

**As Reported by the Senate Insurance and Financial Institutions
Committee**

132nd General Assembly

**Regular Session
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Sub. H. B. No. 572

Representatives Scherer, Howse

**Cosponsors: Representatives Schuring, Smith, K., Antonio, Bocchieri, Brenner,
Dever, Patterson, Ramos, Anielski, Arndt, Ashford, Barnes, Boyd, Brown,
Celebrezze, Clyde, Craig, Edwards, Galonski, Gavarone, Ginter, Green, Holmes,
Ingram, Kelly, Leland, Lepore-Hagan, Miller, O'Brien, Patton, Pelanda, Perales,
Rezabek, Rogers, Sheehy, Sykes, West**

Senators Hottinger, Beagle, Bacon, Hackett

A BILL

To amend sections 145.01, 145.016, 145.33, 145.332,	1
145.362, 145.384, 145.45, 145.571, 145.62,	2
742.03, 742.05, 3307.05, 3307.14, 3307.20,	3
3307.231, 3307.25, 3307.251, 3307.26, 3307.28,	4
3307.351, 3307.352, 3307.39, 3307.44, 3307.48,	5
3307.501, 3307.56, 3307.562, 3307.58, 3307.60,	6
3307.62, 3307.66, 3307.71, 3307.74, 3307.761,	7
3309.01, 3309.011, 3309.22, and 3309.671, to	8
enact section 145.018, and to repeal sections	9
3307.23, 3307.241, 3307.96, 3307.97, and 3307.98	10
of the Revised Code to revise the laws governing	11
the Public Employees Retirement System, the Ohio	12
Police and Fire Pension Fund, the State Teachers	13
Retirement System, and the School Employees	14
Retirement System.	15

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

Section 1. That sections 145.01, 145.016, 145.33, 145.332, 16
145.362, 145.384, 145.45, 145.571, 145.62, 742.03, 742.05, 17
3307.05, 3307.14, 3307.20, 3307.231, 3307.25, 3307.251, 3307.26, 18
3307.28, 3307.351, 3307.352, 3307.39, 3307.44, 3307.48, 19
3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 3307.62, 3307.66, 20
3307.71, 3307.74, 3307.761, 3309.01, 3309.011, 3309.22, and 21
3309.671 be amended and section 145.018 of the Revised Code be 22
enacted to read as follows: 23

Sec. 145.01. As used in this chapter: 24

(A) "Public employee" means: 25

(1) Any person holding an office, not elective, under the 26
state or any county, township, municipal corporation, park 27
district, conservancy district, sanitary district, health 28
district, metropolitan housing authority, state retirement 29
board, Ohio history connection, public library, county law 30
library, union cemetery, joint hospital, institutional 31
commissary, state university, or board, bureau, commission, 32
council, committee, authority, or administrative body as the 33
same are, or have been, created by action of the general 34
assembly or by the legislative authority of any of the units of 35
local government named in division (A) (1) of this section, or 36
employed and paid in whole or in part by the state or any of the 37
authorities named in division (A) (1) of this section in any 38
capacity not covered by section 742.01, 3307.01, 3309.01, or 39
5505.01 of the Revised Code. 40

(2) A person who is a member of the public employees 41
retirement system and who continues to perform the same or 42
similar duties under the direction of a contractor who has 43
contracted to take over what before the date of the contract was 44
a publicly operated function. The governmental unit with which 45

the contract has been made shall be deemed the employer for the 46
purposes of administering this chapter. 47

(3) Any person who is an employee of a public employer, 48
notwithstanding that the person's compensation for that 49
employment is derived from funds of a person or entity other 50
than the employer. Credit for such service shall be included as 51
total service credit, provided that the employee makes the 52
payments required by this chapter, and the employer makes the 53
payments required by sections 145.48 and 145.51 of the Revised 54
Code. 55

(4) A person who elects in accordance with section 145.015 56
of the Revised Code to remain a contributing member of the 57
public employees retirement system. 58

(5) A person who is an employee of the legal rights 59
service on September 30, 2012, and continues to be employed by 60
the nonprofit entity established under Section 319.20 of Am. 61
Sub. H.B. 153 of the 129th general assembly. The nonprofit 62
entity is the employer for the purpose of this chapter. 63

In all cases of doubt, the public employees retirement 64
board shall determine under section 145.036, 145.037, or 145.038 65
of the Revised Code whether any person is a public employee, and 66
its decision is final. 67

(B) "Member" means any public employee, other than a 68
public employee excluded or exempted from membership in the 69
retirement system by section 145.03, 145.031, 145.032, 145.033, 70
145.034, 145.035, or 145.38 of the Revised Code. "Member" 71
includes a PERS retirant who becomes a member under division (C) 72
of section 145.38 of the Revised Code. "Member" also includes a 73
disability benefit recipient. 74

(C) "Head of the department" means the elective or 75
appointive head of the several executive, judicial, and 76
administrative departments, institutions, boards, and 77
commissions of the state and local government as the same are 78
created and defined by the laws of this state or, in case of a 79
charter government, by that charter. 80

(D) "Employer" or "public employer" means the state or any 81
county, township, municipal corporation, park district, 82
conservancy district, sanitary district, health district, 83
metropolitan housing authority, state retirement board, Ohio 84
history connection, public library, county law library, union 85
cemetery, joint hospital, institutional commissary, state 86
medical university, state university, or board, bureau, 87
commission, council, committee, authority, or administrative 88
body as the same are, or have been, created by action of the 89
general assembly or by the legislative authority of any of the 90
units of local government named in this division not covered by 91
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 92
Code. In addition, "employer" means the employer of any public 93
employee. 94

(E) "Prior military service" also means all service 95
credited for active duty with the armed forces of the United 96
States as provided in section 145.30 of the Revised Code. 97

(F) "Contributor" means any person who has an account in 98
the employees' savings fund created by section 145.23 of the 99
Revised Code. When used in the sections listed in division (B) 100
of section 145.82 of the Revised Code, "contributor" includes 101
any person participating in a PERS defined contribution plan. 102

(G) "Beneficiary" or "beneficiaries" means the estate or a 103
person or persons who, as the result of the death of a member, 104

contributor, or retirant, qualify for or are receiving some 105
right or benefit under this chapter. 106

(H) (1) "Total service credit," except as provided in 107
~~section sections 145.016 and 145.37 of the Revised Code, means~~ 108
all service credited to a member of the retirement system since 109
last becoming a member, including restored service credit as 110
provided by section 145.31 of the Revised Code; credit purchased 111
under sections 145.293 and 145.299 of the Revised Code; all the 112
member's military service credit computed as provided in this 113
chapter; all service credit established pursuant to section 114
145.297 of the Revised Code; and any other service credited 115
under this chapter. ~~For the exclusive purpose of satisfying the~~ 116
~~service credit requirement and of determining eligibility for~~ 117
~~benefits under sections 145.32, 145.33, 145.331, 145.332,~~ 118
~~145.35, 145.36, and 145.361 of the Revised Code, "five or more~~ 119
~~years of total service credit" means sixty or more calendar~~ 120
~~months of contributing service in this system.~~ 121

(2) "One and one-half years of contributing service 122
credit," as used in division (B) of section 145.45 of the 123
Revised Code, also means eighteen or more calendar months of 124
employment by a municipal corporation that formerly operated its 125
own retirement plan for its employees or a part of its 126
employees, provided that all employees of that municipal 127
retirement plan who have eighteen or more months of such 128
employment, upon establishing membership in the public employees 129
retirement system, shall make a payment of the contributions 130
they would have paid had they been members of this system for 131
the eighteen months of employment preceding the date membership 132
was established. When that payment has been made by all such 133
employee members, a corresponding payment shall be paid into the 134
employers' accumulation fund by that municipal corporation as 135

the employer of the employees. 136

(3) Not more than one year of credit may be given for any 137
period of twelve months. 138

(4) "Ohio service credit" means credit for service that 139
was rendered to the state or any of its political subdivisions 140
or any employer. 141

(I) "Regular interest" means interest at any rates for the 142
respective funds and accounts as the public employees retirement 143
board may determine from time to time. 144

(J) "Accumulated contributions" means the sum of all 145
amounts credited to a contributor's individual account in the 146
employees' savings fund together with any interest credited to 147
the contributor's account under section 145.471 or 145.472 of 148
the Revised Code. 149

(K) (1) "Final average salary" means the greater of the 150
following: 151

(a) The sum of the member's earnable salaries for the 152
appropriate number of calendar years of contributing service, 153
determined under section 145.017 of the Revised Code, in which 154
the member's earnable salary was highest, divided by the same 155
number of calendar years or, if the member has fewer than the 156
appropriate number of calendar years of contributing service, 157
the total of the member's earnable salary for all years of 158
contributing service divided by the number of calendar years of 159
the member's contributing service; 160

(b) The sum of a member's earnable salaries for the 161
appropriate number of consecutive months, determined under 162
section 145.017 of the Revised Code, that were the member's last 163
months of service, up to and including the last month, divided 164

by the appropriate number of years or, if the time between the 165
first and final months of service is less than the appropriate 166
number of consecutive months, the total of the member's earnable 167
salary for all months of contributing service divided by the 168
number of years between the first and final months of 169
contributing service, including any fraction of a year, except 170
that the member's final average salary shall not exceed the 171
member's highest earnable salary for any twelve consecutive 172
months. 173

(2) If contributions were made in only one calendar year, 174
"final average salary" means the member's total earnable salary. 175

(L) "Annuity" means payments for life derived from 176
contributions made by a contributor and paid from the annuity 177
and pension reserve fund as provided in this chapter. All 178
annuities shall be paid in twelve equal monthly installments. 179

(M) "Annuity reserve" means the present value, computed 180
upon the basis of the mortality and other tables adopted by the 181
board, of all payments to be made on account of any annuity, or 182
benefit in lieu of any annuity, granted to a retirant as 183
provided in this chapter. 184

(N) (1) "Disability retirement" means retirement as 185
provided in section 145.36 of the Revised Code. 186

(2) "Disability allowance" means an allowance paid on 187
account of disability under section 145.361 of the Revised Code. 188

(3) "Disability benefit" means a benefit paid as 189
disability retirement under section 145.36 of the Revised Code, 190
as a disability allowance under section 145.361 of the Revised 191
Code, or as a disability benefit under section 145.37 of the 192
Revised Code. 193

(4) "Disability benefit recipient" means a member who is 194
receiving a disability benefit. 195

(O) "Age and service retirement" means retirement as 196
provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, 197
and 145.46 and former section 145.34 of the Revised Code. 198

(P) "Pensions" means annual payments for life derived from 199
contributions made by the employer that at the time of 200
retirement are credited into the annuity and pension reserve 201
fund from the employers' accumulation fund and paid from the 202
annuity and pension reserve fund as provided in this chapter. 203
All pensions shall be paid in twelve equal monthly installments. 204

(Q) "Retirement allowance" means the pension plus that 205
portion of the benefit derived from contributions made by the 206
member. 207

(R) (1) Except as otherwise provided in division (R) of 208
this section, "earnable salary" means all salary, wages, and 209
other earnings paid to a contributor by reason of employment in 210
a position covered by the retirement system. The salary, wages, 211
and other earnings shall be determined prior to determination of 212
the amount required to be contributed to the employees' savings 213
fund under section 145.47 of the Revised Code and without regard 214
to whether any of the salary, wages, or other earnings are 215
treated as deferred income for federal income tax purposes. 216
"Earnable salary" includes the following: 217

(a) Payments made by the employer in lieu of salary, 218
wages, or other earnings for sick leave, personal leave, or 219
vacation used by the contributor; 220

(b) Payments made by the employer for the conversion of 221
sick leave, personal leave, and vacation leave accrued, but not 222

used if the payment is made during the year in which the leave 223
is accrued, except that payments made pursuant to section 224
124.383 or 124.386 of the Revised Code are not earnable salary; 225

(c) Allowances paid by the employer for maintenance, 226
consisting of housing, laundry, and meals, as certified to the 227
retirement board by the employer or the head of the department 228
that employs the contributor; 229

(d) Fees and commissions paid under section 507.09 of the 230
Revised Code; 231

(e) Payments that are made under a disability leave 232
program sponsored by the employer and for which the employer is 233
required by section 145.296 of the Revised Code to make periodic 234
employer and employee contributions; 235

(f) Amounts included pursuant to former division (K) (3) 236
and former division (Y) of this section and section 145.2916 of 237
the Revised Code. 238

(2) "Earnable salary" does not include any of the 239
following: 240

(a) Fees and commissions, other than those paid under 241
section 507.09 of the Revised Code, paid as sole compensation 242
for personal services and fees and commissions for special 243
services over and above services for which the contributor 244
receives a salary; 245

(b) Amounts paid by the employer to provide life 246
insurance, sickness, accident, endowment, health, medical, 247
hospital, dental, or surgical coverage, or other insurance for 248
the contributor or the contributor's family, or amounts paid by 249
the employer to the contributor in lieu of providing the 250
insurance; 251

(c) Incidental benefits, including lodging, food, laundry, 252
parking, or services furnished by the employer, or use of the 253
employer's property or equipment, or amounts paid by the 254
employer to the contributor in lieu of providing the incidental 255
benefits; 256

(d) Reimbursement for job-related expenses authorized by 257
the employer, including moving and travel expenses and expenses 258
related to professional development; 259

(e) Payments for accrued but unused sick leave, personal 260
leave, or vacation that are made at any time other than in the 261
year in which the sick leave, personal leave, or vacation was 262
accrued; 263

(f) Payments made to or on behalf of a contributor that 264
are in excess of the annual compensation that may be taken into 265
account by the retirement system under division (a)(17) of 266
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 267
2085, 26 U.S.C.A. 401(a)(17), as amended; 268

(g) Payments made under division (B), (C), or (E) of 269
section 5923.05 of the Revised Code, Section 4 of Substitute 270
Senate Bill No. 3 of the 119th general assembly, Section 3 of 271
Amended Substitute Senate Bill No. 164 of the 124th general 272
assembly, or Amended Substitute House Bill No. 405 of the 124th 273
general assembly; 274

(h) Anything of value received by the contributor that is 275
based on or attributable to retirement or an agreement to 276
retire, except that payments made on or before January 1, 1989, 277
that are based on or attributable to an agreement to retire 278
shall be included in earnable salary if both of the following 279
apply: 280

(i) The payments are made in accordance with contract 281
provisions that were in effect prior to January 1, 1986; 282

(ii) The employer pays the retirement system an amount 283
specified by the retirement board equal to the additional 284
liability resulting from the payments. 285

(i) The portion of any amount included in section 145.2916 286
of the Revised Code that represents employer contributions. 287

(3) The retirement board shall determine by rule whether 288
any compensation not enumerated in division (R) of this section 289
is earnable salary, and its decision shall be final. 290

(S) "Pension reserve" means the present value, computed 291
upon the basis of the mortality and other tables adopted by the 292
board, of all payments to be made on account of any retirement 293
allowance or benefit in lieu of any retirement allowance, 294
granted to a member or beneficiary under this chapter. 295

(T) "Contributing service" means both of the following: 296

(1) All service credited to a member of the system since 297
January 1, 1935, for which contributions are made as required by 298
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 299
year subsequent to 1934, credit for any service shall be allowed 300
in accordance with section 145.016 of the Revised Code. 301

(2) Service credit received by election of the member 302
under section 145.814 of the Revised Code. 303

(U) "State retirement board" means the public employees 304
retirement board, the school employees retirement board, or the 305
state teachers retirement board. 306

(V) "Retirant" means any former member who retires and is 307
receiving a monthly allowance as provided in sections 145.32, 308

145.33, 145.331, 145.332, and 145.46 and former section 145.34 309
of the Revised Code. 310

(W) "Employer contribution" means the amount paid by an 311
employer as determined under section 145.48 of the Revised Code. 312

(X) "Public service terminates" means the last day for 313
which a public employee is compensated for services performed 314
for an employer or the date of the employee's death, whichever 315
occurs first. 316

(Y) "Five years of service credit," for the exclusive 317
purpose of satisfying the service credit requirements and of 318
determining eligibility under section 145.33 or 145.332 of the 319
Revised Code, means employment covered under this chapter or 320
under a former retirement plan operated, recognized, or endorsed 321
by the employer prior to coverage under this chapter or under a 322
combination of the coverage. 323

(Z) "Deputy sheriff" means any person who is commissioned 324
and employed as a full-time peace officer by the sheriff of any 325
county, and has been so employed since on or before December 31, 326
1965; any person who is or has been commissioned and employed as 327
a peace officer by the sheriff of any county since January 1, 328
1966, and who has received a certificate attesting to the 329
person's satisfactory completion of the peace officer training 330
school as required by section 109.77 of the Revised Code; or any 331
person deputized by the sheriff of any county and employed 332
pursuant to section 2301.12 of the Revised Code as a criminal 333
bailiff or court constable who has received a certificate 334
attesting to the person's satisfactory completion of the peace 335
officer training school as required by section 109.77 of the 336
Revised Code. 337

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

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

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

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

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

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

(EE) "Forest-fire investigator" means a full-time employee
of the department of natural resources who is appointed a

forest-fire investigator under section 1503.09 of the Revised 367
Code and is in compliance with section 109.77 of the Revised 368
Code. 369

(FF) "Natural resources officer" means a full-time 370
employee of the department of natural resources who is appointed 371
as a natural resources officer under section 1501.24 of the 372
Revised Code and is in compliance with section 109.77 of the 373
Revised Code. 374

(GG) "Wildlife officer" means a full-time employee of the 375
department of natural resources who is designated a wildlife 376
officer under section 1531.13 of the Revised Code and is in 377
compliance with section 109.77 of the Revised Code. 378

(HH) "Park district police officer" means a full-time 379
employee of a park district who is designated pursuant to 380
section 511.232 or 1545.13 of the Revised Code and is in 381
compliance with section 109.77 of the Revised Code. 382

(II) "Conservancy district officer" means a full-time 383
employee of a conservancy district who is designated pursuant to 384
section 6101.75 of the Revised Code and is in compliance with 385
section 109.77 of the Revised Code. 386

(JJ) "Municipal police officer" means a member of the 387
organized police department of a municipal corporation who is 388
employed full time, is in compliance with section 109.77 of the 389
Revised Code, and is not a member of the Ohio police and fire 390
pension fund. 391

(KK) "Veterans' home police officer" means any person who 392
is employed at a veterans' home as a police officer pursuant to 393
section 5907.02 of the Revised Code and is in compliance with 394
section 109.77 of the Revised Code. 395

(LL) "Special police officer for a mental health 396
institution" means any person who is designated as such pursuant 397
to section 5119.08 of the Revised Code and is in compliance with 398
section 109.77 of the Revised Code. 399

(MM) "Special police officer for an institution for 400
persons with intellectual disabilities" means any person who is 401
designated as such pursuant to section 5123.13 of the Revised 402
Code and is in compliance with section 109.77 of the Revised 403
Code. 404

(NN) "State university law enforcement officer" means any 405
person who is employed full time as a state university law 406
enforcement officer pursuant to section 3345.04 of the Revised 407
Code and who is in compliance with section 109.77 of the Revised 408
Code. 409

(OO) "House sergeant at arms" means any person appointed 410
by the speaker of the house of representatives under division 411
(B) (1) of section 101.311 of the Revised Code who has arrest 412
authority under division (E) (1) of that section. 413

(PP) "Assistant house sergeant at arms" means any person 414
appointed by the house sergeant at arms under division (C) (1) of 415
section 101.311 of the Revised Code. 416

(QQ) "Regional transit authority police officer" means a 417
person who is employed full time as a regional transit authority 418
police officer under division (Y) of section 306.35 of the 419
Revised Code and is in compliance with section 109.77 of the 420
Revised Code. 421

(RR) "State highway patrol police officer" means a special 422
police officer employed full time and designated by the 423
superintendent of the state highway patrol pursuant to section 424

5503.09 of the Revised Code or a person serving full time as a 425
special police officer pursuant to that section on a permanent 426
basis on October 21, 1997, who is in compliance with section 427
109.77 of the Revised Code. 428

(SS) "Municipal public safety director" means a person who 429
serves full time as the public safety director of a municipal 430
corporation with the duty of directing the activities of the 431
municipal corporation's police department and fire department. 432

(TT) "Bureau of criminal identification and investigation 433
investigator" means a person who is in compliance with section 434
109.77 of the Revised Code and is employed full time as an 435
investigator, as defined in section 109.541 of the Revised Code, 436
of the bureau of criminal identification and investigation 437
commissioned by the superintendent of the bureau as a special 438
agent for the purpose of assisting law enforcement officers or 439
providing emergency assistance to peace officers pursuant to 440
authority granted under that section. 441

(UU) "Gaming agent" means a person who is in compliance 442
with section 109.77 of the Revised Code and is employed full 443
time as a gaming agent with the Ohio casino control commission 444
pursuant to section 3772.03 of the Revised Code. 445

(VV) "Department of taxation investigator" means a person 446
employed full time with the department of taxation to whom both 447
of the following apply: 448

(1) The person has been delegated investigation powers 449
pursuant to section 5743.45 of the Revised Code for the 450
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 451
5747. of the Revised Code. 452

(2) The person is in compliance with section 109.77 of the 453

Revised Code. 454

(WW) "Special police officer for a port authority" means a 455
person who is in compliance with section 109.77 of the Revised 456
Code and is employed full time as a special police officer with 457
a port authority under section 4582.04 or 4582.28 of the Revised 458
Code. 459

(XX) "Special police officer for a municipal airport" 460
means a person to whom both of the following apply: 461

(1) The person is employed full time as a special police 462
officer with a municipal corporation at a municipal airport or 463
other municipal air navigation facility that meets both of the 464
following requirements: 465

(a) The airport or navigation facility has scheduled 466
operations, as defined in 14 C.F.R. 110.2, as amended. 467

(b) The airport or navigation facility is required to be 468
under a security program and is governed by aviation security 469
rules of the transportation security administration of the 470
United States department of transportation as provided in 49 471
C.F.R. parts 1542 and 1544, as amended. 472

(2) The person is in compliance with section 109.77 of the 473
Revised Code. 474

(YY) Notwithstanding section 2901.01 of the Revised Code, 475
"PERS law enforcement officer" means a sheriff or any of the 476
following whose primary duties are to preserve the peace, 477
protect life and property, and enforce the laws of this state: a 478
deputy sheriff, township constable or police officer in a 479
township police department or district, drug agent, department 480
of public safety enforcement agent, natural resources law 481
enforcement staff officer, wildlife officer, forest-fire 482

investigator, natural resources officer, park district police 483
officer, conservancy district officer, veterans' home police 484
officer, special police officer for a mental health institution, 485
special police officer for an institution for persons with 486
developmental disabilities, state university law enforcement 487
officer, municipal police officer, house sergeant at arms, 488
assistant house sergeant at arms, regional transit authority 489
police officer, or state highway patrol police officer. 490

"PERS law enforcement officer" also includes a person 491
employed as a bureau of criminal identification and 492
investigation investigator, gaming agent, department of taxation 493
investigator, special police officer for a port authority, or 494
special police officer for a municipal airport who commences 495
employment in any of those positions on or after ~~the effective~~ 496
~~date of this amendment~~ April 6, 2017, or makes the election 497
described in section 145.334 of the Revised Code. 498

"PERS law enforcement officer" also includes a person 499
serving as a municipal public safety director at any time during 500
the period from September 29, 2005, to March 24, 2009, if the 501
duties of that service were to preserve the peace, protect life 502
and property, and enforce the laws of this state. 503

(ZZ) "Hamilton county municipal court bailiff" means a 504
person appointed by the clerk of courts of the Hamilton county 505
municipal court under division (A)(3) of section 1901.32 of the 506
Revised Code who is employed full time as a bailiff or deputy 507
bailiff, who has received a certificate attesting to the 508
person's satisfactory completion of the peace officer basic 509
training described in division (D)(1) of section 109.77 of the 510
Revised Code. 511

(AAA) "PERS public safety officer" means a Hamilton county 512

municipal court bailiff, or any of the following whose primary 513
duties are other than to preserve the peace, protect life and 514
property, and enforce the laws of this state: a deputy sheriff, 515
township constable or police officer in a township police 516
department or district, drug agent, department of public safety 517
enforcement agent, natural resources law enforcement staff 518
officer, wildlife officer, forest-fire investigator, natural 519
resources officer, park district police officer, conservancy 520
district officer, veterans' home police officer, special police 521
officer for a mental health institution, special police officer 522
for an institution for persons with developmental disabilities, 523
state university law enforcement officer, municipal police 524
officer, house sergeant at arms, assistant house sergeant at 525
arms, regional transit authority police officer, or state 526
highway patrol police officer. 527

"PERS public safety officer" also includes a person 528
employed as a bureau of criminal identification and 529
investigation investigator, gaming agent, department of taxation 530
investigator, special police officer for a port authority, or 531
special police officer for a municipal airport who commences 532
employment in any of those positions on or after ~~the effective~~ 533
~~date of this amendment~~ April 6, 2017, or makes the election 534
described in section 145.334 of the Revised Code. 535

"PERS public safety officer" also includes a person 536
serving as a municipal public safety director at any time during 537
the period from September 29, 2005, to March 24, 2009, if the 538
duties of that service were other than to preserve the peace, 539
protect life and property, and enforce the laws of this state. 540

(BBB) "Fiduciary" means a person who does any of the 541
following: 542

(1) Exercises any discretionary authority or control with 543
respect to the management of the system or with respect to the 544
management or disposition of its assets; 545

(2) Renders investment advice for a fee, direct or 546
indirect, with respect to money or property of the system; 547

(3) Has any discretionary authority or responsibility in 548
the administration of the system. 549

(CCC) "Actuary" means an individual who satisfies all of 550
the following requirements: 551

(1) Is a member of the American academy of actuaries; 552

(2) Is an associate or fellow of the society of actuaries; 553

(3) Has a minimum of five years' experience in providing 554
actuarial services to public retirement plans. 555

(DDD) "PERS defined benefit plan" means the plan described 556
in sections 145.201 to 145.79 of the Revised Code. 557

(EEE) "PERS defined contribution plans" means the plan or 558
plans established under section 145.81 of the Revised Code. 559

Sec. 145.016. Contributing service shall be allowed in 560
accordance with the following: 561

(A) For service not later than December 31, 2013, credit 562
for any contributing service shall be allowed as follows: 563

(1) For each month for which the member's earnable salary 564
is two hundred fifty dollars or more, allow one month's credit; 565

(2) For each month for which the member's earnable salary 566
is less than two hundred fifty dollars, allow a fraction of a 567
month's credit with a numerator of the earnable salary during 568
the month and a denominator of two hundred fifty dollars, except 569

that if the member's annual earnable salary is less than six 570
hundred dollars, the member's credit shall not be reduced below 571
twenty per cent of a year for a calendar year of employment 572
during which the member worked each month. 573

Division (A) (2) of this section shall not reduce any 574
credit earned before January 1, 1985. 575

(B) For service on or after January 1, 2014, credit for 576
any contributing service shall be allowed in accordance with the 577
following: 578

(1) For each month in which the member's earnable salary 579
equals or exceeds the amount specified in division (B) (1) (a) or 580
(b) of this section, as appropriate, allow one month's credit: 581

(a) For service on or after January 1, 2014, but not later 582
than December 31, 2014, six hundred dollars; 583

(b) For each calendar year thereafter, the sum of the 584
following: 585

(i) The prior year's amount; 586

(ii) The prior year's amount multiplied by the average 587
percentage increase, if any, made to compensation under section 588
505.24 of the Revised Code, if that increase became effective in 589
the prior year. 590

(2) For each month that the member's earnable salary is 591
less than the appropriate amount specified in division (B) (1) of 592
this section, allow a fraction of a month's credit with a 593
numerator of the earnable salary during the month and a 594
denominator of the amount specified in division (B) (1) (a) or (b) 595
of this section, as appropriate. 596

Division (B) of this section shall not reduce any credit 597

earned before January 1, 2014.

(C) (1) Except as provided in division (C) (2) of this
section, for the purpose of satisfying the service credit
requirement and determining eligibility for benefits under
sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and
145.361 of the Revised Code, "five or more years of total
service credit" means five or more years of contributing service
for which credit is allowed under division (A) or (B) of this
section.

(2) (a) A member who, as of the effective date of this
amendment, has sixty or more calendar months of contributions
and has attained sixty years of age shall be considered to have
five or more years of total service credit for the purpose of
satisfying the service credit requirement and determining
eligibility for benefits under sections 145.32, 145.33, 145.331,
145.332, 145.35, 145.36, and 145.361 of the Revised Code.

(b) A member who, as of the effective date of this
amendment, has sixty or more calendar months of contributions
and is receiving a benefit under section 145.35, 145.36, or
145.361 of the Revised Code shall be considered to have five or
more years of total service credit for the purpose of satisfying
the service credit requirement and determining eligibility for
benefits under section 145.32, 145.33, 145.331, or 145.332 of
the Revised Code.

(D) Notwithstanding any other provision of this section,
an elected official who prior to January 1, 1980, was granted a
full year of credit for each year of service as an elected
official shall be considered to have earned a full year of
credit for each year of service regardless of whether the
service was full-time or part-time. The public employees

retirement board has no authority to reduce the credit. 628

Sec. 145.018. Notwithstanding section 145.016 of the 629
Revised Code, the public employees retirement board shall grant 630
a full year of service credit to a member of the retirement 631
system if all of the following conditions are met: 632

(A) The member is employed by a county board of 633
developmental disabilities. 634

(B) The member's employment is in a position that would be 635
covered by Chapter 3309. of the Revised Code if the member was 636
employed by a public employer as defined in section 3309.01 of 637
the Revised Code. 638

(C) The member performs full-time services in the position 639
for at least nine months of the year and is paid earnable salary 640
in each month of that year. 641

Sec. 145.33. (A) (1) Except as provided in section 145.332 642
of the Revised Code, when a member retires on age and service 643
retirement, the member's total annual single lifetime allowance 644
shall be an amount adjusted in accordance with division (A) (2) 645
or (B) of this section and determined by multiplying the 646
member's total service credit by the following: 647

(a) If the member is eligible for age and service 648
retirement under division (A) or (B) of section 145.32 of the 649
Revised Code, two and two-tenths per cent of the member's final 650
average salary for each of the first thirty years of service 651
plus two and one-half per cent of the member's final average 652
salary for each subsequent year of service; 653

(b) If the member is eligible for age and service 654
retirement under division (C) of section 145.32 of the Revised 655
Code, two and two-tenths per cent of the member's final average 656

salary for each of the first thirty-five years of service plus 657
two and one-half per cent of the member's final average salary 658
for each subsequent year of service. 659

(2) (a) For a member eligible to retire under division (A) 660
of section 145.32 of the Revised Code, the member's allowance 661
under division (A) (1) of this section shall be adjusted by the 662
factors of attained age or years of service to provide the 663
greater amount as determined by the following schedule: 664

		Years of	Percentage	
Attained	or	Total Service	of	
Birthday		Credit	Base Amount	
58		25	75	668
59		26	80	669
60		27	85	670
61			88	671
		28	90	672
62			91	673
63			94	674
		29	95	675
64			97	676
65		30 or more	100	677

(b) For a member eligible to retire under division (B) or 678
(C) of section 145.32 of the Revised Code, the member's 679
allowance under division (A) (1) of this section shall be reduced 680
by a percentage determined by the board's actuary based on the 681
number of years the commencement of the allowance precedes the 682
member's eligibility for an unreduced allowance. 683

(c) The actuary may use an actuarially based average 684
percentage reduction for purposes of division (A) (2) (b) of this 685
section. 686

(3) For a member eligible to retire under division (A) or 687
(B) of section 145.32 of the Revised Code, the right to a 688
benefit shall vest in accordance with the following schedule, 689
based on the member's attained age by September 1, 1976: 690

Percentage		691
Attained	of	692
Birthday	Base Amount	693
66	102	694
67	104	695
68	106	696
69	108	697
70 or more	110	698

(B) The total annual single lifetime allowance that a 699
member shall receive under this section shall not exceed the 700
lesser of the following: 701

(1) Any limit established under section 145.333 of the 702
Revised Code; 703

(2) One hundred per cent of the member's final average 704
salary; 705

(3) The limit established by section 415 of the "Internal 706
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 707
amended. 708

(C) Retirement allowances determined under this section 709
shall be paid as provided in section 145.46 of the Revised Code. 710

If the monthly amount of a member's annual single lifetime 711
allowance that is first payable on or after the effective date 712
of this amendment under division (A) of this section would be 713
less than fifty dollars, instead of a monthly payment the 714

retirement system shall pay the greater of the following in a 715
single payment: 716

(1) An amount determined under section 145.40 of the 717
Revised Code as a refund of accumulated contributions; 718

(2) An amount equal to the actuarial present value of the 719
allowance as determined by the retirement system. 720

Sec. 145.332. Eligibility of members of the public 721
employees retirement system, other than those subject to section 722
145.32 of the Revised Code, for age and service retirement shall 723
be determined under this section. 724

(A) A member of the public employees retirement system is 725
eligible for age and service retirement under this division if, 726
not later than five years after January 7, 2013, the member 727
meets one of the following requirements: 728

(1) Has attained age forty-eight and has at least twenty- 729
five years of total service credit as a PERS law enforcement 730
officer; 731

(2) Has attained age fifty-two and has at least twenty- 732
five years of total service credit as a PERS public safety 733
officer or has service as a PERS public safety officer and 734
service as a PERS law enforcement officer that when combined 735
equal at least twenty-five years of total service credit; 736

(3) Has attained age sixty-two and has at least fifteen 737
years of total service credit as a PERS law enforcement officer 738
or PERS public safety officer. 739

(B) (1) A member who would be eligible to retire not later 740
than ten years after January 7, 2013, if the requirements of 741
section 145.33 of the Revised Code as they existed immediately 742

prior to January 7, 2013, were still in effect is eligible to 743
retire under this division if the member meets one of the 744
following requirements: 745

(a) Has attained age fifty and has at least twenty-five 746
years of total service credit as a PERS law enforcement officer; 747

(b) Has attained age fifty-four and has at least twenty- 748
five years of total service credit as a PERS public safety 749
officer or has service as a PERS public safety officer and 750
service as a PERS law enforcement officer that when combined 751
equal at least twenty-five years of total service credit; 752

(c) Has attained age sixty-four and has at least fifteen 753
years of total service credit as a PERS law enforcement officer 754
or PERS public safety officer. 755

(2) A member who on January 7, 2013, has twenty or more 756
years of total service credit is eligible for age and service 757
retirement under this division on meeting one of the 758
requirements of division (B) (1) of this section, regardless of 759
when the member meets the requirement unless, between January 7, 760
2013, and the date the member meets the requirement, the member 761
receives a refund of accumulated contributions under section 762
145.40 of the Revised Code. 763

(C) A member who is not eligible for age and service 764
retirement under division (A) or (B) of this section is eligible 765
under this division if the member meets one of the following 766
requirements: 767

(1) Has attained age fifty-two and has at least twenty- 768
five years of total service credit as a PERS law enforcement 769
officer; 770

(2) Has attained age fifty-six and has at least twenty- 771

five years of total service credit as a PERS public safety 772
officer or has service as a PERS public safety officer and 773
service as a PERS law enforcement officer that when combined 774
equal at least twenty-five years of total service credit; 775

(3) Has attained age sixty-four and has at least fifteen 776
years of total service credit as a PERS law enforcement officer 777
or PERS public safety officer. 778

(D) Service credit purchased or obtained under this 779
chapter shall be used in determining whether a member has the 780
number of years of total service credit required under division 781
(A) or (B) of this section only if the member was a member on 782
January 7, 2013, or obtains credit under section 145.483 of the 783
Revised Code that would have made the member a member on that 784
date and one of the following applies: 785

(1) Except in the case of service credit that has been or 786
will be purchased or obtained under section 145.295 or 145.37 of 787
the Revised Code or is for service covered by the Cincinnati 788
retirement system: 789

(a) For division (A) of this section, the service credit 790
purchase is completed or the service credit is obtained not 791
later than five years after January 7, 2013; 792

(b) For division (B) of this section, the service credit 793
purchase is completed or the service credit is obtained not 794
later than ten years after January 7, 2013. 795

(2) In the case of service credit that has been or will be 796
purchased or obtained under section 145.295 or 145.37 of the 797
Revised Code or is for service covered by the Cincinnati 798
retirement system: 799

(a) For division (A) of this section, the service for 800

which the credit has been or will be purchased or obtained 801
occurs not later than five years after January 7, 2013; 802

(b) For division (B) of this section, the service for 803
which the credit has been or will be purchased or obtained 804
occurs not later than ten years after January 7, 2013. 805

(E) (1) A member with at least twenty-five years of total 806
service credit who would be eligible to retire under division 807
(B) (1) (a) of this section had the member attained age fifty and 808
who voluntarily resigns or is discharged for any reason except 809
death, dishonesty, cowardice, intemperate habits, or conviction 810
of a felony, on or after attaining age forty-eight, but before 811
attaining age fifty, may elect to receive a reduced benefit. The 812
benefit shall be the actuarial equivalent of the allowance 813
calculated under division (F) of this section adjusted for age. 814

(2) A member with at least twenty-five years of total 815
service credit who would be eligible to retire under division 816
(C) (1) of this section had the member attained age fifty-two and 817
who voluntarily resigns or is discharged for any reason except 818
death, dishonesty, cowardice, intemperate habits, or conviction 819
of a felony, on or after attaining age forty-eight, but before 820
attaining age fifty-two, may elect to receive a reduced benefit. 821
The benefit shall be the actuarial equivalent of the allowance 822
calculated under division (F) of this section adjusted for age. 823

(3) A member with at least twenty-five years of total 824
service credit who would be eligible to retire under division 825
(A) (2) of this section had the member attained age fifty-two and 826
who voluntarily resigns or is discharged for any reason except 827
death, dishonesty, cowardice, intemperate habits, or conviction 828
of a felony, on or after attaining age forty-eight, but before 829
attaining age fifty-two, may elect to receive a reduced benefit. 830

(a) If eligibility to make the election under division (E) 831
(3) of this section occurs not later than five years after 832
January 7, 2013, the benefit shall be calculated in accordance 833
with the following schedule: 834

Attained Age	Reduced Benefit	
48	75% of the benefit payable under	836
	division (F) of this section	837
49	80% of the benefit payable under	838
	division (F) of this section	839
50	86% of the benefit payable under	840
	division (F) of this section	841
51	93% of the benefit payable under	842
	division (F) of this section	843

(b) If eligibility to make the election occurs after the 844
date determined under division (E) (3) (a) of this section, the 845
benefit shall be the actuarial equivalent of the allowance 846
calculated under division (F) of this section adjusted for age. 847

(4) A member with at least twenty-five years of total 848
service credit who would be eligible to retire under division 849
(B) (1) (b) of this section had the member attained age fifty-four 850
and who voluntarily resigns or is discharged for any reason 851
except death, dishonesty, cowardice, intemperate habits, or 852
conviction of a felony, on or after attaining age forty-eight, 853
but before attaining age fifty-four, may elect to receive a 854
reduced benefit. The benefit shall be the actuarial equivalent 855
of the allowance calculated under division (F) of this section 856
adjusted for age. 857

(5) A member with at least twenty-five years of total 858

service credit who would be eligible to retire under division 859
(C) (2) of this section had the member attained age fifty-six and 860
who voluntarily resigns or is discharged for any reason except 861
death, dishonesty, cowardice, intemperate habits, or conviction 862
of a felony, on or after attaining age fifty-two, but before 863
attaining age fifty-six, may elect to receive a reduced benefit. 864
The benefit shall be the actuarial equivalent of the allowance 865
calculated under division (F) of this section adjusted for age. 866

(6) If a member elects to receive a reduced benefit under 867
division (E) (1), (2), (3), (4), or (5) of this section, the 868
reduced benefit shall be based on the member's age on the 869
member's most recent birthday. Once a member elects to receive a 870
reduced benefit and has received a payment, the member may not 871
change that election. 872

(F) A benefit paid under division (A), (B), or (C) of this 873
section shall consist of an annual single lifetime allowance 874
equal to the sum of two and one-half per cent of the member's 875
final average salary multiplied by the first twenty-five years 876
of the member's total service credit plus two and one-tenth per 877
cent of the member's final average salary multiplied by the 878
number of years of the member's total service credit in excess 879
of twenty-five years. 880

(G) A member with at least fifteen years of total service 881
credit as a PERS law enforcement officer or PERS public safety 882
officer who voluntarily resigns or is discharged for any reason 883
except death, dishonesty, cowardice, intemperate habits, or 884
conviction of a felony may apply for an age and service 885
retirement benefit, which shall consist of an annual single 886
lifetime allowance equal to one and one-half per cent of the 887
member's final average salary multiplied by the number of years 888

of the member's total service credit. 889

(1) If the member will attain age fifty-two not later than 890
ten years after January 7, 2013, the retirement allowance shall 891
commence on the first day of the calendar month following the 892
month in which application is filed with the board on or after 893
the member's attainment of age fifty-two. 894

(2) If the member will not attain age fifty-two on or 895
before the date determined under division (G) (1) of this 896
section, the retirement allowance shall commence on the first 897
day of the calendar month following the month in which 898
application is filed with the board on or after the member's 899
attainment of age fifty-six. 900

(H) A benefit paid under this section shall not exceed the 901
lesser of ninety per cent of the member's final average salary 902
or the limit established by section 415 of the "Internal Revenue 903
Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 904

(I) A member with service credit as a PERS law enforcement 905
officer or PERS public safety officer and other service credit 906
under this chapter may elect one of the following: 907

(1) To have all the member's service credit under this 908
chapter, including credit for service as a PERS law enforcement 909
officer or PERS public safety officer, used in calculating a 910
retirement allowance under section 145.33 of the Revised Code if 911
the member qualifies for an allowance under that section; 912

(2) If the member qualifies for an allowance under 913
division (A) (1), (B) (1), (C) (1), or (E) (1) or (2) of this 914
section, to receive all of the following: 915

(a) A benefit under division (A) (1), (B) (1), (C) (1), or 916
(E) (1) or (2) of this section for the member's service credit as 917

a PERS law enforcement officer; 918

(b) A single life annuity having a reserve equal to the 919
amount of the member's accumulated contributions for all service 920
other than PERS law enforcement service; 921

(c) A pension equal to the annuity provided under division 922
(I) (2) (b) of this section, excluding amounts of the member's 923
accumulated contributions deposited under former division (Y) of 924
section 145.01 or former sections 145.02, 145.29, 145.292, and 925
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 926
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 927
Revised Code for the purchase of service credit. 928

(3) If the member qualifies for an allowance under 929
division (A) (2), (B) (2), (C) (2), or (E) (3), (4), or (5) of this 930
section, to receive all of the following: 931

(a) A benefit under division (A) (2), (B) (2), (C) (2), or 932
(E) (3), (4), or (5) of this section for the member's service 933
credit as a PERS law enforcement officer or PERS public safety 934
officer; 935

(b) A single life annuity having a reserve equal to the 936
amount of the member's accumulated contributions for all service 937
other than PERS law enforcement service or PERS public safety 938
officer service; 939

(c) A pension equal to the annuity provided under division 940
(I) (3) (b) of this section, excluding amounts of the member's 941
accumulated contributions deposited under former division (Y) of 942
section 145.01 or former sections 145.02, 145.29, 145.292, and 943
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 944
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 945
Revised Code for the purchase of service credit. 946

(J) For the purposes of this section, "total service credit" includes credit for military service to the extent permitted by division (K) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by division (L) of this section.

(K) Notwithstanding sections 145.01 and 145.30 of the Revised Code, not more than four years of military service credit granted or purchased under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a PERS law enforcement officer or PERS public safety officer or the total service credit of that person.

(L) (1) Only credit for the member's service as a PERS law enforcement officer, PERS public safety officer, or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under this section for the following:

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(e) Any person who originally is employed as an undercover

drug agent as defined in section 109.79 of the Revised Code, 976
department of public safety enforcement agent who prior to June 977
30, 1999, was a liquor control investigator, forest-fire 978
investigator, natural resources officer, wildlife officer, park 979
district police officer, conservancy district officer, veterans' 980
home police officer, special police officer for a mental health 981
institution, special police officer for an institution for 982
persons with developmental disabilities, or municipal police 983
officer on or after December 15, 1988; 984

(f) Any person who originally is employed as a state 985
university law enforcement officer on or after November 6, 1996; 986

(g) Any person who is originally employed as a state 987
university law enforcement officer by the university of Akron on 988
or after September 16, 1998; 989

(h) Any person who originally is employed as a preserve 990
officer on or after March 18, 1999; 991

(i) Any person who originally is employed as a natural 992
resources law enforcement staff officer on or after March 18, 993
1999; 994

(j) Any person who is originally employed as a department 995
of public safety enforcement agent on or after June 30, 1999; 996

(k) Any person who is originally employed as a house 997
sergeant at arms or assistant house sergeant at arms on or after 998
September 5, 2001; 999

(l) Any person who is originally appointed as a regional 1000
transit authority police officer or state highway patrol police 1001
officer on or after February 1, 2002; 1002

(m) Any person who is originally employed as a municipal 1003

public safety director on or after September 29, 2005, but not 1004
later than March 24, 2009. 1005

(2) Only credit for a member's service as a PERS public 1006
safety officer or service credit obtained as a PERS law 1007
enforcement officer, police officer, or state highway patrol 1008
trooper shall be used in computing the benefit of a member who 1009
qualifies for a benefit under division (B) (1) (b) or (c), (B) (2), 1010
(C) (1) (b) or (c), or (C) (2) of this section for any person who 1011
originally is employed as a Hamilton county municipal court 1012
bailiff on or after November 6, 1996. 1013

(M) For purposes of this section, service prior to June 1014
30, 1999, as a food stamp trafficking agent under former section 1015
5502.14 of the Revised Code shall be considered service as a law 1016
enforcement officer. 1017

(N) (1) Retirement allowances determined under this section 1018
shall be paid as provided in section 145.46 of the Revised Code. 1019

(2) If the monthly amount of a member's annual single 1020
lifetime allowance that is first payable on or after the 1021
effective date of this amendment under division (F) or (G) of 1022
this section would be less than fifty dollars, instead of a 1023
monthly payment, the retirement system shall pay the greater of 1024
the following in a single payment: 1025

(a) An amount determined under section 145.40 of the 1026
Revised Code as a refund of accumulated contributions; 1027

(b) An amount equal to the actuarial present value of the 1028
allowance as determined by the retirement system. 1029

(3) If the monthly amount of a member's single life 1030
annuity that is first payable on or after the effective date of 1031
this amendment under division (I) (2) or (3) of this section for 1032

service other than PERS law enforcement service or PERS public 1033
safety service would be less than fifty dollars, instead of a 1034
monthly payment, the retirement system shall pay an amount 1035
determined under section 145.40 of the Revised Code as a refund 1036
of accumulated contributions. 1037

(O) A member seeking to retire under this section shall 1038
file an application with the public employees retirement board. 1039

Service retirement shall be effective as provided in 1040
division (E) of section 145.32 of the Revised Code. 1041

(P) If fewer than one per cent of the retirement system's 1042
members are contributing as public safety officers, the board, 1043
pursuant to a rule it adopts, may treat service as a public 1044
safety officer as service as a law enforcement officer. 1045

Sec. 145.362. A disability benefit recipient whose 1046
application for a disability benefit was received by the public 1047
employees retirement system before January 7, 2013, shall, 1048
regardless of when the disability occurred, retain membership 1049
status and shall be considered on leave of absence from 1050
employment during the first five years following the effective 1051
date of a disability benefit, notwithstanding any contrary 1052
provisions in this chapter. 1053

A disability benefit recipient whose application for a 1054
disability benefit is received by the system on or after January 1055
7, 2013, shall, regardless of when the disability occurred, 1056
retain membership status and shall be considered on leave of 1057
absence from employment during the first three years following 1058
the effective date of a disability benefit, except that, if the 1059
member is receiving rehabilitative services acceptable to the 1060
board's examining physician, the board may permit the recipient 1061

to retain membership status and be considered on leave of 1062
absence from employment for up to five years following the 1063
effective date of a disability benefit. 1064

The public employees retirement board shall require any 1065
disability benefit recipient to undergo a periodic medical 1066
examination, as determined by the board's medical consultant or 1067
as specified in rules adopted by the board. The board may waive 1068
the medical examination if the board's medical consultant 1069
certifies that the recipient's disability is ongoing or for any 1070
other reason specified in rules adopted by the board. If any 1071
disability benefit recipient refuses to submit to a medical 1072
examination, the recipient's disability benefit shall be 1073
suspended until withdrawal of the refusal. Should the refusal 1074
continue for one year, all the recipient's rights in and to the 1075
disability benefit shall be terminated as of the effective date 1076
of the original suspension. 1077

On completion of the examination by the board's examining 1078
physician, the physician shall report to the board's medical 1079
consultant and certify whether the disability benefit recipient 1080
meets the applicable standard for termination of a disability 1081
benefit. If the examining physician certifies that the recipient 1082
meets the applicable standard for termination of a disability 1083
benefit and the medical consultant concurs, the medical 1084
consultant shall certify to the board that the recipient meets 1085
the applicable standard for termination. 1086

(A) Regardless of when the disability occurred, if the 1087
recipient's application for a disability benefit was received by 1088
the system before January 7, 2013, or, if on or after that date, 1089
the recipient has been receiving the benefit for less than three 1090
years or is receiving rehabilitative services acceptable to the 1091

board's examining physician and considered on leave of absence, 1092
or, if, at the time contributing service terminated, the 1093
recipient was a PERS law enforcement officer, the standard for 1094
termination is that the recipient is no longer physically and 1095
mentally incapable of resuming the service from which the 1096
recipient was found disabled. 1097

(B) Regardless of when the disability occurred, if the 1098
recipient's application for a disability benefit is received by 1099
the system on or after January 7, 2013, the recipient has been 1100
receiving the benefit for three years or longer, the recipient 1101
was not a PERS law enforcement officer at the time contributing 1102
service terminated, and the recipient is not receiving 1103
rehabilitative services acceptable to the board's examining 1104
physician, the standard for termination is that the recipient is 1105
not physically or mentally incapable of performing the duties of 1106
any position that meets all of the following criteria: 1107

(1) Replaces not less than seventy-five per cent of the 1108
member's final average salary, adjusted each year by the actual 1109
average increase in the consumer price index prepared by the 1110
United States bureau of labor statistics (U.S. city average for 1111
urban wage earners and clerical workers: "all items 1982- 1112
1984=100"); 1113

(2) Is reasonably to be found in the member's regional job 1114
market; 1115

(3) Is one that the member is qualified for by experience 1116
or education. 1117

If the board concurs in the report that the disability 1118
benefit recipient meets the applicable standard for termination 1119
of a disability benefit, the payment of the disability benefit 1120

shall be terminated not later than three months after the date 1121
of the board's concurrence or upon employment as a public 1122
employee. If the leave of absence has not expired, the 1123
retirement board shall certify to the disability benefit 1124
recipient's last employer before being found disabled that the 1125
recipient is no longer physically and mentally incapable of 1126
resuming service that is the same or similar to that from which 1127
the recipient was found disabled. The employer shall restore the 1128
recipient to the recipient's previous position and salary or to 1129
a position and salary similar thereto, unless the recipient was 1130
dismissed or resigned in lieu of dismissal for dishonesty, 1131
misfeasance, malfeasance, or conviction of a felony. 1132

Each disability benefit recipient shall file with the 1133
board an annual statement of earnings, current medical 1134
information on the recipient's condition, and any other 1135
information required in rules adopted by the board. The board 1136
may waive the requirement that a disability benefit recipient 1137
file an annual statement of earnings or current medical 1138
information if the board's medical consultant certifies that the 1139
recipient's disability is ongoing or for any other reason 1140
specified in rules adopted by the board. 1141

The board shall annually examine the information submitted 1142
by the recipient. If a disability benefit recipient fails to 1143
file the statement or information, the disability benefit shall 1144
be suspended until the statement and information are filed. If 1145
the failure continues for one year, the recipient's right to the 1146
disability benefit shall be terminated as of the effective date 1147
of the original suspension. 1148

If a disability benefit recipient is restored to service 1149
by, or elected to an elective office with, an employer covered 1150

by this chapter, the recipient's disability benefit shall cease. 1151

The board may terminate a disability benefit at the 1152
request of the recipient if the board's medical consultant 1153
determines that the recipient is no longer disabled. 1154

If disability retirement under section 145.36 of the 1155
Revised Code is terminated for any reason, the annuity and 1156
pension reserves at that time in the annuity and pension reserve 1157
fund shall be transferred to the employees' savings fund and the 1158
employers' accumulation fund, respectively. If the total 1159
disability benefit paid is less than the amount of the 1160
accumulated contributions of the member transferred to the 1161
annuity and pension reserve fund at the time of the member's 1162
disability retirement, the difference shall be transferred from 1163
the annuity and pension reserve fund to another fund as may be 1164
required. In determining the amount of a member's account 1165
following the termination of disability retirement for any 1166
reason, the total amount paid shall be charged against the 1167
member's refundable account. 1168

If a disability allowance paid under section 145.361 of 1169
the Revised Code is terminated for any reason, the reserve on 1170
the allowance at that time in the annuity and pension reserve 1171
fund shall be transferred from that fund to the employers' 1172
accumulation fund. 1173

If a former disability benefit recipient again becomes a 1174
contributor, other than as an other system retirant under 1175
section 145.38 of the Revised Code, to this system, the state 1176
teachers retirement system, or the school employees retirement 1177
system, and completes an additional two years of service credit, 1178
the former disability benefit recipient shall be entitled to 1179
full service credit, not exceeding five years' service credit, 1180

for the period as a disability benefit recipient, except that if 1181
the board adopts a rule requiring payment for the service credit 1182
it shall be granted only if the former disability benefit 1183
recipient pays an amount determined under the rule. The rule 1184
shall not require payment of more than the additional liability 1185
to the retirement system resulting from granting the credit. The 1186
former recipient may choose to purchase only part of the credit 1187
in any one payment. 1188

If any employer employs any member who is receiving a 1189
disability benefit, the employer shall file notice of employment 1190
with the retirement board, designating the date of employment. 1191
In case the notice is not filed, the total amount of the benefit 1192
paid during the period of employment prior to notice shall be 1193
charged to and paid by the employer. 1194

Sec. 145.384. (A) As used in this section, "PERS retirant" 1195
means a PERS retirant who is not subject to division (C) of 1196
section 145.38 of the Revised Code. For purposes of this 1197
section, "PERS retirant" also includes both of the following: 1198

(1) A member who retired under section 145.383 of the 1199
Revised Code; 1200

(2) A retirant whose retirement allowance resumed under 1201
section 145.385 of the Revised Code. 1202

(B) (1) An other system retirant or PERS retirant who has 1203
made contributions under section 145.38 or 145.383 of the 1204
Revised Code or, in the case of a retirant described in division 1205
(A) (2) of this section, section 145.47 of the Revised Code may 1206
file an application with the public employees retirement system 1207
to receive either a benefit, as provided in division (B) (2) of 1208
this section, or payment of the retirant's contributions made 1209

under those sections, as provided in division (H) of this 1210
section. 1211

(2) A benefit under this section shall consist of an 1212
annuity having a reserve equal to the amount of the retirant's 1213
accumulated contributions for the period of employment, other 1214
than the contributions excluded pursuant to division (B) (4) (a) 1215
or (b) of section 145.38 of the Revised Code, and an amount of 1216
the employer's contributions determined by the board. 1217

(a) Unless, as described in division (I) of this section, 1218
the application is accompanied by a statement of the spouse's 1219
consent to another form of payment or the board waives the 1220
requirement of spousal consent, a PERS retirant or other system 1221
retirant who is married at the time of application for a benefit 1222
under this section shall receive a monthly annuity under which 1223
the actuarial equivalent of the retirant's single life annuity 1224
is paid in a lesser amount for life and one-half of the lesser 1225
amount continues after the retirant's death to the surviving 1226
spouse. 1227

(b) A PERS retirant or other system retirant who is not 1228
subject to division (B) (2) (a) of this section shall elect either 1229
to receive the benefit as a monthly annuity or a lump sum 1230
payment discounted to the present value using a rate of interest 1231
determined by the board. A retirant who elects to receive a 1232
monthly annuity shall select one of the following as the plan of 1233
payment: 1234

(i) The retirant's single life annuity; 1235

(ii) The actuarial equivalent of the retirant's single 1236
life annuity in an equal or lesser amount for life and 1237
continuing after death to a surviving beneficiary designated at 1238

the time the plan of payment is selected. 1239

If a retirant who is eligible to select a plan of payment 1240
under division (B) (2) (b) of this section fails to do so, the 1241
benefit shall be paid as a monthly annuity under the plan of 1242
payment specified in rules adopted by the public employees 1243
retirement board. 1244

(c) Notwithstanding divisions (B) (2) (a) and (b) of this 1245
section, if a monthly annuity would be less than ~~twenty-five~~ 1246
fifty dollars per month, the retirant shall receive a lump sum 1247
payment. 1248

(C) (1) The death of a spouse or other designated 1249
beneficiary under a plan of payment described in division (B) (2) 1250
of this section cancels that plan of payment. The PERS retirant 1251
or other system retirant shall receive the equivalent of the 1252
retirant's single life annuity, as determined by the board, 1253
effective the first day of the month following the date of 1254
death. 1255

(2) On divorce, annulment, or marriage dissolution, a PERS 1256
retirant or other system retirant receiving a benefit described 1257
in division (B) (2) of this section under which the beneficiary 1258
is the spouse may, with the written consent of the spouse or 1259
pursuant to an order of the court with jurisdiction over the 1260
termination of the marriage, elect to cancel the plan and 1261
receive the equivalent of the retirant's single life annuity as 1262
determined by the board. The election shall be made on a form 1263
provided by the board and shall be effective the month following 1264
its receipt by the board. 1265

(D) Following a marriage or remarriage, a PERS retirant or 1266
other system retirant who is receiving a benefit described in 1267

division (B) (2) (b) (i) of this section may elect a new plan of 1268
payment under division (B) (2) (b) of this section based on the 1269
actuarial equivalent of the retirant's single life annuity as 1270
determined by the board. 1271

If the marriage or remarriage occurs on or after June 6, 1272
2005, the election must be made not later than one year after 1273
the date of the marriage or remarriage. 1274

The plan elected under this division shall be effective on 1275
the date of receipt by the board of an application on a form 1276
approved by the board, but any change in the amount of the 1277
benefit shall commence on the first day of the month following 1278
the effective date of the plan. 1279

(E) A benefit payable under division (B) (2) of this 1280
section shall commence on the latest of the following: 1281

(1) The last day for which compensation for all employment 1282
subject to section 145.38, 145.383, or 145.385 of the Revised 1283
Code was paid; 1284

(2) Attainment by the PERS retirant or other system 1285
retirant of age sixty-five; 1286

(3) If the PERS retirant or other system retirant was 1287
previously employed under section 145.38, 145.383, or 145.385 of 1288
the Revised Code and is receiving or previously received a 1289
benefit under this section, completion of a period of twelve 1290
months since the effective date of the last benefit under this 1291
section; 1292

(4) Ninety days prior to receipt by the board of the 1293
member's completed application for retirement; 1294

(5) A date specified by the retirant. 1295

(F) (1) If a PERS retirant or other system retirant dies 1296
while employed in employment subject to section 145.38, 145.383, 1297
or 145.385 of the Revised Code, a lump sum payment shall be paid 1298
to the retirant's beneficiary under division (G) of this 1299
section. The lump sum shall be calculated in accordance with 1300
division (H) of this section if the retirant was under age 1301
sixty-five at the time of death. It shall be calculated in 1302
accordance with division (B) (2) of this section if the retirant 1303
was age sixty-five or older at the time of death. 1304

(2) If at the time of death a PERS retirant or other 1305
system retirant receiving a monthly annuity under division (B) 1306
(2) (b) (i) of this section has received less than the retirant 1307
would have received as a lump sum payment, the difference 1308
between the amount received and the amount that would have been 1309
received as a lump sum payment shall be paid to the retirant's 1310
beneficiary under division (G) of this section. 1311

(3) If a beneficiary receiving a monthly annuity under 1312
division (B) (2) of this section dies and, at the time of the 1313
beneficiary's death, the total of the amounts paid to the 1314
retirant and beneficiary are less than the amount the retirant 1315
would have received as a lump sum payment, the difference 1316
between the total of the amounts received by the retirant and 1317
beneficiary and the amount that the retirant would have received 1318
as a lump sum payment shall be paid to the beneficiary's estate. 1319

(G) A PERS retirant or other system retirant employed 1320
under section 145.38, 145.383, or 145.385 of the Revised Code 1321
may designate one or more persons as beneficiary to receive any 1322
benefits payable under division (B) (2) (b) of this section due to 1323
death. The designation shall be in writing duly executed on a 1324
form provided by the public employees retirement board, signed 1325

by the PERS retirant or other system retirant, and filed with 1326
the board prior to death. The last designation of a beneficiary 1327
revokes all previous designations. The PERS retirant's or other 1328
system retirant's marriage, divorce, marriage dissolution, legal 1329
separation, withdrawal of account, birth of a child, or adoption 1330
of a child revokes all previous designations. If there is no 1331
designated beneficiary or the beneficiary is not located within 1332
ninety days, the beneficiary shall be determined in the 1333
following order of precedence: 1334

- (1) Surviving spouse; 1335
- (2) Children, share and share alike; 1336
- (3) Parents, share and share alike; 1337
- (4) Estate. 1338

If any benefit payable under this section due to the death 1339
of a PERS retirant or other system retirant is not claimed by a 1340
beneficiary within five years after the death, the amount 1341
payable shall be transferred to the income fund and thereafter 1342
paid to the beneficiary or the estate of the PERS retirant or 1343
other system retirant on application to the board. 1344

(H) (1) A PERS retirant or other system retirant who 1345
applies under division (B) (1) of this section for payment of the 1346
retirant's contributions and is unmarried or is married and, 1347
unless the board has waived the requirement of spousal consent, 1348
includes with the application a statement of the spouse's 1349
consent to the payment, shall be paid the contributions made 1350
under section 145.38 or 145.383 of the Revised Code or, in the 1351
case of a retirant described in division (A) (2) of this section, 1352
section 145.47 of the Revised Code, plus interest as provided in 1353
section 145.471 of the Revised Code, if the following conditions 1354

are met: 1355

(a) The retirant has not attained sixty-five years of age 1356
and has terminated employment subject to section 145.38, 1357
145.383, or 145.385 of the Revised Code for any cause other than 1358
death or the receipt of a benefit under this section. 1359

(b) Two months have elapsed since the termination of the 1360
retirant's employment subject to section 145.38, 145.383, or 1361
145.385 of the Revised Code, other than employment exempted from 1362
contribution pursuant to section 145.03 of the Revised Code. 1363

(c) The retirant has not returned to public service, other 1364
than service exempted from contribution pursuant to section 1365
145.03 of the Revised Code, during the two-month period. 1366

(2) Payment of a retirant's contributions cancels the 1367
retirant's right to a benefit under division (B) (2) of this 1368
section. 1369

(I) A statement of a spouse's consent under division (B) 1370
(2) of this section to the form of a benefit or under division 1371
(H) of this section to a payment of contributions is valid only 1372
if signed by the spouse and witnessed by a notary public. The 1373
board may waive the requirement of spousal consent if the spouse 1374
is incapacitated or cannot be located, or for any other reason 1375
specified by the board. Consent or waiver is effective only with 1376
regard to the spouse who is the subject of the consent or 1377
waiver. 1378

(J) No amount received under this section shall be 1379
included in determining an additional benefit under section 1380
145.323 of the Revised Code or any other post-retirement benefit 1381
increase. 1382

Sec. 145.45. Except as provided in division (C) (1) of this 1383

section, in lieu of accepting the payment of the accumulated 1384
account of a member who dies before service retirement, a 1385
beneficiary, as determined in this section or section 145.43 of 1386
the Revised Code, may elect to forfeit the accumulated 1387
contributions and to substitute certain other benefits under 1388
division (A) or (B) of this section. 1389

(A) (1) ~~If Except as provided in division (A) (3) of this~~ 1390
~~section, if~~ a deceased member was eligible for a service 1391
retirement benefit as provided in section 145.33, 145.331, or 1392
145.332 of the Revised Code, a surviving spouse or other sole 1393
dependent beneficiary may elect to receive a monthly benefit 1394
computed as a joint-life plan under which the spouse or 1395
beneficiary receives one hundred per cent of the actuarial 1396
equivalent of the deceased member's lesser retirement allowance 1397
payable for the member's life, which the member would have 1398
received had the member retired on the last day of the month of 1399
death and had the member at that time selected such a plan. 1400
Payment shall begin with the month subsequent to the member's 1401
death, except that a surviving spouse who is less than sixty- 1402
five years old may defer receipt of such benefit. Upon receipt, 1403
the benefit shall be calculated based upon the spouse's age at 1404
the time of first payment, and shall accrue regular interest 1405
during the time of deferral. 1406

(2) ~~Beginning on a date selected by the public employees-~~ 1407
~~retirement board, which shall be not later than July 1, 2004-~~ 1408
Except as provided in division (A) (3) of this section, a 1409
surviving spouse or other sole dependent beneficiary may elect, 1410
in lieu of a monthly payment under division (A) (1) of this 1411
section, a plan of payment consisting of both of the following: 1412

(a) A lump sum in an amount the surviving spouse or other 1413

sole dependent beneficiary designates that constitutes a portion 1414
of the allowance that would be payable under division (A) (1) of 1415
this section; 1416

(b) The remainder of that allowance in monthly payments. 1417

The total amount paid as a lump sum and a monthly benefit 1418
shall be the actuarial equivalent of the amount that would have 1419
been paid had the lump sum not been selected. 1420

The lump sum amount designated by the surviving spouse or 1421
other sole dependent beneficiary under division (A) (2) (a) of 1422
this section shall be not less than six times and not more than 1423
thirty-six times the monthly amount that would be payable to the 1424
surviving spouse or other sole dependent beneficiary under 1425
division (A) (1) of this section and shall not result in a 1426
monthly payment that is less than fifty per cent of that monthly 1427
amount. 1428

(3) If the monthly amount of the single lifetime allowance 1429
of a member who dies on or after the effective date of this 1430
amendment would be less than fifty dollars, a benefit under 1431
division (A) (1) or (2) of this section shall be the greater of 1432
the following: 1433

(a) The amount payable under section 145.43 of the Revised 1434
Code as a refund of the member's accumulated contributions; 1435

(b) An amount equal to the actuarial present value of the 1436
member's retirement allowance as determined by the public 1437
employees retirement system. 1438

(B) If a deceased member had, except as provided in 1439
division (B) (7) of this section, at least one and one-half years 1440
of contributing service credit, with, except as provided in 1441
division (B) (7) of this section, at least one-quarter year of 1442

contributing service credit within the two and one-half years			1443
prior to the date of death, or was receiving at the time of			1444
death a disability benefit as provided in section 145.36,			1445
145.361, or 145.37 of the Revised Code, qualified survivors who			1446
elect to receive monthly benefits shall receive the greater of			1447
the benefits provided in division (B) (1) (a) or (b) and (4) of			1448
this section as allocated in accordance with division (B) (5) of			1449
this section.			1450
(1) (a) Number	Or		1451
of Qualified	Monthly		1452
survivors	Annual Benefit as a Per	Benefit	1453
affecting	Cent of Decedent's	shall not be	1454
the benefit	Final Average Salary	less than	1455
1	25%	\$250	1456
2	40	400	1457
3	50	500	1458
4	55	500	1459
5 or more	60	500	1460
(b) Years of	Annual Benefit as a Per Cent		1461
Service	of Member's Final Average		1462
	Salary		1463
20	29%		1464
21	33		1465
22	37		1466
23	41		1467
24	45		1468
25	48		1469
26	51		1470
27	54		1471
28	57		1472
29 or more	60		1473

(2) Benefits shall begin as qualified survivors meet 1474
eligibility requirements as follows: 1475

(a) A qualified spouse is the surviving spouse of the 1476
deceased member, who is age sixty-two, or regardless of age 1477
meets one of the following qualifications: 1478

(i) Except as provided in division (B) (7) of this section, 1479
the deceased member had ten or more years of Ohio service 1480
credit. 1481

(ii) The spouse is caring for a qualified child. 1482

(iii) The spouse is adjudged physically or mentally 1483
incompetent. 1484

A spouse of a member who died prior to August 27, 1970, 1485
whose eligibility was determined at the member's death, and who 1486
is physically or mentally incompetent on or after August 20, 1487
1976, shall be paid the monthly benefit which that person would 1488
otherwise receive when qualified by age. 1489

(b) A qualified child is any child of the deceased member 1490
who has never been married and to whom one of the following 1491
applies: 1492

(i) Is under age twenty-two; 1493

(ii) Regardless of age, is adjudged physically or mentally 1494
incompetent at the time of the member's death. 1495

(c) A qualified parent is a dependent parent aged sixty- 1496
five or older or regardless of age if physically or mentally 1497
incompetent, a dependent parent whose eligibility was determined 1498
by the member's death prior to August 20, 1976, and who is 1499
physically or mentally incompetent on or after August 20, 1976, 1500
shall be paid the monthly benefit for which that person would 1501

otherwise qualify. 1502

(3) "Physically or mentally incompetent" as used in this 1503
section may be determined by a court of jurisdiction, or by a 1504
physician appointed by the retirement board. Incapability of 1505
making a living because of a physically or mentally disabling 1506
condition shall meet the qualifications of this division. 1507

(4) Benefits to a qualified survivor shall terminate upon 1508
ceasing to meet eligibility requirements as provided in this 1509
division, a first marriage, abandonment, adoption, or during 1510
active military service. Benefits to a deceased member's 1511
surviving spouse that were terminated under a former version of 1512
this section that required termination due to remarriage and 1513
were not resumed prior to September 16, 1998, shall resume on 1514
the first day of the month immediately following receipt by the 1515
board of an application on a form provided by the board. 1516

Benefits to a qualified child who is at least eighteen 1517
years of age but under twenty-two years of age that under a 1518
former version of this section never commenced or were 1519
terminated due to a lack of attendance at an institution of 1520
learning or training and not commenced or resumed before ~~the~~ 1521
~~effective date of this amendment April 6, 2017,~~ shall commence 1522
or resume on the first day of the month immediately following 1523
receipt by the board of an application on a form provided by the 1524
board if the application is received on or before the date that 1525
is one year after ~~the effective date of this amendment April 6,~~ 1526
2017. These benefits terminate on the child attaining twenty-two 1527
years of age. 1528

Upon the death of any subsequent spouse who was a member 1529
of the public employees retirement system, state teachers 1530
retirement system, or school employees retirement system, the 1531

surviving spouse of such member may elect to continue receiving 1532
benefits under this division, or to receive survivor's benefits, 1533
based upon the subsequent spouse's membership in one or more of 1534
the systems, for which such surviving spouse is eligible under 1535
this section or section 3307.66 or 3309.45 of the Revised Code. 1536
If the surviving spouse elects to continue receiving benefits 1537
under this division, such election shall not preclude the 1538
payment of benefits under this division to any other qualified 1539
survivor. 1540

Benefits shall begin or resume on the first day of the 1541
month following the attainment of eligibility and shall 1542
terminate on the first day of the month following loss of 1543
eligibility. 1544

(5) (a) If a benefit is payable under division (B) (1) (a) of 1545
this section, benefits to a qualified spouse shall be paid in 1546
the amount determined for the first qualifying survivor in 1547
division (B) (1) (a) of this section. All other qualifying 1548
survivors shall share equally in the benefit or remaining 1549
portion thereof. 1550

(b) All qualifying survivors shall share equally in a 1551
benefit payable under division (B) (1) (b) of this section, except 1552
that if there is a surviving spouse, the surviving spouse shall 1553
receive not less than the amount determined for the first 1554
qualifying survivor in division (B) (1) (a) of this section. 1555

(6) The beneficiary of a member who is also a member of 1556
the state teachers retirement system or of the school employees 1557
retirement system, must forfeit the member's accumulated 1558
contributions in those systems and in the public employees 1559
retirement system, if the beneficiary takes a survivor benefit. 1560
Such benefit shall be exclusively governed by section 145.37 of 1561

the Revised Code. 1562

(7) The following restrictions do not apply if the 1563
deceased member was contributing toward benefits under section 1564
145.332 of the Revised Code at the time of death: 1565

(a) That the deceased member have had at least one and 1566
one-half years of contributing service credit, with at least 1567
one-quarter year of contributing service within the two and one- 1568
half years prior to the date of death; 1569

(b) If the deceased member was killed in the line of duty, 1570
that the deceased member have had ten or more years of Ohio 1571
service credit as described in division (B) (2) (a) (i) of this 1572
section. 1573

For the purposes of division (B) (7) (b) of this section, 1574
"killed in the line of duty," means either that death occurred 1575
in the line of duty or that death occurred as a result of injury 1576
sustained in the line of duty. 1577

(C) (1) Regardless of whether the member is survived by a 1578
spouse or designated beneficiary, if the public employees 1579
retirement system receives notice that a deceased member 1580
described in division (A) or (B) of this section has one or more 1581
qualified children, all persons who are qualified survivors 1582
under division (B) of this section shall receive monthly 1583
benefits as provided in division (B) of this section. 1584

If, after determining the monthly benefits to be paid 1585
under division (B) of this section, the system receives notice 1586
that there is a qualified survivor who was not considered when 1587
the determination was made, the system shall, notwithstanding 1588
section 145.561 of the Revised Code, recalculate the monthly 1589
benefits with that qualified survivor included, even if the 1590

benefits to qualified survivors already receiving benefits are 1591
reduced as a result. The benefits shall be calculated as if the 1592
qualified survivor who is the subject of the notice became 1593
eligible on the date the notice was received and shall be paid 1594
to qualified survivors effective on the first day of the first 1595
month following the system's receipt of the notice. 1596

If the retirement system did not receive notice that a 1597
deceased member has one or more qualified children prior to 1598
making payment under section 145.43 of the Revised Code to a 1599
beneficiary as determined by the retirement system, the payment 1600
is a full discharge and release of the system from any future 1601
claims under this section or section 145.43 of the Revised Code. 1602

(2) If benefits under division (C)(1) of this section to 1603
all persons, or to all persons other than a surviving spouse or 1604
other sole beneficiary, terminate, there are no children under 1605
the age of twenty-two years, and the surviving spouse or 1606
beneficiary qualifies for benefits under division (A) of this 1607
section, the surviving spouse or beneficiary may elect to 1608
receive benefits under division (A) of this section. The 1609
benefits shall be effective on the first day of the month 1610
immediately following the termination. 1611

(D) The final average salary used in the calculation of a 1612
benefit payable pursuant to division (A) or (B) of this section 1613
to a survivor or beneficiary of a disability benefit recipient 1614
shall be adjusted for each year between the disability benefit's 1615
effective date and the recipient's date of death by the lesser 1616
of three per cent or the actual average percentage increase in 1617
the consumer price index prepared by the United States bureau of 1618
labor statistics (U.S. city average for urban wage earners and 1619
clerical workers: "all items 1982-84=100"). 1620

(E) If the survivor benefits due and paid under this 1621
section are in a total amount less than the member's accumulated 1622
account that was transferred from the public employees' savings 1623
fund to the survivors' benefit fund, then the difference between 1624
the total amount of the benefits paid shall be paid to the 1625
beneficiary under section 145.43 of the Revised Code. 1626

Sec. 145.571. (A) As used in this section, "alternate 1627
payee," "benefit," "lump sum payment," "participant," and 1628
"public retirement program" have the same meanings as in section 1629
3105.80 of the Revised Code. 1630

(B) On receipt of an order issued under section 3105.171 1631
or 3105.65 of the Revised Code, the public employees retirement 1632
system shall determine whether the order meets the requirements 1633
of sections 3105.80 to 3105.90 of the Revised Code. The system 1634
shall retain in the participant's record an order the system 1635
determines meets the requirements. Not later than sixty days 1636
after receipt, the system shall return to the court that issued 1637
the order any order the system determines does not meet the 1638
requirements. 1639

(C) The system shall comply with an order retained under 1640
division (B) of this section at the following times as 1641
appropriate: 1642

(1) If the participant has applied for or is receiving a 1643
benefit or has applied for but not yet received a lump sum 1644
payment, as soon as practicable; 1645

(2) If the participant has not applied for a benefit or 1646
lump sum payment, on application by the participant for a 1647
benefit or lump sum payment. 1648

(D) If the system transfers a participant's service credit 1649

or contributions made by or on behalf of a participant to a 1650
public retirement program that is not named in the order, the 1651
system shall do both of the following: 1652

(1) Notify the court that issued the order by sending the 1653
court a copy of the order and the name and address of the public 1654
retirement program to which the transfer was made; 1655

(2) Send a copy of the order to the public retirement 1656
program to which the transfer was made. 1657

(E) If it receives a participant's service credit or 1658
contributions and a copy of an order as provided in division (D) 1659
of this section, the system shall administer the order as if it 1660
were the public retirement program named in the order. 1661

(F) If a participant's benefit or lump sum payment is or 1662
will be subject to more than one order described in section 1663
3105.81 of the Revised Code or to an order described in section 1664
3105.81 of the Revised Code and a withholding order under 1665
section ~~3111.23 or 3113.21~~ 3121.03 of the Revised Code, the 1666
system shall, after determining that the amounts that are or 1667
will be withheld will cause the benefit or lump sum payment to 1668
fall below the limits described in section 3105.85 of the 1669
Revised Code, do all of the following: 1670

(1) Establish, in accordance with division (G) of this 1671
section and subject to the limits described in section 3105.85 1672
of the Revised Code, the priority in which the orders are or 1673
will be paid by the system; 1674

(2) Reduce the amount paid to an alternate payee based on 1675
the priority established under division (F) (1) of this section; 1676

(3) Notify, by regular mail, a participant and alternate 1677
payee of any action taken under this division. 1678

(G) A withholding or deduction notice issued under section 1679
~~3111.23 or 3113.21~~ 3121.03 of the Revised Code or an order 1680
described in section 3115.501 of the Revised Code has priority 1681
over all other orders and shall be complied with in accordance 1682
with child support enforcement laws. All other orders are 1683
entitled to priority in order of earliest retention by the 1684
system. The system is not to retain an order that provides for 1685
the division of property unless the order is filed in a court 1686
with jurisdiction in this state. 1687

(H) The system is not liable in civil damages for loss 1688
resulting from any action or failure to act in compliance with 1689
this section. 1690

Sec. 145.62. Subject to rules adopted by the public 1691
employees retirement system under section 145.09 of the Revised 1692
Code, a contributor participating in the PERS defined benefit 1693
plan or contributing under section 145.38 or 145.383 of the 1694
Revised Code may deposit additional amounts in the employees' 1695
savings fund established under section 145.23 of the Revised 1696
Code. The additional deposits may be made either directly to the 1697
retirement system or by payroll deduction under section 145.294 1698
of the Revised Code. The contributor shall receive in return 1699
either an annuity, as provided in section 145.64 of the Revised 1700
Code, having a reserve equal to the amount deposited or a refund 1701
under section 145.63 of the Revised Code of the amount 1702
deposited, together with earnings on the amount deposited as the 1703
public employees retirement board determines appropriate. If the 1704
annuity under the plan of payment selected by the contributor 1705
under section 145.64 of the Revised Code would be less than 1706
~~twenty-five~~fifty dollars per month, the contributor shall 1707
receive the refund. 1708

Sec. 742.03. (A) As used in this section and in sections 1709
742.04 and 742.05 of the Revised Code: 1710

(1) "Police officer" means a member of the fund who is or 1711
has been an employee of a police department and is not a police 1712
retirant. 1713

(2) "Firefighter" means a member of the fund who is or has 1714
been an employee of a fire department and is not a firefighter 1715
retirant. 1716

(3) "Firefighter retirant" means a member of the fund who 1717
is receiving an age and service or disability benefit as a 1718
result of service in a fire department or a surviving spouse of 1719
a deceased member who is receiving a benefit as a result of the 1720
deceased member's service in a fire department. "Firefighter 1721
retirant" does not include a member of the fund who is 1722
participating in the deferred retirement option plan established 1723
under section 742.43 of the Revised Code. 1724

(4) "Police retirant" means a member of the fund who is 1725
receiving an age and service or disability benefit as a result 1726
of service in a police department or a surviving spouse of a 1727
deceased member who is receiving a benefit as a result of the 1728
deceased member's service in a police department. "Police 1729
retirant" does not include a member of the fund who is 1730
participating in the deferred retirement option plan established 1731
under section 742.43 of the Revised Code. 1732

(B) The administration, control, and management of the 1733
Ohio police and fire pension fund, created under section 742.02 1734
of the Revised Code, is vested in a board of trustees of the 1735
Ohio police and fire pension fund, which shall consist of the 1736
following members: 1737

(1) One member, known as the treasurer of state's 1738
investment designee, who shall be appointed by the treasurer of 1739
state for a term of four years and have the following 1740
qualifications: 1741

(a) The member is a resident of this state. 1742

(b) Within the three years immediately preceding the 1743
appointment, the member has not been employed by the public 1744
employees retirement system, police and fire pension fund, state 1745
teachers retirement system, school employees retirement system, 1746
or state highway patrol retirement system or by any person, 1747
partnership, or corporation that has provided to one of those 1748
retirement systems services of a financial or investment nature, 1749
including management, analysis, supervision, or investment of 1750
assets. 1751

(c) The member has direct experience in the management, 1752
analysis, supervision, or investment of assets. 1753

(d) The member is not currently employed by the state or a 1754
political subdivision of the state. 1755

(2) Two members, known as the investment expert members, 1756
who shall be appointed for four-year terms. One investment 1757
expert member shall be appointed by the governor, and one 1758
investment expert member shall be jointly appointed by the 1759
speaker of the house of representatives and the president of the 1760
senate. Each investment expert member shall have the following 1761
qualifications: 1762

(a) Each member shall be a resident of this state. 1763

(b) Within the three years immediately preceding the 1764
appointment, each member shall not have been employed by the 1765
public employees retirement system, police and fire pension 1766

fund, state teachers retirement system, school employees 1767
retirement system, or state highway patrol retirement system or 1768
by any person, partnership, or corporation that has provided to 1769
one of those retirement systems services of a financial or 1770
investment nature, including the management, analysis, 1771
supervision, or investment of assets. 1772

(c) Each member shall have direct experience in the 1773
management, analysis, supervision, or investment of assets. 1774

~~Any investment expert member appointed to fill a vacancy 1775~~
~~occurring prior to the expiration of the term for which the 1776~~
~~member's predecessor was appointed shall hold office until the 1777~~
~~end of such term. The member shall continue in office subsequent 1778~~
~~to the expiration date of the member's term until the member's 1779~~
~~successor takes office, or until a period of sixty days has 1780~~
~~elapsed, whichever occurs first. 1781~~

(3) Four members known as employee members. 1782

Two employee members shall be police officers elected by 1783
police officers. Two employee members shall be firefighters 1784
elected by firefighters. Employee members of the board shall be 1785
elected for terms of four years as provided by section 742.04 of 1786
the Revised Code. 1787

(4) One member known as the firefighter retirant member, 1788
who shall be a resident of this state elected by the firefighter 1789
retirants. The firefighter retirant member shall be elected for 1790
a term of four years as provided by section 742.04 of the 1791
Revised Code. 1792

(5) One member known as the police retirant member, who 1793
shall be a resident of this state elected by the police 1794
retirants. The police retirant member shall be elected for a 1795

term of four years as provided by section 742.04 of the Revised 1796
Code. 1797

(C) No employee member of the board who retires while a 1798
member of the board shall be eligible to become a retirant 1799
member for three years after the date of the member's 1800
retirement. 1801

(D) Any ~~investment expert~~ member appointed under this 1802
section, including a member appointed to fill a vacancy 1803
occurring prior to the expiration of the term for which the 1804
member's predecessor was appointed, holds office until the end 1805
of ~~such the~~ term for which the member is appointed. The member 1806
continues in office subsequent to the expiration date of the 1807
member's term until the member's successor takes office, ~~or~~ 1808
~~until a period of sixty days has elapsed, whichever occurs~~ 1809
~~first.~~ 1810

Sec. 742.05. (A) ~~Any vacancy occurring in the term of a~~ 1811
~~member of the board of trustees of the Ohio police and fire~~ 1812
~~pension fund who is the fiscal officer of a municipal~~ 1813
~~corporation shall be filled by appointment by the governor for~~ 1814
~~the unexpired term of such member.~~ 1815

~~(B)~~ Except as provided in division ~~(C)~~ (B) of this 1816
section, if a vacancy occurs in the term of an employee or 1817
retirant member of the board, all the remaining members of the 1818
board shall elect a successor employee or retirant member. On 1819
certification of the election results in accordance with rules 1820
adopted under section 742.045 of the Revised Code, the successor 1821
member shall hold office until the first day of the new term 1822
that follows the next board election that occurs not less than 1823
ninety days after the successor member's election, or until the 1824
end of the term for which the successor member was elected, 1825

whichever is sooner; except that, the successor employee member 1826
representing firefighters who was elected to the board under 1827
this section on March 6, 2014, shall hold office until June 1, 1828
2020, notwithstanding sections 742.03 and 742.04 of the Revised 1829
Code. 1830

Elections under this section to fill a vacancy on the 1831
board shall be conducted in accordance with rules adopted under 1832
section 742.045 of the Revised Code. 1833

~~If a member of the board who is the fiscal officer of a 1834
municipal corporation ceases to be a fiscal officer of a 1835
municipal corporation, a vacancy shall exist. 1836~~

If an employee member of the board ceases to be a member 1837
of the fund, a vacancy shall exist. 1838

If as a result of changed circumstances a retirant member 1839
no longer qualifies for membership on the board as a retirant 1840
member, a vacancy shall exist. 1841

Any elected or appointed member of the board who fails to 1842
attend three consecutive meetings of the board, without valid 1843
excuse, shall be considered as having resigned from the board 1844
and the board shall declare the member's office vacated and as 1845
of the date of the adoption of a proper resolution a vacancy 1846
shall exist. 1847

~~(C)~~ (B) A successor member need not be elected under 1848
division ~~(B)~~ (A) of this section to fill a vacancy if on the day 1849
the vacancy occurs less than ninety days remain in the vacated 1850
term. 1851

Sec. 3307.05. The state teachers retirement board shall 1852
consist of the following members: 1853

(A) The superintendent of public instruction or a designee 1854
of the superintendent who has the following qualifications: 1855

(1) The designee is a resident of this state. 1856

(2) Within the three years immediately preceding the 1857
appointment, the designee has not been employed by the public 1858
employees retirement system, police and fire pension fund, state 1859
teachers retirement system, school employees retirement system, 1860
or state highway patrol retirement system or by any person, 1861
partnership, or corporation that has provided to one of those 1862
retirement systems services of a financial or investment nature, 1863
including the management, analysis, supervision, or investment 1864
of assets. 1865

(3) The designee has direct experience in the management, 1866
analysis, supervision, or investment of assets. 1867

(B) One member, known as the treasurer of state's 1868
investment designee, who shall be appointed by the treasurer of 1869
state for a term of four years and have the following 1870
qualifications: 1871

~~(a)~~ (1) The member is a resident of this state. 1872

~~(b)~~ (2) Within the three years immediately preceding the 1873
appointment, the member has not been employed by the public 1874
employees retirement system, police and fire pension fund, state 1875
teachers retirement system, school employees retirement system, 1876
or state highway patrol retirement system or by any person, 1877
partnership, or corporation that has provided to one of those 1878
retirement systems services of a financial or investment nature, 1879
including management, analysis, supervision, or investment of 1880
assets. 1881

~~(c)~~ (3) The member has direct experience in the management, 1882

analysis, supervision, or investment of assets. 1883

~~(d)~~ (4) The member is not currently employed by the state 1884
or a political subdivision of the state. 1885

(C) Two members, known as the investment expert members, 1886
who shall be appointed for four-year terms. One investment 1887
expert member shall be appointed by the governor, and one 1888
investment expert member shall be jointly appointed by the 1889
speaker of the house of representatives and the president of the 1890
senate. Each investment expert member shall have the following 1891
qualifications: 1892

~~(a)~~ (1) Each member shall be a resident of this state. 1893

~~(b)~~ (2) Within the three years immediately preceding the 1894
appointment, each member shall not have been employed by the 1895
public employees retirement system, police and fire pension 1896
fund, state teachers retirement system, school employees 1897
retirement system, or state highway patrol retirement system or 1898
by any person, partnership, or corporation that has provided to 1899
one of those retirement systems services of a financial or 1900
investment nature, including the management, analysis, 1901
supervision, or investment of assets. 1902

~~(c)~~ (3) Each member shall have direct experience in the 1903
management, analysis, supervision, or investment of assets. 1904

Any investment expert member appointed to fill a vacancy 1905
occurring prior to the expiration of the term for which the 1906
member's predecessor was appointed shall hold office until the 1907
end of such term. The member shall continue in office subsequent 1908
to the expiration date of the member's term until the member's 1909
successor takes office, or until a period of sixty days has 1910
elapsed, whichever occurs first. 1911

(D) Five members, known as contributing members, who shall 1912
be members of the state teachers retirement system; 1913

(E) Two former members of the system, known as retired 1914
teacher members, who shall be superannuates who are not 1915
otherwise employed in positions requiring them to make 1916
contributions to the system. 1917

Sec. 3307.14. The state teachers retirement board shall be 1918
the trustee of certain funds hereby created as follows: 1919

(A) The "teachers' savings fund" is the fund in which 1920
shall be accumulated the contributions deducted from the 1921
compensation of teachers participating in the STRS defined 1922
benefit plan, as provided by section 3307.26 of the Revised 1923
Code, together with the interest credited thereon. Such 1924
accumulated contributions refunded upon withdrawal, or payable 1925
to an estate or beneficiary as provided in this chapter, shall 1926
be paid from this fund. Any accumulated contributions forfeited 1927
by the failure of a contributor, an estate, or a beneficiary to 1928
claim the same shall be transferred from this fund to the 1929
guarantee fund. The accumulated contributions of a member or of 1930
a teacher who qualifies for a benefit under section 3307.35 of 1931
the Revised Code shall be transferred at the member's or 1932
teacher's retirement from the teachers' savings fund to the 1933
annuity and pension reserve fund. The accumulated contributions 1934
of a member who dies prior to superannuation retirement that are 1935
forfeited by the qualified beneficiary in exchange for monthly 1936
survivor benefits, as provided by section 3307.66 of the Revised 1937
Code, shall be transferred to the survivors' benefit fund. The 1938
accumulated contributions of a superannuate or other system 1939
retirant as defined in section 3307.35 of the Revised Code shall 1940
be transferred to the survivors' benefit fund for payment of a 1941

lump-sum benefit to a beneficiary as provided in that section. 1942
As used in this division, "accumulated contributions" has the 1943
same meaning as in section 3307.50 of the Revised Code. 1944

(B) The "employers' trust fund" is the fund to which the 1945
employer contribution made on behalf of a teacher participating 1946
in the STRS defined benefit plan shall be credited and in which 1947
shall be accumulated the reserves held in trust for the payment 1948
of all pensions or other benefits provided by sections 3307.35, 1949
3307.58, 3307.59, 3307.60, 3307.63, 3307.631, 3307.66, and 1950
3307.6912, ~~and 3307.98~~ of the Revised Code, to teachers retiring 1951
or receiving disability benefits in the future or to their 1952
qualified beneficiaries, and from which the reserves for such 1953
pensions and other benefits shall be transferred to the annuity 1954
and pension reserve fund and to the survivors' benefit fund. The 1955
balances as of August 31, 1957, in the employers accumulation 1956
fund shall be transferred to this fund. As of September 1, 1957, 1957
an additional amount shall be transferred from the employers' 1958
trust fund to the annuity and pension reserve fund in the amount 1959
required to complete the funding of the prior service, as 1960
defined in section 3307.50 of the Revised Code, and military 1961
service pensions then payable. 1962

(C) The "annuity and pension reserve fund" is the fund 1963
from which shall be paid all annuities, pensions, and disability 1964
benefits under the STRS defined benefit plan and annuities 1965
payable under section 3307.352 of the Revised Code for which 1966
reserves have been transferred from the teachers' savings fund 1967
and the employers' trust fund. 1968

(D) The "survivors' benefit fund" is the fund from which 1969
shall be paid the survivors' benefits provided by section 1970
3307.66 of the Revised Code and the lump sum payment to 1971

beneficiaries as provided in section 3307.35 of the Revised 1972
Code, and to which shall be transferred from the employers' 1973
trust fund the amount required to fund all liabilities as of the 1974
end of each year. 1975

(E) The "guarantee fund" is the fund from which interest 1976
is transferred and credited on the amounts in the funds 1977
described in divisions (A), (B), (C), and (D) of this section, 1978
and is a contingent fund from which the special requirements of 1979
said funds may be paid by transfer from this fund. All income 1980
derived from the investment of funds by the state teachers 1981
retirement board as trustee under section 3307.15 of the Revised 1982
Code, together with all gifts and bequests, or the income 1983
therefrom, shall be paid into this fund. 1984

Any deficit occurring in any other fund that will not be 1985
covered by payments to that fund, as otherwise provided in this 1986
chapter, shall be paid by transfers of amounts from the 1987
guarantee fund to such fund or funds. Should the amount in the 1988
guarantee fund be insufficient at any time to meet the amounts 1989
payable therefrom, the amount of such deficiency, with regular 1990
interest, shall be paid by an additional employer rate of 1991
contribution as determined by the actuary and shall be approved 1992
by the board, and the amount of such additional employer 1993
contribution shall be credited to the guarantee fund. 1994

The board may accept gifts and bequests. Any funds that 1995
may come into the possession of the board in this manner or that 1996
may be transferred from the teachers' savings fund by reason of 1997
lack of a claimant, or any surplus in any fund created in 1998
divisions (A) to (F) of this section, or any other funds whose 1999
disposition is not otherwise provided for, shall be credited to 2000
the guarantee fund. 2001

(F) The expense fund is the fund from which shall be paid 2002
the expenses for the administration and management of the state 2003
teachers retirement system as provided by this chapter. 2004

(G) The "defined contribution fund" is the fund in which 2005
shall be accumulated the contributions deducted from the 2006
compensation of teachers participating in an STRS defined 2007
contribution plan, as provided in section 3307.26 of the Revised 2008
Code, together with any earnings and employer contributions 2009
credited thereon. 2010

(H) The "health care fund" is the fund in which shall be 2011
accumulated any amounts allocated by the board for health care 2012
coverage described in section 3307.39 of the Revised Code, 2013
together with any earnings credited thereon. The fund shall be 2014
established under 26 U.S.C. 401(h) as a separate account. It is 2015
the fund from which shall be paid health care coverage made 2016
available under section 3307.39 of the Revised Code, except that 2017
payments from the fund shall be limited as provided by 26 U.S.C. 2018
401(h). 2019

Sec. 3307.20. (A) As used in this section: 2020

(1) "Personal history record" means information maintained 2021
by the state teachers retirement board on an individual who is a 2022
member, former member, contributor, former contributor, 2023
retirant, or beneficiary that includes the address, electronic 2024
mail address, telephone number, social security number, record 2025
of contributions, correspondence with the state teachers 2026
retirement system, or other information the board determines to 2027
be confidential. 2028

(2) "Retirant" has the same meaning as in section 3307.50 2029
of the Revised Code and includes any former member receiving a 2030

benefit under an STRS defined contribution plan. 2031

(3) "Law enforcement agency" has the same meaning as in 2032
section 149.435 of the Revised Code. 2033

(B) The records of the board shall be open to public 2034
inspection, except for the following, which shall be excluded, 2035
except with the written authorization of the individual 2036
concerned: 2037

(1) The individual's personal records provided for in 2038
former section 3307.23 of the Revised Code; 2039

(2) The individual's personal history record; 2040

(3) Any information identifying, by name and address, the 2041
amount of a monthly allowance or benefit paid to the individual. 2042

(C) (1) All medical reports and recommendations received by 2043
the board from a member, member's physician, board-assigned 2044
physician, or other entity providing medical reports and 2045
recommendations to the board under sections 3307.48, 3307.62, 2046
and 3307.66 of the Revised Code are privileged, except as 2047
follows: 2048

(a) Copies of medical reports or recommendations shall be 2049
made available by the board to the personal physician, attorney, 2050
or authorized agent of the individual concerned upon written 2051
release received from the individual or the individual's agent, 2052
or, when necessary for the proper administration of the fund, to 2053
the board assigned physician. 2054

(b) Documentation required by section 2929.193 of the 2055
Revised Code shall be provided to a court holding a hearing 2056
under that section. 2057

(2) No medical report or recommendation received by the 2058

board under section 3307.48, 3307.62, or 3307.66 of the Revised 2059
Code shall be released to the individual concerned or considered 2060
a medical record generated and maintained by a health care 2061
provider in the process of establishing a therapeutic 2062
relationship. 2063

(D) Any person who is a member or contributor of the 2064
system shall be furnished, on written request, with a statement 2065
of the amount to the credit of the person's account. The board 2066
need not answer more than one request of a person in any one 2067
year. 2068

(E) Notwithstanding the exceptions to public inspection in 2069
division (B) of this section, the board may furnish the 2070
following information: 2071

(1) If a member, former member, retirant, contributor, or 2072
former contributor is subject to an order issued under section 2073
2907.15 of the Revised Code or an order issued under division 2074
(A) or (B) of section 2929.192 of the Revised Code or is 2075
convicted of or pleads guilty to a violation of section 2921.41 2076
of the Revised Code, on written request of a prosecutor as 2077
defined in section 2935.01 of the Revised Code, the board shall 2078
furnish to the prosecutor the information requested from the 2079
individual's personal history record. 2080

(2) Pursuant to a court or administrative order issued 2081
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 2082
the Revised Code, the board shall furnish to a court or child 2083
support enforcement agency the information required under that 2084
section. 2085

(3) At the written request of any person, the board shall 2086
provide to the person a complete list of the names and addresses 2087

of members, retirants, contributors, ~~or~~ and beneficiaries. The 2088
costs of compiling, copying, and mailing the list shall be paid 2089
by such person. 2090

(4) Within fourteen days after receiving from the director 2091
of job and family services a list of the names and social 2092
security numbers of recipients of public assistance pursuant to 2093
section 5101.181 of the Revised Code, the board shall inform the 2094
auditor of state of the name, current or most recent employer 2095
address, and social security number of each member whose name 2096
and social security number are the same as that of a person 2097
whose name or social security number was submitted by the 2098
director. The board and its employees shall, except for purposes 2099
of furnishing the auditor of state with information required by 2100
this section, preserve the confidentiality of recipients of 2101
public assistance in compliance with section 5101.181 of the 2102
Revised Code. 2103

(5) The system shall comply with orders issued under 2104
section 3105.87 of the Revised Code. 2105

On the written request of an alternate payee, as defined 2106
in section 3105.80 of the Revised Code, the system shall furnish 2107
to the alternate payee information on the amount and status of 2108
any amounts payable to the alternate payee under an order issued 2109
under section 3105.171 or 3105.65 of the Revised Code. 2110

(6) At the request of any person, the board shall make 2111
available to the person copies of all documents, including 2112
resumes, in the board's possession regarding filling a vacancy 2113
of a contributing member or retired teacher member of the board. 2114
The person who made the request shall pay the cost of compiling, 2115
copying, and mailing the documents. The information described in 2116
this division is a public record. 2117

(7) The system shall provide the notice required by 2118
section 3307.373 of the Revised Code to the prosecutor assigned 2119
to the case. 2120

(8) The system may provide information requested by the 2121
United States social security administration, United States 2122
centers for medicare and medicaid services, Ohio public 2123
employees deferred compensation program, Ohio police and fire 2124
pension fund, school employees retirement system, public 2125
employees retirement system, state highway patrol retirement 2126
system, Cincinnati retirement system, a law enforcement agency, 2127
or a third party that the state teachers retirement system has 2128
contracted with for the purpose of administering any part of the 2129
system. 2130

(F) A statement that contains information obtained from 2131
the system's records that is signed by an officer of the 2132
retirement system and to which the system's official seal is 2133
affixed, or copies of the system's records to which the 2134
signature and seal are attached, shall be received as true 2135
copies of the system's records in any court or before any 2136
officer of this state. 2137

Sec. 3307.231. To the extent to which it is used in 2138
determining the liability of any fund created by section 3307.14 2139
of the Revised Code, the state teachers retirement board shall 2140
verify the ~~statement information provided for in under~~ section 2141
~~3307.23-3307.213~~ of the Revised Code by the best evidence it is 2142
able to obtain. If official records are not available as to the 2143
length of service of a teacher, compensation, or other 2144
information required, the board may use its discretion as to the 2145
evidence to be accepted. 2146

Sec. 3307.25. (A) An individual who becomes a member of 2147

the state teachers retirement system on or after the date on 2148
which the state teachers retirement board establishes an STRS 2149
defined contribution plan shall make an election under this 2150
section. Not later than one hundred eighty days after the date 2151
on which employment begins, the individual shall elect to 2152
participate either in the STRS defined benefit plan or one of 2153
the STRS defined contribution plans. If a form evidencing an 2154
election under this section is not on file with the system at 2155
the end of the one-hundred-eighty-day period, the individual is 2156
deemed to have elected to participate in the STRS defined 2157
benefit plan. 2158

(B) An election under this section shall be made in 2159
writing on a form provided by the system and ~~filed with~~ 2160
submitted to the system. 2161

(C) An election under this section shall take effect on 2162
the date employment began and, except as provided in division 2163
(E) of this section, is irrevocable at the end of the election 2164
period described in division (A) of this section. 2165

(D) An individual is ineligible to make an election under 2166
this section if one of the following applies: 2167

(1) At the time employment begins, the individual is 2168
already a member or contributor participating in the STRS 2169
defined benefit plan, a former member who has previously made an 2170
election under division (E) of this section or section 3307.251 2171
of the Revised Code, a superannuate of the system, or an other 2172
system retirant, as defined in section 3307.35 of the Revised 2173
Code; 2174

(2) An election to participate in an alternative 2175
retirement plan under section 3305.05 or 3305.051 of the Revised 2176

Code is in effect for employment covered by the system. 2177

(E) A member who elected under division (A) of this 2178
section to participate in an STRS defined contribution plan may 2179
make an election to cease participation in the plan elected and 2180
participate in the STRS defined benefit plan or in another STRS 2181
defined contribution plan. The election must be made, on a form 2182
provided by the system, not later than the first day of June 2183
preceding the first day of July following the fourth anniversary 2184
of the commencement of the member's participation in the 2185
original plan. 2186

An election made under this division takes effect on the 2187
first day of July following the election. 2188

(F) (1) When a member elects under division (E) of this 2189
section to change from an STRS defined contribution plan to the 2190
STRS defined benefit plan the system shall do all of the 2191
following: 2192

(a) Transfer from the member's account in the defined 2193
contribution fund to an account in the teachers' savings fund 2194
the sum of the following: 2195

(i) An amount equal to the contributions made pursuant to 2196
section 3307.26 of the Revised Code; 2197

(ii) Any supplemental contributions made by the member; 2198

(iii) Any earnings from supplemental contributions. 2199

(b) Transfer from the defined contribution fund to the 2200
employers' trust fund the sum of the following: 2201

(i) An amount equal to the contributions made pursuant to 2202
section 3307.28 of the Revised Code; 2203

(ii) Any amount remaining in the member's account in the 2204
defined contribution fund after the transfers described in 2205
divisions (F) (1) (a) and (b) (i) of this section are made. 2206

(c) Grant service credit in accordance with rules adopted 2207
under section 3307.53 of the Revised Code. 2208

(2) If the amount in the member's account in the defined 2209
contribution fund is less than the amount the member would have 2210
had in an account in the teachers' savings fund had the member 2211
elected to participate in the STRS defined benefit plan, the 2212
system shall transfer from the guarantee fund established under 2213
section 3307.14 of the Revised Code to the teachers' savings 2214
fund the amount necessary to make the transfer required by 2215
division (F) (1) (a) (i) of this section. 2216

(3) Except for service credit granted under division (F) 2217
(1) (c) of this section, a member who begins participation in the 2218
STRS defined benefit plan pursuant to division (E) of this 2219
section shall have the same rights and privileges under the plan 2220
as a member who never had made an election to participate in an 2221
STRS defined contribution plan. 2222

Sec. 3307.251. As used in this section, "accumulated 2223
contributions" and "total service credit" have the same meanings 2224
as in section 3307.50 of the Revised Code. 2225

(A) A member of the state teachers retirement system who, 2226
as of the thirtieth day of June immediately preceding the date 2227
on which the system establishes an STRS defined contribution 2228
plan, has less than five years of total service credit is 2229
eligible to make an election under this section. 2230

Not later than one hundred eighty days after the day the 2231
state teachers retirement board first establishes an STRS 2232

defined contribution plan, an eligible member may elect to 2233
participate in such a plan. If an election is not made, a member 2234
to whom this section applies is deemed to have elected to 2235
continue participating in the STRS defined benefit plan. 2236

(B) An election under this section shall be made in 2237
writing on a form provided by the system and ~~filed with~~ 2238
submitted to the system. 2239

(C) On receipt of an election under this section, the 2240
system shall do both of the following: 2241

(1) Credit to the account of the member in the defined 2242
contribution fund the accumulated contributions standing to the 2243
member's credit in the teachers' savings fund, plus interest at 2244
a rate determined by the board; 2245

(2) Cancel all service credit and eligibility for any 2246
payment, benefit, or right under the STRS defined benefit plan. 2247

(D) An election under this section shall be irrevocable at 2248
the end of the election period described in division (A) of this 2249
section. 2250

Sec. 3307.26. (A) Each teacher shall contribute a certain 2251
per cent of the teacher's earned compensation, except that the 2252
per cent shall be not greater than fourteen per cent of the 2253
teacher's compensation. The per cent shall be as follows: 2254

(1) For compensation earned not later than June 30, 2013, 2255
ten per cent; 2256

(2) For compensation earned on or after July 1, 2013, but 2257
not later than June 30, 2014, eleven per cent; 2258

(3) For compensation earned on or after July 1, 2014, but 2259
not later than June 30, 2015, twelve per cent; 2260

(4) For compensation earned on or after July 1, 2015, but 2261
not later than June 30, 2016, thirteen per cent; 2262

(5) For compensation earned on or after July 1, 2016, 2263
fourteen per cent; 2264

(6) For compensation earned on or after July 1, 2017, the 2265
state teachers retirement board may reduce the rate to less than 2266
fourteen per cent if the board's actuary determines in its 2267
annual actuarial valuation required by section 3307.51 of the 2268
Revised Code or in other evaluations conducted under that 2269
section that a reduction in the rate does not materially impair 2270
the fiscal integrity of the retirement system. 2271

(B) For teachers participating in the STRS defined benefit 2272
plan, contributions shall be deposited in the teachers' savings 2273
fund. For teachers participating in an STRS defined contribution 2274
plan, contributions shall be deposited in the defined 2275
contribution fund. Contributions made pursuant to this section 2276
shall not exceed the limits established by section 415 of the 2277
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2278
415, as amended. 2279

(C) The contribution for all teachers shall be deducted by 2280
the employer on each payroll in an amount equal to the 2281
applicable per cent of the teachers' paid compensation for such 2282
payroll period or other period as the board may approve. All 2283
contributions on paid compensation for teachers ~~participating in~~ 2284
~~an STRS defined contribution plan~~ shall be remitted at intervals 2285
required by the state teachers retirement system ~~under section~~ 2286
~~3307.86 of the Revised Code. All contributions on earned~~ 2287
~~compensation for teachers participating in the STRS defined~~ 2288
~~benefit plan shall be remitted to the state teachers retirement~~ 2289
~~system by the thirtieth day of June of each year. Each school~~ 2290

~~district shall encumber sufficient moneys by the thirtieth day~~ 2291
~~of June of each year to account for the difference, if any, that~~ 2292
~~may exist between contributions that would be withheld based~~ 2293
~~upon compensation earned by a teacher during the year ending the~~ 2294
~~thirtieth day of June and the contributions withheld based upon~~ 2295
~~compensation paid to the teacher for the year. Deductions from~~ 2296
~~payroll for contributions under this section, on an annual~~ 2297
~~basis, shall not exceed eight per cent or other percentage~~ 2298
~~established by the board authorized by this section.~~ 2299

(D) At retirement under the STRS defined benefit plan, or 2300
upon a member's death prior to retirement under that plan, if 2301
contributions have been made after September 1, 1959, in excess 2302
of the contributions normally required to provide the retirement 2303
or survivor benefit, the excess contributions may be refunded to 2304
the member, to the member's beneficiary, or to the member's 2305
estate in a lump sum, or may be used to provide additional 2306
income. 2307

(E) The board may determine with regard to any member 2308
participating in the STRS defined benefit plan whether the 2309
limits established by division (D) of section 3307.58 of the 2310
Revised Code have resulted in exclusion from use in the 2311
calculation of benefits under section 3307.58, 3307.59, or 2312
3307.60 of the Revised Code of any compensation on which 2313
contributions have been made under this section. The board may 2314
adopt rules in accordance with section 111.15 of the Revised 2315
Code providing for the disposition of contributions attributable 2316
to such compensation and may dispose of the contributions in 2317
accordance with those rules. Any disposition of contributions 2318
made by the board in accordance with the rules shall be final. 2319

(F) The deductions under this section shall be made even 2320

though the minimum compensation provided by law for any teacher 2321
shall be reduced thereby. Every teacher shall be deemed to 2322
consent to the deductions made. Payment less the deductions 2323
shall be a complete discharge and acquittance of all claims and 2324
demands for the services rendered by the person during the 2325
period covered by the payment. 2326

(G) Additional deposits may be made to a member's account 2327
in the teachers' savings fund or defined contribution fund, 2328
subject to rules of the board. At retirement, the amount 2329
deposited with interest may be used to provide additional 2330
annuity income. The additional deposits may be refunded to the 2331
member before retirement, and shall be refunded if the member 2332
withdraws the member's refundable account. The deposits may be 2333
refunded to the beneficiary or estate if the member dies before 2334
retirement. 2335

Sec. 3307.28. Each employer shall pay ~~annually~~ to the 2336
state teachers retirement system an amount ~~certified by the~~ 2337
~~secretary~~ which shall be a certain per cent of the earnable 2338
compensation of all members, and which shall be known as the 2339
"employer contribution." Each employer shall remit the employer 2340
contribution at intervals required by the state teachers 2341
retirement system. For members participating in the STRS defined 2342
benefit plan, the employer contribution shall be deposited into 2343
the employers' trust fund. For members participating in an STRS 2344
defined contribution plan, the employer contribution shall be 2345
deposited into the defined contribution fund in accordance with 2346
the plan selected by the member, less the amount transferred 2347
under section 3307.84 of the Revised Code. 2348

The rate per cent of the contribution shall be ~~fixed~~ 2349
determined by the actuary on the basis of the actuary's 2350

evaluation of the liabilities of the system, not to exceed 2351
fourteen per cent, and shall be approved by the state teachers 2352
retirement board. The board may raise the rate per cent of the 2353
contribution to fourteen per cent of the earnable compensation 2354
of all members. In making such evaluation, the actuary shall 2355
use, as the actuarial assumptions, such interest rates and 2356
mortality and other tables as are adopted by the board. The 2357
actuary shall compute the percentage of such earnable 2358
compensation, to be known as the "employer rate," required 2359
annually to fund the liability for all benefits under the STRS 2360
defined benefit plan, after deducting therefrom the benefits 2361
provided by the member's accumulated contributions, as defined 2362
in section 3307.50 of the Revised Code, deposits, and other 2363
appropriations, and to fund any deficiencies in the funds 2364
described in divisions (A) to (F) of section 3307.14 of the 2365
Revised Code. 2366

Sec. 3307.351. (A) As used in this section: 2367

(1) In addition to the meaning in section 3307.01 of the 2368
Revised Code, when appropriate "compensation" has the same 2369
meaning as in section 3309.01 of the Revised Code. 2370

(2) "Earnable salary" has the same meaning as in section 2371
145.01 of the Revised Code. 2372

(3) "STRS position" means a position for which a member of 2373
the state teachers retirement system is making contributions to 2374
the system. 2375

(4) "Other state retirement system" means the public 2376
employees retirement system or the school employees retirement 2377
system. 2378

(5) "State retirement system" means the public employees 2379

retirement system, state teachers retirement system, or the 2380
school employees retirement system. 2381

(B)(1) Subject to division (E) of this section, a member 2382
of the state teachers retirement system who holds two or more 2383
STRS positions may retire under section 3307.57, 3307.58, or 2384
3307.60 of the Revised Code or under an STRS defined 2385
contribution plan from the position for which the annual 2386
compensation at the time of retirement is highest and continue 2387
to contribute to the retirement system for the other STRS 2388
position or positions. 2389

(2) Subject to division (E) of this section, a member of 2390
the state teachers retirement system who also holds one or more 2391
other positions covered by the other state retirement systems 2392
may retire under section 3307.57, 3307.58, or 3307.60 of the 2393
Revised Code or under an STRS defined contribution plan from the 2394
STRS position and continue contributing to the other state 2395
retirement systems if the annual compensation for the STRS 2396
position at the time of retirement is greater than annual 2397
compensation or earnable salary for the position, or any of the 2398
positions, covered by the other state retirement systems. 2399

(3) Subject to division (E) of this section, a member of 2400
the state teachers retirement system who holds two or more STRS 2401
positions and at least one other position covered by one of the 2402
other state retirement systems may retire under section 3307.57, 2403
3307.58, or 3307.60 of the Revised Code or under an STRS defined 2404
contribution plan from one of the STRS positions and continue 2405
contributing to the state teachers retirement system and the 2406
other state retirement system if the annual compensation for the 2407
STRS position from which the member is retiring is, at the time 2408
of retirement, greater than the annual compensation or earnable 2409

salary for any of the positions for which the member is 2410
continuing to make contributions. 2411

(4) Subject to division (E) of this section, a member of 2412
the state teachers retirement system who also holds one or more 2413
other positions covered by the other state retirement systems 2414
may retire under section 145.37, 3307.57, ~~3307.58, or 3307.60~~ 2415
3309.35 of the Revised Code or under ~~an STRS defined~~ 2416
~~contribution~~ a plan established under section 145.81 or 3309.81 2417
of the Revised Code from one of the other state retirement 2418
system positions and continue contributing to the state teachers 2419
retirement system if the annual compensation for the other state 2420
retirement system position from which the member is retiring is, 2421
at the time of retirement, greater than the annual compensation 2422
for any of the positions for which the member is continuing to 2423
make contributions. 2424

(5) A member of the state teachers retirement system who 2425
has retired as provided in division (B)(2) or (3) of section 2426
145.383 or division (B)(2) or (3) of section 3309.343 of the 2427
Revised Code may continue to contribute to the state teachers 2428
retirement system for an STRS position if the member held the 2429
position at the time of retirement from the other state 2430
retirement system. 2431

(6) A member who contributes to the state teachers 2432
retirement system in accordance with division (B)(1), (3), (4), 2433
or (5) of this section shall contribute in accordance with 2434
section 3307.26 of the Revised Code. The member's employer shall 2435
contribute as provided in section 3307.28 of the Revised Code. 2436
Neither the member nor the member's survivors are eligible for 2437
any benefits based on those contributions other than those 2438
provided under section 145.384, 3307.352, or 3309.344 of the 2439

Revised Code. 2440

(C) (1) In determining retirement eligibility and the 2441
annual retirement allowance of a member who retires as provided 2442
in division (B) (1), (2), (3), or (4) of this section, the 2443
following shall be used to the date of retirement: 2444

(a) The member's earnable salary and compensation for all 2445
positions covered by a state retirement system; 2446

(b) Total service credit in any state retirement system, 2447
except that the credit shall not exceed one year of credit for 2448
any period of twelve months; 2449

(c) The member's accumulated contributions. 2450

(2) A member who retires as provided in division (B) (1), 2451
(2), (3), or (4) of this section is a retirant for all purposes 2452
of this chapter, except that the member is not subject to 2453
divisions (F) and (G) of section 3307.35 of the Revised Code for 2454
a position or positions for which contributions continue under 2455
those divisions or division (B) (5) of this section. 2456

(D) A retired member receiving a benefit under section 2457
3307.352 of the Revised Code based on employment subject to this 2458
section is not a member of the state teachers retirement system 2459
and does not have any rights, privileges, or obligations of 2460
membership. The retired member is a superannuate for purposes of 2461
section 3307.35 of the Revised Code. 2462

(E) Effective July 1, 2014, a member may continue to 2463
contribute to the retirement system for another STRS position or 2464
other state retirement system position under division (B) (1), 2465
(2), (3), or (4) of this section only for those positions the 2466
member continuously held for at least twelve consecutive months 2467
immediately prior to retirement under section 3307.57, 3307.58, 2468

or 3307.60 of the Revised Code or an STRS defined contribution 2469
plan. 2470

(F) The state teachers retirement board may adopt rules to 2471
carry out this section. 2472

Sec. 3307.352. For purposes of this section, 2473
"superannuate" includes a member who retired under section 2474
3307.351 of the Revised Code. 2475

(A) Except as provided in division (B) (3) of this section, 2476
a superannuate or other system retirant who has made 2477
contributions under section 3307.35 or 3307.351 of the Revised 2478
Code may ~~file~~ submit an application ~~with~~ to the state teachers 2479
retirement system for a benefit consisting of a single life 2480
annuity. The annuity shall have a reserve equal to the amount of 2481
the superannuate's or retirant's accumulated contributions, as 2482
defined in section 3307.50 of the Revised Code, for the period 2483
of employment, other than the contributions excluded pursuant to 2484
division (F) of section 3307.35 of the Revised Code, and an 2485
amount determined by the state teachers retirement board from 2486
the employers' trust created by section 3307.14 of the Revised 2487
Code, plus interest credited to the date of retirement at a rate 2488
of interest determined by the board. The superannuate or other 2489
system retirant shall elect either to receive the benefit as a 2490
monthly annuity for life or a lump sum payment discounted to the 2491
present value using a rate of interest determined by the board, 2492
except that if the monthly annuity would be less than twenty- 2493
five dollars per month the superannuate or retirant shall 2494
receive a lump sum payment. 2495

A benefit payable under this division shall commence on 2496
the first day of the month immediately following the latest of 2497
the following: 2498

(1) The last day for which compensation for employment 2499
subject to this section was paid; 2500

(2) Attainment by the superannuate or other system 2501
retirant of age sixty-five; 2502

(3) If the superannuate or other system retirant was 2503
previously employed under section 3307.35 or 3307.351 of the 2504
Revised Code and previously received or is receiving a benefit 2505
under this division, completion of a period of twelve months 2506
since the effective date of the last benefit under this 2507
division. 2508

(B) (1) A superannuate or other system retirant under age 2509
sixty-five who has made contributions under section 3307.35 or 2510
3307.351 of the Revised Code may ~~file-submit~~ an application ~~with-~~ 2511
to the state teachers retirement system for a return of those 2512
contributions if both of the following conditions are met: 2513

(a) The superannuate or retirant has terminated, for any 2514
reason other than death, the employment for which the 2515
contributions were made. 2516

(b) If the superannuate or retirant received a return of 2517
contributions under this division for a previous period of 2518
employment under section 3307.35 or 3307.351 of the Revised 2519
Code, twelve months have passed since the date the retirement 2520
system returned the contributions. 2521

(2) A return of contributions under this division shall 2522
consist of the sum of the following: 2523

(a) The contributions the superannuate or other system 2524
retirant made under section 3307.35 or 3307.351 of the Revised 2525
Code other than the contributions excluded under division (F) of 2526
section 3307.35 of the Revised Code; 2527

(b) Interest at a rate determined by the state teachers 2528
retirement board credited through the later of the month the 2529
superannuate or retirant terminated the employment for which the 2530
contributions are made or the date required by division (B) (1) 2531
(b) of this section. 2532

(3) Payment of a return of contributions under this 2533
division shall be made on a date determined by the state 2534
teachers retirement board but shall be not earlier than the 2535
later of the first day of the first month following termination 2536
of employment or the date required by division (B) (1) (b) of this 2537
section. The payment cancels the ~~superannuate~~ superannuate's or 2538
retirant's right to a benefit under division (A) of this section 2539
for the service for which the contributions were made. 2540

(C) (1) If a superannuate or other system retirant who made 2541
contributions under section 3307.35 or 3307.351 of the Revised 2542
Code dies before receiving a benefit under division (A) of this 2543
section or a return of contributions under division (B) of this 2544
section, a lump sum payment shall be paid to the beneficiary 2545
designated under division (D) (1) of section 3307.562 of the 2546
Revised Code. The lump sum shall be calculated in accordance 2547
with division (A) of this section, except that the interest 2548
shall be credited as follows: 2549

(a) If the superannuate or retirant was under age sixty- 2550
five at the time of death, the interest shall be credited 2551
through the month of death. 2552

(b) If the superannuate or retirant was age sixty-five or 2553
older at the time of death, the interest shall be credited 2554
through the later of the month in which the superannuate or 2555
retirant terminated the employment for which the contributions 2556
are made or the month the superannuate or retirant attained age 2557

sixty-five. 2558

(2) If at the time of death a superannuate or other system 2559
retirant receiving a monthly annuity under division (A) of this 2560
section has received less than the superannuate or retirant 2561
would have received as a lump sum payment, the difference 2562
between the amount received and the amount that would have been 2563
received as a lump sum payment shall be paid to the 2564
superannuate's or retirant's beneficiary designated under 2565
division (D) (1) of section 3307.562 of the Revised Code. 2566

(D) No amount received under this section shall be 2567
included in determining an additional benefit under section 2568
3307.67 of the Revised Code or any other post-retirement benefit 2569
increase. 2570

Sec. 3307.39. (A) The state teachers retirement board may 2571
enter into an agreement with insurance companies, health 2572
insuring corporations, or government agencies authorized to do 2573
business in the state for issuance of a policy or contract of 2574
health, medical, hospital, or surgical coverage, or any 2575
combination thereof, for those individuals receiving, under the 2576
STRS defined benefit plan, service retirement or a disability or 2577
survivor benefit who subscribe to the plan. Notwithstanding any 2578
other provision of this chapter, the policy or contract may also 2579
include coverage for any eligible individual's spouse and 2580
dependent children ~~and for any of the individual's sponsored-~~ 2581
~~dependents~~ as the board considers appropriate. If all or any 2582
portion of the policy or contract premium is to be paid by any 2583
individual receiving service retirement or a disability or 2584
survivor benefit, the individual shall, by written 2585
authorization, instruct the board to deduct the premium agreed 2586
to be paid by the individual to the companies, corporations, or 2587

agencies. 2588

The board may contract for coverage on the basis of part 2589
or all of the cost of the coverage to be paid from appropriate 2590
funds of the state teachers retirement system. The cost paid 2591
from the funds of the system shall be included in the employer's 2592
contribution rate provided by section 3307.28 of the Revised 2593
Code. 2594

The board may enter into an agreement under this division 2595
for coverage of recipients of benefits under an STRS defined 2596
contribution plan if the plan selected includes health, medical, 2597
hospital, or surgical coverage, or any combination thereof. The 2598
board may contract for coverage on the basis that the cost of 2599
the coverage will be paid by the recipient or by the plan to 2600
which the recipient contributed under this chapter. The board 2601
may offer to recipients plans that provide for different levels 2602
of coverage or for prepayment of the cost of coverage. 2603

The board may provide for self-insurance of risk or level 2604
of risk as set forth in the contract with the companies, 2605
corporations, or agencies, and may provide through the self- 2606
insurance method specific coverage as authorized by the rules of 2607
the board. 2608

(B) The board may make a monthly payment to each recipient 2609
of service retirement, or a disability or survivor benefit under 2610
the STRS defined benefit plan who is enrolled in coverage under 2611
part B of the medicare program established under Title XVIII of 2612
"The Social Security Amendments of 1965," 79 Stat. 301 (1965), 2613
42 U.S.C.A. 1395j, as amended, and may make a monthly payment to 2614
a recipient of benefits under an STRS defined contribution plan 2615
who is eligible for that insurance coverage if the monthly 2616
payments are funded through the plan selected by the recipient. 2617

The payment shall be the greater of the following: 2618

(1) Twenty-nine dollars and ninety cents; 2619

(2) An amount determined by the board, which shall not 2620
exceed ninety per cent of the basic premium for the coverage, 2621
except that the amount shall not exceed the amount paid by the 2622
recipient. 2623

At the request of the board, the recipient shall certify 2624
the amount paid by the recipient for coverage described in this 2625
division. 2626

The board shall make all payments under this division 2627
beginning the month following receipt of satisfactory evidence 2628
of the payment for the coverage. 2629

(C) The board shall establish by rule requirements for the 2630
coordination of any coverage or payment provided under this 2631
section with any similar coverage or payment made available to 2632
the same individual by the public employees retirement system, 2633
Ohio police and fire pension fund, school employees retirement 2634
system, or state highway patrol retirement system. 2635

(D) The board shall make all other necessary rules 2636
pursuant to the purpose and intent of this section. 2637

Sec. 3307.44. (A) Any person who is receiving an 2638
allowance, as defined in section 3307.50 of the Revised Code, 2639
benefit, or increase under this chapter may, at any time, waive 2640
the person's rights thereto, or to a portion thereof, by ~~filing~~ 2641
submitting a written notice of waiver ~~with to~~ the state teachers 2642
retirement board. Except as provided in division (B) of this 2643
section, such waiver shall remain in effect until the first day 2644
of the month following the person's death or the ~~filing board's~~ 2645
receipt of the person's written cancellation of such waiver with 2646

the board. Any amount so waived shall forever be forfeited. 2647

(B) If a beneficiary waives in writing all claim to any 2648
benefits under this chapter prior to receipt of the first 2649
benefit, the waiver shall put into effect the succession of 2650
beneficiaries as provided in division (C) of section 3307.562 of 2651
the Revised Code and shall be irrevocable. 2652

Sec. 3307.48. (A) As used in this section, "disability 2653
benefit recipient" means a recipient of a disability benefit 2654
under any of the following: 2655

(1) Section 3307.63 of the Revised Code; 2656

(2) Section 3307.631 of the Revised Code; 2657

(3) The STRS combined plan. 2658

(B) A disability benefit recipient, notwithstanding 2659
section 3319.13 of the Revised Code, shall retain membership in 2660
the state teachers retirement system and shall be considered on 2661
leave of absence during the first five years following the 2662
effective date of a disability benefit. 2663

(C) The state teachers retirement board ~~shall~~ may require 2664
any disability benefit recipient to submit to an annual medical 2665
examination by a physician selected by the board, ~~except that~~ 2666
~~the board may forgo the medical examination if the board's~~ 2667
~~physician determines that the recipient's disability is ongoing~~ 2668
or may require additional examinations if the board's physician 2669
determines that additional information should be obtained. If a 2670
disability benefit recipient fails to submit to a medical 2671
examination, the recipient's disability benefit shall be 2672
suspended until the examination has occurred. If the failure 2673
continues for one year or the disability benefit is terminated 2674
for any reason during the one-year period, all the recipient's 2675

rights under and to the disability benefit shall be terminated 2676
as of the effective date of the ~~original~~-suspension. 2677

After the examination, the examiner shall report ~~and~~ 2678
~~certify~~ to the board whether the disability benefit recipient is 2679
no longer ~~physically and mentally~~ incapable of resuming the 2680
service from which the recipient was found disabled. If the 2681
examiner determines that the disability benefit recipient is no 2682
longer incapable of resuming the service from which the 2683
recipient was found disabled, the retirement board shall appoint 2684
a medical review board composed of at least three disinterested 2685
physicians to evaluate the examiner's report. The medical review 2686
board shall report its finding to the retirement board. If the 2687
retirement board concurs in a ~~report-finding~~ by the ~~examining-~~ 2688
~~physician-medical review board~~ that the disability benefit 2689
recipient is no longer incapable, the board shall order 2690
termination of payment of a disability benefit as follows: 2691

(1) Immediately upon employment as a teacher; 2692

(2) If the leave of absence has not expired and the 2693
recipient is not employed as a teacher, the later of the last 2694
day of the third month following the board's termination or the 2695
following thirty-first day of August; 2696

(3) If the leave of absence has expired and the recipient 2697
is not employed as a teacher, the last day of the third month 2698
following the board's termination. 2699

The board shall provide notice to the recipient of the 2700
board's order. At the request of the recipient, a hearing on the 2701
order shall be conducted in accordance with procedures 2702
established by the board. If the leave of absence has not 2703
expired, the board shall so certify to the disability benefit 2704

recipient's last employer before being found disabled that the 2705
recipient is no longer ~~physically and mentally~~ incapable of 2706
resuming service that is the same or similar to that from which 2707
the recipient was found disabled. If the recipient was under 2708
contract at the time the recipient was found disabled, the 2709
employer by the first day of the next succeeding year shall 2710
restore the recipient to the recipient's previous position and 2711
salary or to a position and salary similar thereto, unless the 2712
recipient was dismissed or resigned in lieu of dismissal for 2713
dishonesty, misfeasance, malfeasance, or conviction of a felony. 2714

(D) An individual receiving a disability benefit from the 2715
system shall be ineligible to perform any teaching service, as 2716
defined by the board. A disability benefit shall immediately 2717
terminate if the disability benefit recipient performs any 2718
teaching service in this state or elsewhere. The board shall 2719
notify the recipient that the benefit is terminated. The 2720
recipient may submit, not later than thirty days after the date 2721
the notice is sent, to the board information specifying that the 2722
disability recipient did not perform teaching services while 2723
receiving disability benefits along with any supporting evidence 2724
available to the recipient. The board shall review the 2725
information and any accompanying evidence to determine whether 2726
the individual performed teaching services. The board may 2727
designate an individual to review the information and submit a 2728
recommendation to the board. The board shall determine whether 2729
the benefit was correctly terminated. If not, the benefit shall 2730
be reinstated and any missed payments paid to the recipient. The 2731
board's decision is final. 2732

(E) If any employer should employ or reemploy a disability 2733
benefit recipient prior to the termination of a disability 2734
benefit, the employer shall ~~file~~ submit a notice of employment 2735

with the board designating the date of the employment. If the 2736
disability benefit recipient received a disability benefit and 2737
performed teaching services for all or any part of the same 2738
month, the recipient shall repay to the annuity and pension 2739
reserve fund the amount of the disability benefit received by 2740
the recipient from the beginning of employment. 2741

(F) Each disability benefit recipient shall ~~file with~~ 2742
submit to the board an annual statement of earnings, current 2743
medical information on the recipient's condition, and any other 2744
information required in rules adopted by the board. The board 2745
may waive the requirement that a disability benefit recipient 2746
~~file submit~~ an annual statement of earnings or current medical 2747
information if the board's physician certifies that the 2748
recipient's disability is ongoing. 2749

The board shall annually examine the information submitted 2750
by the recipient. If a disability benefit recipient fails to 2751
~~file submit~~ the statement or information, the disability benefit 2752
shall be suspended until the statement and information are ~~filed~~ 2753
submitted. If the failure continues for one year or the 2754
disability benefit is terminated for any reason during the one- 2755
year period, the recipient's right to the disability benefit 2756
shall be terminated as of the effective date of the ~~original~~ 2757
suspension. 2758

(G) A disability benefit may be terminated by the board at 2759
the request of the disability benefit recipient. 2760

(H) If disability retirement under section 3307.63 of the 2761
Revised Code is terminated for any reason, the annuity and 2762
pension reserves at that time in the annuity and pension reserve 2763
fund shall be transferred to the teachers' savings fund and the 2764
employers' trust fund, respectively. If the total disability 2765

benefit paid was less than the amount of the accumulated 2766
contributions of the member transferred to the annuity and 2767
pension reserve fund at the time of the member's disability 2768
retirement, then the difference shall be transferred from the 2769
annuity and pension reserve fund to another fund as required. In 2770
determining the amount of a member's account following the 2771
termination of disability retirement for any reason, the total 2772
amount paid shall be charged against the member's refundable 2773
account. 2774

(I) If a disability allowance paid under section 3307.631 2775
of the Revised Code is terminated for any reason, the reserve on 2776
the allowance at that time in the annuity and pension reserve 2777
fund shall be transferred from that fund to the employers' trust 2778
fund. 2779

(J) A former disability benefit recipient shall receive 2780
credit for the period as a disability benefit recipient if 2781
either of the following occurs: 2782

(1) The former disability recipient again becomes a 2783
contributor, other than as an other system retirant under 2784
section 3307.35 of the Revised Code, to this retirement system 2785
in the STRS defined benefit plan or to the school employees 2786
retirement system, or the public employees retirement system in 2787
the PERS defined benefit plan, and completes at least two 2788
additional years of service credit; 2789

(2) The former disability benefit recipient again becomes 2790
a contributor, other than as an other system retirant under 2791
section 3307.35 of the Revised Code, to this retirement system 2792
in the STRS defined contribution plan and completes at least two 2793
additional years of service credit. 2794

Credit may be received for more than one period of leave 2795
as a disability benefit recipient, except that for credit 2796
received on or after July 1, 2013, the total number of years 2797
received shall not exceed the lesser of the years of 2798
contributing service following the termination of disability 2799
benefits or five years of total service credit. 2800

Sec. 3307.501. (A) As used in this section, "percentage 2801
increase" means the percentage that an increase in compensation 2802
is of the compensation paid prior to the increase. 2803

(B) For the purpose of determining final average salary 2804
under this section, "compensation" has the same meaning as in 2805
section 3307.01 of the Revised Code, except that it does not 2806
include any amount resulting from a percentage increase paid to 2807
a member during the member's two highest years of compensation, 2808
and any partial year of compensation as determined under 2809
divisions (C) (1) and (2) of this section to which the percentage 2810
increase also applies, if the percentage increase exceeds the 2811
greater of the following: 2812

(1) The highest percentage increase in compensation paid 2813
to the member during any of the three years immediately 2814
preceding the earlier of the member's two highest years of 2815
compensation; 2816

(2) A percentage increase paid to the member as part of an 2817
increase generally applicable to members employed by the 2818
employer. An increase shall be considered generally applicable 2819
if it is paid to members employed by a school district board of 2820
education in positions requiring a license issued under section 2821
3319.22 of the Revised Code in accordance with uniform criteria 2822
applicable to all such members or if paid to members employed by 2823
an employer other than a school district board of education in 2824

accordance with uniform criteria applicable to all such members. 2825

(C) The state teachers retirement board shall determine 2826
the final average salary of a member as follows: 2827

(1) For benefits beginning before August 1, 2015, by 2828
dividing the sum of the member's annual compensation for the 2829
three highest years of compensation for which the member made 2830
contributions plus any amount determined under division (E) of 2831
this section by three, except that if the member has a partial 2832
year of contributing service in the year the member's employment 2833
terminates and the compensation for the partial year is at a 2834
rate higher than the rate of compensation for any one of the 2835
member's highest three years of compensation, the board shall 2836
substitute the compensation for the partial year for the 2837
compensation for the same portion of the lowest of the member's 2838
three highest years of compensation; 2839

(2) For benefits beginning on or after August 1, 2015, 2840
except as provided in division (C)(3) of this section, by 2841
dividing the sum of the member's annual compensation for the 2842
five highest years of compensation for which the member made 2843
contributions plus any amount determined under division (E) of 2844
this section by five, except that if the member has a partial 2845
year of contributing service in the year the member's employment 2846
terminates and the compensation for the partial year is at a 2847
rate higher than the rate of compensation for any one of the 2848
member's highest five years of compensation, the board shall 2849
substitute the compensation for the partial year for the 2850
compensation for the same portion of the lowest of the member's 2851
five highest years of compensation; 2852

(3) For benefits beginning on or after August 1, 2015, 2853
that were preceded by a disability benefit effective before that 2854

date and with no break in benefits, by dividing the sum of the 2855
member's annual compensation for the three highest years of 2856
compensation for which the member made contributions plus any 2857
amount determined under division (E) of this section by three, 2858
except that if the member has a partial year of contributing 2859
service in the year the member's employment terminates and the 2860
compensation for the partial year is at a rate higher than the 2861
rate of compensation for any one of the member's highest three 2862
years of compensation, the board shall substitute the 2863
compensation for the partial year for the compensation for the 2864
same portion of the lowest of the member's three highest years 2865
of compensation. 2866

If a member has less than the requisite years of 2867
contributing membership, the member's final average salary shall 2868
be the member's total compensation for the period of 2869
contributing membership plus any amount determined under 2870
division (E) of this section divided by the total years, 2871
including any portion of a year, of contributing service. 2872

For the purpose of calculating benefits payable to a 2873
member qualifying for service credit under division (I) of 2874
section 3307.01 of the Revised Code, the board shall calculate 2875
the member's final average salary by dividing the member's total 2876
compensation as a teacher covered under this chapter plus any 2877
amount determined under division (E) of this section by the 2878
total number of years, including any portion of a year, of 2879
contributing membership during that period. If contributions 2880
were made for less than twelve months, the member's final 2881
average salary is the total amount of compensation paid to the 2882
member during all periods of contributions under this chapter. 2883

(D) Contributions made by a member on amounts that, 2884

pursuant to division (B) of this section, are not compensation 2885
or are not included, pursuant to division (E) of this section, 2886
for the purpose of determining final average salary shall be 2887
treated as additional deposits to the member's account under 2888
section 3307.26 of the Revised Code and used to provide 2889
additional annuity income. 2890

(E) The state teachers retirement board shall adopt rules 2891
establishing criteria and procedures for administering this 2892
division. 2893

The board shall notify each applicant for retirement of 2894
any amount excluded from the applicant's compensation in 2895
accordance with division (B) of this section and of the 2896
procedures established by the board for requesting a hearing on 2897
this exclusion. 2898

Any applicant for retirement who has had any amount 2899
excluded from the applicant's compensation in accordance with 2900
division (B) of this section may request a hearing on this 2901
exclusion. Upon receiving such a request, the board shall 2902
determine in accordance with its criteria and procedures 2903
whether, for good cause as determined by the board, all or any 2904
portion of any amount excluded from the applicant's compensation 2905
in accordance with division (B) of this section, up to a maximum 2906
of seventy-five hundred dollars, is to be included in the 2907
determination of final average salary under division (C) of this 2908
section. Any determination of the board under this division 2909
shall be final. 2910

Sec. 3307.56. (A) (1) Subject to section 3307.37 of the 2911
Revised Code and except as provided in division (B) (2) of this 2912
section, a member participating in the STRS defined benefit plan 2913
who ceases to be a teacher for any cause other than death, 2914

retirement, receipt of a disability benefit, or current 2915
employment in a position in which the member has elected to 2916
participate in an alternative retirement plan under section 2917
3305.05 or 3305.051 of the Revised Code, upon application, shall 2918
be paid the accumulated contributions standing to the credit of 2919
the member's individual account in the teachers' savings fund 2920
plus an amount calculated in accordance with section 3307.563 of 2921
the Revised Code. If the member or the member's legal 2922
representative cannot be found within ten years after the member 2923
ceased making contributions pursuant to section 3307.26 of the 2924
Revised Code, the accumulated contributions may be transferred 2925
to the guarantee fund and thereafter paid to the member, to the 2926
member's beneficiaries, or to the member's estate, upon proper 2927
application. 2928

(2) A member described in division (A)(1) of this section 2929
who is married at the time of application for payment and is 2930
eligible for age and service retirement under section 3307.58 or 2931
3307.59 of the Revised Code or would be eligible for age and 2932
service retirement under either of those sections but for a 2933
forfeiture ordered under division (A) or (B) of section 2929.192 2934
of the Revised Code shall submit with the application a written 2935
statement by the member's spouse attesting that the spouse 2936
consents to the payment of the member's accumulated 2937
contributions. Consent shall be valid only if it is signed and 2938
witnessed by a notary public. If the statement is not submitted 2939
under this division, the application shall be considered an 2940
application for service retirement and shall be subject to 2941
division ~~(C)~~ (I) (1) of section 3307.60 of the Revised Code. 2942

The state teachers retirement board may waive the 2943
requirement of consent if the spouse is incapacitated or cannot 2944
be located, or for any other reason specified by the board. 2945

Consent or waiver is effective only with regard to the spouse 2946
who is the subject of the consent or waiver. 2947

(B) This division applies to any member who is employed in 2948
a position in which the member has elected under section 3305.05 2949
or 3305.051 of the Revised Code to participate in an alternative 2950
retirement plan and due to the election ceases to be a teacher 2951
for the purposes of that position. 2952

Subject to section 3307.37 of the Revised Code, the state 2953
teachers retirement system shall do the following: 2954

(1) On receipt of a certified copy of an election under 2955
section 3305.05 or 3305.051 of the Revised Code, pay, in 2956
accordance with section 3305.052 of the Revised Code, the amount 2957
described in that section to the appropriate provider; 2958

(2) If a member has accumulated contributions, in addition 2959
to those subject to division (B)(1) of this section, standing to 2960
the credit of a member's individual account and is not otherwise 2961
in a position in which the member is considered a teacher for 2962
the purposes of that position, pay, to the provider the member 2963
selected pursuant to section 3305.05 or 3305.051 of the Revised 2964
Code, the accumulated contributions standing to the credit of 2965
the member's individual account in the teachers' saving fund 2966
plus an amount calculated in accordance with section 3307.563 of 2967
the Revised Code. The payment shall be made on the member's 2968
application. 2969

(C) Payment of a member's accumulated contributions under 2970
division (B) of this section cancels the member's total service 2971
credit in the state teachers retirement system. A member whose 2972
accumulated contributions are paid to a provider pursuant to 2973
division (B) of this section is forever barred from claiming or 2974

purchasing service credit under the state teachers retirement 2975
system for the period of employment attributable to those 2976
contributions. 2977

Sec. 3307.562. (A) As used in this section and section 2978
3307.66 of the Revised Code: 2979

(1) "Child" means a biological or legally adopted child of 2980
a deceased member. If a court hearing for an interlocutory 2981
decree for adoption was held prior to the member's death, 2982
"child" includes the child who was the subject of the hearing if 2983
a final decree of adoption adjudging the member's spouse as the 2984
adoptive parent is made subsequent to the member's death. 2985

(2) "Parent" is a parent or legally adoptive parent of a 2986
deceased member. 2987

(3) "Dependent" means a beneficiary who receives at least 2988
one-half of the beneficiary's support from a member during the 2989
twelve months prior to the member's death. 2990

(4) "Surviving spouse" means an individual who establishes 2991
a valid marriage to a member at the time of the member's death 2992
by marriage certificate or pursuant to division (E) of this 2993
section. 2994

(5) "Survivor" means a spouse, child, or dependent parent. 2995

(B) Except as provided in division (B) of section 3307.563 2996
or division (G)(1) of section 3307.66 of the Revised Code, 2997
should a member who is participating in the STRS defined benefit 2998
plan die before service retirement, the member's accumulated 2999
contributions, plus an amount calculated in accordance with 3000
section 3307.563 of the Revised Code, and any amounts owed and 3001
unpaid to a disability benefit recipient shall be paid to such 3002
beneficiaries as the member has nominated by written designation 3003

signed by the member and received by the state teachers 3004
retirement board prior to death. A member may designate two or 3005
more persons as beneficiaries to be paid the amount determined 3006
under this division. On and after July 1, 2013, and subject to 3007
rules adopted by the board, a member who designates two or more 3008
persons as beneficiaries shall specify the percentage of the 3009
amount that each beneficiary is to be paid. If the member has 3010
not specified the percentages, the amount shall be divided 3011
equally among the designated beneficiaries. If a designated 3012
beneficiary is deceased, the amount allocated to the deceased 3013
beneficiary shall be allocated to the remaining beneficiaries 3014
based on each remaining beneficiary's initial percentage. The 3015
nomination of beneficiary shall be on a form provided by the 3016
retirement board. The last nomination of any beneficiary revokes 3017
all previous nominations. The member's marriage, divorce, 3018
marriage dissolution, legal separation, or withdrawal of 3019
account, or the birth of the member's child, or the member's 3020
adoption of a child, shall constitute an automatic revocation of 3021
the member's previous designation. If a deceased member was also 3022
a member of the public employees retirement system or the school 3023
employees retirement system, the beneficiary last established 3024
among the systems shall be the sole beneficiary in all the 3025
systems. 3026

Any beneficiary ineligible for monthly survivor benefits 3027
as provided by section 3307.66 of the Revised Code may waive in 3028
writing all claim to any benefits and such waiver shall thereby 3029
put in effect the succession of beneficiaries under division (C) 3030
of this section, provided the beneficiary thereunder is 3031
immediately eligible and agrees in writing to accept survivor 3032
benefits as provided by section 3307.66 of the Revised Code. If 3033
the accumulated contributions of a deceased member are not 3034

claimed by a beneficiary, or by the estate of the deceased 3035
member, within ten years, they shall be transferred to the 3036
guarantee fund and thereafter paid to such beneficiary or to the 3037
member's estate upon application to the board. The board shall 3038
formulate and adopt rules governing all designations of 3039
beneficiaries. 3040

(C) Except as provided in division (G) (1) of section 3041
3307.66 of the Revised Code, if a member dies before service 3042
retirement and is not survived by a designated beneficiary, any 3043
beneficiaries shall qualify, in the following order of 3044
precedence, with all attendant rights and privileges: 3045

(1) Surviving spouse; 3046

(2) Children, share and share alike; 3047

(3) A dependent parent, if that parent elects to take 3048
survivor benefits under division (C) (2) of section 3307.66 of 3049
the Revised Code; 3050

(4) Parents, share and share alike; 3051

(5) Estate. 3052

If any survivor dies before payment is made under this 3053
section or is not located prior to the ninety-first day after 3054
the board receives notification of the member's death, the 3055
survivor next in order of precedence shall qualify as a 3056
beneficiary, provided that benefits under division (C) (2) of 3057
section 3307.66 of the Revised Code are elected. In the event 3058
that the beneficiary originally determined is subsequently 3059
located, the beneficiary may qualify for benefits under division 3060
(C) (2) of section 3307.66 of the Revised Code upon meeting the 3061
conditions of eligibility set forth in division (B) of that 3062
section, but in no case earlier than the first day of the month 3063

following application by such beneficiary. Any payment made to a 3064
beneficiary as determined by the board shall be a full discharge 3065
and release to the board from any future claims. 3066

(D) (1) Any amount due any person, as an annuitant, 3067
receiving a monthly benefit, and unpaid to the annuitant at 3068
death, shall be paid to the beneficiary named by written 3069
designation signed by the annuitant and received by the state 3070
teachers retirement board prior to death. If no such designation 3071
has been ~~filed~~ submitted, or if the beneficiary designated is 3072
deceased or is not located prior to the ninety-first day after 3073
the board receives notification of the annuitant's death, such 3074
amount shall be paid, in the following order of precedence to 3075
the annuitant's: 3076

(a) Surviving spouse; 3077

(b) Children, share and share alike; 3078

(c) Parents, share and share alike; 3079

(d) Estate. 3080

(2) If there is no beneficiary under division (D) (1) of 3081
this section, an amount not exceeding the cost of the 3082
annuitant's burial expenses may be paid to the person 3083
responsible for the burial expenses. 3084

For purposes of this division an "annuitant" is the last 3085
person who received a monthly benefit pursuant to the plan of 3086
payment selected by the former member. Such payment shall be a 3087
full discharge and release to the board from any future claim 3088
for such payment. 3089

(E) If the validity of marriage cannot be established to 3090
the satisfaction of the board for the purpose of disbursing any 3091

amount due under this section or section 3307.66 of the Revised 3092
Code, the board may accept a decision rendered by a court having 3093
jurisdiction in the state in which the member was domiciled at 3094
the time of death that the relationship constituted a valid 3095
marriage at the time of death, or the "spouse" would have the 3096
same status as a widow or widower for purposes of sharing the 3097
distribution of the member's intestate personal property. 3098

(F) As used in this division, "recipient" means an 3099
individual who is receiving or may be eligible to receive an 3100
allowance or benefit under this chapter based on the 3101
individual's service to an employer. 3102

If the death of a member, a recipient, or any individual 3103
who would be eligible to receive an allowance or benefit under 3104
this chapter by virtue of the death of a member or recipient is 3105
caused by one of the following beneficiaries, no amount due 3106
under this chapter to the beneficiary shall be paid to the 3107
beneficiary in the absence of a court order to the contrary 3108
~~filed with~~ submitted to the board: 3109

(1) A beneficiary who is convicted of, pleads guilty to, 3110
or is found not guilty by reason of insanity of a violation of 3111
or complicity in the violation of either of the following: 3112

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised 3113
Code; 3114

(b) An existing or former law of any other state, the 3115
United States, or a foreign nation that is substantially 3116
equivalent to section 2903.01, 2903.02, or 2903.03 of the 3117
Revised Code; 3118

(2) A beneficiary who is indicted for a violation of or 3119
complicity in the violation of the sections or laws described in 3120

division (F) (1) (a) or (b) of this section and is adjudicated 3121
incompetent to stand trial; 3122

(3) A beneficiary who is a juvenile found to be a 3123
delinquent child by reason of committing an act that, if 3124
committed by an adult, would be a violation of or complicity in 3125
the violation of the sections or laws described in division (F) 3126
(1) (a) or (b) of this section. 3127

Sec. 3307.58. (A) As used in this section, "qualifying 3128
service credit" means all of the following: 3129

(1) Credit earned under section 3307.53 or for which 3130
contributions were made under section 145.47 or 3309.47 of the 3131
Revised Code; 3132

(2) Credit restored under section 145.31, 3307.71, or 3133
3309.26 of the Revised Code; 3134

(3) Credit purchased under section 145.302, 3307.752, or 3135
3309.022, or division (D) of section 5505.16 of the Revised 3136
Code, or obtained under section 742.521 of the Revised Code; 3137

(4) Credit obtained under section 3307.761, 3307.763, or 3138
3307.765 of the Revised Code other than military service credit 3139
as defined in section 3307.761 of the Revised Code, except that 3140
"qualifying service credit" includes credit obtained under 3141
section 3307.761, 3307.763, or 3307.765 of the Revised Code that 3142
was initially purchased under division (D) of section 5505.16 of 3143
the Revised Code or obtained under section 742.521 of the 3144
Revised Code. 3145

(B) Any member participating in the STRS defined benefit 3146
plan who has attained the applicable combination of age and 3147
service credit shall be granted service retirement after ~~filing-~~ 3148
~~with-~~ submitting to the state teachers retirement board a 3149

completed application on a form approved by the board. 3150

(1) Except as provided in division (B) (3) of this section, 3151
a member is eligible to retire under this division if any of the 3152
following is the case: 3153

(a) The member has five or more years of qualifying 3154
service credit and has attained age sixty-five; 3155

(b) The member is applying for service retirement 3156
following termination of a disability benefit received under 3157
section 3307.63 or 3307.631 of the Revised Code and has five or 3158
more years of total service credit and has attained age sixty- 3159
five; 3160

(c) The member meets one of the following requirements: 3161

(i) Before August 1, 2015, has thirty or more years of 3162
service credit at any age; 3163

(ii) On or after August 1, 2015, but before August 1, 3164
2017, has thirty-one or more years of service credit at any age; 3165

(iii) On or after August 1, 2017, but before August 1, 3166
2019, has thirty-two or more years of service credit at any age; 3167

(iv) On or after August 1, 2019, but before August 1, 3168
2021, has thirty-three or more years of service credit at any 3169
age; 3170

(v) On or after August 1, 2021, but before August 1, 2023, 3171
has thirty-four or more years of service credit at any age; 3172

(vi) On or after August 1, 2023, but before August 1, 3173
2026, has thirty-five or more years of service credit at any 3174
age; 3175

(vii) On or after August 1, 2026, has thirty-five or more 3176

years of service credit and has attained age sixty. 3177

(2) Except as provided in division (B)(3) of this section, 3178
a member is eligible to retire under this division if any of the 3179
following is the case: 3180

(a) The member has five or more years of qualifying 3181
service credit and has attained age sixty; 3182

(b) The member is applying for service retirement 3183
following termination of a disability benefit received under 3184
section 3307.63 or 3307.631 of the Revised Code and has five or 3185
more years of total service credit and has attained age sixty; 3186

(c) The member meets one of the following requirements: 3187

(i) Before August 1, 2015, has twenty-five or more years 3188
of service credit and has attained age fifty-five; 3189

(ii) On or after August 1, 2015, but before August 1, 3190
2017, has twenty-six or more years of service credit and has 3191
attained age fifty-five or has thirty or more years of service 3192
credit at any age; 3193

(iii) On or after August 1, 2017, but before August 1, 3194
2019, has twenty-seven or more years of service credit and has 3195
attained age fifty-five or has thirty or more years of service 3196
credit at any age; 3197

(iv) On or after after August 1, 2019, but before August 3198
1, 2021, has twenty-eight or more years of service credit and 3199
has attained age fifty-five or has thirty or more years of 3200
service credit at any age; 3201

(v) On or after August 1, 2021, but before August 1, 2023, 3202
has twenty-nine or more years of service credit and has attained 3203
age fifty-five or has thirty or more years of service credit at 3204

any age; 3205

(vi) On or after August 1, 2023, has thirty or more years 3206
of service credit at any age. 3207

(3) The board may adjust the retirement eligibility 3208
requirements of this section if the board's actuary, in its 3209
annual actuarial valuation required by section 3307.51 of the 3210
Revised Code or in other evaluations conducted under that 3211
section, determines that an adjustment does not materially 3212
impair the fiscal integrity of the retirement system or is 3213
necessary to preserve the fiscal integrity of the system. 3214

(C) Service retirement shall be effective not earlier than 3215
the first day of the month next following the later of: 3216

(1) The last day for which compensation was paid; ~~or~~ 3217

(2) The attainment of minimum age and service credit 3218
eligibility for benefits provided under this section; 3219

(3) The termination of a disability benefit received under 3220
section 3307.63 or 3307.631 of the Revised Code and attainment 3221
of minimum age and service credit eligibility for benefits 3222
provided under this section. 3223

(D) (1) Except as provided in division (E) of this section, 3224
the annual single lifetime benefit of a member whose retirement 3225
effective date is before August 1, 2013, shall be the greater of 3226
the amounts determined by the member's Ohio service credit 3227
multiplied by one of the following: 3228

(a) Eighty-six dollars; 3229

(b) The sum of the following amounts: 3230

(i) For each of the first thirty years of Ohio service 3231

credit, two and two-tenths per cent of the member's final 3232
average salary or, subject to the limitation described in 3233
division (D) (1) (c) of this section, two and five-tenths per cent 3234
of the member's final average salary if the member has thirty- 3235
five or more years of service credit under section 3307.48, 3236
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3237
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3238
division (A) (2) or (B) of former section 3307.513 of the Revised 3239
Code, former section 3307.514 of the Revised Code, section 3240
3307.72 of the Revised Code earned after July 1, 1978, or any 3241
combination of service credit under those sections; 3242

(ii) For each year or fraction of a year of Ohio service 3243
credit in excess of thirty years, two and two-tenths per cent of 3244
the member's final average salary or, subject to the limitation 3245
described in division (D) (1) (c) of this section, if the member 3246
has more than thirty years service credit under section 3307.48, 3247
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3248
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3249
division (A) (2) or (B) of former section 3307.513 of the Revised 3250
Code, former section 3307.514 of the Revised Code, section 3251
3307.72 of the Revised Code earned after July 1, 1978, or any 3252
combination of service credit under those sections, the per cent 3253
of final average salary shown in the following schedule for each 3254
corresponding year or fraction of a year of service credit under 3255
those sections that is in excess of thirty years: 3256

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%	3261
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3262

32.01 - 33.00	2.7	37.01 - 38.00	3.2	3263
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3264
34.01 - 35.00	2.9			3265

For purposes of this schedule, years of service credit shall be 3266
rounded to the nearest one-hundredth of a year. 3267

(c) For purposes of division (D) (1) of this section, a 3268
percentage of final average salary in excess of two and two- 3269
tenths per cent shall be applied to service credit under section 3270
3307.57 of the Revised Code only if the service credit was 3271
established under section 145.30, 145.301, 145.302, 145.47, 3272
145.483, 3309.02, 3309.021, 3309.022, or 3309.47 of the Revised 3273
Code or restored under section 145.31 or 3309.26 of the Revised 3274
Code. 3275

(2) (a) Except as provided in division (E) of this section, 3276
the annual single lifetime benefit of a member whose retirement 3277
effective date is on or after August 1, 2013, but before August 3278
1, 2015, shall be the amount determined by the member's Ohio 3279
service credit multiplied by the sum of the following amounts: 3280

(i) For each of the first thirty years of Ohio service 3281
credit, two and two-tenths per cent of the member's final 3282
average salary or, subject to the limitation described in 3283
division (D) (2) (b) of this section, two and five-tenths per cent 3284
of the member's final average salary if the member has thirty- 3285
five or more years of service credit under section 3307.48, 3286
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3287
3307.763, 3307.765, 3307.77, or 3307.771 of the Revised Code, 3288
division (A) (2) or (B) of former section 3307.513 of the Revised 3289
Code, former section 3307.514 of the Revised Code, section 3290
3307.72 of the Revised Code earned after July 1, 1978, or any 3291
combination of service credit under those sections; 3292

(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) (2) (b) 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:

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%
31.01 - 32.00	2.6	36.01 - 37.00	3.1
32.01 - 33.00	2.7	37.01 - 38.00	3.2
33.01 - 34.00	2.8	38.01 - 39.00	3.3
34.01 - 35.00	2.9		

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

(b) For purposes of division (D) (2) (a) (ii) 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 3324
Code. 3325

(3) Except as provided in division (E) of this section, 3326
the annual single lifetime benefit of a member whose retirement 3327
effective date is on or after August 1, 2015, shall be the 3328
amount determined by the member's service credit multiplied by 3329
two and two-tenths per cent of the member's final average 3330
salary. 3331

(E)(1) The annual single lifetime benefit of a member 3332
described in division (B)(2) of this section whose service 3333
retirement is effective before August 1, 2015, shall be adjusted 3334
by the greater per cent shown in the following schedule opposite 3335
the member's attained age or Ohio service credit. 3336

		Years of	Per Cent	
Attained	or	Ohio Service	of Base	
Age		Credit	Amount	
58		25	75%	3340
59		26	80	3341
60		27	85	3342
61			88	3343
		28	90	3344
62			91	3345
63			94	3346
		29	95	3347
64			97	3348
65		30 or more	100	3349

(2) The annual single lifetime benefit of a member 3350
described in division (B)(2) of this section whose service 3351
retirement is effective on or after August 1, 2015, shall be 3352
reduced by a percentage determined by the board's actuary for 3353

each year the member retires before attaining the applicable age 3354
and service credit specified in division (B)(1) of this section. 3355
The board's actuary may use an actuarially based average 3356
percentage reduction for this purpose. 3357

(F) Notwithstanding any other provision of this section, 3358
on application, a member who, as of July 1, 2015, has five or 3359
more years of Ohio service credit and has attained age sixty, 3360
has twenty-five or more years of Ohio service credit and has 3361
attained age fifty-five, or has thirty or more years of Ohio 3362
service credit shall be granted service retirement according to 3363
former section 3307.58 of the Revised Code as in effect 3364
immediately prior to January 7, 2013. The member's benefit shall 3365
be the greater of the amount the member would have been eligible 3366
for had the member retired effective July 1, 2015, or the amount 3367
determined under division (D)(3) of this section. 3368

(G) The annual single lifetime benefit determined under 3369
division (D) or (E) of this section shall not exceed the lesser 3370
of one hundred per cent of the final average salary or the limit 3371
established by section 415 of the "Internal Revenue Code of 3372
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 3373

(H) The annual single lifetime benefit of a member whose 3374
retirement effective date is before August 1, 2013, shall be the 3375
greater of the amounts determined under division (D)(1) or (E) 3376
(1) of this section as appropriate or under this division. The 3377
benefit shall not exceed the lesser of the sum of the following 3378
amounts or the limit established by section 415 of the "Internal 3379
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 3380
amended: 3381

(1) An annuity with a reserve equal to the member's 3382
accumulated contributions; 3383

(2) A pension equal to the amount in division (H) (1) of 3384
this section; 3385

(3) An additional pension of forty dollars annually 3386
multiplied by the number of years of prior and military service 3387
credit, except years of credit purchased under section 3307.751 3388
or 3307.752 of the Revised Code. 3389

(I) If a member's disability benefit was terminated under 3390
section 3307.48 of the Revised Code and the member's retirement 3391
under this section is effective on the first day of the month 3392
following the last day for which the disability benefit was 3393
paid, the member's annual single lifetime benefit determined 3394
under division (D) or (E) of this section shall be increased by 3395
a percentage equal to the total of any percentage increases the 3396
member received under section 3307.67 of the Revised Code, plus 3397
any additional amount the member received under this chapter 3398
while receiving the disability benefit. The increase shall be 3399
based on the plan of payment selected by the member under 3400
section 3307.60 of the Revised Code. However, the benefit used 3401
to calculate any future increases under section 3307.67 of the 3402
Revised Code shall be based on the plan of payment selected by 3403
the member, plus any additional amount added to the benefit 3404
determined under this division that established a new base 3405
benefit to the member. 3406

(J) Benefits determined under this section shall be paid 3407
as provided in section 3307.60 of the Revised Code. 3408

Sec. 3307.60. (A) Upon application for retirement as 3409
provided in section 3307.58 or 3307.59 of the Revised Code, the 3410
retirant may elect a plan of payment under this division or, on 3411
and after the date specified in division (B) of this section, a 3412
plan of payment under that division. Under this division, the 3413

retirant may elect to receive a single lifetime benefit, or may 3414
elect to receive the actuarial equivalent of the retirant's 3415
benefit in a lesser amount, payable for life, and continuing 3416
after death to a beneficiary under one of the following optional 3417
plans: 3418

(1) Option 1. The retirant's lesser benefit shall be paid 3419
for life to the sole beneficiary named at retirement. 3420

(2) Option 2. Some other portion of the retirant's benefit 3421
shall be paid for life to the sole beneficiary named at 3422
retirement. The beneficiary's monthly amount shall not exceed 3423
the monthly amount payable to the retirant during the retirant's 3424
lifetime. 3425

(3) Option 3. The retirant's lesser benefit established as 3426
provided under option 1 or option 2 shall be paid for life to 3427
the sole beneficiary named at retirement, except that in the 3428
event of the death of the sole beneficiary or termination of a 3429
marital relationship between the retirant and the sole 3430
beneficiary the retirant may elect to return to a single 3431
lifetime benefit equivalent as determined by the state teachers 3432
retirement board, if, in the case of termination of a marital 3433
relationship, the election is made with the written consent of 3434
the beneficiary or pursuant to an order of the court with 3435
jurisdiction over termination of the marital relationship. 3436

(4) Option 4. The retirant's lesser benefit or a portion 3437
of the retirant's lesser benefit shall be paid for life to two, 3438
three, or four surviving beneficiaries named at retirement. The 3439
portion of the allowance that continues after the member's death 3440
shall be allocated among the beneficiaries at the time of the 3441
member's retirement. If the retirant elects this plan as 3442
required by a court order issued under section 3105.171 or 3443

3105.65 of the Revised Code or the laws of another state 3444
regarding the division of marital property and compliance with 3445
the court order requires the allocation of a portion less than 3446
ten per cent to any person, the retirant shall allocate a 3447
portion less than ten per cent to that beneficiary in accordance 3448
with that order. In all other circumstances, no portion 3449
allocated under this plan of payment shall be less than ten per 3450
cent. The total of the portions allocated shall not exceed one 3451
hundred per cent of the retirant's lesser allowance. In the 3452
event of the death of a beneficiary or termination of a marital 3453
relationship between the retirant and a beneficiary, the 3454
retirant may elect to cancel the portion of the plan of payment 3455
providing continuing lifetime benefits to that beneficiary 3456
except that, in the case of termination of a marital 3457
relationship, the election may be made only with the written 3458
consent of the beneficiary or pursuant to an order of the court 3459
with jurisdiction over termination of the marital relationship. 3460
The retirant shall receive the actuarial equivalent of the 3461
remainder of the retirant's single lifetime benefit based on the 3462
number of remaining beneficiaries, with no change in the amount 3463
payable to any remaining beneficiary. 3464

(5) Option 5. Upon the retirant's death before the 3465
expiration of a certain period from the retirement date and 3466
elected by the retirant, and approved by the board, the 3467
retirant's benefit shall be continued for the remainder of such 3468
period to the beneficiary. Monthly benefits shall not be paid to 3469
joint beneficiaries, but they may receive the present value of 3470
any remaining payments in a lump sum settlement. If all 3471
beneficiaries die before the expiration of the certain period, 3472
the present value of all payments yet remaining in such period 3473
shall be paid to the estate of the beneficiary last receiving. 3474

(6) Option 6. A plan of payment established by the state teachers retirement board combining any of the features of options 1, 2, and 5.

(B) Beginning on ~~a date selected by the state teachers retirement board, which shall be not later than July~~ October 1, 2004 ~~2002~~, a retirant may elect, in lieu of a plan of payment under division (A) of this section, a plan consisting of both of the following:

(1) A lump sum in an amount the member designates that constitutes a portion of the member's single lifetime benefit;

(2) Either of the following:

(a) The remainder of the retirant's single lifetime benefit;

(b) The actuarial equivalent of the remainder of the retirant's benefit in a lesser amount, payable for life, and continuing after death to a beneficiary under one of the options described in divisions (A) (1) to (6) of this section.

The amount designated by the member under division (B) (1) of this section shall be not less than six times and not more than thirty-six times the monthly amount that would be payable to the member as a single lifetime benefit and shall not result in a monthly allowance that is less than fifty per cent of that amount.

(C) A retirant shall not elect a plan of payment under division (A) or (B) of this section that results in a monthly payment of the retirant's lesser benefit to a beneficiary of one hundred dollars or less a month. This division does not apply to a retirant who is subject to division (I) (1) of this section.

(D) Until the first payment is made to a former member 3503
under section 3307.58 or 3307.59 of the Revised Code, the former 3504
member may change the selection of a plan of payment. 3505

~~(D)~~ (E) (1) If a deceased member was eligible for but had 3506
not yet been awarded a service retirement benefit under section 3507
3307.58 or 3307.59 of the Revised Code at the time of death, 3508
option 1 as provided for in division (A) (1) of this section 3509
shall be paid to the spouse or other sole dependent beneficiary. 3510

(2) Beginning on ~~a date selected by the board, which shall~~ 3511
~~be not later than July-October 1, 2004~~ 2002, the spouse or sole 3512
beneficiary may elect, in lieu of option 1, a plan of payment 3513
consisting of both of the following: 3514

(a) A lump sum in an amount the spouse or other sole 3515
dependent beneficiary designates that constitutes a portion of 3516
the retirant's single life annuity; 3517

(b) The actuarial equivalent of the remainder of the 3518
retirant's single life annuity paid as a benefit under option 1 3519
for life to the spouse or other sole dependent beneficiary. 3520

The amount designated by the spouse or other sole 3521
dependent beneficiary under division ~~(D)~~ (E) (2) (a) of this 3522
section shall be not less than six times and not more than 3523
thirty-six times the monthly amount that would be payable as the 3524
retirant's single life annuity and shall not result in a monthly 3525
allowance that is less than fifty per cent of that monthly 3526
amount. 3527

~~(E)~~ (F) If the total benefit paid under this section is 3528
less than the balance in the teachers' savings fund, the 3529
difference shall be paid to the beneficiary provided under 3530
division (D) (1) of section 3307.562 of the Revised Code. 3531

~~(F)~~ (G) In the case of a retirant who elected an optional 3532
plan prior to September 15, 1989: 3533

(1) The death of the spouse or other designated 3534
beneficiary following retirement shall, at the election of the 3535
retirant, cancel any optional plan selected at retirement to 3536
provide continuing lifetime benefits to the spouse or other 3537
beneficiary and return the retirant to a single lifetime benefit 3538
equivalent as determined by the board. 3539

(2) A divorce, annulment, or marriage dissolution shall, 3540
at the election of the retirant, cancel any optional plan 3541
selected at retirement to provide continuing lifetime benefits 3542
to the spouse as designated beneficiary and return the retirant 3543
to a single lifetime benefit equivalent as determined by the 3544
board if the election is made with the written consent of the 3545
beneficiary or pursuant to an order of a court of common pleas 3546
or the court of another state with jurisdiction over the 3547
termination of the marriage. 3548

~~(G)~~ (H) (1) Following marriage or remarriage, both of the 3549
following apply: 3550

(a) A retirant who elected to receive a single lifetime 3551
benefit or an optional plan of payment under division (A) (3) or 3552
(4) of this section may elect a new optional plan of payment 3553
based on the actuarial equivalent of the retirant's single 3554
lifetime benefit, as determined by the board. The new plan must 3555
be a plan described in division (A) (1), (2), (3), (4), or (6) of 3556
this section under which only the retirant's new spouse is added 3557
as a beneficiary and the application for the new plan must be 3558
received by the board prior to the retirant's death. A spouse 3559
may not be added if there are four beneficiaries under division 3560
(A) (4) of this section that must be retained pursuant to a court 3561

order described under division ~~(H)~~(I)(1)(b) of this section or 3562
if the amount payable to any beneficiary pursuant to such court 3563
order would be reduced. A retirant who is receiving a retirement 3564
allowance under an optional plan that provides for continuation 3565
of benefits after death to a former spouse may elect a new 3566
optional plan of payment only with the written consent of the 3567
former spouse or pursuant to an order of the court with 3568
jurisdiction over the termination of the marriage, except that 3569
consent of the former spouse is not required if the new optional 3570
plan of payment will not affect payments to the former spouse. 3571

(b) A retirant who is receiving a benefit pursuant to a 3572
plan of payment providing for payment to a former spouse 3573
pursuant to a court order described in division ~~(H)~~(I)(1)(b) of 3574
this section may elect a new plan of payment under "option 4" 3575
with the retirant's spouse as a beneficiary based on the 3576
actuarial equivalent of the retirant's single lifetime 3577
retirement allowance as determined by the board if the new plan 3578
of payment elected does not reduce the payment to the former 3579
spouse. 3580

(2) If the marriage or remarriage occurs on or after June 3581
6, 2005, the election must be made not later than one year after 3582
the date of the marriage or remarriage. 3583

A valid election under division ~~(G)~~(H)(1) or (2) of this 3584
section shall become effective on the date of receipt by the 3585
board of an application on a form approved by the board. The 3586
election must be signed by the retirant and received by the 3587
board prior to the retirant's death. Any change in the amount of 3588
the benefit shall commence on the first day of the month 3589
following the effective date of the plan. 3590

~~(H)~~(I)(1) Except as otherwise provided in this division 3591

and division ~~(H)~~(I)(2) of this section, an application for 3592
service retirement made pursuant to section 3307.58 or 3307.59 3593
of the Revised Code by a married person shall be considered an 3594
election of a benefit under option 3 as provided for in division 3595
(A)(3) of this section under which one-half of the lesser 3596
benefit payable during the life of the retirant will be paid 3597
after death to the retirant's spouse for life as sole 3598
beneficiary. The exceptions are as follows: 3599

(a) The retirant selects an optional plan under division 3600
(A) of this section providing for payment after death to the 3601
retirant's spouse for life as sole beneficiary of more than one- 3602
half of the lesser benefit payable during the life of the 3603
retirant. 3604

(b) A plan of payment providing for payment in a specified 3605
amount continuing after the retirant's death to a former spouse 3606
is required by a court order issued prior to the effective date 3607
of retirement under section 3105.171 or 3105.65 of the Revised 3608
Code or the laws of another state regarding division of marital 3609
property. 3610

(c) The retirant submits to the retirement board a written 3611
statement signed by the spouse attesting that the spouse 3612
consents to the retirant's election to receive a single lifetime 3613
annuity or a payment under an optional benefit plan under which 3614
after the death of the retirant the surviving spouse will 3615
receive less than one-half of the lesser benefit payable during 3616
the life of the retirant. 3617

(d) Any other reason specified by the board. 3618

(2) If a retirant is subject to division ~~(H)~~(I)(1)(b) of 3619
this section and the board has received a copy of the order 3620

described in that division, the board shall accept the 3621
retirant's election of a plan of payment under this section only 3622
if the retirant complies with both of the following: 3623

(a) The retirant elects a plan of payment that is in 3624
accordance with the order described in division ~~(H)~~ (I) (1) (b) of 3625
this section. 3626

(b) If the retirant is married, the retirant elects 3627
"option 4" and designates the retirant's current spouse as a 3628
beneficiary under that plan unless that spouse consents in 3629
writing to not being designated a beneficiary under any plan of 3630
payment or the board waives the requirement that the current 3631
spouse consent. 3632

(3) An application for retirement shall include an 3633
explanation of all of the following: 3634

(a) That, if the member is married, unless the spouse 3635
consents to another plan of payment or there is a court order 3636
dividing marital property issued under section 3105.171 or 3637
3105.65 of the Revised Code or the laws of another state 3638
regarding the division of marital property that provides for 3639
payment in a specified amount, the member's retirement allowance 3640
will be paid under "option 3" as provided for in division (A) (3) 3641
of this section and consist of the actuarial equivalent of the 3642
member's retirement allowance in a lesser amount payable for 3643
life and one-half of the lesser allowance continuing after death 3644
to the surviving spouse for the life of the spouse; 3645

(b) A description of the alternative plans of payment 3646
available with the consent of the spouse; 3647

(c) That the spouse may consent to another plan of payment 3648
and the procedure for giving consent; 3649

(d) That consent is irrevocable once notice of consent is 3650
~~filed with~~ submitted to the board. 3651

Consent shall be valid only if it is signed, in writing, 3652
and witnessed by a notary public. 3653

(4) If the retirant does not select an optional plan of 3654
payment as described in division ~~(H)~~ (I) (1) (a) of this section, 3655
no court has ordered a plan of payment described in division ~~(H)~~ 3656
(I) (1) (b) of this section, and the board does not receive the 3657
written statement provided for in division ~~(H)~~ (I) (1) (c) of this 3658
section, the board shall determine and pay the retirement 3659
allowance in accordance with this division, except that the 3660
board may provide by rule for waiver by the board of the 3661
statement and payment of the benefits other than in accordance 3662
with this division or payment under section 3307.56 of the 3663
Revised Code if the retirant is unable to obtain the statement 3664
due to absence or incapacity of the spouse or other cause 3665
specified by the board. 3666

~~(I)~~ (J) For the purpose of determining actuarial 3667
equivalence under this section, on the advice of an actuary 3668
employed by the board, the board shall adopt mortality tables 3669
that may take into consideration the membership experience of 3670
the state teachers retirement system and may also include the 3671
membership experience of the public employees retirement system 3672
and the school employees retirement system. 3673

Sec. 3307.62. As used in this section, "qualifying service 3674
credit" has the same meaning as in section 3307.58 of the 3675
Revised Code. 3676

(A) The state teachers retirement system shall provide 3677
disability coverage to each member participating in the STRS 3678

defined benefit plan who meets either of the following: 3679

(1) If the member had service credit on account on June 30, 2013, has at least five years of qualifying service credit; 3680
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(2) If the member did not have any service credit on account on June 30, 2013, has at least ten years of qualifying service credit. 3682
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Not later than October 16, 1992, the state teachers retirement board shall give each person who is a member on July 29, 1992, the opportunity to elect disability coverage either under former section 3307.43 of the Revised Code or under former section 3307.431 of the Revised Code. The board shall mail notice of the election, accompanied by an explanation of the coverage under each of the Revised Code sections and a form on which the election is to be made, to each member at the member's last known address. The board shall also provide the explanation and form to any member on the member's request. 3685
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Regardless of whether the member actually receives notice of the right to make an election, a member who fails to ~~file~~ submit a valid election under this section shall be considered to have elected disability coverage under section 3307.63 of the Revised Code. To be valid, an election must be made on the form provided by the board, signed by the member, and ~~filed with~~ submitted to the board not later than one hundred eighty days after the date the notice was mailed, or, in the case of a form provided at the request of a member, a date specified by rule of the board. Once made, an election is irrevocable, but if the member ceases to be a member of the system, the election is void. If a person who makes an election under this section also makes an election under section 145.35 or 3309.39 of the Revised Code, the election made for the system that pays a disability 3695
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benefit to that person shall govern the benefit. 3709

Disability coverage shall be provided under section 3710
3307.631 of the Revised Code for persons who become members 3711
after July 29, 1992, and for members who elect under this 3712
division to be covered under section 3307.631 of the Revised 3713
Code. 3714

The board may adopt rules governing elections made under 3715
this division. 3716

(B) Application for a disability benefit may be made by a 3717
member, by a person acting in the member's behalf, or by the 3718
member's employer and if the member has disability coverage 3719
under division (A) of this section. 3720

The application for a disability benefit shall be made on 3721
a form approved by the board. The benefit payable to any member 3722
whose application is approved shall become effective on the 3723
first day of the month next following the later of the 3724
following: 3725

(1) The last day for which compensation was paid; 3726

(2) The date on which the member's most recent application 3727
for a disability benefit was received by the board. 3728

(C) Medical examination of the member shall be conducted 3729
by a competent, disinterested physician or physicians selected 3730
by the board to determine whether the member is mentally or 3731
physically incapacitated for the performance of duty by a 3732
disabling condition, either permanent or presumed to be 3733
permanent for twelve continuous months following the ~~filing~~ 3734
board's receipt of an application. The disability must have 3735
occurred since last becoming a member, or it must have increased 3736
since last becoming a member to such an extent as to make the 3737

disability permanent or presumably permanent for twelve 3738
continuous months following the ~~filing~~board's receipt of an 3739
application. 3740

(D) Application for a disability benefit must be made 3741
within a two-year period from the date the member's contributing 3742
service terminated, unless the board determines that the 3743
member's medical records demonstrate conclusively that at the 3744
time the period expired the member was physically or mentally 3745
incapacitated and unable to make application, except that if the 3746
member did not have any service credit on account on June 30, 3747
2013, application must be made within a one-year period from the 3748
date contributing service terminated. Application may not be 3749
made by any person receiving service retirement benefits under 3750
section 3307.58 or 3307.59 of the Revised Code or any person 3751
whose accumulated contributions standing to the credit of the 3752
person's individual account in the teachers' savings fund have 3753
been paid under section 3307.56 of the Revised Code. 3754

(E) If the physician or physicians determine that the 3755
member qualifies for a disability benefit, the board concurs 3756
with the determination, and the member agrees to medical 3757
treatment as specified in division (G) of this section, the 3758
member shall receive a disability benefit under section 3307.63 3759
or 3307.631 of the Revised Code. If such physician or physicians 3760
determine that the member does not qualify for a disability 3761
benefit, the report of the examiner or examiners shall be 3762
evaluated by a board of medical review composed of at least 3763
three physicians appointed by the retirement board. 3764

(F) The state teachers retirement board shall render an 3765
order determining whether or not the applicant shall be granted 3766
a disability benefit. Notification to the applicant shall be 3767

issued, and upon the request of an applicant who is denied a 3768
disability benefit, a hearing or appeal relative to such order 3769
shall be conducted in accordance with procedures established by 3770
the retirement board. 3771

(G) The state teachers retirement board shall adopt rules 3772
requiring each disability benefit recipient, as a condition of 3773
continuing to receive a disability benefit, to agree in writing 3774
to obtain any medical treatment recommended by the board's 3775
physician and submit medical reports regarding the treatment. If 3776
the board determines that a disability benefit recipient is not 3777
obtaining the medical treatment or the board does not receive a 3778
required medical report, the disability benefit shall be 3779
suspended until the treatment is obtained, the report is 3780
received by the board, or the board's physician certifies that 3781
the treatment is no longer helpful or advisable. Should the 3782
recipient's failure to obtain treatment or submit a medical 3783
report continue for one year, the recipient's right to the 3784
disability benefit shall be terminated as of the effective date 3785
of the original suspension. 3786

(H) If an employer ~~files~~submits an application for a 3787
disability benefit as a result of a member having been separated 3788
from service because the member is considered to be 3789
incapacitated for the performance of duty, and the board denies 3790
the disability benefit, the board shall so certify to the 3791
employer and the employer shall restore the member to the 3792
member's previous position and salary or to a similar position 3793
and salary. 3794

(I) The recipient of a disability allowance under section 3795
3307.631 of the Revised Code whose allowance terminates under 3796
division (C) (3) of that section due to age is not eligible to do 3797

either of the following: 3798

(1) Retire on disability under section 3307.63 of the 3799
Revised Code; 3800

(2) Receive a disability allowance under section 3307.631 3801
of the Revised Code. 3802

Sec. 3307.66. (A) As used in this section: 3803

(1) "Physically or mentally incompetent" means incapable 3804
of earning a living because of a physically or mentally 3805
disabling condition. Physical or mental incompetency may be 3806
determined by a court or by a doctor of medicine or osteopathic 3807
medicine appointed by the state teachers retirement board. 3808

(2) "Qualifying service credit" has the same meaning as in 3809
section 3307.58 of the Revised Code. 3810

(B) For the purposes of this section: 3811

(1) A qualified spouse is the surviving spouse of a 3812
deceased member of the state teachers retirement system 3813
participating in the STRS defined benefit plan who is one of the 3814
following: 3815

(a) Sixty-two years of age or older or any age if the 3816
deceased member had ten or more years of Ohio service credit; 3817

(b) Caring for a qualified child; 3818

(c) Adjudged physically or mentally incompetent at the 3819
time of the member's death and has remained continuously 3820
incompetent; 3821

(d) Any age if the deceased member was eligible for a 3822
service retirement allowance as provided in section 3307.58 of 3823
the Revised Code and the surviving spouse elects to receive a 3824

benefit under division (C) (1) of this section. 3825

(2) A qualified child is a person who is the child of a 3826
deceased member participating in the STRS defined benefit plan 3827
to whom both of the following apply: 3828

(a) Never married; 3829

(b) Meets either of the following age-related 3830
requirements: 3831

(i) Is under age twenty-two; 3832

(ii) Is any age if adjudged physically or mentally 3833
incompetent, if the person became incompetent prior to 3834
attainment of age twenty-two and has remained continuously 3835
incompetent. 3836

(3) A qualified parent is a dependent parent of a deceased 3837
member participating in the STRS defined benefit plan who is age 3838
sixty-five or older. 3839

(4) A person is a "qualified survivor" if the person 3840
qualifies as a surviving spouse, child, or dependent parent. 3841

(C) Except as provided in division (G) (1) of this section, 3842
in lieu of accepting the payment of the accumulated account of a 3843
member participating in the STRS defined benefit plan who dies 3844
before service retirement, a beneficiary, as determined in 3845
section 3307.562 of the Revised Code, may elect to forfeit the 3846
accumulated account and to substitute benefits under this 3847
division. 3848

(1) If a deceased member was eligible for a service 3849
retirement allowance as provided in section 3307.58 or 3307.59 3850
of the Revised Code, a surviving spouse or an individual 3851
designated as the member's sole beneficiary pursuant to division 3852

(B) of section 3307.562 of the Revised Code who was a qualified 3853
child or dependent parent of the member or received one-half or 3854
more of support from the member during the twelve-month period 3855
preceding the member's death may elect to receive a monthly 3856
benefit computed as the joint-survivor allowance designated as 3857
option 1 in section 3307.60 of the Revised Code, which the 3858
member would have received had the member retired on the last 3859
day of the month of death and had the member at that time 3860
selected such joint-survivor plan. 3861

(2) (a) A surviving spouse or other qualified survivor may 3862
elect to receive monthly benefits under division (C) (2) of this 3863
section if any of the following apply: 3864

(i) The deceased member had service credit on account on 3865
June 30, 2013, and had completed at least one and one-half years 3866
of qualifying service credit, with at least one-quarter year of 3867
qualifying service credit within the two and one-half years 3868
prior to the date of death, or, if the member did not have 3869
service credit on account on June 30, 2013, had completed at 3870
least five years of qualifying service credit and died not later 3871
than one year after the date contributing service terminated. 3872

(ii) The member was receiving at the time of death a 3873
disability benefit as provided in section 3307.63 or 3307.631 of 3874
the Revised Code. 3875

(iii) The member was receiving, within twelve months prior 3876
to the date of death, a disability benefit as provided in 3877
section 3307.63 or 3307.631 of the Revised Code and was 3878
contributing under this chapter or Chapter 145. or 3309. of the 3879
Revised Code at the time of death. 3880

(b) The surviving spouse or other qualified survivor shall 3881

elect one of the following methods of calculating benefits 3882
elected under division (C) (2) of this section, which shall, 3883
except as provided in division (G) (1) of this section, remain in 3884
effect without regard to any change in the number of qualified 3885
survivors: 3886

(i) Number Annual benefit as a 3887
of qualified per cent of member's 3888
survivors final average salary 3889

1	25%	3890
2	40	3891
3	50	3892
4	55	3893
5 or more	60	3894

Annual benefit as a 3895
per cent of member's 3896
(ii) Years of service final average salary 3897

20	29%	3898
21	33	3899
22	37	3900
23	41	3901
24	45	3902
25	48	3903
26	51	3904
27	54	3905
28	57	3906
29 or more	60	3907

(3) (a) If at the time of death the deceased member was 3908
receiving a disability benefit under section 3307.63 or 3307.631 3909
of the Revised Code, the benefit elected under division (C) (1) 3910
or (2) of this section shall be increased by a percentage equal 3911
to the total of any percentage increases the member received 3912

under section 3307.67 of the Revised Code, plus any additional 3913
amount the member received under this chapter while receiving 3914
the disability benefit. The increase shall be based on the 3915
benefit determined under division (C)(1) or (2) of this section. 3916
The benefit used to calculate any future increases under section 3917
3307.67 of the Revised Code shall be the benefit determined 3918
under division (C)(1) or (2) of this section, plus any 3919
additional amounts added to the benefit determined under this 3920
division that established a new base benefit to the deceased 3921
member. 3922

(b) If eligibility for a benefit under division (C)(1) or 3923
(2) of this section is not established until more than one year 3924
after the member's death, the annual benefit shall be increased 3925
by a percentage equal to the total of the percentage increases 3926
that would have been made under section 3307.67 of the Revised 3927
Code, plus any additional amount that would have been paid under 3928
this chapter had the benefit begun in the year in which the 3929
member died. However, the benefit used to calculate any future 3930
increases under section 3307.67 of the Revised Code shall be the 3931
benefit determined under division (C)(1) or (2) of this section, 3932
plus any additional amounts added to the benefit determined 3933
under this division that established a new base benefit to the 3934
deceased member. 3935

(D) If a benefit is calculated pursuant to division (C)(2) 3936
(b)(i) of this section, benefits to a surviving spouse shall be 3937
paid in the amount determined for the first qualifying survivor 3938
in division (C)(2)(b)(i) of this section. All other qualifying 3939
survivors shall share equally in the benefit or remaining 3940
portion thereof. 3941

If a benefit is calculated pursuant to division (C)(2)(b) 3942

(ii) of this section and is payable to more than one qualified survivor, the benefit shall be apportioned equally among the qualified survivors, except that if there is a surviving spouse, the portion of the benefit allocated to the surviving spouse shall be as follows:

Number of survivors	Spouse's share of total benefit
2	62.5%
3	50.0%
4	45.45%
5 or more	41.67%

(E) A qualified survivor shall ~~file with~~ submit to the board an application for benefits payable under this section. Payments shall begin on whichever of the following applies:

(1) If application is received not later than one year after the date of the member's death, benefits shall begin on the first day of the month following the date of death.

(2) If application is received later than one year from the date of death, benefits shall begin on the first day of the month immediately following receipt of application by the board.

Benefits to a qualified survivor shall terminate upon a first marriage, abandonment, or adoption. The termination of benefits is effective on the first day of the month following the day the person ceases to be a qualified survivor. 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.

Benefits to a qualified child who is at least eighteen 3973
years of age but under twenty-two years of age that under a 3974
former version of this section never commenced or were 3975
terminated due to a lack of attendance at an institution of 3976
learning or training and not commenced or resumed before ~~the~~ 3977
~~effective date of this amendment~~ April 6, 2017, shall commence 3978
or resume on the first day of the month immediately following 3979
receipt by the board of an application on a form provided by the 3980
board, if the application is received on or before the fifteenth 3981
day of a month. These benefits terminate on the child attaining 3982
twenty-two years of age. 3983

Upon the death of any subsequent spouse who was a member 3984
of the public employees retirement system, state teachers 3985
retirement system, or school employees retirement system, the 3986
surviving spouse of such member may elect to continue receiving 3987
benefits under this division, or to receive survivor's benefits, 3988
based upon the subsequent spouse's membership in one or more of 3989
the systems, for which such surviving spouse is eligible under 3990
this section or section 145.45 or 3309.45 of the Revised Code. 3991
If the surviving spouse elects to continue receiving benefits 3992
under this division, such election shall not preclude the 3993
payment of benefits under this division to any other qualified 3994
survivor. 3995

(F) The beneficiary of a member who is also a member of 3996
the public employees retirement system, or the school employees 3997
retirement system, must forfeit the member's accumulated 3998
contributions in those systems, if the beneficiary elects to 3999
receive a benefit under division (C) of this section. Such 4000
benefit shall be exclusively governed by section 3307.57 of the 4001
Revised Code. 4002

(G) (1) Regardless of whether the member is survived by a spouse or designated beneficiary, if the state teachers retirement system receives notice that a deceased member described in division (C) (1) or (2) of this section has one or more qualified children, all persons who are qualified survivors under division (C) (2) of this section shall receive monthly benefits as provided in division (C) (2) of this section.

If, after determining the monthly benefits to be paid under division (C) (2) of this section, the system receives notice that there is a qualified survivor who was not considered when the determination was made, the system shall, notwithstanding section 3307.42 of the Revised Code, recalculate the monthly benefits with that qualified survivor included, even if the benefits to qualified survivors already receiving benefits are reduced as a result. The benefits shall be calculated as if the qualified survivor who is the subject of the notice became eligible on the date the notice was received and shall be paid to qualified survivors effective on the first day of the first month following the system's receipt of the notice.

If the system did not receive notice that a deceased member has one or more qualified children prior to making payment under section 3307.562 of the Revised Code to a beneficiary as determined by the system, the payment is a full discharge and release of the system from any future claims under this section or section 3307.562 of the Revised Code.

(2) If benefits under division (C) (2) of this section to all persons, or to all persons other than a surviving spouse or sole beneficiary, terminate, there are no children under the age of twenty-two years, and the surviving spouse or beneficiary

qualifies for benefits under division (C)(1) of this section, 4033
the surviving spouse or beneficiary may elect to receive 4034
benefits under division (C)(1) of this section. The benefit 4035
shall be calculated based on the age of the spouse or 4036
beneficiary at the time of the member's death and is effective 4037
on the first day of the month following receipt by the board of 4038
an application for benefits under division (C)(1) of this 4039
section. 4040

(H) If the benefits due and paid under division (C) of 4041
this section are in a total amount less than the member's 4042
accumulated account that was transferred from the teachers' 4043
savings fund, school employees retirement fund, and public 4044
employees retirement fund, to the survivors' benefit fund, then 4045
the difference between the total amount of the benefits paid 4046
shall be paid to the beneficiary under section 3307.562 of the 4047
Revised Code. 4048

Sec. 3307.71. (A)(1) Except as provided in this section, 4049
section 3305.05, or section 3305.051 of the Revised Code, a 4050
member or former member of the state teachers retirement system 4051
participating in the STRS defined benefit plan who has at least 4052
one and one-half years of contributing service credit in this 4053
system, the public employees retirement system, the school 4054
employees retirement system, the Ohio police and fire pension 4055
fund, or the state highway patrol retirement system after the 4056
withdrawal and cancellation of service credit in this system may 4057
restore all or part of such service credit by repayment of the 4058
amount withdrawn. To this amount shall be added interest at a 4059
rate per annum, compounded annually, to be determined by the 4060
state teachers retirement board. Interest shall be payable from 4061
the first of the month of withdrawal through the month of 4062
repayment. 4063

(2) If the accumulated contributions were withdrawn under 4064
section 3307.561 of the Revised Code, service credit may be 4065
restored only if the member or former member accrued one and 4066
one-half years of service credit after the withdrawal and 4067
cancellation of service credit in this system. 4068

(B) A member may choose to purchase only part of such 4069
credit in any one payment. The cost for restoring partial 4070
service shall be calculated as the proportion that it bears to 4071
the total cost at the time of purchase and is subject to the 4072
rules established by the board. If a former member is eligible 4073
to buy the service credit as a member of the Ohio police and 4074
fire pension fund, the state highway patrol retirement system, 4075
or the city of Cincinnati Retirement System, the former member 4076
is ineligible to restore that service credit under this section. 4077

(C) The total payment to restore canceled service credit 4078
shall be credited as follows: 4079

(1) To the member's account in the teachers' savings fund, 4080
~~the all of the following:~~ 4081

(a) The portion of the payment that consists of 4082
contributions made under section 3307.26 of the Revised Code, ~~and~~ 4083
~~any;~~ 4084

(b) Any interest on the contributions received by the 4085
member under division (A) (1), (2), or (3) (a) of section 3307.563 4086
of the Revised Code, ~~and any;~~ 4087

(c) Any interest paid on the amounts described in 4088
divisions (C) (1) (a) and (b) of this section added to the payment 4089
under division (A) (1) of this section. ~~and~~ 4090

(2) To the employers trust fund, ~~the all of the following:~~ 4091

(a) The portion of the payment that consists of any 4092
amounts received by the member under division (A) (3) (b) of 4093
section 3307.563 of the Revised Code ~~and any~~; 4094

(b) Any interest paid on the amount described in division 4095
(C) (2) (a) of this section added to the payment under division 4096
(A) (1) of this section. 4097

Sec. 3307.74. (A) Service credit may be purchased under 4098
section 3307.70 of the Revised Code by a member participating in 4099
the STRS defined benefit plan for the following: 4100

(1) Teaching service in a public or private school, 4101
college, or university of this or another state, and for 4102
teaching service in any school or entity operated primarily for 4103
United States citizens. Teaching credit shall be limited to 4104
service rendered in schools, colleges, or universities chartered 4105
or accredited by the appropriate governmental agency. 4106

(2) Public service with another state or the United States 4107
government, provided that such credit shall be limited to 4108
service that would have been covered by the state teachers 4109
retirement system, school employees retirement system, Ohio 4110
police and fire pension fund, state highway patrol retirement 4111
system, or public employees retirement system if served in a 4112
comparable public position in this state. 4113

(3) Service for which contributions were made by the 4114
member or on the member's behalf to a municipal retirement 4115
system in this state, except that if the conditions specified in 4116
section 3307.762 of the Revised Code are met, service credit for 4117
this service may be purchased only in accordance with section 4118
3307.763 of the Revised Code. 4119

The number of years of service credit for service 4120

described in this section shall not exceed the lesser of five 4121
years or the member's total accumulated number of years of Ohio 4122
service. 4123

(B) Credit shall be purchased under this section in 4124
accordance with section 3307.70 of the Revised Code. 4125

(C) With the exception of social security, a member is 4126
ineligible to purchase credit for service described in this 4127
section that is used in the calculation of any retirement 4128
benefit that has been paid, is currently being paid, or is 4129
payable in the future to such member under any other retirement 4130
program, ~~or service for five or more years for which~~ 4131
~~contributions were made to a defined contribution plan if the~~ 4132
~~member has been paid all contributions standing to the member's~~ 4133
~~credit or is not entitled to be paid any such contributions.~~ At 4134
the time the credit is purchased, the member shall certify on a 4135
form furnished by the board that the member does and will 4136
conform to this requirement. 4137

(D) Credit for service described in this section may be 4138
combined pursuant to section 3307.57 of the Revised Code with 4139
credit purchased under sections 145.293 and 3309.31 of the 4140
Revised Code, except that not more than a total of five years' 4141
credit for service described in this section and sections 4142
145.293 and 3309.31 of the Revised Code shall be used in 4143
determining retirement eligibility or calculating benefits under 4144
section 3307.57 of the Revised Code. 4145

Sec. 3307.761. (A) As used in this section and section 4146
3307.765 of the Revised Code: 4147

(1) "Uniform retirement system" or "uniform system" means 4148
the Ohio police and fire pension fund or state highway patrol 4149

retirement system. 4150

(2) "Military service credit" means credit purchased or 4151
obtained under this chapter or Chapter 742. or 5505. of the 4152
Revised Code for service in the armed forces of the United 4153
States. 4154

(B) A member of the state teachers retirement system 4155
participating in the STRS defined benefit plan who has 4156
contributions on deposit with a uniform retirement system shall, 4157
in computing years of total service, be given full credit for 4158
service credit earned under Chapter 742. or 5505. of the Revised 4159
Code or for military service credit if a transfer to the state 4160
teachers retirement system is made under this division. At the 4161
request of the member, the uniform system shall transfer to the 4162
state teachers retirement system, for each year of service, the 4163
sum of the following: 4164

(1) An amount equal to the member's accumulated 4165
contributions to the uniform system and any payments by the 4166
member for military service credit; 4167

(2) An amount equal to the lesser of the employer's 4168
contributions to the uniform system or the amount that would 4169
have been contributed by the employer for the service had the 4170
member been a member of the state teachers retirement system at 4171
the time the credit was earned; 4172

(3) Interest, determined as provided in division (F) of 4173
this section, on the amounts specified in divisions (B) (1) and 4174
(2) of this section from the last day of the year for which the 4175
service credit in the uniform system was earned or in which 4176
payment was made for to purchase or obtain military service 4177
credit ~~was purchased or obtained~~ to the date the transfer is 4178

made. 4179

(C) A member participating in the STRS defined benefit 4180
plan who has at least one and one-half years of contributing 4181
service with the state teachers retirement system, is a former 4182
member of a uniform retirement system, and has received a refund 4183
of contributions to that uniform system shall, in computing 4184
years of total service, be given full credit for service credit 4185
earned under Chapter 742. or 5505. of the Revised Code or for 4186
military service credit if, for each year of service, the state 4187
teachers retirement system receives the sum of the following: 4188

(1) An amount, which shall be paid by the member, equal to 4189
the amount refunded by the uniform system to the member for that 4190
year for accumulated contributions and payments for military 4191
service credit, with interest at a rate established by the state 4192
teachers retirement board on that amount from the date of the 4193
refund to the date of the payment; 4194

(2) Interest, which shall be transferred by the uniform 4195
system, on the amount refunded to the member that is 4196
attributable to the year of service from the last day of the 4197
year for which the service credit was earned or in which payment 4198
was made for military service credit to the date the refund was 4199
made; 4200

(3) An amount, which shall be transferred by the uniform 4201
system, equal to the lesser of the employer's contributions to 4202
the uniform system or the amount that would have been 4203
contributed by the employer for the service had the member been 4204
a member of the state teachers retirement system at the time the 4205
credit was earned, with interest on that amount from the last 4206
day of the year for which the service credit was earned or in 4207
which payment was made for military service to the date of the 4208

transfer. 4209

On receipt of payment from the member, the state teachers 4210
retirement system shall notify the uniform system, which, on 4211
receipt of the notice, shall make the transfer required by this 4212
division. Interest shall be determined as provided in division 4213
(F) of this section. 4214

A member may choose to purchase only part of the credit 4215
the member is eligible to purchase under this division in any 4216
one payment, subject to rules of the state teachers retirement 4217
board. 4218

(D) A member is ineligible to obtain credit under this 4219
section for service that is used in the calculation of any 4220
retirement benefit currently being paid or payable in the future 4221
under any other retirement program or for service credit that 4222
may be transferred under section 3307.765 of the Revised Code. 4223

(E) If a member of the state teachers retirement system 4224
who is not a current contributor elects to obtain credit under 4225
section 742.21 or 5505.40 of the Revised Code for service for 4226
which the member contributed to the system or purchased for 4227
military service credit, the system shall transfer to the 4228
uniform retirement system, as applicable, the amount specified 4229
in division (D) of section 742.21 or division (B)(2) of section 4230
5505.40 of the Revised Code. 4231

(F) Interest charged under this section shall be 4232
calculated separately for each year of service credit. Unless 4233
otherwise specified in this section it shall be calculated at 4234
the lesser of the actuarial assumption rate for that year of the 4235
state teachers retirement system or of the uniform retirement 4236
system in which the credit was earned. The interest shall be 4237

compounded annually. 4238

(G) The state teachers retirement board shall credit to a 4239
member's account in the teachers' savings fund the amounts 4240
described in divisions (B)(1) and (C)(1) of this section, except 4241
that the interest paid by the member under division (C)(1) of 4242
this section shall be credited to the employers' trust fund. The 4243
board shall credit to the employers' trust fund the amounts 4244
described in divisions (B)(2) and (3) and (C)(2) and (3) of this 4245
section. 4246

(H) At the request of the state teachers retirement 4247
system, the Ohio police and fire pension fund or state highway 4248
patrol retirement system shall certify to the state teachers 4249
retirement system a copy of the records of the service and 4250
contributions of a state teachers retirement system member who 4251
seeks service credit under this section. 4252

Sec. 3309.01. As used in this chapter: 4253

(A) "Employer" or "public employer" means boards of 4254
education, school districts, joint vocational districts, 4255
governing authorities of community schools established under 4256
Chapter 3314. of the Revised Code, a science, technology, 4257
engineering, and mathematics school established under Chapter 4258
3326. of the Revised Code, educational institutions, technical 4259
colleges, state, municipal, and community colleges, community 4260
college branches, universities, university branches, other 4261
educational institutions, or other agencies within the state by 4262
which an employee is employed and paid, including any 4263
organization using federal funds, provided the federal funds are 4264
disbursed by an employer as determined by the above. In all 4265
cases of doubt, the school employees retirement board shall 4266
determine whether any employer is an employer as defined in this 4267

chapter, and its decision shall be final. 4268

(B) "Employee" means all of the following: 4269

(1) Any person employed by a public employer in a position 4270
for which the person is not required to have a certificate or 4271
license issued pursuant to sections 3319.22 to 3319.31 of the 4272
Revised Code; 4273

(2) Any person who performs a service common to the normal 4274
daily operation of an educational unit even though the person is 4275
employed and paid by one who has contracted with an employer to 4276
perform the service, and the contracting board or educational 4277
unit shall be the employer for the purposes of administering the 4278
provisions of this chapter; 4279

(3) Any person, not a faculty member, employed in any 4280
school or college or other institution wholly controlled and 4281
managed, and wholly or partly supported by the state or any 4282
political subdivision thereof, the board of trustees, or other 4283
managing body of which shall accept the requirements and 4284
obligations of this chapter. 4285

In all cases of doubt, the school employees retirement 4286
board shall determine whether any person is an employee, as 4287
defined in this division, and its decision is final. 4288

(C) "Prior service" means all service rendered prior to 4289
September 1, 1937: 4290

(1) As an employee as defined in division (B) of this 4291
section; 4292

(2) As an employee in a capacity covered by the public 4293
employees retirement system or the state teachers retirement 4294
system; 4295

(3) As an employee of an institution in another state, 4296
service credit for which was procured by a member under the 4297
provisions of section 3309.31 of the Revised Code. 4298

Prior service, for service as an employee in a capacity 4299
covered by the public employees retirement system or the state 4300
teachers retirement system, shall be granted a member under 4301
qualifications identical to the laws and rules applicable to 4302
service credit in those systems. 4303

Prior service shall not be granted any member for service 4304
rendered in a capacity covered by the public employees 4305
retirement system, the state teachers retirement system, and 4306
this system in the event the service credit has, in the 4307
respective systems, been received, waived by exemption, or 4308
forfeited by withdrawal of contributions, except as provided in 4309
this chapter. 4310

If a member who has been granted prior service should, 4311
subsequent to September 16, 1957, and before retirement, 4312
establish three years of contributing service in the public 4313
employees retirement system, or one year in the state teachers 4314
retirement system, then the prior service granted shall become, 4315
at retirement, the liability of the other system, if the prior 4316
service or employment was in a capacity that is covered by that 4317
system. 4318

The provisions of this division shall not cancel any prior 4319
service granted a member by the school employees retirement 4320
board prior to August 1, 1959. 4321

(D) "Total service," "total service credit," or "Ohio 4322
service credit" means all contributing service of a member of 4323
the school employees retirement system, and all prior service, 4324

computed as provided in this chapter, and all service 4325
established pursuant to sections 3309.31, 3309.311, and 3309.33 4326
of the Revised Code. In addition, "total service" includes any 4327
period, not in excess of three years, during which a member was 4328
out of service and receiving benefits from the state insurance 4329
fund, provided the injury or incapacitation was the direct 4330
result of school employment. 4331

(E) "Member" means any employee, except an SERS retirant 4332
or other system retirant as defined in section 3309.341 of the 4333
Revised Code, who has established membership in the school 4334
employees retirement system. "Member" includes a disability 4335
benefit recipient. 4336

(F) "Contributor" means any person who has an account in 4337
the employees' savings fund. When used in the sections listed in 4338
division (B) of section 3309.82 of the Revised Code, 4339
"contributor" includes any person participating in a plan 4340
established under section 3309.81 of the Revised Code. 4341

(G) "Retirant" means any former member who retired and is 4342
receiving a ~~service~~ retirement allowance under section 3309.36 4343
~~or commuted service retirement allowance as provided in this~~ 4344
~~chapter~~ 3309.381 or former section 3309.38 of the Revised Code. 4345

(H) "Beneficiary" or "beneficiaries" means the estate or a 4346
person or persons who, as the result of the death of a 4347
contributor or retirant, qualifies for or is receiving some 4348
right or benefit under this chapter. 4349

(I) "Interest," as specified in division (E) of section 4350
3309.60 of the Revised Code, means interest at the rates for the 4351
respective funds and accounts as the school employees retirement 4352
board may determine from time to time. 4353

(J) "Accumulated contributions" means the sum of all 4354
amounts credited to a contributor's account in the employees' 4355
savings fund together with any regular interest credited thereon 4356
at the rates approved by the retirement board prior to 4357
retirement. 4358

(K) "Final average salary" means the sum of the annual 4359
compensation for the three highest years of compensation for 4360
which contributions were made by the member, divided by three. 4361
If the member has a partial year of contributing service in the 4362
year in which the member terminates employment and the partial 4363
year is at a rate of compensation that is higher than the rate 4364
of compensation for any one of the highest three years of annual 4365
earnings, the board shall substitute the compensation earned for 4366
the partial year for the compensation earned for a similar 4367
fractional portion in the lowest of the three high years of 4368
annual compensation before dividing by three. If a member has 4369
less than three years of contributing membership, the final 4370
average salary shall be the total compensation divided by the 4371
total number of years, including any fraction of a year, of 4372
contributing service. 4373

(L) "Annuity" means payments for life derived from 4374
contributions made by a contributor and paid from the annuity 4375
and pension reserve fund as provided in this chapter. All 4376
annuities shall be paid in twelve equal monthly installments. 4377

(M) (1) "Pension" means annual payments for life derived 4378
from appropriations made by an employer and paid from the 4379
employers' trust fund or the annuity and pension reserve fund. 4380
All pensions shall be paid in twelve equal monthly installments. 4381

(2) "Disability retirement" means retirement as provided 4382
in section 3309.40 of the Revised Code. 4383

(N) "Retirement allowance" means the pension plus the 4384
annuity. 4385

(O) (1) "Benefit" means a payment, other than a retirement 4386
allowance or the annuity paid under section 3309.344 of the 4387
Revised Code, payable from the accumulated contributions of the 4388
member or the employer, or both, under this chapter and includes 4389
a disability allowance or disability benefit. 4390

(2) "Disability allowance" means an allowance paid on 4391
account of disability under section 3309.401 of the Revised 4392
Code. 4393

(3) "Disability benefit" means a benefit paid as 4394
disability retirement under section 3309.40 of the Revised Code, 4395
as a disability allowance under section 3309.401 of the Revised 4396
Code, or as a disability benefit under section 3309.35 of the 4397
Revised Code. 4398

(P) "Annuity reserve" means the present value, computed 4399
upon the basis of mortality tables adopted by the school 4400
employees retirement board, of all payments to be made on 4401
account of any annuity, or benefit in lieu of any annuity, 4402
granted to a retirant. 4403

(Q) "Pension reserve" means the present value, computed 4404
upon the basis of mortality tables adopted by the school 4405
employees retirement board, of all payments to be made on 4406
account of any pension, or benefit in lieu of any pension, 4407
granted to a retirant or a beneficiary. 4408

(R) "Year" means the year beginning the first day of July 4409
and ending with the thirtieth day of June next following. 4410

(S) "Local district pension system" means any school 4411
employees' pension fund created in any school district of the 4412

state prior to September 1, 1937. 4413

(T) "Employer contribution" means the amount paid by an 4414
employer as determined under section 3309.49 of the Revised 4415
Code. 4416

(U) "Fiduciary" means a person who does any of the 4417
following: 4418

(1) Exercises any discretionary authority or control with 4419
respect to the management of the system, or with respect to the 4420
management or disposition of its assets; 4421

(2) Renders investment advice for a fee, direct or 4422
indirect, with respect to money or property of the system; 4423

(3) Has any discretionary authority or responsibility in 4424
the administration of the system. 4425

(V) (1) Except as otherwise provided in this division, 4426
"compensation" means all salary, wages, and other earnings paid 4427
to a contributor by reason of employment. The salary, wages, and 4428
other earnings shall be determined prior to determination of the 4429
amount required to be contributed to the employees' savings fund 4430
under section 3309.47 of the Revised Code and without regard to 4431
whether any of the salary, wages, or other earnings are treated 4432
as deferred income for federal income tax purposes. 4433

(2) Compensation does not include any of the following: 4434

(a) Payments for accrued but unused sick leave or personal 4435
leave, including payments made under a plan established pursuant 4436
to section 124.39 of the Revised Code or any other plan 4437
established by the employer; 4438

(b) Payments made for accrued but unused vacation leave, 4439
including payments made pursuant to section 124.13 of the 4440

Revised Code or a plan established by the employer; 4441

(c) Payments made for vacation pay covering concurrent 4442
periods for which other salary or compensation is also paid or 4443
during which benefits are paid under this chapter; 4444

(d) Amounts paid by the employer to provide life 4445
insurance, sickness, accident, endowment, health, medical, 4446
hospital, dental, or surgical coverage, or other insurance for 4447
the contributor or the contributor's family, or amounts paid by 4448
the employer to the contributor in lieu of providing the 4449
insurance; 4450

(e) Incidental benefits, including lodging, food, laundry, 4451
parking, or services furnished by the employer, use of the 4452
employer's property or equipment, and reimbursement for job- 4453
related expenses authorized by the employer, including moving 4454
and travel expenses and expenses related to professional 4455
development; 4456

(f) Payments made to or on behalf of a contributor that 4457
are in excess of the annual compensation that may be taken into 4458
account by the retirement system under division (a) (17) of 4459
section 401 of the "Internal Revenue Code of 1986," 100 Stat. 4460
2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who 4461
first establishes membership before July 1, 1996, the annual 4462
compensation that may be taken into account by the retirement 4463
system shall be determined under division (d) (3) of section 4464
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 4465
L. No. 103-66, 107 Stat. 472; 4466

(g) Payments made under division (B), (C), or (E) of 4467
section 5923.05 of the Revised Code, Section 4 of Substitute 4468
Senate Bill No. 3 of the 119th general assembly, Section 3 of 4469

Amended Substitute Senate Bill No. 164 of the 124th general 4470
assembly, or Amended Substitute House Bill No. 405 of the 124th 4471
general assembly; 4472

(h) Anything of value received by the contributor that is 4473
based on or attributable to retirement or an agreement to 4474
retire, except that payments made on or before January 1, 1989, 4475
that are based on or attributable to an agreement to retire 4476
shall be included in compensation if both of the following 4477
apply: 4478

(i) The payments are made in accordance with contract 4479
provisions that were in effect prior to January 1, 1986. 4480

(ii) The employer pays the retirement system an amount 4481
specified by the retirement board equal to the additional 4482
liability from the payments. 4483

(3) The retirement board shall determine by rule whether 4484
any form of earnings not enumerated in this division is to be 4485
included in compensation, and its decision shall be final. 4486

(W) "Disability benefit recipient" means a member who is 4487
receiving a disability benefit. 4488

(X) "Actuary" means an individual who satisfies all of the 4489
following requirements: 4490

(1) Is a member of the American academy of actuaries; 4491

(2) Is an associate or fellow of the society of actuaries; 4492

(3) Has a minimum of five years' experience in providing 4493
actuarial services to public retirement plans. 4494

Sec. 3309.011. "Employee" as defined in division (B) of 4495
section 3309.01 of the Revised Code, does not include any of the 4496

following: 4497

(A) Any person having a license issued pursuant to 4498
sections 3319.22 to 3319.31 of the Revised Code and employed in 4499
a public school in this state in an educational position, as 4500
determined by the state board of education, under programs 4501
provided for by federal acts or regulations and financed in 4502
whole or in part from federal funds, but for which no licensure 4503
requirements for the position can be made under the provisions 4504
of such federal acts or regulations; 4505

(B) Any person who participates in an alternative 4506
retirement plan established under Chapter 3305. of the Revised 4507
Code; 4508

(C) Any person who elects to transfer from the school 4509
employees retirement system to the public employees retirement 4510
system under section 3309.312 of the Revised Code; 4511

(D) Any person whose full-time employment by the 4512
university of Akron as a state university law enforcement 4513
officer pursuant to section 3345.04 of the Revised Code 4514
commences on or after September 16, 1998; 4515

(E) Any person described in division (B) of section 4516
3309.013 of the Revised Code; 4517

(F) Any person described in division (D) of section 4518
145.011 of the Revised Code; 4519

(G) Any person described in division (B) (1) (b) of section 4520
3307.01 of the Revised Code. 4521

Sec. 3309.22. (A) (1) As used in this division, "personal 4522
history record" means information maintained in any format by 4523
the board on an individual who is a member, former member, 4524

contributor, former contributor, retirant, or beneficiary that 4525
includes the address, electronic mail address, telephone number, 4526
social security number, record of contributions, correspondence 4527
with the system, and other information the board determines to 4528
be confidential. 4529

(2) The records of the board shall be open to public 4530
inspection and may be made available in printed or electronic 4531
format, except for the following, which shall be excluded, 4532
except with the written authorization of the individual 4533
concerned: 4534

(a) The individual's statement of previous service and 4535
other information as provided for in section 3309.28 of the 4536
Revised Code; 4537

(b) Any information identifying by name and address the 4538
amount of a monthly allowance or benefit paid to the individual; 4539

(c) The individual's personal history record. 4540

(B) All medical reports and recommendations required by 4541
the system are privileged except as follows: 4542

(1) Copies of medical reports or recommendations shall be 4543
made available to the following: 4544

(a) The individual concerned, on written request; 4545

(b) The personal physician, attorney, or authorized agent 4546
of the individual concerned on written release received from the 4547
individual or the individual's agent; 4548

(c) The board assigned physician. 4549

(2) Documentation required by section 2929.193 of the 4550
Revised Code shall be provided to a court holding a hearing 4551

under that section. 4552

(C) Any person who is a contributor of the system shall be 4553
furnished, on written request, with a statement of the amount to 4554
the credit of the person's account. The board need not answer 4555
more than one such request of a person in any one year. 4556

(D) Notwithstanding the exceptions to public inspection in 4557
division (A) (2) of this section, the board may furnish the 4558
following information: 4559

(1) If a member, former member, contributor, former 4560
contributor, or retirant is subject to an order issued under 4561
section 2907.15 of the Revised Code or an order issued under 4562
division (A) or (B) of section 2929.192 of the Revised Code or 4563
is convicted of or pleads guilty to a violation of section 4564
2921.41 of the Revised Code, on written request of a prosecutor 4565
as defined in section 2935.01 of the Revised Code, the board 4566
shall furnish to the prosecutor the information requested from 4567
the individual's personal history record. 4568

(2) Pursuant to a court or administrative order issued 4569
under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of 4570
the Revised Code, the board shall furnish to a court or child 4571
support enforcement agency the information required under that 4572
section. 4573

(3) At the written request of any person, the board shall 4574
provide to the person a list of the names and addresses of 4575
members, former members, retirants, contributors, former 4576
contributors, or beneficiaries. The costs of compiling, copying, 4577
and mailing the list shall be paid by such person. 4578

(4) Within fourteen days after receiving from the director 4579
of job and family services a list of the names and social 4580

security numbers of recipients of public assistance pursuant to 4581
section 5101.181 of the Revised Code, the board shall inform the 4582
auditor of state of the name, current or most recent employer 4583
address, and social security number of each contributor whose 4584
name and social security number are the same as that of a person 4585
whose name or social security number was submitted by the 4586
director. The board and its employees shall, except for purposes 4587
of furnishing the auditor of state with information required by 4588
this section, preserve the confidentiality of recipients of 4589
public assistance in compliance with section 5101.181 of the 4590
Revised Code. 4591

(5) The system shall comply with orders issued under 4592
section 3105.87 of the Revised Code. 4593

On the written request of an alternate payee, as defined 4594
in section 3105.80 of the Revised Code, the system shall furnish 4595
to the alternate payee information on the amount and status of 4596
any amounts payable to the alternate payee under an order issued 4597
under section 3105.171 or 3105.65 of the Revised Code. 4598

(6) At the request of any person, the board shall make 4599
available to the person copies of all documents, including 4600
resumes, in the board's possession regarding filling a vacancy 4601
of an employee member or retirant member of the board. The 4602
person who made the request shall pay the cost of compiling, 4603
copying, and mailing the documents. The information described in 4604
this division is a public record. 4605

(7) The system shall provide the notice required by 4606
section 3309.673 of the Revised Code to the prosecutor assigned 4607
to the case. 4608

(8) The system may provide information requested by the 4609

United States social security administration, United States 4610
centers for medicare and medicaid services, Ohio public 4611
employees deferred compensation program, Ohio police and fire 4612
pension fund, state teachers retirement system, public employees 4613
retirement system, state highway patrol retirement system, 4614
Cincinnati retirement system, or a third party that the school 4615
employees retirement board has contracted with for the purpose 4616
of administering any part of this chapter. 4617

(E) A statement that contains information obtained from 4618
the system's records that is signed by an officer of the 4619
retirement system and to which the system's official seal is 4620
affixed, or copies of the system's records to which the 4621
signature and seal are attached, shall be received as true 4622
copies of the system's records in any court or before any 4623
officer of this state. 4624

Sec. 3309.671. (A) As used in this section, "alternate 4625
payee," "benefit," "lump sum payment," "participant," and 4626
"public retirement program" have the same meanings as in section 4627
3105.80 of the Revised Code. 4628

(B) On receipt of an order issued under section 3105.171 4629
or 3105.65 of the Revised Code, the school employees retirement 4630
system shall determine whether the order meets the requirements 4631
of sections 3105.80 to 3105.90 of the Revised Code. The system 4632
shall retain in the participant's record an order the system 4633
determines meets the requirements. Not later than sixty days 4634
after receipt, the system shall return to the court that issued 4635
the order any order the system determines does not meet the 4636
requirements. 4637

(C) The system shall comply with an order retained under 4638
division (B) of this section at the following times as 4639

appropriate: 4640

(1) If the participant has applied for or is receiving a 4641
benefit or has applied for but not yet received a lump sum 4642
payment, as soon as practicable; 4643

(2) If the participant has not applied for a benefit or 4644
lump sum payment, on application by the participant for a 4645
benefit or lump sum payment. 4646

(D) If the system transfers a participant's service credit 4647
or contributions made by or on behalf of a participant to a 4648
public retirement program that is not named in the order, the 4649
system shall do both of the following: 4650

(1) Notify the court that issued the order by sending the 4651
court a copy of the order and the name and address of the public 4652
retirement program to which the transfer was made. 4653

(2) Send a copy of the order to the public retirement 4654
program to which the transfer was made. 4655

(E) If it receives a participant's service credit or 4656
contributions and a copy of an order as provided in division (D) 4657
of this section, the system shall administer the order as if it 4658
were the public retirement program named in the order. 4659

(F) If a participant's benefit or lump sum payment is or 4660
will be subject to more than one order described in section 4661
3105.81 of the Revised Code or to an order described in section 4662
3105.81 of the Revised Code and a withholding order under 4663
section ~~3111.23 or 3113.21~~ 3121.03 of the Revised Code, the 4664
system shall, after determining that the amounts that are or 4665
will be withheld will cause the benefit or lump sum payment to 4666
fall below the limits described in section 3105.85 of the 4667
Revised Code, do all of the following: 4668

(1) Establish, in accordance with division (G) of this 4669
section and subject to the limits described in section 3105.85 4670
of the Revised Code, the priority in which the orders are or 4671
will be paid by the system; 4672

(2) Reduce the amount paid to an alternate payee based on 4673
the priority established under division (F) (1) of this section; 4674

(3) Notify, by regular mail, a participant and alternate 4675
payee of any action taken under this division. 4676

(G) A withholding or deduction notice issued under section 4677
~~3111.23 or 3113.21~~ 3121.03 of the Revised Code or an order 4678
described in section 3115.501 of the Revised Code has priority 4679
over all other orders and shall be complied with in accordance 4680
with child support enforcement laws. All other orders are 4681
entitled to priority in order of earliest retention by the 4682
system. The system is not to retain an order that provides for 4683
the division of property unless the order is filed in a court 4684
with jurisdiction in this state. 4685

(H) The system is not liable in civil damages for loss 4686
resulting from any action or failure to act in compliance with 4687
this section. 4688

Section 2. That existing sections 145.01, 145.016, 145.33, 4689
145.332, 145.362, 145.384, 145.45, 145.571, 145.62, 742.03, 4690
742.05, 3307.05, 3307.14, 3307.20, 3307.231, 3307.25, 3307.251, 4691
3307.26, 3307.28, 3307.351, 3307.352, 3307.39, 3307.44, 3307.48, 4692
3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 3307.62, 3307.66, 4693
3307.71, 3307.74, 3307.761, 3309.01, 3309.011, 3309.22, and 4694
3309.671 and sections 3307.23, 3307.241, 3307.96, 3307.97, and 4695
3307.98 of the Revised Code are hereby repealed. 4696

Section 3. Section 145.018 of the Revised Code, as enacted 4697

by this act, applies to a member of the Public Employees 4698
Retirement System for the period beginning January 1, 2017, and 4699
ending on the effective date of that section if both of the 4700
following apply: 4701

(A) The member received less than a full year of service 4702
credit for employment that would have qualified the member for a 4703
full year of service credit under that section had that section 4704
taken effect January 1, 2017; 4705

(B) Not later than ninety days after the effective date of 4706
that section, the county board of developmental disabilities 4707
that employed the member during the period beginning January 1, 4708
2017, and ending on the effective date of that section, acting 4709
through the county auditor, reports to the Public Employees 4710
Retirement System the member's name and any additional 4711
information required by the System in the form the System 4712
requires. 4713

Section 4. Section 145.332 of the Revised Code is 4714
presented in this act as a composite of the section as amended 4715
by both Sub. H.B. 158 and Sub. S.B. 293 of the 131st General 4716
Assembly. The General Assembly, applying the principle stated in 4717
division (B) of section 1.52 of the Revised Code that amendments 4718
are to be harmonized if reasonably capable of simultaneous 4719
operation, finds that the composite is the resulting version of 4720
the section in effect prior to the effective date of the section 4721
as presented in this act. 4722