapter 4765. of the Revised Code.</u>	33
<u>(3) "PERS retirant" and "other system retirant" have the</u>	34
<u>same meanings as in section 145.38 of the Revised Code.</u>	35
<u>(B) A PERS retirant or other system retirant who has been</u>	36
<u>receiving a retirement allowance for less than one year before</u>	37
<u>the date an emergency declaration is made or issued and had</u>	38
<u>previously been employed as a police officer, firefighter, or</u>	39
<u>emergency medical worker shall not be required to forfeit the</u>	40
<u>retirant's retirement allowance as described in division (B)(4)</u>	41
<u>of section 145.38 of the Revised Code if the PERS retirant or</u>	42
<u>other system retirant becomes re-employed as a police officer,</u>	43
<u>firefighter, or emergency medical worker.</u>	44
<u>(C) A PERS retirant or other system retirant may be</u>	45

reemployed as a police officer, firefighter, or emergency 46
medical worker if the retirant holds one of the following 47
certifications that has been expired for less than one year 48
before the date an emergency declaration is made or issued: 49

(1) For a police officer, a certificate attesting to the 50
satisfactory completion of the peace officer training school as 51
required by section 109.77 of the Revised Code; 52

(2) For a firefighter, a certificate of completion of a 53
fire service training program under section 4765.55 of the 54
Revised Code; 55

(3) For an emergency medical worker, a certificate issued 56
under Chapter 4765. of the Revised Code. 57

Sec. 742.261. (A) As used in this section: 58

(1) "Emergency declaration" means an order or regulation 59
that is made or issued by any of the following to declare an 60
emergency: 61

(a) The governor; 62

(b) The president of the United States; 63

(c) The board of health of a city health district pursuant 64
to section 3709.20 of the Revised Code; 65

(d) The board of health of a general health district 66
pursuant to section 3709.21 of the Revised Code; 67

(e) A health commissioner pursuant to section 3707.34 of 68
the Revised Code; 69

(f) The department of health pursuant to section 3701.13 70
of the Revised Code; 71

(g) The director of the United States centers for disease 72

control and prevention pursuant to 42 C.F.R. part 70 or 71 or 73
any other federal agency pursuant to federal law. 74

(2) "Emergency medical worker" means a first responder, 75
emergency medical technician-basic, emergency medical 76
technician-intermediate, or emergency medical technician- 77
paramedic, certified under Chapter 4765. of the Revised Code. 78

(3) "OPFPF retirant" and "other system retirant" have the 79
same meanings as in section 742.26 of the Revised Code. 80

(B) An OPFPF retirant or other system retirant who has 81
been receiving a retirement allowance for less than one year 82
before the date an emergency declaration is made or issued and 83
had previously been employed as a police officer, firefighter, 84
or emergency medical worker shall not be required to forfeit the 85
retirant's retirement allowance as described in division (D) of 86
section 742.26 of the Revised Code if the OPFPF retirant or 87
other system retirant becomes re-employed as a police officer, 88
firefighter, or emergency medical worker. 89

(C) An OPFPF retirant or other system retirant may be 90
reemployed as a police officer, firefighter, or emergency 91
medical worker if the retirant holds one of the following 92
certifications that has been expired for less than one year 93
before the date an emergency declaration is made or issued: 94

(1) For a police officer, a certificate attesting to the 95
satisfactory completion of the peace officer training school as 96
required by section 109.77 of the Revised Code; 97

(2) For a firefighter, a certificate of completion of a 98
fire service training program under section 4765.55 of the 99
Revised Code; 100

(3) For an emergency medical worker, a certificate issued 101

under Chapter 4765. of the Revised Code. 102

Sec. 742.44. (A) As used in this section, "emergency 103
declaration" means an order or regulation that is made or issued 104
by any of the following to declare an emergency: 105

(1) The governor; 106

(2) The president of the United States; 107

(3) The board of health of a city health district pursuant 108
to section 3709.20 of the Revised Code; 109

(4) The board of health of a general health district 110
pursuant to section 3709.21 of the Revised Code; 111

(5) A health commissioner pursuant to section 3707.34 of 112
the Revised Code; 113

(6) The department of health pursuant to section 3701.13 114
of the Revised Code; 115

(7) The director of the United States centers for disease 116
control and prevention pursuant to 42 C.F.R. part 70 or 71 or 117
any other federal agency pursuant to federal law. 118

(B) Except as provided in section 742.14 of the Revised 119
Code, at any time prior to filing an application for retirement 120
under division (C)(1) of section 742.37 of the Revised Code, a 121
member who has attained the requisite age and is eligible to 122
retire under that division may elect to participate in the 123
deferred retirement option plan established under section 742.43 124
of the Revised Code. 125

To make an election, an eligible member shall complete and 126
submit to the Ohio police and fire pension fund a form 127
prescribed by the fund. At this time the member may, but is not 128

required to, elect under section 742.3711 of the Revised Code to 129
have the member's monthly pension calculated as a retirement 130
allowance payable throughout the member's life or a retirement 131
allowance under option 2 in division (A) of section 742.3711 of 132
the Revised Code. Unless rescinded during a period specified in 133
rules adopted under section 742.43 of the Revised Code, the 134
election is irrevocable from the date it is received by the fund 135
until the employee ceases to participate in the plan as provided 136
in section 742.444 of the Revised Code. 137

(C) A member is not required to specify the number of 138
years or portion of a year the member will participate in the 139
plan but must agree to terminate active service in a police or 140
fire department and begin receiving the member's pension not 141
later than the date that is eight years after the effective date 142
of the election to participate in the plan or be subject to the 143
forfeiture provisions of division (C) of section 742.444 of the 144
Revised Code. 145

(D) The effective date of an election made under this 146
section is the first day of the employer's first payroll period 147
immediately following the board's receipt of the notice of 148
election. 149

(E) A member who has elected to participate in the plan 150
and agreed to terminate active service in a police or fire 151
department and begin receiving the member's pension on a date 152
that is during the period of an emergency declaration shall not 153
be subject to the forfeiture provisions specified in division 154
(C) of section 742.444 of the Revised Code if the member fails 155
to terminate service on that date. 156

Sec. 3307.355. (A) As used in this section: 157

(1) "Emergency declaration" means an order or regulation 158
that is made or issued by any of the following to declare an 159
emergency: 160

(a) The governor; 161

(b) The president of the United States; 162

(c) The board of health of a city health district pursuant 163
to section 3709.20 of the Revised Code; 164

(d) The board of health of a general health district 165
pursuant to section 3709.21 of the Revised Code; 166

(e) A health commissioner pursuant to section 3707.34 of 167
the Revised Code; 168

(f) The department of health pursuant to section 3701.13 169
of the Revised Code; 170

(g) The director of the United States centers for disease 171
control and prevention pursuant to 42 C.F.R. part 70 or 71 or 172
any other federal agency pursuant to federal law. 173

(2) "Emergency medical worker" means a first responder, 174
emergency medical technician-basic, emergency medical 175
technician-intermediate, or emergency medical technician- 176
paramedic, certified under Chapter 4765. of the Revised Code. 177

(3) "Other system retirant" has the same meaning as in 178
section 3307.35 of the Revised Code. 179

(B) A superannuate or other system retirant who has been 180
receiving a retirement allowance for less than one year before 181
the date an emergency declaration is made or issued and had 182
previously been employed as a police officer, firefighter, or 183
emergency medical worker shall not be required to forfeit the 184

retirant's retirement allowance as described in division (F) of 185
section 3307.35 of the Revised Code if the superannuate or other 186
system retirant becomes re-employed as a police officer, 187
firefighter, or emergency medical worker. 188

(C) A superannuate or other system retirant may be 189
reemployed as a police officer, firefighter, or emergency 190
medical worker if the retirant holds one of the following 191
certifications that has been expired for less than one year 192
before the date an emergency declaration is made or issued: 193

(1) For a police officer, a certificate attesting to the 194
satisfactory completion of the peace officer training school as 195
required by section 109.77 of the Revised Code; 196

(2) For a firefighter, a certificate of completion of a 197
fire service training program under section 4765.55 of the 198
Revised Code; 199

(3) For an emergency medical worker, a certificate issued 200
under Chapter 4765. of the Revised Code. 201

Sec. 3309.346. (A) As used in this section: 202

(1) "Emergency declaration" means an order or regulation 203
that is made or issued by any of the following to declare an 204
emergency: 205

(a) The governor; 206

(b) The president of the United States; 207

(c) The board of health of a city health district pursuant 208
to section 3709.20 of the Revised Code; 209

(d) The board of health of a general health district 210
pursuant to section 3709.21 of the Revised Code; 211

(e) A health commissioner pursuant to section 3707.34 of 212
the Revised Code; 213

(f) The department of health pursuant to section 3701.13 214
of the Revised Code; 215

(g) The director of the United States centers for disease 216
control and prevention pursuant to 42 C.F.R. part 70 or 71 or 217
any other federal agency pursuant to federal law. 218

(2) "Emergency medical worker" means a first responder, 219
emergency medical technician-basic, emergency medical 220
technician-intermediate, or emergency medical technician- 221
paramedic, certified under Chapter 4765. of the Revised Code. 222

(3) "SERS retirant" and "other system retirant" have the 223
same meanings as in section 3309.341 of the Revised Code. 224

(B) A SERS retirant or other system retirant who has been 225
receiving a retirement allowance for less than one year before 226
the date an emergency declaration is made or issued and had 227
previously been employed as a police officer, firefighter, or 228
emergency medical worker shall not be required to forfeit the 229
retirant's retirement allowance as described in division (C) of 230
section 3309.341 of the Revised Code if the SERS retirant or 231
other system retirant becomes re-employed as a police officer, 232
firefighter, or emergency medical worker. 233

(C) A SERS retirant or other system retirant may be 234
reemployed as a police officer, firefighter, or emergency 235
medical worker if the retirant holds one of the following 236
certifications that has been expired for less than one year 237
before the date an emergency declaration is made or issued: 238

(1) For a police officer, a certificate attesting to the 239
satisfactory completion of the peace officer training school as 240

required by section 109.77 of the Revised Code; 241

(2) For a firefighter, a certificate of completion of a 242
fire service training program under section 4765.55 of the 243
Revised Code; 244

(3) For an emergency medical worker, a certificate issued 245
under Chapter 4765. of the Revised Code. 246

Sec. 5505.51. (A) As used in this section, "emergency 247
declaration" means an order or regulation that is made or issued 248
by any of the following to declare an emergency: 249

(1) The governor; 250

(2) The president of the United States; 251

(3) The board of health of a city health district pursuant 252
to section 3709.20 of the Revised Code; 253

(4) The board of health of a general health district 254
pursuant to section 3709.21 of the Revised Code; 255

(5) A health commissioner pursuant to section 3707.34 of 256
the Revised Code; 257

(6) The department of health pursuant to section 3701.13 258
of the Revised Code; 259

(7) The director of the United States centers for disease 260
control and prevention pursuant to 42 C.F.R. part 70 or 71 or 261
any other federal agency pursuant to federal law. 262

(B) A state highway patrol retirement system member who 263
meets the following requirements may, at any time prior to 264
applying for retirement under section 5505.16 of the Revised 265
Code, elect to participate in the deferred retirement option 266
plan established under section 5505.50 of the Revised Code: 267

~~(A)~~ (1) The member is younger than fifty-eight years of 268
age. 269

~~(B)~~ (2) The member is eligible to apply for retirement 270
under section 5505.16 of the Revised Code, except that 271
eligibility to apply for a reduced pension under division (B) of 272
that section does not make a member eligible to elect to 273
participate in the deferred retirement option plan. 274

The member shall make the election by filing with the 275
retirement system an election form provided by the system. The 276
election is effective on the first day of the employer's first 277
payroll period immediately following the board's receipt of the 278
notice of election. 279

At the time of making the election to participate in the 280
deferred retirement option plan, the member also shall make an 281
election under section 5505.162 of the Revised Code. Except as 282
provided in that section, the election under section 5505.162 of 283
the Revised Code is irrevocable from the date it is received by 284
the retirement system. 285

A member electing to participate in the deferred 286
retirement option plan must agree to terminate active service in 287
the state highway patrol and begin receiving the member's 288
pension not later than the earlier of the member's sixtieth 289
birthday or the date that is eight years after the effective 290
date of the election to participate in the plan. If the member 291
refuses or neglects to terminate active service in accordance 292
with the agreement, the state highway patrol retirement board 293
shall deem the member's service terminated. 294

While participating in the deferred retirement option 295
plan, a member shall not be considered to have elected 296

retirement under section 5505.16 of the Revised Code. 297

A member who has elected to participate in the plan and 298
agreed to terminate active service in the state highway patrol 299
and begin receiving the member's pension on a date that is 300
during the period of an emergency declaration shall not be 301
subject to the requirement that the state highway patrol 302
retirement board deem the member's service terminated on that 303
date. 304

Section 2. That existing sections 742.44 and 5505.51 of 305
the Revised Code are hereby repealed. 306

Section 3. This act is hereby declared to be an emergency 307
measure necessary for the immediate preservation of the public 308
peace, health, and safety. The reason for such necessity is to 309
address urgent needs of the state arising from a COVID-19 310
outbreak. Therefore, this act shall go into immediate effect. 311