

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 261

Representatives Patton, Sweeney

A BILL

To amend section 145.01 and to enact section 1
145.335 of the Revised Code to make emergency 2
medical services workers "public safety 3
officers" under the Ohio Public Employees 4
Retirement System. 5

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

Section 1. That section 145.01 be amended and section 6
145.335 of the Revised Code be enacted to read as follows: 7

Sec. 145.01. As used in this chapter: 8

(A) "Public employee" means: 9

(1) Any person holding an office, not elective, under the 10
state or any county, township, municipal corporation, park 11
district, conservancy district, sanitary district, health 12
district, metropolitan housing authority, state retirement 13
board, Ohio history connection, public library, county law 14
library, union cemetery, joint hospital, institutional 15
commissary, state university, or board, bureau, commission, 16
council, committee, authority, or administrative body as the 17
same are, or have been, created by action of the general 18
assembly or by the legislative authority of any of the units of 19

local government named in division (A)(1) of this section, or 20
employed and paid in whole or in part by the state or any of the 21
authorities named in division (A)(1) of this section in any 22
capacity not covered by section 742.01, 3307.01, 3309.01, or 23
5505.01 of the Revised Code. 24

(2) A person who is a member of the public employees 25
retirement system and who continues to perform the same or 26
similar duties under the direction of a contractor who has 27
contracted to take over what before the date of the contract was 28
a publicly operated function. The governmental unit with which 29
the contract has been made shall be deemed the employer for the 30
purposes of administering this chapter. 31

(3) Any person who is an employee of a public employer, 32
notwithstanding that the person's compensation for that 33
employment is derived from funds of a person or entity other 34
than the employer. Credit for such service shall be included as 35
total service credit, provided that the employee makes the 36
payments required by this chapter, and the employer makes the 37
payments required by sections 145.48 and 145.51 of the Revised 38
Code. 39

(4) A person who elects in accordance with section 145.015 40
of the Revised Code to remain a contributing member of the 41
public employees retirement system. 42

(5) A person who is an employee of the legal rights 43
service on September 30, 2012, and continues to be employed by 44
the nonprofit entity established under Section 319.20 of Am. 45
Sub. H.B. 153 of the 129th general assembly. The nonprofit 46
entity is the employer for the purpose of this chapter. 47

In all cases of doubt, the public employees retirement 48

board shall determine under section 145.036, 145.037, or 145.038 49
of the Revised Code whether any person is a public employee, and 50
its decision is final. 51

(B) "Member" means any public employee, other than a 52
public employee excluded or exempted from membership in the 53
retirement system by section 145.03, 145.031, 145.032, 145.033, 54
145.034, 145.035, or 145.38 of the Revised Code. "Member" 55
includes a PERS retirant who becomes a member under division (C) 56
of section 145.38 of the Revised Code. "Member" also includes a 57
disability benefit recipient. 58

(C) "Head of the department" means the elective or 59
appointive head of the several executive, judicial, and 60
administrative departments, institutions, boards, and 61
commissions of the state and local government as the same are 62
created and defined by the laws of this state or, in case of a 63
charter government, by that charter. 64

(D) "Employer" or "public employer" means the state or any 65
county, township, municipal corporation, park district, 66
conservancy district, sanitary district, health district, 67
metropolitan housing authority, state retirement board, Ohio 68
history connection, public library, county law library, union 69
cemetery, joint hospital, institutional commissary, state 70
medical university, state university, or board, bureau, 71
commission, council, committee, authority, or administrative 72
body as the same are, or have been, created by action of the 73
general assembly or by the legislative authority of any of the 74
units of local government named in this division not covered by 75
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 76
Code. In addition, "employer" means the employer of any public 77
employee. 78

(E) "Prior military service" also means all service 79
credited for active duty with the armed forces of the United 80
States as provided in section 145.30 of the Revised Code. 81

(F) "Contributor" means any person who has an account in 82
the employees' savings fund created by section 145.23 of the 83
Revised Code. When used in the sections listed in division (B) 84
of section 145.82 of the Revised Code, "contributor" includes 85
any person participating in a PERS defined contribution plan. 86

(G) "Beneficiary" or "beneficiaries" means the estate or a 87
person or persons who, as the result of the death of a member, 88
contributor, or retirant, qualify for or are receiving some 89
right or benefit under this chapter. 90

(H) (1) "Total service credit," except as provided in 91
sections 145.016 and 145.37 of the Revised Code, means all 92
service credited to a member of the retirement system since last 93
becoming a member, including restored service credit as provided 94
by section 145.31 of the Revised Code; credit purchased under 95
sections 145.293 and 145.299 of the Revised Code; all the 96
member's military service credit computed as provided in this 97
chapter; all service credit established pursuant to section 98
145.297 of the Revised Code; and any other service credited 99
under this chapter. 100

(2) "One and one-half years of contributing service 101
credit," as used in division (B) of section 145.45 of the 102
Revised Code, also means eighteen or more calendar months of 103
employment by a municipal corporation that formerly operated its 104
own retirement plan for its employees or a part of its 105
employees, provided that all employees of that municipal 106
retirement plan who have eighteen or more months of such 107
employment, upon establishing membership in the public employees 108

retirement system, shall make a payment of the contributions 109
they would have paid had they been members of this system for 110
the eighteen months of employment preceding the date membership 111
was established. When that payment has been made by all such 112
employee members, a corresponding payment shall be paid into the 113
employers' accumulation fund by that municipal corporation as 114
the employer of the employees. 115

(3) Not more than one year of credit may be given for any 116
period of twelve months. 117

(4) "Ohio service credit" means credit for service that 118
was rendered to the state or any of its political subdivisions 119
or any employer. 120

(I) "Regular interest" means interest at any rates for the 121
respective funds and accounts as the public employees retirement 122
board may determine from time to time. 123

(J) "Accumulated contributions" means the sum of all 124
amounts credited to a contributor's individual account in the 125
employees' savings fund together with any interest credited to 126
the contributor's account under section 145.471 or 145.472 of 127
the Revised Code. 128

(K) (1) "Final average salary" means the greater of the 129
following: 130

(a) The sum of the member's earnable salaries for the 131
appropriate number of calendar years of contributing service, 132
determined under section 145.017 of the Revised Code, in which 133
the member's earnable salary was highest, divided by the same 134
number of calendar years or, if the member has fewer than the 135
appropriate number of calendar years of contributing service, 136
the total of the member's earnable salary for all years of 137

contributing service divided by the number of calendar years of 138
the member's contributing service; 139

(b) The sum of a member's earnable salaries for the 140
appropriate number of consecutive months, determined under 141
section 145.017 of the Revised Code, that were the member's last 142
months of service, up to and including the last month, divided 143
by the appropriate number of years or, if the time between the 144
first and final months of service is less than the appropriate 145
number of consecutive months, the total of the member's earnable 146
salary for all months of contributing service divided by the 147
number of years between the first and final months of 148
contributing service, including any fraction of a year, except 149
that the member's final average salary shall not exceed the 150
member's highest earnable salary for any twelve consecutive 151
months. 152

(2) If contributions were made in only one calendar year, 153
"final average salary" means the member's total earnable salary. 154

(L) "Annuity" means payments for life derived from 155
contributions made by a contributor and paid from the annuity 156
and pension reserve fund as provided in this chapter. All 157
annuities shall be paid in twelve equal monthly installments. 158

(M) "Annuity reserve" means the present value, computed 159
upon the basis of the mortality and other tables adopted by the 160
board, of all payments to be made on account of any annuity, or 161
benefit in lieu of any annuity, granted to a retirant as 162
provided in this chapter. 163

(N) (1) "Disability retirement" means retirement as 164
provided in section 145.36 of the Revised Code. 165

(2) "Disability allowance" means an allowance paid on 166

account of disability under section 145.361 of the Revised Code. 167

(3) "Disability benefit" means a benefit paid as 168
disability retirement under section 145.36 of the Revised Code, 169
as a disability allowance under section 145.361 of the Revised 170
Code, or as a disability benefit under section 145.37 of the 171
Revised Code. 172

(4) "Disability benefit recipient" means a member who is 173
receiving a disability benefit. 174

(O) "Age and service retirement" means retirement as 175
provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, 176
and 145.46 and former section 145.34 of the Revised Code. 177

(P) "Pensions" means annual payments for life derived from 178
contributions made by the employer that at the time of 179
retirement are credited into the annuity and pension reserve 180
fund from the employers' accumulation fund and paid from the 181
annuity and pension reserve fund as provided in this chapter. 182
All pensions shall be paid in twelve equal monthly installments. 183

(Q) "Retirement allowance" means the pension plus that 184
portion of the benefit derived from contributions made by the 185
member. 186

(R) (1) Except as otherwise provided in division (R) of 187
this section, "earnable salary" means all salary, wages, and 188
other earnings paid to a contributor by reason of employment in 189
a position covered by the retirement system. The salary, wages, 190
and other earnings shall be determined prior to determination of 191
the amount required to be contributed to the employees' savings 192
fund under section 145.47 of the Revised Code and without regard 193
to whether any of the salary, wages, or other earnings are 194
treated as deferred income for federal income tax purposes. 195

"Earnable salary" includes the following:	196
(a) Payments made by the employer in lieu of salary,	197
wages, or other earnings for sick leave, personal leave, or	198
vacation used by the contributor;	199
(b) Payments made by the employer for the conversion of	200
sick leave, personal leave, and vacation leave accrued, but not	201
used if the payment is made during the year in which the leave	202
is accrued, except that payments made pursuant to section	203
124.383 or 124.386 of the Revised Code are not earnable salary;	204
(c) Allowances paid by the employer for maintenance,	205
consisting of housing, laundry, and meals, as certified to the	206
retirement board by the employer or the head of the department	207
that employs the contributor;	208
(d) Fees and commissions paid under section 507.09 of the	209
Revised Code;	210
(e) Payments that are made under a disability leave	211
program sponsored by the employer and for which the employer is	212
required by section 145.296 of the Revised Code to make periodic	213
employer and employee contributions;	214
(f) Amounts included pursuant to former division (K) (3)	215
and former division (Y) of this section and section 145.2916 of	216
the Revised Code.	217
(2) "Earnable salary" does not include any of the	218
following:	219
(a) Fees and commissions, other than those paid under	220
section 507.09 of the Revised Code, paid as sole compensation	221
for personal services and fees and commissions for special	222
services over and above services for which the contributor	223

receives a salary; 224

(b) Amounts paid by the employer to provide life 225
insurance, sickness, accident, endowment, health, medical, 226
hospital, dental, or surgical coverage, or other insurance for 227
the contributor or the contributor's family, or amounts paid by 228
the employer to the contributor in lieu of providing the 229
insurance; 230

(c) Incidental benefits, including lodging, food, laundry, 231
parking, or services furnished by the employer, or use of the 232
employer's property or equipment, or amounts paid by the 233
employer to the contributor in lieu of providing the incidental 234
benefits; 235

(d) Reimbursement for job-related expenses authorized by 236
the employer, including moving and travel expenses and expenses 237
related to professional development; 238

(e) Payments for accrued but unused sick leave, personal 239
leave, or vacation that are made at any time other than in the 240
year in which the sick leave, personal leave, or vacation was 241
accrued; 242

(f) Payments made to or on behalf of a contributor that 243
are in excess of the annual compensation that may be taken into 244
account by the retirement system under division (a)(17) of 245
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 246
2085, 26 U.S.C.A. 401(a)(17), as amended; 247

(g) Payments made under division (B), (C), or (E) of 248
section 5923.05 of the Revised Code, Section 4 of Substitute 249
Senate Bill No. 3 of the 119th general assembly, Section 3 of 250
Amended Substitute Senate Bill No. 164 of the 124th general 251
assembly, or Amended Substitute House Bill No. 405 of the 124th 252

general assembly; 253

(h) Anything of value received by the contributor that is 254
based on or attributable to retirement or an agreement to 255
retire, except that payments made on or before January 1, 1989, 256
that are based on or attributable to an agreement to retire 257
shall be included in earnable salary if both of the following 258
apply: 259

(i) The payments are made in accordance with contract 260
provisions that were in effect prior to January 1, 1986; 261

(ii) The employer pays the retirement system an amount 262
specified by the retirement board equal to the additional 263
liability resulting from the payments. 264

(i) The portion of any amount included in section 145.2916 265
of the Revised Code that represents employer contributions. 266

(3) The retirement board shall determine by rule whether 267
any compensation not enumerated in division (R) of this section 268
is earnable salary, and its decision shall be final. 269

(S) "Pension reserve" means the present value, computed 270
upon the basis of the mortality and other tables adopted by the 271
board, of all payments to be made on account of any retirement 272
allowance or benefit in lieu of any retirement allowance, 273
granted to a member or beneficiary under this chapter. 274

(T) "Contributing service" means both of the following: 275

(1) All service credited to a member of the system since 276
January 1, 1935, for which contributions are made as required by 277
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 278
year subsequent to 1934, credit for any service shall be allowed 279
in accordance with section 145.016 of the Revised Code. 280

(2) Service credit received by election of the member 281
under section 145.814 of the Revised Code. 282

(U) "State retirement board" means the public employees 283
retirement board, the school employees retirement board, or the 284
state teachers retirement board. 285

(V) "Retirant" means any former member who retires and is 286
receiving a monthly allowance as provided in sections 145.32, 287
145.33, 145.331, 145.332, and 145.46 and former section 145.34 288
of the Revised Code. 289

(W) "Employer contribution" means the amount paid by an 290
employer as determined under section 145.48 of the Revised Code. 291

(X) "Public service terminates" means the last day for 292
which a public employee is compensated for services performed 293
for an employer or the date of the employee's death, whichever 294
occurs first. 295

(Y) "Five years of service credit," for the exclusive 296
purpose of satisfying the service credit requirements and of 297
determining eligibility under section 145.33 or 145.332 of the 298
Revised Code, means employment covered under this chapter or 299
under a former retirement plan operated, recognized, or endorsed 300
by the employer prior to coverage under this chapter or under a 301
combination of the coverage. 302

(Z) "Deputy sheriff" means any person who is commissioned 303
and employed as a full-time peace officer by the sheriff of any 304
county, and has been so employed since on or before December 31, 305
1965; any person who is or has been commissioned and employed as 306
a peace officer by the sheriff of any county since January 1, 307
1966, and who has received a certificate attesting to the 308
person's satisfactory completion of the peace officer training 309

school as required by section 109.77 of the Revised Code; or any 310
person deputized by the sheriff of any county and employed 311
pursuant to section 2301.12 of the Revised Code as a criminal 312
bailiff or court constable who has received a certificate 313
attesting to the person's satisfactory completion of the peace 314
officer training school as required by section 109.77 of the 315
Revised Code. 316

(AA) "Township constable or police officer in a township 317
police department or district" means any person who is 318
commissioned and employed as a full-time peace officer pursuant 319
to Chapter 505. or 509. of the Revised Code, who has received a 320
certificate attesting to the person's satisfactory completion of 321
the peace officer training school as required by section 109.77 322
of the Revised Code. 323

(BB) "Drug agent" means any person who is either of the 324
following: 325

(1) Employed full time as a narcotics agent by a county 326
narcotics agency created pursuant to section 307.15 of the 327
Revised Code and has received a certificate attesting to the 328
satisfactory completion of the peace officer training school as 329
required by section 109.77 of the Revised Code; 330

(2) Employed full time as an undercover drug agent as 331
defined in section 109.79 of the Revised Code and is in 332
compliance with section 109.77 of the Revised Code. 333

(CC) "Department of public safety enforcement agent" means 334
a full-time employee of the department of public safety who is 335
designated under section 5502.14 of the Revised Code as an 336
enforcement agent and who is in compliance with section 109.77 337
of the Revised Code. 338

(DD) "Natural resources law enforcement staff officer" 339
means a full-time employee of the department of natural 340
resources who is designated a natural resources law enforcement 341
staff officer under section 1501.013 of the Revised Code and is 342
in compliance with section 109.77 of the Revised Code. 343

(EE) "Forest-fire investigator" means a full-time employee 344
of the department of natural resources who is appointed a 345
forest-fire investigator under section 1503.09 of the Revised 346
Code and is in compliance with section 109.77 of the Revised 347
Code. 348

(FF) "Natural resources officer" means a full-time 349
employee of the department of natural resources who is appointed 350
as a natural resources officer under section 1501.24 of the 351
Revised Code and is in compliance with section 109.77 of the 352
Revised Code. 353

(GG) "Wildlife officer" means a full-time employee of the 354
department of natural resources who is designated a wildlife 355
officer under section 1531.13 of the Revised Code and is in 356
compliance with section 109.77 of the Revised Code. 357

(HH) "Park district police officer" means a full-time 358
employee of a park district who is designated pursuant to 359
section 511.232 or 1545.13 of the Revised Code and is in 360
compliance with section 109.77 of the Revised Code. 361

(II) "Conservancy district officer" means a full-time 362
employee of a conservancy district who is designated pursuant to 363
section 6101.75 of the Revised Code and is in compliance with 364
section 109.77 of the Revised Code. 365

(JJ) "Municipal police officer" means a member of the 366
organized police department of a municipal corporation who is 367

employed full time, is in compliance with section 109.77 of the 368
Revised Code, and is not a member of the Ohio police and fire 369
pension fund. 370

(KK) "Veterans' home police officer" means any person who 371
is employed at a veterans' home as a police officer pursuant to 372
section 5907.02 of the Revised Code and is in compliance with 373
section 109.77 of the Revised Code. 374

(LL) "Special police officer for a mental health 375
institution" means any person who is designated as such pursuant 376
to section 5119.08 of the Revised Code and is in compliance with 377
section 109.77 of the Revised Code. 378

(MM) "Special police officer for an institution for 379
persons with intellectual disabilities" means any person who is 380
designated as such pursuant to section 5123.13 of the Revised 381
Code and is in compliance with section 109.77 of the Revised 382
Code. 383

(NN) "State university law enforcement officer" means any 384
person who is employed full time as a state university law 385
enforcement officer pursuant to section 3345.04 of the Revised 386
Code and who is in compliance with section 109.77 of the Revised 387
Code. 388

(OO) "House sergeant at arms" means any person appointed 389
by the speaker of the house of representatives under division 390
(B) (1) of section 101.311 of the Revised Code who has arrest 391
authority under division (E) (1) of that section. 392

(PP) "Assistant house sergeant at arms" means any person 393
appointed by the house sergeant at arms under division (C) (1) of 394
section 101.311 of the Revised Code. 395

(QQ) "Regional transit authority police officer" means a 396

person who is employed full time as a regional transit authority 397
police officer under division (Y) of section 306.35 of the 398
Revised Code and is in compliance with section 109.77 of the 399
Revised Code. 400

(RR) "State highway patrol police officer" means a special 401
police officer employed full time and designated by the 402
superintendent of the state highway patrol pursuant to section 403
5503.09 of the Revised Code or a person serving full time as a 404
special police officer pursuant to that section on a permanent 405
basis on October 21, 1997, who is in compliance with section 406
109.77 of the Revised Code. 407

(SS) "Municipal public safety director" means a person who 408
serves full time as the public safety director of a municipal 409
corporation with the duty of directing the activities of the 410
municipal corporation's police department and fire department. 411

(TT) "Bureau of criminal identification and investigation 412
investigator" means a person who is in compliance with section 413
109.77 of the Revised Code and is employed full time as an 414
investigator, as defined in section 109.541 of the Revised Code, 415
of the bureau of criminal identification and investigation 416
commissioned by the superintendent of the bureau as a special 417
agent for the purpose of assisting law enforcement officers or 418
providing emergency assistance to peace officers pursuant to 419
authority granted under that section. 420

(UU) "Gaming agent" means a person who is in compliance 421
with section 109.77 of the Revised Code and is employed full 422
time as a gaming agent with the Ohio casino control commission 423
pursuant to section 3772.03 of the Revised Code. 424

(VV) "Department of taxation investigator" means a person 425

employed full time with the department of taxation to whom both 426
of the following apply: 427

(1) The person has been delegated investigation powers 428
pursuant to section 5743.45 of the Revised Code for the 429
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 430
5747. of the Revised Code. 431

(2) The person is in compliance with section 109.77 of the 432
Revised Code. 433

(WW) "Special police officer for a port authority" means a 434
person who is in compliance with section 109.77 of the Revised 435
Code and is employed full time as a special police officer with 436
a port authority under section 4582.04 or 4582.28 of the Revised 437
Code. 438

(XX) "Special police officer for a municipal airport" 439
means a person to whom both of the following apply: 440

(1) The person is employed full time as a special police 441
officer with a municipal corporation at a municipal airport or 442
other municipal air navigation facility that meets both of the 443
following requirements: 444

(a) The airport or navigation facility has scheduled 445
operations, as defined in 14 C.F.R. 110.2, as amended. 446

(b) The airport or navigation facility is required to be 447
under a security program and is governed by aviation security 448
rules of the transportation security administration of the 449
United States department of transportation as provided in 49 450
C.F.R. parts 1542 and 1544, as amended. 451

(2) The person is in compliance with section 109.77 of the 452
Revised Code. 453

(YY) Notwithstanding section 2901.01 of the Revised Code, 454
"PERS law enforcement officer" means a sheriff or any of the 455
following whose primary duties are to preserve the peace, 456
protect life and property, and enforce the laws of this state: a 457
deputy sheriff, township constable or police officer in a 458
township police department or district, drug agent, department 459
of public safety enforcement agent, natural resources law 460
enforcement staff officer, wildlife officer, forest-fire 461
investigator, natural resources officer, park district police 462
officer, conservancy district officer, veterans' home police 463
officer, special police officer for a mental health institution, 464
special police officer for an institution for persons with 465
developmental disabilities, state university law enforcement 466
officer, municipal police officer, house sergeant at arms, 467
assistant house sergeant at arms, regional transit authority 468
police officer, or state highway patrol police officer. 469

"PERS law enforcement officer" also includes a person 470
employed as a bureau of criminal identification and 471
investigation investigator, gaming agent, department of taxation 472
investigator, special police officer for a port authority, or 473
special police officer for a municipal airport who commences 474
employment in any of those positions on or after April 6, 2017, 475
or makes the election described in section 145.334 of the 476
Revised Code. 477

"PERS law enforcement officer" also includes a person 478
serving as a municipal public safety director at any time during 479
the period from September 29, 2005, to March 24, 2009, if the 480
duties of that service were to preserve the peace, protect life 481
and property, and enforce the laws of this state. 482

(ZZ) "Hamilton county municipal court bailiff" means a 483

person appointed by the clerk of courts of the Hamilton county 484
municipal court under division (A) (3) of section 1901.32 of the 485
Revised Code who is employed full time as a bailiff or deputy 486
bailiff, who has received a certificate attesting to the 487
person's satisfactory completion of the peace officer basic 488
training described in division (D) (1) of section 109.77 of the 489
Revised Code. 490

(AAA) "Emergency medical services worker" means a member 491
of the public employees retirement system who is employed full- 492
time in a position that requires a certificate issued under 493
section 4765.30 of the Revised Code to practice as a first 494
responder, emergency medical technician-basic, emergency medical 495
technician-intermediate, or emergency medical technician 496
paramedic. 497

(BBB) "PERS public safety officer" means a Hamilton county 498
municipal court bailiff, or any of the following whose primary 499
duties are other than to preserve the peace, protect life and 500
property, and enforce the laws of this state: a deputy sheriff, 501
township constable or police officer in a township police 502
department or district, drug agent, department of public safety 503
enforcement agent, natural resources law enforcement staff 504
officer, wildlife officer, forest-fire investigator, natural 505
resources officer, park district police officer, conservancy 506
district officer, veterans' home police officer, special police 507
officer for a mental health institution, special police officer 508
for an institution for persons with developmental disabilities, 509
state university law enforcement officer, municipal police 510
officer, house sergeant at arms, assistant house sergeant at 511
arms, regional transit authority police officer, or state 512
highway patrol police officer. 513

"PERS public safety officer" also includes a person 514
employed as a bureau of criminal identification and 515
investigation investigator, gaming agent, department of taxation 516
investigator, special police officer for a port authority, or 517
special police officer for a municipal airport who commences 518
employment in any of those positions on or after April 6, 2017, 519
or makes the election described in section 145.334 of the 520
Revised Code. 521

"PERS public safety officer" also includes a person 522
employed as an emergency medical services worker who commences 523
employment on or after the effective date of this amendment or 524
who makes the election described in section 145.335 of the 525
Revised Code. 526

"PERS public safety officer" also includes a person 527
serving as a municipal public safety director at any time during 528
the period from September 29, 2005, to March 24, 2009, if the 529
duties of that service were other than to preserve the peace, 530
protect life and property, and enforce the laws of this state. 531

~~(BBB)~~ (CCC) "Fiduciary" means a person who does any of the 532
following: 533

(1) Exercises any discretionary authority or control with 534
respect to the management of the system or with respect to the 535
management or disposition of its assets; 536

(2) Renders investment advice for a fee, direct or 537
indirect, with respect to money or property of the system; 538

(3) Has any discretionary authority or responsibility in 539
the administration of the system. 540

~~(CCC)~~ (DDD) "Actuary" means an individual who satisfies 541
all of the following requirements: 542

- (1) Is a member of the American academy of actuaries; 543
- (2) Is an associate or fellow of the society of actuaries; 544
- (3) Has a minimum of five years' experience in providing 545
actuarial services to public retirement plans. 546

~~(DDD)~~ ~~(EEE)~~ "PERS defined benefit plan" means the plan 547
described in sections 145.201 to 145.79 of the Revised Code. 548

~~(EEE)~~ ~~(FFF)~~ "PERS defined contribution plans" means the 549
plan or plans established under section 145.81 of the Revised 550
Code. 551

Sec. 145.335. A member who, on the effective date of this 552
section, meets the definition of emergency medical services 553
worker in section 145.01 of the Revised Code may make an 554
election to be considered a PERS public safety officer by giving 555
notice to the public employees retirement system on a form 556
provided by the public employees retirement board. To be valid, 557
the notice must be received by the retirement system not later 558
than ninety days after the effective date of this section. The 559
election, once made, causes the member to be considered a PERS 560
public safety officer and is irrevocable. 561

Service credit earned by a member of the retirement system 562
before the first day of the first month following the retirement 563
system's receipt of the notice of election made under this 564
section shall not be considered service credit as a PERS public 565
safety officer. 566

Section 2. That existing section 145.01 of the Revised 567
Code is hereby repealed. 568