

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "145.01, 145.012, 145.016, 145.017, 145.195, 145.201, 145.32, 145.33, 145.331, 145.332, 145.333, 145.35, 145.361, 145.38, 145.39, 145.41, 145.45, and 145.46"

In line _____ of the title, after "_____" insert "145.196 and 145.335"

In line _____ of the title, after "_____" insert "to allow the Public Employees Retirement System to consolidate the PERS combined plan with the PERS defined benefit plan and to specify certain election workers are excluded from PERS membership"

After line _____, insert:

"Section 1. That sections 145.01, 145.012, 145.016, 145.017, 145.195, 145.201, 145.32, 145.33, 145.331, 145.332, 145.333, 145.35, 145.361, 145.38, 145.39, 145.41, 145.45, and 145.46 be amended and sections 145.196 and 145.335 of the Revised Code be enacted to read as follows:

Sec. 145.01. As used in this chapter:

(A) "Public employee" means:

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law

library, union cemetery, joint hospital, institutional 23
commissary, state university, or board, bureau, commission, 24
council, committee, authority, or administrative body as the 25
same are, or have been, created by action of the general 26
assembly or by the legislative authority of any of the units of 27
local government named in division (A) (1) of this section, or 28
employed and paid in whole or in part by the state or any of the 29
authorities named in division (A) (1) of this section in any 30
capacity not covered by section 742.01, 3307.01, 3309.01, or 31
5505.01 of the Revised Code. 32

(2) A person who is a member of the public employees 33
retirement system and who continues to perform the same or 34
similar duties under the direction of a contractor who has 35
contracted to take over what before the date of the contract was 36
a publicly operated function. The governmental unit with which 37
the contract has been made shall be deemed the employer for the 38
purposes of administering this chapter. 39

(3) Any person who is an employee of a public employer, 40
notwithstanding that the person's compensation for that 41
employment is derived from funds of a person or entity other 42
than the employer. Credit for such service shall be included as 43
total service credit, provided that the employee makes the 44
payments required by this chapter, and the employer makes the 45
payments required by sections 145.48 and 145.51 of the Revised 46
Code. 47

(4) A person who elects in accordance with section 145.015 48
of the Revised Code to remain a contributing member of the 49
public employees retirement system. 50

(5) A person who is an employee of the legal rights 51
service on September 30, 2012, and continues to be employed by 52

the nonprofit entity established under Section 319.20 of Am. 53
Sub. H.B. 153 of the 129th general assembly. The nonprofit 54
entity is the employer for the purpose of this chapter. 55

In all cases of doubt, the public employees retirement 56
board shall determine under section 145.036, 145.037, or 145.038 57
of the Revised Code whether any person is a public employee, and 58
its decision is final. 59

(B) "Member" means any public employee, other than a 60
public employee excluded or exempted from membership in the 61
retirement system by section 145.03, 145.031, 145.032, 145.033, 62
145.034, 145.035, or 145.38 of the Revised Code. "Member" 63
includes a PERS retirant who becomes a member under division (C) 64
of section 145.38 of the Revised Code. "Member" also includes a 65
disability benefit recipient. 66

(C) "Head of the department" means the elective or 67
appointive head of the several executive, judicial, and 68
administrative departments, institutions, boards, and 69
commissions of the state and local government as the same are 70
created and defined by the laws of this state or, in case of a 71
charter government, by that charter. 72

(D) "Employer" or "public employer" means the state or any 73
county, township, municipal corporation, park district, 74
conservancy district, sanitary district, health district, 75
metropolitan housing authority, state retirement board, Ohio 76
history connection, public library, county law library, union 77
cemetery, joint hospital, institutional commissary, state 78
medical university, state university, or board, bureau, 79
commission, council, committee, authority, or administrative 80
body as the same are, or have been, created by action of the 81
general assembly or by the legislative authority of any of the 82

units of local government named in this division not covered by 83
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 84
Code. In addition, "employer" means the employer of any public 85
employee. 86

(E) "Prior military service" also means all service 87
credited for active duty with the armed forces of the United 88
States as provided in section 145.30 of the Revised Code. 89

(F) "Contributor" means any person who has an account in 90
the employees' savings fund created by section 145.23 of the 91
Revised Code. When used in the sections listed in division (B) 92
of section 145.82 of the Revised Code, "contributor" includes 93
any person participating in a PERS defined contribution plan. 94

(G) "Beneficiary" or "beneficiaries" means the estate or a 95
person or persons who, as the result of the death of a member, 96
contributor, or retirant, qualify for or are receiving some 97
right or benefit under this chapter. 98

(H) (1) "Total service credit," except as provided in 99
sections 145.016 and 145.37 of the Revised Code, means all 100
service credited to a member of the retirement system since last 101
becoming a member, including restored service credit as provided 102
by section 145.31 of the Revised Code; credit purchased under 103
sections 145.293 and 145.299 of the Revised Code; all the 104
member's military service credit computed as provided in this 105
chapter; all service credit established pursuant to section 106
145.297 of the Revised Code; and any other service credited 107
under this chapter. 108

(2) "One and one-half years of contributing service 109
credit," as used in division (B) of section 145.45 of the 110
Revised Code, also means eighteen or more calendar months of 111

employment by a municipal corporation that formerly operated its 112
own retirement plan for its employees or a part of its 113
employees, provided that all employees of that municipal 114
retirement plan who have eighteen or more months of such 115
employment, upon establishing membership in the public employees 116
retirement system, shall make a payment of the contributions 117
they would have paid had they been members of this system for 118
the eighteen months of employment preceding the date membership 119
was established. When that payment has been made by all such 120
employee members, a corresponding payment shall be paid into the 121
employers' accumulation fund by that municipal corporation as 122
the employer of the employees. 123

(3) Not more than one year of credit may be given for any 124
period of twelve months. 125

(4) "Ohio service credit" means credit for service that 126
was rendered to the state or any of its political subdivisions 127
or any employer. 128

(I) "Regular interest" means interest at any rates for the 129
respective funds and accounts as the public employees retirement 130
board may determine from time to time. 131

(J) "Accumulated contributions" means the sum of all 132
amounts credited to a contributor's individual account in the 133
employees' savings fund together with any interest credited to 134
the contributor's account under section 145.471 or 145.472 of 135
the Revised Code. 136

(K) (1) "Final average salary" means the greater of the 137
following: 138

(a) The sum of the member's earnable salaries for the 139
appropriate number of calendar years of contributing service, 140

determined under section 145.017 of the Revised Code, in which 141
the member's earnable salary was highest, divided by the same 142
number of calendar years or, if the member has fewer than the 143
appropriate number of calendar years of contributing service, 144
the total of the member's earnable salary for all years of 145
contributing service divided by the number of calendar years of 146
the member's contributing service; 147

(b) The sum of a member's earnable salaries for the 148
appropriate number of consecutive months, determined under 149
section 145.017 of the Revised Code, that were the member's last 150
months of service, up to and including the last month, divided 151
by the appropriate number of years or, if the time between the 152
first and final months of service is less than the appropriate 153
number of consecutive months, the total of the member's earnable 154
salary for all months of contributing service divided by the 155
number of years between the first and final months of 156
contributing service, including any fraction of a year, except 157
that the member's final average salary shall not exceed the 158
member's highest earnable salary for any twelve consecutive 159
months. 160

(2) If contributions were made in only one calendar year, 161
"final average salary" means the member's total earnable salary. 162

(L) "Annuity" means payments for life derived from 163
contributions made by a contributor and paid from the annuity 164
and pension reserve fund as provided in this chapter. All 165
annuities shall be paid in twelve equal monthly installments. 166

(M) "Annuity reserve" means the present value, computed 167
upon the basis of the mortality and other tables adopted by the 168
board, of all payments to be made on account of any annuity, or 169
benefit in lieu of any annuity, granted to a retirant as 170

provided in this chapter.	171
(N) (1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.	172 173
(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.	174 175
(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.	176 177 178 179 180
(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	181 182
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, <u>145.335,</u> 145.37, and 145.46 and former section 145.34 of the Revised Code.	183 184 185 186
(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.	187 188 189 190 191 192
(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.	193 194 195
(R) (1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in	196 197 198

a position covered by the retirement system. The salary, wages,	199
and other earnings shall be determined prior to determination of	200
the amount required to be contributed to the employees' savings	201
fund under section 145.47 of the Revised Code and without regard	202
to whether any of the salary, wages, or other earnings are	203
treated as deferred income for federal income tax purposes.	204
"Earnable salary" includes the following:	205
(a) Payments made by the employer in lieu of salary,	206
wages, or other earnings for sick leave, personal leave, or	207
vacation used by the contributor;	208
(b) Payments made by the employer for the conversion of	209
sick leave, personal leave, and vacation leave accrued, but not	210
used if the payment is made during the year in which the leave	211
is accrued, except that payments made pursuant to section	212
124.383 or 124.386 of the Revised Code are not earnable salary;	213
(c) Allowances paid by the employer for maintenance,	214
consisting of housing, laundry, and meals, as certified to the	215
retirement board by the employer or the head of the department	216
that employs the contributor;	217
(d) Fees and commissions paid under section 507.09 of the	218
Revised Code;	219
(e) Payments that are made under a disability leave	220
program sponsored by the employer and for which the employer is	221
required by section 145.296 of the Revised Code to make periodic	222
employer and employee contributions;	223
(f) Amounts included pursuant to former division (K) (3)	224
and former division (Y) of this section and section 145.2916 of	225
the Revised Code.	226
(2) "Earnable salary" does not include any of the	227

following:	228
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	229 230 231 232 233
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	234 235 236 237 238 239
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	240 241 242 243 244
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	245 246 247
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	248 249 250 251
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	252 253 254 255 256

(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	257 258 259 260 261 262
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	263 264 265 266 267 268
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	269 270
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	271 272 273
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	274 275
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	276 277 278
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	279 280 281 282 283
(T) "Contributing service" means both of the following:	284

(1) All service credited to a member of the system since 285
January 1, 1935, for which contributions are made as required by 286
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 287
year subsequent to 1934, credit for any service shall be allowed 288
in accordance with section 145.016 of the Revised Code. 289

(2) Service credit received by election of the member 290
under section 145.814 of the Revised Code. 291

(U) "State retirement board" means the public employees 292
retirement board, the school employees retirement board, or the 293
state teachers retirement board. 294

(V) "Retirant" means any former member who retires and is 295
receiving a monthly allowance as provided in sections 145.32, 296
145.33, 145.331, 145.332, 145.335, and 145.46 and former section 297
145.34 of the Revised Code. 298

(W) "Employer contribution" means the amount paid by an 299
employer as determined under section 145.48 of the Revised Code. 300

(X) "Public service terminates" means the last day for 301
which a public employee is compensated for services performed 302
for an employer or the date of the employee's death, whichever 303
occurs first. 304

(Y) "Five years of service credit," for the exclusive 305
purpose of satisfying the service credit requirements and of 306
determining eligibility under section 145.33 or 145.332 of the 307
Revised Code, means employment covered under this chapter or 308
under a former retirement plan operated, recognized, or endorsed 309
by the employer prior to coverage under this chapter or under a 310
combination of the coverage. 311

(Z) "Deputy sheriff" means any person who is commissioned 312
and employed as a full-time peace officer by the sheriff of any 313

county, and has been so employed since on or before December 31, 314
1965; any person who is or has been commissioned and employed as 315
a peace officer by the sheriff of any county since January 1, 316
1966, and who has received a certificate attesting to the 317
person's satisfactory completion of the peace officer training 318
school as required by section 109.77 of the Revised Code; or any 319
person deputized by the sheriff of any county and employed 320
pursuant to section 2301.12 of the Revised Code as a criminal 321
bailiff or court constable who has received a certificate 322
attesting to the person's satisfactory completion of the peace 323
officer training school as required by section 109.77 of the 324
Revised Code. 325

(AA) "Township constable or police officer in a township 326
police department or district" means any person who is 327
commissioned and employed as a full-time peace officer pursuant 328
to Chapter 505. or 509. of the Revised Code, who has received a 329
certificate attesting to the person's satisfactory completion of 330
the peace officer training school as required by section 109.77 331
of the Revised Code. 332

(BB) "Drug agent" means any person who is either of the 333
following: 334

(1) Employed full time as a narcotics agent by a county 335
narcotics agency created pursuant to section 307.15 of the 336
Revised Code and has received a certificate attesting to the 337
satisfactory completion of the peace officer training school as 338
required by section 109.77 of the Revised Code; 339

(2) Employed full time as an undercover drug agent as 340
defined in section 109.79 of the Revised Code and is in 341
compliance with section 109.77 of the Revised Code. 342

(CC) "Department of public safety enforcement agent" means 343
a full-time employee of the department of public safety who is 344
designated under section 5502.14 of the Revised Code as an 345
enforcement agent and who is in compliance with section 109.77 346
of the Revised Code. 347

(DD) "Natural resources law enforcement staff officer" 348
means a full-time employee of the department of natural 349
resources who is designated a natural resources law enforcement 350
staff officer under section 1501.013 of the Revised Code and is 351
in compliance with section 109.77 of the Revised Code. 352

(EE) "Forest-fire investigator" means a full-time employee 353
of the department of natural resources who is appointed a 354
forest-fire investigator under section 1503.09 of the Revised 355
Code and is in compliance with section 109.77 of the Revised 356
Code. 357

(FF) "Natural resources officer" means a full-time 358
employee of the department of natural resources who is appointed 359
as a natural resources officer under section 1501.24 of the 360
Revised Code and is in compliance with section 109.77 of the 361
Revised Code. 362

(GG) "Wildlife officer" means a full-time employee of the 363
department of natural resources who is designated a wildlife 364
officer under section 1531.13 of the Revised Code and is in 365
compliance with section 109.77 of the Revised Code. 366

(HH) "Park district police officer" means a full-time 367
employee of a park district who is designated pursuant to 368
section 511.232 or 1545.13 of the Revised Code and is in 369
compliance with section 109.77 of the Revised Code. 370

(II) "Conservancy district officer" means a full-time 371

employee of a conservancy district who is designated pursuant to 372
section 6101.75 of the Revised Code and is in compliance with 373
section 109.77 of the Revised Code. 374

(JJ) "Municipal police officer" means a member of the 375
organized police department of a municipal corporation who is 376
employed full time, is in compliance with section 109.77 of the 377
Revised Code, and is not a member of the Ohio police and fire 378
pension fund. 379

(KK) "Veterans' home police officer" means any person who 380
is employed at a veterans' home as a police officer pursuant to 381
section 5907.02 of the Revised Code and is in compliance with 382
section 109.77 of the Revised Code. 383

(LL) "Special police officer for a mental health 384
institution" means any person who is designated as such pursuant 385
to section 5119.08 of the Revised Code and is in compliance with 386
section 109.77 of the Revised Code. 387

(MM) "Special police officer for an institution for 388
persons with intellectual disabilities" means any person who is 389
designated as such pursuant to section 5123.13 of the Revised 390
Code and is in compliance with section 109.77 of the Revised 391
Code. 392

(NN) "State university law enforcement officer" means any 393
person who is employed full time as a state university law 394
enforcement officer pursuant to section 3345.04 of the Revised 395
Code and who is in compliance with section 109.77 of the Revised 396
Code. 397

(OO) "House sergeant at arms" means any person appointed 398
by the speaker of the house of representatives under division 399
(B) (1) of section 101.311 of the Revised Code who has arrest 400

authority under division (E) (1) of that section. 401

(PP) "Assistant house sergeant at arms" means any person 402
appointed by the house sergeant at arms under division (C) (1) of 403
section 101.311 of the Revised Code. 404

(QQ) "Regional transit authority police officer" means a 405
person who is employed full time as a regional transit authority 406
police officer under division (Y) of section 306.35 of the 407
Revised Code and is in compliance with section 109.77 of the 408
Revised Code. 409

(RR) "State highway patrol police officer" means a special 410
police officer employed full time and designated by the 411
superintendent of the state highway patrol pursuant to section 412
5503.09 of the Revised Code or a person serving full time as a 413
special police officer pursuant to that section on a permanent 414
basis on October 21, 1997, who is in compliance with section 415
109.77 of the Revised Code. 416

(SS) "Municipal public safety director" means a person who 417
serves full time as the public safety director of a municipal 418
corporation with the duty of directing the activities of the 419
municipal corporation's police department and fire department. 420

(TT) "Bureau of criminal identification and investigation 421
investigator" means a person who is in compliance with section 422
109.77 of the Revised Code and is employed full time as an 423
investigator, as defined in section 109.541 of the Revised Code, 424
of the bureau of criminal identification and investigation 425
commissioned by the superintendent of the bureau as a special 426
agent for the purpose of assisting law enforcement officers or 427
providing emergency assistance to peace officers pursuant to 428
authority granted under that section. 429

(UU) "Gaming agent" means a person who is in compliance 430
with section 109.77 of the Revised Code and is employed full 431
time as a gaming agent with the Ohio casino control commission 432
pursuant to section 3772.03 of the Revised Code. 433

(VV) "Department of taxation investigator" means a person 434
employed full time with the department of taxation to whom both 435
of the following apply: 436

(1) The person has been delegated investigation powers 437
pursuant to section 5743.45 of the Revised Code for the 438
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 439
5747. of the Revised Code. 440

(2) The person is in compliance with section 109.77 of the 441
Revised Code. 442

(WW) "Special police officer for a port authority" means a 443
person who is in compliance with section 109.77 of the Revised 444
Code and is employed full time as a special police officer with 445
a port authority under section 4582.04 or 4582.28 of the Revised 446
Code. 447

(XX) "Special police officer for a municipal airport" 448
means a person to whom both of the following apply: 449

(1) The person is employed full time as a special police 450
officer with a municipal corporation at a municipal airport or 451
other municipal air navigation facility that meets both of the 452
following requirements: 453

(a) The airport or navigation facility has scheduled 454
operations, as defined in 14 C.F.R. 110.2, as amended. 455

(b) The airport or navigation facility is required to be 456
under a security program and is governed by aviation security 457

rules of the transportation security administration of the 458
United States department of transportation as provided in 49 459
C.F.R. parts 1542 and 1544, as amended. 460

(2) The person is in compliance with section 109.77 of the 461
Revised Code. 462

(YY) Notwithstanding section 2901.01 of the Revised Code, 463
"PERS law enforcement officer" means a sheriff or any of the 464
following whose primary duties are to preserve the peace, 465
protect life and property, and enforce the laws of this state: a 466
deputy sheriff, township constable or police officer in a 467
township police department or district, drug agent, department 468
of public safety enforcement agent, natural resources law 469
enforcement staff officer, wildlife officer, forest-fire 470
investigator, natural resources officer, park district police 471
officer, conservancy district officer, veterans' home police 472
officer, special police officer for a mental health institution, 473
special police officer for an institution for persons with 474
developmental disabilities, state university law enforcement 475
officer, municipal police officer, house sergeant at arms, 476
assistant house sergeant at arms, regional transit authority 477
police officer, or state highway patrol police officer. 478

"PERS law enforcement officer" also includes a person 479
employed as a bureau of criminal identification and 480
investigation investigator, gaming agent, department of taxation 481
investigator, special police officer for a port authority, or 482
special police officer for a municipal airport who commences 483
employment in any of those positions on or after April 6, 2017, 484
or makes the election described in section 145.334 of the 485
Revised Code. 486

"PERS law enforcement officer" also includes a person 487

488 serving as a municipal public safety director at any time during
489 the period from September 29, 2005, to March 24, 2009, if the
490 duties of that service were to preserve the peace, protect life
491 and property, and enforce the laws of this state.

492 (ZZ) "Hamilton county municipal court bailiff" means a
493 person appointed by the clerk of courts of the Hamilton county
494 municipal court under division (A)(3) of section 1901.32 of the
495 Revised Code who is employed full time as a bailiff or deputy
496 bailiff, who has received a certificate attesting to the
497 person's satisfactory completion of the peace officer basic
498 training described in division (D)(1) of section 109.77 of the
499 Revised Code.

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

516 "PERS public safety officer" also includes a person
517 employed as a bureau of criminal identification and

investigation investigator, gaming agent, department of taxation 518
investigator, special police officer for a port authority, or 519
special police officer for a municipal airport who commences 520
employment in any of those positions on or after April 6, 2017, 521
or makes the election described in section 145.334 of the 522
Revised Code. 523

"PERS public safety officer" also includes a person 524
serving as a municipal public safety director at any time during 525
the period from September 29, 2005, to March 24, 2009, if the 526
duties of that service were other than to preserve the peace, 527
protect life and property, and enforce the laws of this state. 528

(BBB) "Fiduciary" means a person who does any of the 529
following: 530

(1) Exercises any discretionary authority or control with 531
respect to the management of the system or with respect to the 532
management or disposition of its assets; 533

(2) Renders investment advice for a fee, direct or 534
indirect, with respect to money or property of the system; 535

(3) Has any discretionary authority or responsibility in 536
the administration of the system. 537

(CCC) "Actuary" means an individual who satisfies all of 538
the following requirements: 539

(1) Is a member of the American academy of actuaries; 540

(2) Is an associate or fellow of the society of actuaries; 541

(3) Has a minimum of five years' experience in providing 542
actuarial services to public retirement plans. 543

(DDD) "PERS defined benefit plan" means the plan described 544

in sections 145.201 to 145.79 of the Revised Code. 545

(EEE) "PERS defined contribution plans" means the plan or 546
plans established under section 145.81 of the Revised Code. 547

Sec. 145.012. (A) "Public employee," as defined in 548
division (A) of section 145.01 of the Revised Code, does not 549
include any person: 550

(1) Who is employed by a private, temporary-help service 551
and performs services under the direction of a public employer 552
or is employed on a contractual basis as an independent 553
contractor under a personal service contract with a public 554
employer; 555

(2) Who is an emergency employee serving on a temporary 556
basis in case of fire, snow, earthquake, flood, or other similar 557
emergency; 558

(3) Who is employed in a program established pursuant to 559
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 560
U.S.C.A. 1501; 561

(4) Who is an appointed member of either the motor vehicle 562
salvage dealers board or the motor vehicle dealer's board whose 563
rate and method of payment are determined pursuant to division 564
(J) of section 124.15 of the Revised Code; 565

(5) Who is employed as an election worker and paid less 566
than six hundred dollars per calendar year for that service, 567
except for a calendar year in which more than one primary 568
election and one general election are held, the person is paid 569
six hundred dollars plus an amount not to exceed four hundred 570
dollars for that service; 571

(6) Who is employed as a firefighter in a position 572

requiring satisfactory completion of a firefighter training	573
course approved under former section 3303.07 or section 4765.55	574
of the Revised Code or conducted under section 3737.33 of the	575
Revised Code except for the following:	576
(a) Any firefighter who has elected under section 145.013	577
of the Revised Code to remain a contributing member of the	578
public employees retirement system;	579
(b) Any firefighter who was eligible to transfer from the	580
public employees retirement system to the Ohio police and fire	581
pension fund under section 742.51 or 742.515 of the Revised Code	582
and did not elect to transfer;	583
(c) Any firefighter who has elected under section 742.516	584
of the Revised Code to transfer from the Ohio police and fire	585
pension fund to the public employees retirement system.	586
(7) Who is a member of the board of health of a city or	587
general health district, which pursuant to sections 3709.051 and	588
3709.07 of the Revised Code includes a combined health district,	589
and whose compensation for attendance at meetings of the board	590
is set forth in division (B) of section 3709.02 or division (B)	591
of section 3709.05 of the Revised Code, as appropriate;	592
(8) Who participates in an alternative retirement plan	593
established under Chapter 3305. of the Revised Code;	594
(9) Who is a member of the board of directors of a	595
sanitary district established under Chapter 6115. of the Revised	596
Code;	597
(10) Who is a member of the unemployment compensation	598
advisory council;	599
(11) Who is an employee, officer, or governor-appointed	600

member of the board of directors of the nonprofit corporation 601
formed under section 187.01 of the Revised Code; 602

(12) Who is employed by the nonprofit entity established 603
to provide advocacy services and a client assistance program for 604
people with disabilities under Section 319.20 of Am. Sub. H.B. 605
153 of the 129th general assembly and whose employment begins on 606
or after October 1, 2012. 607

(B) No inmate of a correctional institution operated by 608
the department of rehabilitation and correction, no patient in a 609
hospital for the mentally ill or criminally insane operated by 610
the department of mental health and addiction services, no 611
resident in an institution for persons with intellectual 612
disabilities operated by the department of developmental 613
disabilities, no resident admitted as a patient of a veterans' 614
home operated under Chapter 5907. of the Revised Code, and no 615
resident of a county home shall be considered as a public 616
employee for the purpose of establishing membership or 617
calculating service credit or benefits under this chapter. 618
Nothing in this division shall be construed to affect any 619
service credit attained by any person who was a public employee 620
before becoming an inmate, patient, or resident at any 621
institution listed in this division, or the payment of any 622
benefit for which such a person or such a person's beneficiaries 623
otherwise would be eligible. 624

Sec. 145.016. Contributing service shall be allowed in 625
accordance with the following: 626

(A) For service not later than December 31, 2013, credit 627
for any contributing service shall be allowed as follows: 628

(1) For each month for which the member's earnable salary 629

is two hundred fifty dollars or more, allow one month's credit; 630

(2) For each month for which the member's earnable salary 631
is less than two hundred fifty dollars, allow a fraction of a 632
month's credit with a numerator of the earnable salary during 633
the month and a denominator of two hundred fifty dollars, except 634
that if the member's annual earnable salary is less than six 635
hundred dollars, the member's credit shall not be reduced below 636
twenty per cent of a year for a calendar year of employment 637
during which the member worked each month. 638

Division (A) (2) of this section shall not reduce any 639
credit earned before January 1, 1985. 640

(B) For service on or after January 1, 2014, credit for 641
any contributing service shall be allowed in accordance with the 642
following: 643

(1) For each month in which the member's earnable salary 644
equals or exceeds the amount specified in division (B) (1) (a) or 645
(b) of this section, as appropriate, allow one month's credit: 646

(a) For service on or after January 1, 2014, but not later 647
than December 31, 2014, six hundred dollars; 648

(b) For each calendar year thereafter, the sum of the 649
following: 650

(i) The prior year's amount; 651

(ii) The prior year's amount multiplied by the average 652
percentage increase, if any, made to compensation under section 653
505.24 of the Revised Code, if that increase became effective in 654
the prior year. 655

(2) For each month that the member's earnable salary is 656
less than the appropriate amount specified in division (B) (1) of 657

this section, allow a fraction of a month's credit with a 658
numerator of the earnable salary during the month and a 659
denominator of the amount specified in division (B) (1) (a) or (b) 660
of this section, as appropriate. 661

Division (B) of this section shall not reduce any credit 662
earned before January 1, 2014. 663

(C) (1) Except as provided in division (C) (2) of this 664
section, for the purpose of satisfying the service credit 665
requirement and determining eligibility for benefits under 666
sections 145.196, 145.32, 145.33, 145.331, 145.332, 145.335, 667
145.35, 145.36, and 145.361 of the Revised Code, "five or more 668
years of total service credit" means five or more years of 669
contributing service for which credit is allowed under division 670
(A) or (B) of this section. 671

(2) (a) A member who, as of ~~the effective date of this~~ 672
~~amendment~~ March 22, 2019, has sixty or more calendar months of 673
contributions and has attained sixty years of age shall be 674
considered to have five or more years of total service credit 675
for the purpose of satisfying the service credit requirement and 676
determining eligibility for benefits under sections 145.196, 677
145.32, 145.33, 145.331, 145.332, 145.35, 145.335, 145.36, and 678
145.361 of the Revised Code. 679

(b) A member who, as of ~~the effective date of this~~ 680
~~amendment~~ March 22, 2019, has sixty or more calendar months of 681
contributions and is receiving a benefit under section 145.35, 682
145.36, or 145.361 of the Revised Code shall be considered to 683
have five or more years of total service credit for the purpose 684
of satisfying the service credit requirement and determining 685
eligibility for benefits under section 145.196, 145.32, 145.33, 686
145.331, ~~or~~ 145.332, or 145.335 of the Revised Code. 687

(D) Notwithstanding any other provision of this section, 688
an elected official who prior to January 1, 1980, was granted a 689
full year of credit for each year of service as an elected 690
official shall be considered to have earned a full year of 691
credit for each year of service regardless of whether the 692
service was full-time or part-time. The public employees 693
retirement board has no authority to reduce the credit. 694

Sec. 145.017. (A) For a member eligible for a retirement 695
allowance under division (A) or (B) of section 145.32 of the 696
Revised Code or division (A), (B), or (E) (1), (3), or (4) of 697
section 145.332 of the Revised Code, the number of years used in 698
the calculation of final average salary shall be three and the 699
sum of the earnable salary for those years shall be divided by 700
three. 701

(B) For a member eligible for a retirement allowance under 702
division (C) of section 145.32 of the Revised Code or division 703
(C) or (E) (2) or (5) of section 145.332 of the Revised Code, the 704
number of years used in the calculation of final average salary 705
shall be five and the sum of the earnable salary for those years 706
shall be divided by five. 707

(C) (1) For a member described in division (A) or (B) of 708
section 145.32 or division (A), (B), or (E) (1), (3), or (4) of 709
section 145.332 of the Revised Code who is eligible for a 710
retirement allowance under section 145.331 of the Revised Code 711
or a benefit under section 145.36 or 145.361 of the Revised 712
Code, the number of years used in the calculation of final 713
average salary shall be three and the sum of the earnable salary 714
for those years shall be divided by three. 715

(2) For a member described in division (C) of section 716
145.32 or division (C) or (E) (2) or (5) of section 145.332 of 717

the Revised Code who is eligible for a retirement allowance 718
under section 145.331 of the Revised Code or a benefit under 719
section 145.36 or 145.361 of the Revised Code, the number of 720
years used in the calculation of final average salary shall be 721
five and the sum of the earnable salary for those years shall be 722
divided by five. 723

(D) For a benefit under section 145.45 of the Revised 724
Code: 725

(1) The number of years used in the calculation of the 726
deceased member's final average salary shall be three and the 727
sum of the earnable salary for those years shall be divided by 728
three if the member is described in division (A) or (B) of 729
section 145.32 of the Revised Code or division (A), (B), or (E) 730
(1), (3), or (4) of section 145.332 of the Revised Code. 731

(2) The number of years used in the calculation of the 732
deceased member's final average salary shall be five and the sum 733
of the earnable salary for those years shall be divided by five 734
if the member is described in division (C) of section 145.32 of 735
the Revised Code or division (C) or (E) (2) or (5) of section 736
145.332 of the Revised Code. 737

(E) This section applies to a member described in section 738
145.196 of the Revised Code. 739

Sec. 145.195. The public employees retirement system may, 740
in accordance with rules it adopts under this section, permit a 741
member who participated in both the PERS defined benefit plan 742
and one or more PERS defined contribution plans to combine years 743
of service as a member for the purpose of determining 744
eligibility for a benefit under section 145.32, 145.331, ~~or~~ 745
145.332, or 145.335 of the Revised Code, or a benefit under a 746

PERS defined contribution plan. 747

Sec. 145.196. (A) As used in this section: 748

(1) "Individual account" means the account maintained for 749
a member of the PERS combined plan in the defined contribution 750
fund created in section 145.23 of the Revised Code, in which the 751
member's contributions under section 145.85 of the Revised Code 752
are deposited and credited. 753

(2) "PERS combined plan" means the hybrid plan established 754
under section 145.81 of the Revised Code that includes a PERS 755
defined benefit plan component and a PERS defined contribution 756
plan component that includes definitely determinable benefits as 757
described in section 145.82 of the Revised Code. 758

(B) The public employees retirement system may, in 759
accordance with rules it adopts under this section, consolidate 760
the PERS combined plan with the PERS defined benefit plan for 761
the purpose of administering the definitely determinable 762
benefits under the PERS combined plan and the allowance payable 763
under section 145.335 of the Revised Code. 764

(C) If the system consolidates the PERS combined plan with 765
the PERS defined benefit plan as permitted under division (B) of 766
this section, all of the following apply: 767

(1) The PERS combined plan ceases to be a separate legal 768
entity, and all members participating in the PERS combined plan 769
at the time of consolidation shall be members of the PERS 770
defined benefit plan. 771

(2) The system shall do all of the following regarding a 772
member's individual account: 773

(a) Maintain the individual account of each member who was 774

participating in the PERS combined plan at the time of 775
consolidation; 776

(b) Deposit and credit the member's contributions under 777
section 145.47 of the Revised Code into the member's individual 778
account; 779

(c) If the system maintains the member's individual 780
account in the defined contribution fund for purposes of 781
investing the account's funds, treat the individual account as 782
deposited and credited to the PERS defined benefit plan for 783
accounting purposes; 784

(d) Administer the member's individual account in 785
accordance with rules adopted by the public employees retirement 786
board and in a manner consistent with the PERS defined 787
contribution plan. 788

(3) The system shall deposit and credit the employer 789
contributions under section 145.48 of the Revised Code for a 790
member participating in the PERS combined plan at the time of 791
consolidation into the employers' accumulation fund created in 792
section 145.23 of the Revised Code to pay the definitely 793
determinable benefits under the plan. 794

(4) All members participating in the PERS combined plan at 795
the time of consolidation shall be entitled to the rights and 796
benefits to which the member was entitled under the PERS 797
combined plan as of the date of consolidation, subject to future 798
amendments to the PERS defined benefit plan. 799

(D) The eligibility of members participating in the PERS 800
combined plan at the time of consolidation under this section 801
for age and service retirement, disability, survivor, or death 802
benefits shall be determined under sections 145.32, 145.35, 803

145.36, 145.361, 145.45, and 145.451 of the Revised Code. A 804
member's retirement allowance shall be an amount determined in 805
accordance with section 145.335 of the Revised Code. 806

(E) The following sections of Chapter 145. of the Revised 807
Code do not apply to the individual account of a member 808
participating in the PERS combined plan at the time of 809
consolidation under this section: sections 145.222, 145.297, 810
145.298, 145.2914, 145.31, 145.311, 145.312, 145.33, 145.332, 811
145.334, 145.37, 145.382, 145.383, 145.385, 145.40, 145.401, 812
145.472, 145.49, 145.581, 145.582, 145.62, 145.63, 145.64, and 813
145.65 of Revised Code. 814

Sec. 145.201. (A) Subject to the limit described in 815
division (C) of this section, any member who is or has been an 816
elected official of the state or any political subdivision 817
thereof or has been appointed by the governor with the advice 818
and consent of the senate to serve full-time as a member of a 819
board, commission, or other public body may at any time prior to 820
retirement purchase additional service credit in an amount not 821
to exceed thirty-five per cent of the service credit allowed the 822
member for the period of service as an elected or appointed 823
official subsequent to January 1, 1935, other than credit for 824
military service, part-time service, and service subject to the 825
tax on wages imposed by the "Federal Insurance Contributions 826
Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 827

For each year of additional service credit purchased under 828
this section, the member shall pay into the employees' savings 829
fund an amount specified by the public employees retirement 830
board that is equal to one hundred per cent of the additional 831
liability resulting from the purchase of that year or portion of 832
a year of credit as determined by an actuary employed by the 833

board. The member shall receive full credit for such additional 834
elective service in computing an allowance or benefit under 835
section 145.33, 145.331, 145.332, 145.335, 145.36, 145.361, or 836
145.46 of the Revised Code, notwithstanding any other provision 837
of this chapter. The payment to the employees' savings fund, and 838
payments made to the employers' accumulation fund prior to ~~the~~ 839
~~effective date of this amendment~~ January 7, 2013, for such 840
additional elective service credit shall, in the event of death 841
or withdrawal from service, be considered as accumulated 842
contributions of the member. 843

The board may determine by rule what constitutes full- or 844
part-time service for purposes of this section. 845

(B) Notwithstanding division (A) of this section, a member 846
who purchased service credit under this section prior to January 847
1, 1980, on the basis of part-time service shall be permitted to 848
retain the credit and shall be given full credit for it in 849
computing an allowance or benefit under section 145.33, 145.331, 850
145.332, 145.335, 145.36, 145.361, or 145.46 of the Revised 851
Code. The public employees retirement board has no authority to 852
cancel or rescind such credit. 853

(C) A purchase made under this section shall not exceed 854
the limits established by division (n) of section 415 of the 855
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 856
415(n), as amended. 857

(D) Subject to rules adopted by the public employees 858
retirement board, a member who has purchased service credit 859
under this section is entitled to be refunded all or a portion 860
of the actual amount the member paid for the service credit if, 861
in computing an age and service retirement allowance under 862
division (A) of section 145.33 or section 145.332 or 145.335 of 863

Revised Code, the allowance exceeds a limit established by 864
either of those sections. 865

A refund under this division cancels the equivalent amount 866
of service credit. 867

Sec. 145.32. Eligibility of members of the public 868
employees retirement system, including for members described in 869
section 145.196 of the Revised Code and other than those subject 870
to section 145.332 of the Revised Code, for age and service 871
retirement shall be determined under this section. 872

(A) A member is eligible for age and service retirement 873
under this division if, not later than five years after ~~the~~ 874
~~effective date of this amendment~~ January 7, 2013, the member 875
meets one of the following requirements: 876

(1) Has five or more years of total service credit and has 877
attained age sixty; 878

(2) Has twenty-five or more years of total service credit 879
and has attained age fifty-five; 880

(3) Has thirty or more years of total service credit at 881
any age. 882

(B) (1) A member who would be eligible to retire not later 883
than ten years after ~~the effective date of this amendment~~ 884
January 7, 2013, if the requirements of this section as they 885
existed immediately prior to ~~the effective date of this~~ 886
~~amendment~~ January 7, 2013, were still in effect is eligible to 887
retire under this division if the member meets one of the 888
following requirements: 889

(a) Has five or more years of total service credit and has 890
attained age sixty; 891

(b) Has twenty-five or more years of total service credit	892
and has attained age fifty-five;	893
(c) Has thirty-one or more years of total service credit	894
and has attained age fifty-two;	895
(d) Has thirty-two or more years of total service credit	896
at any age.	897
(2) A member who on the effective date of this amendment	898
<u>January 7, 2013</u> , has twenty or more years of total service	899
credit is eligible for age and service retirement under this	900
division on meeting one of the requirements of division (B) (1)	901
of this section, regardless of when the member meets the	902
requirement unless, between the effective date of this section	903
<u>January 7, 2013</u> , and the date the member meets the requirement,	904
the member receives a refund of accumulated contributions under	905
section 145.40 of the Revised Code.	906
(C) A member who is not eligible for age and service	907
retirement under division (A) or (B) of this section, or who	908
became a member on or after the effective date of this amendment	909
<u>January 7, 2013</u> , is eligible for age and service retirement	910
under this division if the member meets one of the following	911
requirements:	912
(1) Has five years or more of total service credit and has	913
attained age sixty-two;	914
(2) Has twenty-five years or more of total service credit	915
and has attained age fifty-seven;	916
(3) Has thirty-two years or more of total service credit	917
and has attained age fifty-five.	918
(D) Service credit purchased or obtained under this	919

chapter shall be used in determining whether a member has the 920
number of years of total service credit required under division 921
(A) or (B) of this section only if the member was a member on 922
~~the effective date of this amendment~~ January 7, 2013, or obtains 923
credit under section 145.483 of the Revised Code that would have 924
made the member a member on that date and one of the following 925
applies: 926

(1) Except in the case of service credit that has been or 927
will be purchased or obtained under section 145.295 or 145.37 of 928
the Revised Code or is for service covered by the Cincinnati 929
retirement system: 930

(a) For division (A) of this section, the service credit 931
purchase is completed or the service credit is obtained not 932
later than five years after ~~the effective date of this amendment~~ 933
January 7, 2013. 934

(b) For division (B) of this section, the service credit 935
purchase is completed or the service credit is obtained not 936
later than ten years after ~~the effective date of this amendment~~ 937
January 7, 2013. 938

(2) In the case of service credit that has been or will be 939
purchased or obtained under section 145.295 or 145.37 of the 940
Revised Code or is for service covered by the Cincinnati 941
retirement system: 942

(a) For division (A) of this section, the service for 943
which the credit has been or will be purchased or obtained 944
occurs not later than five years after ~~the effective date of~~ 945
~~this amendment~~ January 7, 2013. 946

(b) For division (B) of this section, the service for 947
which the credit has been or will be purchased or obtained 948

occurs not later than ten years after ~~the effective date of this~~ 949
~~amendment~~ January 7, 2013. 950

(E) A member seeking to retire shall file with the board 951
an application for retirement. Service retirement shall be 952
effective on the first day of the month immediately following 953
the later of: 954

(1) The last day for which compensation was paid; 955

(2) The attainment of minimum age or service credit 956
eligibility provided under this section; 957

(3) Ninety days prior to receipt by the board of the 958
member's completed application for retirement. 959

An employer may, except as otherwise provided in the "Age 960
Discrimination in Employment Act of 1967," as amended, 81 Stat. 961
602, 29 U.S.C. 621 to 634, as of the thirtieth day of June of 962
any year, terminate the employment of any member who has 963
attained the age of seventy years. A member may at the time of 964
retirement by written designation duly executed and filed with 965
the public employees retirement board designate a beneficiary to 966
receive any installment which may remain unpaid at the time of 967
death. Except as provided in section 145.46 of the Revised Code, 968
after the date of retirement such nomination shall not be 969
changed if the member elects to receive the member's retirement 970
allowance computed as provided in section 145.46 of the Revised 971
Code as a joint-life plan or multiple-life plan. 972

Sec. 145.33. (A) (1) Except as provided in ~~section~~ sections 973
145.332 and 145.335 of the Revised Code, when a member retires 974
on age and service retirement, the member's total annual single 975
lifetime allowance shall be an amount adjusted in accordance 976
with division (A) (2) or (B) of this section and determined by 977

multiplying the member's total service credit by the following: 978

(a) If the member is eligible for age and service 979
retirement under division (A) or (B) of section 145.32 of the 980
Revised Code, two and two-tenths per cent of the member's final 981
average salary for each of the first thirty years of service 982
plus two and one-half per cent of the member's final average 983
salary for each subsequent year of service; 984

(b) If the member is eligible for age and service 985
retirement under division (C) of section 145.32 of the Revised 986
Code, two and two-tenths per cent of the member's final average 987
salary for each of the first thirty-five years of service plus 988
two and one-half per cent of the member's final average salary 989
for each subsequent year of service. 990

(2) (a) For a member eligible to retire under division (A) 991
of section 145.32 of the Revised Code, the member's allowance 992
under division (A) (1) of this section shall be adjusted by the 993
factors of attained age or years of service to provide the 994
greater amount as determined by the following schedule: 995

996

	1	2	3	4
A	Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount
B	58		25	75
C	59		26	80

D	60	27	85
E	61		88
F		28	90
G	62		91
H	63		94
I		29	95
J	64		97
K	65	30 or more	100

(b) For a member eligible to retire under division (B) or 997
(C) of section 145.32 of the Revised Code, the member's 998
allowance under division (A)(1) of this section shall be reduced 999
by a percentage determined by the board's actuary based on the 1000
number of years the commencement of the allowance precedes the 1001
member's eligibility for an unreduced allowance. 1002

(c) The actuary may use an actuarially based average 1003
percentage reduction for purposes of division (A)(2)(b) of this 1004
section. 1005

(3) For a member eligible to retire under division (A) or 1006
(B) of section 145.32 of the Revised Code, the right to a 1007
benefit shall vest in accordance with the following schedule, 1008
based on the member's attained age by September 1, 1976: 1009

1

2

A	Attained Birthday	Percentage of Base Amount
B	66	102
C	67	104
D	68	106
E	69	108
F	70 or more	110

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

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

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

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

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

If the monthly amount of a member's annual single lifetime allowance that is first payable on or after ~~the effective date of this amendment~~ March 22, 2019, under division (A) of this section would be less than fifty dollars, instead of a monthly payment the retirement system shall pay the greater of the

following in a single payment: 1028

(1) An amount determined under section 145.40 of the 1029
Revised Code as a refund of accumulated contributions; 1030

(2) An amount equal to the actuarial present value of the 1031
allowance as determined by the retirement system. 1032

Sec. 145.331. (A) A recipient of a disability allowance 1033
under section 145.361 of the Revised Code who is subject to 1034
division (C)(3) of that section may make application for age and 1035
service retirement under this section. Retirement shall be 1036
effective on the first day of the first month following the last 1037
day for which the disability allowance is paid. 1038

(B) The annual allowance payable under this section shall 1039
consist of the sum of the amounts determined under divisions (B) 1040
(1) and (2) of this section: 1041

(1) The greater of the following: 1042

(a) An allowance calculated as provided in section 145.33- 1043
~~or, 145.332, or 145.335~~ of the Revised Code, excluding any 1044
period during which the applicant received a disability benefit 1045
under section 145.361 of the Revised Code; 1046

(b) An allowance calculated by multiplying the applicant's 1047
total service credit, including service credit for the last 1048
continuous period during which the applicant received a 1049
disability benefit under section 145.361 of the Revised Code, by 1050
two and two-tenths per cent of the applicant's final average 1051
salary, except that the allowance shall not exceed forty-five 1052
per cent of the applicant's final average salary. 1053

(2) An amount equal to the additional allowance the 1054
recipient would receive under section 145.323 of the Revised 1055

Code, plus any other additional amount the recipient would 1056
receive under this chapter, had the recipient retired under 1057
section ~~145.33~~, 145.332, or 145.335 of the Revised Code 1058
effective on the effective date of the recipient's most recent 1059
continuous period of receipt of a disability benefit under 1060
section 145.361 of the Revised Code. 1061

(C) The allowance calculated under division (B) of this 1062
section, exclusive of any amount added under division (B) (2) of 1063
this section based on section 145.323 of the Revised Code, shall 1064
be the base for all future additional allowances under section 1065
145.323 of the Revised Code. 1066

The anniversary date for future additional allowances 1067
under section 145.323 of the Revised Code shall be the effective 1068
date of the recipient's most recent continuous period of receipt 1069
of a disability benefit under section 145.361 of the Revised 1070
Code. 1071

(D) The retirement allowance determined under this section 1072
shall be paid as provided in section 145.46 of the Revised Code. 1073

Sec. 145.332. Eligibility of members of the public 1074
employees retirement system, other than those subject to section 1075
145.196 or 145.32 of the Revised Code, for age and service 1076
retirement shall be determined under this section. 1077

(A) A member of the public employees retirement system is 1078
eligible for age and service retirement under this division if, 1079
not later than five years after January 7, 2013, the member 1080
meets one of the following requirements: 1081

(1) Has attained age forty-eight and has at least twenty- 1082
five years of total service credit as a PERS law enforcement 1083
officer; 1084

(2) Has attained age fifty-two and has at least twenty- 1085
five years of total service credit as a PERS public safety 1086
officer or has service as a PERS public safety officer and 1087
service as a PERS law enforcement officer that when combined 1088
equal at least twenty-five years of total service credit; 1089

(3) Has attained age sixty-two and has at least fifteen 1090
years of total service credit as a PERS law enforcement officer 1091
or PERS public safety officer. 1092

(B) (1) A member who would be eligible to retire not later 1093
than ten years after January 7, 2013, if the requirements of 1094
section 145.33 of the Revised Code as they existed immediately 1095
prior to January 7, 2013, were still in effect is eligible to 1096
retire under this division if the member meets one of the 1097
following requirements: 1098

(a) Has attained age fifty and has at least twenty-five 1099
years of total service credit as a PERS law enforcement officer; 1100

(b) Has attained age fifty-four and has at least twenty- 1101
five years of total service credit as a PERS public safety 1102
officer or has service as a PERS public safety officer and 1103
service as a PERS law enforcement officer that when combined 1104
equal at least twenty-five years of total service credit; 1105

(c) Has attained age sixty-four and has at least fifteen 1106
years of total service credit as a PERS law enforcement officer 1107
or PERS public safety officer. 1108

(2) A member who on January 7, 2013, has twenty or more 1109
years of total service credit is eligible for age and service 1110
retirement under this division on meeting one of the 1111
requirements of division (B) (1) of this section, regardless of 1112
when the member meets the requirement unless, between January 7, 1113

2013, and the date the member meets the requirement, the member 1114
receives a refund of accumulated contributions under section 1115
145.40 of the Revised Code. 1116

(C) A member who is not eligible for age and service 1117
retirement under division (A) or (B) of this section is eligible 1118
under this division if the member meets one of the following 1119
requirements: 1120

(1) Has attained age fifty-two and has at least twenty- 1121
five years of total service credit as a PERS law enforcement 1122
officer; 1123

(2) Has attained age fifty-six and has at least twenty- 1124
five years of total service credit as a PERS public safety 1125
officer or has service as a PERS public safety officer and 1126
service as a PERS law enforcement officer that when combined 1127
equal at least twenty-five years of total service credit; 1128

(3) Has attained age sixty-four and has at least fifteen 1129
years of total service credit as a PERS law enforcement officer 1130
or PERS public safety officer. 1131

(D) Service credit purchased or obtained under this 1132
chapter shall be used in determining whether a member has the 1133
number of years of total service credit required under division 1134
(A) or (B) of this section only if the member was a member on 1135
January 7, 2013, or obtains credit under section 145.483 of the 1136
Revised Code that would have made the member a member on that 1137
date and one of the following applies: 1138

(1) Except in the case of service credit that has been or 1139
will be purchased or obtained under section 145.295 or 145.37 of 1140
the Revised Code or is for service covered by the Cincinnati 1141
retirement system: 1142

(a) For division (A) of this section, the service credit 1143
purchase is completed or the service credit is obtained not 1144
later than five years after January 7, 2013; 1145

(b) For division (B) of this section, the service credit 1146
purchase is completed or the service credit is obtained not 1147
later than ten years after January 7, 2013. 1148

(2) In the case of service credit that has been or will be 1149
purchased or obtained under section 145.295 or 145.37 of the 1150
Revised Code or is for service covered by the Cincinnati 1151
retirement system: 1152

(a) For division (A) of this section, the service for 1153
which the credit has been or will be purchased or obtained 1154
occurs not later than five years after January 7, 2013; 1155

(b) For division (B) of this section, the service for 1156
which the credit has been or will be purchased or obtained 1157
occurs not later than ten years after January 7, 2013. 1158

(E)(1) A member with at least twenty-five years of total 1159
service credit who would be eligible to retire under division 1160
(B)(1)(a) of this section had the member attained age fifty and 1161
who voluntarily resigns or is discharged for any reason except 1162
death, dishonesty, cowardice, intemperate habits, or conviction 1163
of a felony, on or after attaining age forty-eight, but before 1164
attaining age fifty, may elect to receive a reduced benefit. The 1165
benefit shall be the actuarial equivalent of the allowance 1166
calculated under division (F) of this section adjusted for age. 1167

(2) A member with at least twenty-five years of total 1168
service credit who would be eligible to retire under division 1169
(C)(1) of this section had the member attained age fifty-two and 1170
who voluntarily resigns or is discharged for any reason except 1171

death, dishonesty, cowardice, intemperate habits, or conviction 1172
of a felony, on or after attaining age forty-eight, but before 1173
attaining age fifty-two, may elect to receive a reduced benefit. 1174
The benefit shall be the actuarial equivalent of the allowance 1175
calculated under division (F) of this section adjusted for age. 1176

(3) A member with at least twenty-five years of total 1177
service credit who would be eligible to retire under division 1178
(A) (2) of this section had the member attained age fifty-two and 1179
who voluntarily resigns or is discharged for any reason except 1180
death, dishonesty, cowardice, intemperate habits, or conviction 1181
of a felony, on or after attaining age forty-eight, but before 1182
attaining age fifty-two, may elect to receive a reduced benefit. 1183

(a) If eligibility to make the election under division (E) 1184
(3) of this section occurs not later than five years after 1185
January 7, 2013, the benefit shall be calculated in accordance 1186
with the following schedule: 1187

1188

	1	2
A	Attained Age	Reduced Benefit
B	48	75% of the benefit payable under division (F) of this section
C	49	80% of the benefit payable under division (F) of this section
D	50	86% of the benefit payable under division (F) of this section

E 51 93% of the benefit payable under division
(F) of this section

(b) If eligibility to make the election occurs after the 1189
date determined under division (E) (3) (a) of this section, the 1190
benefit shall be the actuarial equivalent of the allowance 1191
calculated under division (F) of this section adjusted for age. 1192

(4) A member with at least twenty-five years of total 1193
service credit who would be eligible to retire under division 1194
(B) (1) (b) of this section had the member attained age fifty-four 1195
and who voluntarily resigns or is discharged for any reason 1196
except death, dishonesty, cowardice, intemperate habits, or 1197
conviction of a felony, on or after attaining age forty-eight, 1198
but before attaining age fifty-four, may elect to receive a 1199
reduced benefit. The benefit shall be the actuarial equivalent 1200
of the allowance calculated under division (F) of this section 1201
adjusted for age. 1202

(5) A member with at least twenty-five years of total 1203
service credit who would be eligible to retire under division 1204
(C) (2) of this section had the member attained age fifty-six and 1205
who voluntarily resigns or is discharged for any reason except 1206
death, dishonesty, cowardice, intemperate habits, or conviction 1207
of a felony, on or after attaining age fifty-two, but before 1208
attaining age fifty-six, may elect to receive a reduced benefit. 1209
The benefit shall be the actuarial equivalent of the allowance 1210
calculated under division (F) of this section adjusted for age. 1211

(6) If a member elects to receive a reduced benefit under 1212
division (E) (1), (2), (3), (4), or (5) of this section, the 1213
reduced benefit shall be based on the member's age on the 1214
member's most recent birthday. Once a member elects to receive a 1215

reduced benefit and has received a payment, the member may not
change that election.

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

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

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

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

(H) A benefit paid under this section shall not exceed the 1246
lesser of ninety per cent of the member's final average salary 1247
or the limit established by section 415 of the "Internal Revenue 1248
Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 1249

(I) A member with service credit as a PERS law enforcement 1250
officer or PERS public safety officer and other service credit 1251
under this chapter may elect one of the following: 1252

(1) To have all the member's service credit under this 1253
chapter, including credit for service as a PERS law enforcement 1254
officer or PERS public safety officer, used in calculating a 1255
retirement allowance under section 145.33 of the Revised Code if 1256
the member qualifies for an allowance under that section; 1257

(2) If the member qualifies for an allowance under 1258
division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this 1259
section, to receive all of the following: 1260

(a) A benefit under division (A)(1), (B)(1), (C)(1), or 1261
(E)(1) or (2) of this section for the member's service credit as 1262
a PERS law enforcement officer; 1263

(b) A single life annuity having a reserve equal to the 1264
amount of the member's accumulated contributions for all service 1265
other than PERS law enforcement service; 1266

(c) A pension equal to the annuity provided under division 1267
(I)(2)(b) of this section, excluding amounts of the member's 1268
accumulated contributions deposited under former division (Y) of 1269
section 145.01 or former sections 145.02, 145.29, 145.292, and 1270
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 1271
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 1272
Revised Code for the purchase of service credit. 1273

(3) If the member qualifies for an allowance under 1274

division (A) (2), (B) (2), (C) (2), or (E) (3), (4), or (5) of this 1275
section, to receive all of the following: 1276

(a) A benefit under division (A) (2), (B) (2), (C) (2), or 1277
(E) (3), (4), or (5) of this section for the member's service 1278
credit as a PERS law enforcement officer or PERS public safety 1279
officer; 1280

(b) A single life annuity having a reserve equal to the 1281
amount of the member's accumulated contributions for all service 1282
other than PERS law enforcement service or PERS public safety 1283
officer service; 1284

(c) A pension equal to the annuity provided under division 1285
(I) (3) (b) of this section, excluding amounts of the member's 1286
accumulated contributions deposited under former division (Y) of 1287
section 145.01 or former sections 145.02, 145.29, 145.292, and 1288
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 1289
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 1290
Revised Code for the purchase of service credit. 1291

(J) For the purposes of this section, "total service 1292
credit" includes credit for military service to the extent 1293
permitted by division (K) of this section and credit for service 1294
as a police officer or state highway patrol trooper to the 1295
extent permitted by division (L) of this section. 1296

(K) Notwithstanding sections 145.01 and 145.30 of the 1297
Revised Code, not more than four years of military service 1298
credit granted or purchased under section 145.30 of the Revised 1299
Code and five years of military service credit purchased under 1300
section 145.301 or 145.302 of the Revised Code shall be used in 1301
calculating service as a PERS law enforcement officer or PERS 1302
public safety officer or the total service credit of that 1303

person. 1304

(L) (1) Only credit for the member's service as a PERS law 1305
enforcement officer, PERS public safety officer, or service 1306
credit obtained as a police officer or state highway patrol 1307
trooper shall be used in computing the benefit of a member who 1308
qualifies for a benefit under this section for the following: 1309

(a) Any person who originally is commissioned and employed 1310
as a deputy sheriff by the sheriff of any county, or who 1311
originally is elected sheriff, on or after January 1, 1975; 1312

(b) Any deputy sheriff who originally is employed as a 1313
criminal bailiff or court constable on or after April 16, 1993; 1314

(c) Any person who originally is appointed as a township 1315
constable or police officer in a township police department or 1316
district on or after January 1, 1981; 1317

(d) Any person who originally is employed as a county 1318
narcotics agent on or after September 26, 1984; 1319

(e) Any person who originally is employed as an undercover 1320
drug agent as defined in section 109.79 of the Revised Code, 1321
department of public safety enforcement agent who prior to June 1322
30, 1999, was a liquor control investigator, forest-fire 1323
investigator, natural resources officer, wildlife officer, park 1324
district police officer, conservancy district officer, veterans' 1325
home police officer, special police officer for a mental health 1326
institution, special police officer for an institution for 1327
persons with developmental disabilities, or municipal police 1328
officer on or after December 15, 1988; 1329

(f) Any person who originally is employed as a state 1330
university law enforcement officer on or after November 6, 1996; 1331

- (g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998; 1332
1333
1334
- (h) Any person who originally is employed as a preserve officer on or after March 18, 1999; 1335
1336
- (i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999; 1337
1338
1339
- (j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999; 1340
1341
- (k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001; 1342
1343
1344
- (l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002; 1345
1346
1347
- (m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than March 24, 2009. 1348
1349
1350
- (2) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B) (1) (b) or (c), (B) (2), (C) (1) (b) or (c), or (C) (2) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996. 1351
1352
1353
1354
1355
1356
1357
1358
- (M) For purposes of this section, service prior to June 1359

30, 1999, as a food stamp trafficking agent under former section 1360
5502.14 of the Revised Code shall be considered service as a law 1361
enforcement officer. 1362

(N) (1) Retirement allowances determined under this section 1363
shall be paid as provided in section 145.46 of the Revised Code. 1364

(2) If the monthly amount of a member's annual single 1365
lifetime allowance that is first payable on or after ~~the~~ 1366
~~effective date of this amendment~~ March 22, 2019, under division 1367
(F) or (G) of this section would be less than fifty dollars, 1368
instead of a monthly payment, the retirement system shall pay 1369
the greater of the following in a single payment: 1370

(a) An amount determined under section 145.40 of the 1371
Revised Code as a refund of accumulated contributions; 1372

(b) An amount equal to the actuarial present value of the 1373
allowance as determined by the retirement system. 1374

(3) If the monthly amount of a member's single life 1375
annuity that is first payable on or after ~~the effective date of~~ 1376
~~this amendment~~ March 22, 2019, under division (I) (2) or (3) of 1377
this section for service other than PERS law enforcement service 1378
or PERS public safety service would be less than fifty dollars, 1379
instead of a monthly payment, the retirement system shall pay an 1380
amount determined under section 145.40 of the Revised Code as a 1381
refund of accumulated contributions. 1382

(O) A member seeking to retire under this section shall 1383
file an application with the public employees retirement board. 1384

Service retirement shall be effective as provided in 1385
division (E) of section 145.32 of the Revised Code. 1386

(P) If fewer than one per cent of the retirement system's 1387

members are contributing as public safety officers, the board, 1388
pursuant to a rule it adopts, may treat service as a public 1389
safety officer as service as a law enforcement officer. 1390

Sec. 145.333. (A) As used in this section: 1391

(1) "Retirement allowance" means any of the following as 1392
appropriate: 1393

(a) An allowance calculated under section 145.33~~or, 145.332,~~ or 145.333 of the Revised Code prior to any reduction 1394
for early retirement or election under section 145.46 of the 1395
Revised Code of a plan of payment and exclusive of any amounts 1396
payable under divisions (I) (2) (b) and (c) or (I) (3) (b) and (c) 1397
of section 145.332 of the Revised Code; 1398
1399

(b) An allowance calculated under division (A) of section 1400
145.45 of the Revised Code; 1401

(c) An allowance calculated under division (B) (1) (a) of 1402
section 145.331 of the Revised Code. 1403

(2) "CBBC" means the contribution based benefit cap, a 1404
limit established by the public employees retirement board on 1405
the retirement allowance a member may receive. 1406

(B) Based on the advice of an actuary appointed by the 1407
board, the board shall designate a number as the CBBC factor. 1408
The board may revise the factor pursuant to advice from an 1409
actuary appointed by the board. 1410

(C) Prior to paying a retirement allowance, the public 1411
employees retirement system shall make the following 1412
calculations: 1413

(1) Determine an amount equal to the value of the member's 1414
accumulated contributions, exclusive of contributions payable 1415

under divisions (I) (2) (b) and (c) or (I) (3) (b) and (c) of 1416
section 145.332 of the Revised Code but including any 1417
contributions made under section 145.483 of the Revised Code 1418
that represent member contributions, any contributions used to 1419
fund a benefit under section 145.36 of the Revised Code, with 1420
interest compounded at a rate approved by the board, and a 1421
portion of any amounts paid by an employer under sections 1422
145.297 or 145.298 of the Revised Code, as determined by an 1423
actuary appointed by the board; 1424

(2) Determine the amount of a single life annuity that is 1425
the actuarial equivalent of the amount determined under division 1426
(C) (1) of this section, adjusted for age of the member at the 1427
time of retirement or, when appropriate, the age at the time of 1428
the member's death; 1429

(3) Multiply the annuity amount determined under division 1430
(C) (2) of this section by the CBBC factor. 1431

(D) The amount determined under division (C) (3) of this 1432
section is the member's CBBC. Except as provided in division (E) 1433
of this section, if the retirement allowance the member would 1434
receive exceeds the member's CBBC, the allowance shall be 1435
reduced to an amount equal to the member's CBBC. 1436

(E) The retirement allowance of a member eligible for age 1437
and service retirement under division (A) of section 145.32 of 1438
the Revised Code or division (A) of section 145.332 of the 1439
Revised Code shall not be reduced under division (D) of this 1440
section by more than five per cent of the member's single 1441
lifetime allowance computed under section 145.33 or 145.332 of 1442
the Revised Code, unless during any full month of service earned 1443
after January 1, 1987, the member's earnable salary was less 1444
than one thousand dollars. 1445

Sec. 145.335. (A) This section applies only to members of 1446
the public employees retirement system participating in the PERS 1447
combined plan, as defined in section 145.196 of the Revised 1448
Code, that was consolidated by the system with the PERS defined 1449
benefit plan under that section. 1450

(B) (1) When a member described in section 145.196 of the 1451
Revised Code retires on age and service retirement, the total 1452
annual single lifetime allowance for that member shall be an 1453
amount adjusted in accordance with division (B) (2) or (C) of 1454
this section and determined by multiplying the member's total 1455
service credit by the following: 1456

(a) If the member is eligible for age and service 1457
retirement under division (A) or (B) of section 145.32 of the 1458
Revised Code, one per cent of the member's final average salary 1459
for each of the first thirty years of service plus one and one- 1460
quarter per cent of the member's final average salary for each 1461
subsequent year of service; 1462

(b) If the member is eligible for age and service 1463
retirement under division (C) of section 145.32 of the Revised 1464
Code, one per cent of the member's final average salary for each 1465
of the first thirty-five years of service plus one and one- 1466
quarter per cent of the member's final average salary for each 1467
subsequent year of service. 1468

(2) (a) For a member eligible to retire under division (A) 1469
of section 145.32 of the Revised Code, the member's allowance 1470
under division (B) (1) of this section shall be adjusted by the 1471
factors of attained age or years of service to provide the 1472
greater amount as determined by the following schedule: 1473

1474

	1	2	3	4
A	<u>Attained Birthday</u>	<u>or</u>	<u>Years of Total</u>	<u>Percentage of</u>
			<u>Service Credit</u>	<u>Base Amount</u>
B	<u>58</u>		<u>25</u>	<u>75</u>
C	<u>59</u>		<u>26</u>	<u>80</u>
D	<u>60</u>		<u>27</u>	<u>85</u>
E	<u>61</u>			<u>88</u>
F			<u>28</u>	<u>90</u>
G	<u>62</u>			<u>91</u>
H	<u>63</u>			<u>94</u>
I			<u>29</u>	<u>95</u>
J	<u>64</u>			<u>97</u>
K	<u>65</u>		<u>30 or more</u>	<u>100</u>

(b) For a member eligible to retire under division (B) or 1475
(C) of section 145.32 of the Revised Code, the member's 1476
allowance under division (B) (1) of this section shall be reduced 1477
by a percentage determined by the public employees retirement 1478
board's actuary based on the number of years the commencement of 1479
the allowance precedes the member's eligibility for an unreduced 1480
allowance. 1481

(c) The actuary may use an actuarially based average 1482

<u>percentage reduction for purposes of division (B) (2) (b) of this</u>	1483
<u>section.</u>	1484
<u>(C) The total annual single lifetime allowance that a</u>	1485
<u>member shall receive under this section shall not exceed the</u>	1486
<u>lesser of the following:</u>	1487
<u>(1) Any limit established under section 145.333 of the</u>	1488
<u>Revised Code;</u>	1489
<u>(2) One hundred per cent of the member's final average</u>	1490
<u>salary;</u>	1491
<u>(3) The limit established by section 415 of the "Internal</u>	1492
<u>Revenue Code of 1986," 26 U.S.C. 415.</u>	1493
<u>(D) Retirement allowances determined under this section</u>	1494
<u>shall be paid as provided in section 145.46 of the Revised Code.</u>	1495
<u>If the monthly amount of a member's annual single lifetime</u>	1496
<u>allowance that is first payable on or after the effective date</u>	1497
<u>of this section under division (B) of this section would be less</u>	1498
<u>than fifty dollars, instead of a monthly payment the retirement</u>	1499
<u>system shall pay an amount determined under section 145.40 of</u>	1500
<u>the Revised Code as a refund of accumulated contributions.</u>	1501
Sec. 145.35. (A) As used in this section and sections	1502
145.362 and 145.363 of the Revised Code:	1503
(1) "Examining physician" means a physician appointed by	1504
the public employees retirement board to conduct a medical	1505
examination of a disability benefit applicant or recipient.	1506
(2) "Medical consultant" means a physician appointed by	1507
the board to review a member's application for a disability	1508
benefit or an appeal of a denial or termination of a benefit.	1509

(3) "On-duty" illness or injury" means an illness or 1510
injury that occurred during or resulted from performance of 1511
duties under the direct supervision of a public employer. 1512

(B) The public employees retirement system shall provide 1513
disability coverage to each member who has at least five years 1514
of total service credit and disability coverage for on-duty 1515
illness or injury to each member who is a PERS law enforcement 1516
officer or PERS public safety officer, regardless of length of 1517
service. 1518

The coverage shall extend only to illness or injury that 1519
occurs before the member's contributing service terminates or, 1520
in the case of illness or injury that results from contributing 1521
service, becomes evident not later than two years after the date 1522
the contributing service ends. The coverage shall not extend to 1523
disability resulting from elective cosmetic surgery other than 1524
reconstructive surgery. 1525

Not later than October 16, 1992, the public employees 1526
retirement board shall give each person who is a member on July 1527
29, 1992, the opportunity to elect disability coverage either 1528
under section 145.36 of the Revised Code or under section 1529
145.361 of the Revised Code. The board shall mail notice of the 1530
election, accompanied by an explanation of the coverage under 1531
each of the Revised Code sections and a form on which the 1532
election is to be made, to each member at the member's last 1533
known address. The board shall also provide the explanation and 1534
form to any member on request. 1535

Regardless of whether the member actually receives notice 1536
of the right to make an election, a member who fails to file a 1537
valid election under this section shall be considered to have 1538
elected disability coverage under section 145.36 of the Revised 1539

Code. To be valid, an election must be made on the form provided 1540
by the retirement board, signed by the member, and filed with 1541
the board not later than one hundred eighty days after the date 1542
the notice was mailed, or, in the case of a form provided at the 1543
request of a member, a date specified by rule of the retirement 1544
board. Once made, an election is irrevocable, but if the member 1545
ceases to be a member of the retirement system, the election is 1546
void. If a person who makes an election under this section also 1547
makes an election under section 3307.62 or 3309.39 of the 1548
Revised Code, the election made for the system that pays a 1549
disability benefit to that person shall govern the benefit. 1550

Disability coverage shall be provided under section 1551
145.361 of the Revised Code for persons who become members after 1552
July 29, 1992, and for members who elect under this division to 1553
be covered under section 145.361 of the Revised Code. 1554

The retirement board may adopt rules governing elections 1555
made under this division. 1556

(C) Application for a disability benefit may be made by a 1557
member, by a person acting in the member's behalf, or by the 1558
member's employer, provided the member has disability coverage 1559
under section 145.36 or 145.361 of the Revised Code and is not 1560
receiving a disability benefit under any other Ohio state or 1561
municipal retirement program. Application must be made within 1562
two years from the date the member's contributing service under 1563
the PERS defined benefit plan terminated or the date the member 1564
ceased to make contributions to the PERS defined benefit plan 1565
under section 145.814 of the Revised Code, unless the board's 1566
medical consultant determines that the member's medical records 1567
demonstrate conclusively that at the time the two-year period 1568
expired, the member was physically or mentally incapacitated for 1569

duty and unable to make an application. Application may not be 1570
made by or for any person receiving age and service retirement 1571
benefits under section 145.33, 145.331, 145.332, 145.335, or 1572
145.37 or former section 145.34 of the Revised Code or any 1573
person who, pursuant to section 145.40 of the Revised Code, has 1574
been paid the accumulated contributions standing to the credit 1575
of the person's individual account in the employees' savings 1576
fund. The application shall be made on a form provided by the 1577
retirement board. 1578

(D) The benefit payable to any member who is approved for 1579
a disability benefit shall become effective on the first day of 1580
the month immediately following the later of the following: 1581

(1) The last day for which compensation was paid; 1582

(2) The attainment of eligibility for a disability 1583
benefit. 1584

(E) Medical examination of a member who has applied for a 1585
disability benefit shall be conducted by a competent 1586
disinterested examining physician to determine whether the 1587
member is mentally or physically incapacitated for the 1588
performance of duty by a disabling condition either permanent or 1589
presumed to be permanent. The disability must have occurred 1590
since last becoming a member or have increased since last 1591
becoming a member to such extent as to make the disability 1592
permanent or presumed to be permanent. A disability is presumed 1593
to be permanent if it is expected to last for a continuous 1594
period of not less than twelve months following the filing of 1595
the application. 1596

The standard used to determine whether a member is 1597
incapacitated for duty is that the member is mentally or 1598

physically incapable of performing the duties of the most recent 1599
public position held by the member. 1600

A member shall receive a disability benefit under section 1601
145.36 or 145.361 of the Revised Code if all of the following 1602
apply: 1603

(1) The board's examining physician determines that the 1604
member qualifies for a disability benefit and the board's 1605
medical consultant concurs with the determination; 1606

(2) The board concurs with the medical consultant's 1607
determination; 1608

(3) The member agrees to medical treatment as specified in 1609
division (F) of this section. 1610

A disability benefit described in this division may be 1611
commenced prior to the board's concurrence with the 1612
determination if the conditions specified in divisions (E) (1) 1613
and (3) of this section are met. 1614

The action of the board shall be final. 1615

(F) The public employees retirement board shall adopt 1616
rules requiring a disability benefit recipient, as a condition 1617
of continuing to receive a disability benefit, to agree in 1618
writing to obtain any medical treatment recommended by the 1619
board's medical consultant and submit medical reports regarding 1620
the treatment. If the board determines that a disability benefit 1621
recipient is not obtaining the medical treatment or the board 1622
does not receive a required medical report, the disability 1623
benefit shall be suspended until the treatment is obtained, the 1624
report is received by the board, or the board's medical 1625
consultant certifies that the treatment is no longer helpful or 1626
advisable. Should the recipient's failure to obtain treatment or 1627

submit a medical report continue for one year, the recipient's 1628
right to the disability benefit shall be terminated as of the 1629
effective date of the original suspension. 1630

The board shall require the recipient of a disability 1631
benefit who is described in section 145.363 of the Revised Code 1632
to comply with that section. 1633

(G) A disability benefit that has been granted a member 1634
but has not commenced shall not be paid if the member continues 1635
in or returns to employment with the same employer in the same 1636
position or in a position with duties similar to those of the 1637
position the member held at the time the benefit was granted. 1638

(H) In the event an employer files an application for a 1639
disability benefit as a result of a member having been separated 1640
from service because the member is considered to be mentally or 1641
physically incapacitated for the performance of the member's 1642
present duty, and the board's medical consultant reports to the 1643
board that the member is physically and mentally capable of 1644
performing service similar to that from which the member was 1645
separated and the board concurs in the report, the board shall 1646
so certify to the employer and the employer shall restore the 1647
member to the member's previous position and salary or to a 1648
similar position and salary. 1649

Sec. 145.361. (A) A member with disability coverage under 1650
this section who is determined by the public employees 1651
retirement board under section 145.35 of the Revised Code to 1652
qualify for a disability benefit shall receive a disability 1653
allowance under this section. The allowance shall be an annual 1654
amount equal to the greater of the following: 1655

(1) Forty-five per cent of the member's final average 1656

salary; 1657

(2) The member's total service credit multiplied by two 1658
and two-tenths per cent of the member's final average salary, 1659
not exceeding sixty per cent of the member's final average 1660
salary. 1661

(B) Sufficient reserves for payment of the disability 1662
allowance shall be transferred to the annuity and pension 1663
reserve fund from the employers' contribution fund. The 1664
accumulated contributions of the member shall remain in the 1665
employees' savings fund. No part of the allowance paid under 1666
this section shall be charged against the member's accumulated 1667
contributions. 1668

(C) A disability allowance paid under this section shall 1669
terminate at the earliest of the following: 1670

(1) The effective date of age and service retirement under 1671
sections 145.32, 145.33, ~~and 145.332~~, and 145.335, or section 1672
145.37 or former section 145.34 of the Revised Code; 1673

(2) The date the allowance is terminated under section 1674
145.362 of the Revised Code; 1675

(3) The later of the last day of the month in which the 1676
recipient attains the applicable age, or the last day of the 1677
month in which the benefit period ends as follows: 1678

1679

1

2

A Attained Age at Effective Date of Benefit Period
Disability Allowance

B	60 or 61	60 months
C	62 or 63	48 months
D	64 or 65	36 months
E	66, 67, or 68	24 months
F	69 or older	12 months

The applicable age is sixty-five if the member is 1680
described in division (A) of section 145.32 or division (A) of 1681
section 145.332 of the Revised Code. It is sixty-six if the 1682
member is described in division (B) of section 145.32 or 1683
division (B) of section 145.332 of the Revised Code. It is 1684
sixty-seven if the member is described in division (C) of 1685
section 145.32 or division (C) of section 145.332 of the Revised 1686
Code. 1687

Sec. 145.38. (A) As used in this section and sections 1688
145.381 and 145.384 of the Revised Code: 1689

(1) "PERS retirant" means a former member of the public 1690
employees retirement system who is receiving one of the 1691
following: 1692

(a) Age and service retirement benefits under section 1693
145.32, 145.33, 145.331, 145.332, 145.335, or 145.46 or former 1694
section 145.34 of the Revised Code; 1695

(b) Age and service retirement benefits paid by the public 1696
employees retirement system under section 145.37 of the Revised 1697
Code; 1698

(c) Any benefit paid under a PERS defined contribution 1699

plan. 1700

(2) "Other system retirant" means both of the following: 1701

(a) A member or former member of the Ohio police and fire 1702
pension fund, state teachers retirement system, school employees 1703
retirement system, state highway patrol retirement system, or 1704
Cincinnati retirement system who is receiving age and service or 1705
commuted age and service retirement benefits or a disability 1706
benefit from a system of which the person is a member or former 1707
member; 1708

(b) A member or former member of the public employees 1709
retirement system who is receiving age and service retirement 1710
benefits or a disability benefit under section 145.37 of the 1711
Revised Code paid by the school employees retirement system or 1712
the state teachers retirement system. 1713

(B) (1) Subject to this section and section 145.381 of the 1714
Revised Code, a PERS retirant or other system retirant may be 1715
employed by a public employer. If so employed, the PERS retirant 1716
or other system retirant shall contribute to the public 1717
employees retirement system in accordance with section 145.47 of 1718
the Revised Code, and the employer shall make contributions in 1719
accordance with section 145.48 of the Revised Code. 1720

(2) A public employer that employs a PERS retirant or 1721
other system retirant, or enters into a contract for services as 1722
an independent contractor with a PERS retirant, shall notify the 1723
retirement board of the employment or contract not later than 1724
the end of the month in which the employment or contract 1725
commences. Any overpayment of benefits to a PERS retirant by the 1726
retirement system resulting from delay or failure of the 1727
employer to give the notice shall be repaid to the retirement 1728

system by the employer. 1729

(3) On receipt of notice from a public employer that a 1730
person who is an other system retirant has been employed, the 1731
retirement system shall notify the retirement system of which 1732
the other system retirant was a member of such employment. 1733

(4) (a) A PERS retirant who has received a retirement 1734
allowance for less than two months when employment subject to 1735
this section commences shall forfeit the retirement allowance 1736
for any month the PERS retirant is employed prior to the 1737
expiration of the two-month period. Service and contributions 1738
for that period shall not be included in calculation of any 1739
benefits payable to the PERS retirant, and those contributions 1740
shall be refunded on the retirant's death or termination of the 1741
employment. 1742

(b) An other system retirant who has received a retirement 1743
allowance or disability benefit for less than two months when 1744
employment subject to this section commences shall forfeit the 1745
retirement allowance or disability benefit for any month the 1746
other system retirant is employed prior to the expiration of the 1747
two-month period. Service and contributions for that period 1748
shall not be included in the calculation of any benefits payable 1749
to the other system retirant, and those contributions shall be 1750
refunded on the retirant's death or termination of the 1751
employment. 1752

(c) Contributions made on compensation earned after the 1753
expiration of the two-month period shall be used in the 1754
calculation of the benefit or payment due under section 145.384 1755
of the Revised Code. 1756

(5) On receipt of notice from the Ohio police and fire 1757

pension fund, school employees retirement system, or state 1758
teachers retirement system of the re-employment of a PERS 1759
retirant, the public employees retirement system shall not pay, 1760
or if paid, shall recover, the amount to be forfeited by the 1761
PERS retirant in accordance with section 742.26, 3307.35, or 1762
3309.341 of the Revised Code. 1763

(6) A PERS retirant who enters into a contract to provide 1764
services as an independent contractor to the employer by which 1765
the retirant was employed at the time of retirement or, less 1766
than two months after the retirement allowance commences, begins 1767
providing services as an independent contractor pursuant to a 1768
contract with another public employer, shall forfeit the pension 1769
portion of the retirement benefit for the period beginning the 1770
first day of the month following the month in which the services 1771
begin and ending on the first day of the month following the 1772
month in which the services end. The annuity portion of the 1773
retirement allowance shall be suspended on the day services 1774
under the contract begin and shall accumulate to the credit of 1775
the retirant to be paid in a single payment after services 1776
provided under the contract terminate. A PERS retirant subject 1777
to division (B) (6) of this section shall not contribute to the 1778
retirement system and shall not become a member of the system. 1779

(7) As used in this division, "employment" includes 1780
service for which a PERS retirant or other system retirant, the 1781
retirant's employer, or both, have waived any earnable salary 1782
for the service. 1783

(C) (1) Except as provided in division (C) (3) of this 1784
section, this division applies to both of the following: 1785

(a) A PERS retirant who, prior to September 14, 2000, was 1786
subject to division (C) (1) (b) of this section as that division 1787

existed immediately prior to September 14, 2000, and has not 1788
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 1789
assembly to cease to be subject to that division; 1790

(b) A PERS retirant to whom both of the following apply: 1791

(i) The retirant held elective office in this state, or in 1792
any municipal corporation, county, or other political 1793
subdivision of this state at the time of retirement under this 1794
chapter. 1795

(ii) The retirant was elected or appointed to the same 1796
office for the remainder of the term or the term immediately 1797
following the term during which the retirement occurred. 1798

(2) A PERS retirant who is subject to this division is a 1799
member of the public employees retirement system with all the 1800
rights, privileges, and obligations of membership, except that 1801
the membership does not include survivor benefits provided 1802
pursuant to section 145.45 of the Revised Code or, beginning on 1803
the ninetieth day after September 14, 2000, any amount 1804
calculated under section 145.401 of the Revised Code. The 1805
pension portion of the PERS retirant's retirement allowance 1806
shall be forfeited until the first day of the first month 1807
following termination of the employment. The annuity portion of 1808
the retirement allowance shall accumulate to the credit of the 1809
PERS retirant to be paid in a single payment after termination 1810
of the employment. The retirement allowance shall resume on the 1811
first day of the first month following termination of the 1812
employment. On termination of the employment, the PERS retirant 1813
shall elect to receive either a refund of the retirant's 1814
contributions to the retirement system during the period of 1815
employment subject to this section or a supplemental retirement 1816
allowance based on the retirant's contributions and service 1817

credit for that period of employment. 1818

(3) This division does not apply to any of the following: 1819

(a) A PERS retirant elected to office who, at the time of 1820
the election for the retirant's current term, was not retired 1821
but, not less than ninety days prior to the primary election for 1822
the term or the date on which a primary for the term would have 1823
been held, filed a written declaration of intent to retire 1824
before the end of the term with the director of the board of 1825
elections of the county in which petitions for nomination or 1826
election to the office are filed; 1827

(b) A PERS retirant elected to office who, at the time of 1828
the election for the retirant's current term, was a retirant and 1829
had been retired for not less than ninety days; 1830

(c) A PERS retirant appointed to office who, at the time 1831
of appointment to the retirant's current term, notified the 1832
person or entity making the appointment that the retirant was 1833
already retired or intended to retire before the end of the 1834
term. 1835

(D) (1) Except as provided in division (C) of this section, 1836
a PERS retirant or other system retirant subject to this section 1837
is not a member of the public employees retirement system, and, 1838
except as specified in this section does not have any of the 1839
rights, privileges, or obligations of membership. Except as 1840
specified in division (D) (2) of this section, the retirant is 1841
not eligible to receive health, medical, hospital, or surgical 1842
benefits under section 145.58 of the Revised Code for employment 1843
subject to this section. 1844

(2) A PERS retirant subject to this section shall receive 1845
primary health, medical, hospital, or surgical insurance 1846

coverage from the retirant's employer, if the employer provides 1847
coverage to other employees performing comparable work. Neither 1848
the employer nor the PERS retirant may waive the employer's 1849
coverage, except that the PERS retirant may waive the employer's 1850
coverage if the retirant has coverage comparable to that 1851
provided by the employer from a source other than the employer 1852
or the public employees retirement system. If a claim is made, 1853
the employer's coverage shall be the primary coverage and shall 1854
pay first. The benefits provided under section 145.58 of the 1855
Revised Code shall pay only those medical expenses not paid 1856
through the employer's coverage or coverage the PERS retirant 1857
receives through a source other than the retirement system. 1858

(E) If the disability benefit of an other system retirant 1859
employed under this section is terminated, the retirant shall 1860
become a member of the public employees retirement system, 1861
effective on the first day of the month next following the 1862
termination with all the rights, privileges, and obligations of 1863
membership. If such person, after the termination of the 1864
disability benefit, earns two years of service credit under this 1865
system or under the Ohio police and fire pension fund, state 1866
teachers retirement system, school employees retirement system, 1867
or state highway patrol retirement system, the person's prior 1868
contributions as an other system retirant under this section 1869
shall be included in the person's total service credit as a 1870
public employees retirement system member, and the person shall 1871
forfeit all rights and benefits of this section. Not more than 1872
one year of credit may be given for any period of twelve months. 1873

(F) This section does not affect the receipt of benefits 1874
by or eligibility for benefits of any person who on August 20, 1875
1976, was receiving a disability benefit or service retirement 1876
pension or allowance from a state or municipal retirement system 1877

in Ohio and was a member of any other state or municipal 1878
retirement system of this state. 1879

(G) The public employees retirement board may adopt rules 1880
to carry out this section. 1881

Sec. 145.39. Whenever the limits established by section 1882
415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1883
U.S.C.A. 415, as amended, are raised, the public employees 1884
retirement board shall increase the amount of the pension, 1885
benefit, or allowance of any person whose pension, benefit, or 1886
allowance payable under section 145.323, 145.33, 145.331, 1887
145.332, 145.335, 145.36, or 145.361 or former section 145.34 of 1888
the Revised Code was limited by the application of section 415. 1889
The amount of the increased pension, benefit, or allowance shall 1890
not exceed the lesser of the amount the person would have 1891
received if the limits established by section 415 had not been 1892
applied or the amount the person is eligible to receive subject 1893
to the new limits established by section 415. 1894

Sec. 145.41. Membership shall cease upon refund of 1895
accumulated contributions, death, or retirement except as 1896
provided in section 145.362 of the Revised Code. A member who 1897
separates from service for any reason other than death or 1898
retirement or who otherwise ceases to be a public employee for 1899
any reason other than death or retirement may leave the member's 1900
accumulated contributions on deposit with the public employees 1901
retirement board and, for the purposes of the public employees 1902
retirement system, be considered on a membership leave of 1903
absence. The member's membership rights shall continue until the 1904
member has withdrawn the member's accumulated contributions, 1905
retired on a retirement allowance as provided in section 145.33, 1906
145.331, ~~or~~ 145.332, or 145.335 of the Revised Code, or died. 1907

The account of such a member shall remain in the employees' 1908
savings fund, except that the account of a member who has less 1909
than five calendar years of contributing service credit or is a 1910
member of the state teachers retirement system or the school 1911
employees retirement system may be transferred to the income 1912
fund if by the end of the fifth calendar year following the 1913
calendar year in which the last contribution was received the 1914
member has not died, claimed a refund of contributions, or 1915
requested the retirement board to continue the member's 1916
membership on a leave of absence basis. In case such a member 1917
later requests a refund, the member's account shall be restored 1918
to the employees' savings account and refunded therefrom. 1919
Members on such leaves of absence shall retain all rights, 1920
obligations, and privileges of membership in the public 1921
employees retirement system. A "contributor," as defined in 1922
division (F) of section 145.01 of the Revised Code, who formerly 1923
lost membership through termination of membership leave of 1924
absence and who has not withdrawn the contributor's account 1925
shall be reinstated as a member with all the rights, privileges, 1926
and obligations of membership in the system. In no case shall a 1927
member on leave of absence as provided in this section add to 1928
the member's total number of years of service credit by reason 1929
of such leave of absence, unless such member is eligible to and 1930
does make a payment as provided in section 145.291 of the 1931
Revised Code. 1932

Sec. 145.45. Except as provided in division (C) (1) of this 1933
section, in lieu of accepting the payment of the accumulated 1934
account of a member who dies before service retirement, a 1935
beneficiary, as determined in this section or section 145.43 of 1936
the Revised Code, may elect to forfeit the accumulated 1937
contributions and to substitute certain other benefits under 1938

division (A) or (B) of this section. 1939

(A) (1) Except as provided in division (A) (3) of this 1940
section, if a deceased member was eligible for a service 1941
retirement benefit as provided in section 145.33, 145.331, ~~or~~ 1942
145.332, or 145.335 of the Revised Code, a surviving spouse or 1943
other sole dependent beneficiary may elect to receive a monthly 1944
benefit computed as a joint-life plan under which the spouse or 1945
beneficiary receives one hundred per cent of the actuarial 1946
equivalent of the deceased member's lesser retirement allowance 1947
payable for the member's life, which the member would have 1948
received had the member retired on the last day of the month of 1949
death and had the member at that time selected such a plan. 1950
Payment shall begin with the month subsequent to the member's 1951
death, except that a surviving spouse who is less than sixty- 1952
five years old may defer receipt of such benefit. Upon receipt, 1953
the benefit shall be calculated based upon the spouse's age at 1954
the time of first payment, and shall accrue regular interest 1955
during the time of deferral. 1956

(2) Except as provided in division (A) (3) of this section, 1957
a surviving spouse or other sole dependent beneficiary may 1958
elect, in lieu of a monthly payment under division (A) (1) of 1959
this section, a plan of payment consisting of both of the 1960
following: 1961

(a) A lump sum in an amount the surviving spouse or other 1962
sole dependent beneficiary designates that constitutes a portion 1963
of the allowance that would be payable under division (A) (1) of 1964
this section; 1965

(b) The remainder of that allowance in monthly payments. 1966

The total amount paid as a lump sum and a monthly benefit 1967

shall be the actuarial equivalent of the amount that would have
been paid had the lump sum not been selected.

The lump sum amount designated by the surviving spouse or
other sole dependent beneficiary under division (A) (2) (a) 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
surviving spouse or other sole dependent beneficiary under
division (A) (1) of this section and shall not result in a
monthly payment that is less than fifty per cent of that monthly
amount.

(3) If the monthly amount of the single lifetime allowance
of a member who dies on or after the ~~effective date of this~~
~~amendment~~ March 22, 2019, would be less than fifty dollars, a
benefit under division (A) (1) or (2) of this section shall be
the greater of the following:

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

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

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

the benefits provided in division (B) (1) (a) or (b) and (4) of 1997
 this section as allocated in accordance with division (B) (5) of 1998
 this section. 1999

2000

	1	2	3
A	(1) (a) Number of Qualified survivors affecting the benefit	Annual Benefit as a Per Cent of Decedent's Final Average Salary	Or Monthly Benefit shall not be less than
B	1	25%	\$250
C	2	40	400
D	3	50	500
E	4	55	500
F	5 or more	60	500

2001

	1	2
A	(b) Years of Service	Annual Benefit as a Per Cent of Member's Final Average Salary
B	20	29%
C	21	33
D	22	37

E	23	41
F	24	45
G	25	48
H	26	51
I	27	54
J	28	57
K	29 or more	60

(2) Benefits shall begin as qualified survivors meet 2002
eligibility requirements as follows: 2003

(a) A qualified spouse is the surviving spouse of the 2004
deceased member, who is age sixty-two, or regardless of age 2005
meets one of the following qualifications: 2006

(i) Except as provided in division (B) (7) of this section, 2007
the deceased member had ten or more years of Ohio service 2008
credit. 2009

(ii) The spouse is caring for a qualified child. 2010

(iii) The spouse is adjudged physically or mentally 2011
incompetent. 2012

A spouse of a member who died prior to August 27, 1970, 2013
whose eligibility was determined at the member's death, and who 2014
is physically or mentally incompetent on or after August 20, 2015
1976, shall be paid the monthly benefit which that person would 2016
otherwise receive when qualified by age. 2017

(b) A qualified child is any child of the deceased member 2018

who has never been married and to whom one of the following
applies:

(i) Is under age twenty-two;

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

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

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

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

Benefits to a qualified child who is at least eighteen years of age but under twenty-two years of age that under a former version of this section never commenced or were

terminated due to a lack of attendance at an institution of 2048
learning or training and not commenced or resumed before April 2049
6, 2017, shall commence or resume on the first day of the month 2050
immediately following receipt by the board of an application on 2051
a form provided by the board if the application is received on 2052
or before the date that is one year after April 6, 2017. These 2053
benefits terminate on the child attaining twenty-two years of 2054
age. 2055

Upon the death of any subsequent spouse who was a member 2056
of the public employees retirement system, state teachers 2057
retirement system, or school employees retirement system, the 2058
surviving spouse of such member may elect to continue receiving 2059
benefits under this division, or to receive survivor's benefits, 2060
based upon the subsequent spouse's membership in one or more of 2061
the systems, for which such surviving spouse is eligible under 2062
this section or section 3307.66 or 3309.45 of the Revised Code. 2063
If the surviving spouse elects to continue receiving benefits 2064
under this division, such election shall not preclude the 2065
payment of benefits under this division to any other qualified 2066
survivor. 2067

Benefits shall begin or resume on the first day of the 2068
month following the attainment of eligibility and shall 2069
terminate on the first day of the month following loss of 2070
eligibility. 2071

(5) (a) If a benefit is payable under division (B) (1) (a) of 2072
this section, benefits to a qualified spouse shall be paid in 2073
the amount determined for the first qualifying survivor in 2074
division (B) (1) (a) of this section. All other qualifying 2075
survivors shall share equally in the benefit or remaining 2076
portion thereof. 2077

(b) All qualifying survivors shall share equally in a 2078
benefit payable under division (B) (1) (b) of this section, except 2079
that if there is a surviving spouse, the surviving spouse shall 2080
receive not less than the amount determined for the first 2081
qualifying survivor in division (B) (1) (a) of this section. 2082

(6) The beneficiary of a member who is also a member of 2083
the state teachers retirement system or of the school employees 2084
retirement system, must forfeit the member's accumulated 2085
contributions in those systems and in the public employees 2086
retirement system, if the beneficiary takes a survivor benefit. 2087
Such benefit shall be exclusively governed by section 145.37 of 2088
the Revised Code. 2089

(7) The following restrictions do not apply if the 2090
deceased member was contributing toward benefits under section 2091
145.332 of the Revised Code at the time of death: 2092

(a) That the deceased member have had at least one and 2093
one-half years of contributing service credit, with at least 2094
one-quarter year of contributing service within the two and one- 2095
half years prior to the date of death; 2096

(b) If the deceased member was killed in the line of duty, 2097
that the deceased member have had ten or more years of Ohio 2098
service credit as described in division (B) (2) (a) (i) of this 2099
section. 2100

For the purposes of division (B) (7) (b) of this section, 2101
"killed in the line of duty," means either that death occurred 2102
in the line of duty or that death occurred as a result of injury 2103
sustained in the line of duty. 2104

(C) (1) Regardless of whether the member is survived by a 2105
spouse or designated beneficiary, if the public employees 2106

retirement system receives notice that a deceased member 2107
described in division (A) or (B) of this section has one or more 2108
qualified children, all persons who are qualified survivors 2109
under division (B) of this section shall receive monthly 2110
benefits as provided in division (B) of this section. 2111

If, after determining the monthly benefits to be paid 2112
under division (B) of this section, the system receives notice 2113
that there is a qualified survivor who was not considered when 2114
the determination was made, the system shall, notwithstanding 2115
section 145.561 of the Revised Code, recalculate the monthly 2116
benefits with that qualified survivor included, even if the 2117
benefits to qualified survivors already receiving benefits are 2118
reduced as a result. The benefits shall be calculated as if the 2119
qualified survivor who is the subject of the notice became 2120
eligible on the date the notice was received and shall be paid 2121
to qualified survivors effective on the first day of the first 2122
month following the system's receipt of the notice. 2123

If the retirement system did not receive notice that a 2124
deceased member has one or more qualified children prior to 2125
making payment under section 145.43 of the Revised Code to a 2126
beneficiary as determined by the retirement system, the payment 2127
is a full discharge and release of the system from any future 2128
claims under this section or section 145.43 of the Revised Code. 2129

(2) If benefits under division (C)(1) of this section to 2130
all persons, or to all persons other than a surviving spouse or 2131
other sole beneficiary, terminate, there are no children under 2132
the age of twenty-two years, and the surviving spouse or 2133
beneficiary qualifies for benefits under division (A) of this 2134
section, the surviving spouse or beneficiary may elect to 2135
receive benefits under division (A) of this section. The 2136

benefits shall be effective on the first day of the month 2137
immediately following the termination. 2138

(D) The final average salary used in the calculation of a 2139
benefit payable pursuant to division (A) or (B) of this section 2140
to a survivor or beneficiary of a disability benefit recipient 2141
shall be adjusted for each year between the disability benefit's 2142
effective date and the recipient's date of death by the lesser 2143
of three per cent or the actual average percentage increase in 2144
the consumer price index prepared by the United States bureau of 2145
labor statistics (U.S. city average for urban wage earners and 2146
clerical workers: "all items 1982-84=100"). 2147

(E) If the survivor benefits due and paid under this 2148
section are in a total amount less than the member's accumulated 2149
account that was transferred from the public employees' savings 2150
fund to the survivors' benefit fund, then the difference between 2151
the total amount of the benefits paid shall be paid to the 2152
beneficiary under section 145.43 of the Revised Code. 2153

Sec. 145.46. (A) A retirement allowance calculated under 2154
section 145.33, 145.331, ~~or 145.332,~~ or 145.335 of the Revised 2155
Code shall be paid as provided in this section. 2156

Unless the member is required by division (C) of this 2157
section to select a specified plan of payment, a member may 2158
elect a plan of payment as provided in division (B) (1), (2), or 2159
(3) of this section. An election shall be made at the time the 2160
member makes application for retirement and on a form provided 2161
by the public employees retirement board. A plan of payment 2162
elected under this section shall be effective only if approved 2163
by the board, which shall approve it only if it is certified by 2164
an actuary engaged by the board to be the actuarial equivalent 2165
of the retirement allowance calculated under section 145.33, 2166

145.331, ~~or 145.332,~~ or 145.335 of the Revised Code. 2167

(B) The following plans of payment shall be offered by the 2168
public employees retirement system: 2169

(1) "Joint-life plan," an allowance that consists of the 2170
actuarial equivalent of the member's retirement allowance 2171
determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 2172
of the Revised Code in a lesser amount payable for life and one- 2173
half or some other portion equal to ten per cent or more of the 2174
allowance continuing after death to the member's designated 2175
beneficiary for the beneficiary's life. The beneficiary shall be 2176
nominated by written designation filed with the retirement 2177
board. The amount payable to the beneficiary shall not exceed 2178
the amount payable to the member. 2179

(2) "Single-life plan," the member's retirement allowance 2180
determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 2181
of the Revised Code; 2182

(3) "Multiple-life plan," an allowance that consists of 2183
the actuarial equivalent of the member's retirement allowance 2184
determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 2185
of the Revised Code in a lesser amount payable to the retirant 2186
for life and some portion of the lesser amount continuing after 2187
death to two, three, or four surviving beneficiaries designated 2188
at the time of the member's retirement. Unless required under 2189
division (C) of this section, no portion allocated under this 2190
plan of payment shall be less than ten per cent. The total of 2191
the portions allocated shall not exceed one hundred per cent of 2192
the member's lesser allowance. 2193

(C) A member shall select a plan of payment as follows: 2194

(1) Subject to division (C) (2) of this section, if the 2195

member is married at the time of retirement, the member shall 2196
select a joint-life plan and receive a plan of payment that 2197
consists of the actuarial equivalent of the member's retirement 2198
allowance determined under section 145.33, 145.331, ~~or~~ 145.332, or 2199
or 145.335 of the Revised Code in a lesser amount payable for 2200
life and one-half of such allowance continuing after death to 2201
the member's surviving spouse for the life of the spouse. A 2202
married member is not required to select this plan of payment if 2203
the member's spouse consents in writing to the member's election 2204
of a plan of payment other than described in this division or 2205
the board waives the requirement that the spouse consent; 2206

(2) If prior to the effective date of the member's 2207
retirement, the public employees retirement board receives a 2208
copy of a court order issued under section 3105.171 or 3105.65 2209
of the Revised Code or the laws of another state regarding 2210
division of marital property the board shall accept the member's 2211
election of a plan of payment under this section only if the 2212
member complies with both of the following: 2213

(a) The member elects a plan of payment that is in 2214
accordance with the order. 2215

(b) If the member is married, the member elects a 2216
multiple-life plan and designates the member's current spouse as 2217
a beneficiary under that plan unless that spouse consents in 2218
writing to not being designated a beneficiary under any plan of 2219
payment or the board waives the requirement that the current 2220
spouse consent. 2221

(D) An application for retirement shall include an 2222
explanation of all of the following: 2223

(1) That, if the member is married, unless the spouse 2224

consents to another plan of payment or there is a court order 2225
dividing marital property issued under section 3105.171 or 2226
3105.65 of the Revised Code or the laws of another state 2227
regarding the division of marital property that provides for 2228
payment in a specified amount, the member's retirement allowance 2229
will be paid under a joint-life plan and consist of the 2230
actuarial equivalent of the member's retirement allowance in a 2231
lesser amount payable for life and one-half of the allowance 2232
continuing after death to the surviving spouse for the life of 2233
the spouse; 2234

(2) A description of the alternative plans of payment, 2235
including all plans described in division (B) of this section, 2236
available with the consent of the spouse; 2237

(3) That the spouse may consent to another plan of payment 2238
and the procedure for giving consent; 2239

(4) That consent is irrevocable once notice of consent is 2240
filed with the board. 2241

Consent shall be valid only if it is signed, in writing, 2242
and witnessed by a notary public. The board may waive the 2243
requirement of consent if the spouse is incapacitated or cannot 2244
be located or for any other reason specified by the board. 2245
Consent or waiver is effective only with regard to the spouse 2246
who is the subject of the consent or waiver. 2247

(E) (1) Beginning on a date selected by the retirement 2248
board, which shall be not later than July 1, 2004, a member may 2249
elect to receive a retirement allowance under a plan of payment 2250
consisting of both a lump sum in an amount the member designates 2251
that constitutes a portion of the member's retirement allowance 2252
under a plan described in division (B) of this section and the 2253

remainder as a monthly allowance under that plan. 2254

The total amount paid as a lump sum and a monthly benefit 2255
shall be the actuarial equivalent of the amount that would have 2256
been paid had the lump sum not been selected. 2257

(2) The lump sum designated by a member shall be not less 2258
than six times and not more than thirty-six times the monthly 2259
amount that would be payable to the member under the plan of 2260
payment elected under division (B) of this section had the lump 2261
sum not been elected and shall not result in a monthly allowance 2262
that is less than fifty per cent of that monthly amount. 2263

(F) If the retirement allowances, as a single life annuity 2264
or payment plan as provided in this section, due and paid are in 2265
a total amount less than (1) the accumulated contributions, and 2266
(2) other deposits made by the member as provided by this 2267
chapter, standing to the credit of the member at the time of 2268
retirement, then the difference between the total amount of the 2269
allowances paid and the accumulated contributions and other 2270
deposits shall be paid to the beneficiary provided under 2271
division (D) of section 145.43 of the Revised Code. 2272

(G) (1) The death of a spouse or any designated beneficiary 2273
following retirement shall cancel the portion of the plan of 2274
payment providing continuing lifetime benefits to the deceased 2275
spouse or deceased designated beneficiary. The retirant shall 2276
receive the actuarial equivalent of the retirant's single 2277
lifetime benefit, as determined by the board, based on the 2278
number of remaining beneficiaries, with no change in the amount 2279
payable to any remaining beneficiary. The change shall be 2280
effective the month following the date of death. 2281

(2) On divorce, annulment, or marriage dissolution, a 2282

retirant receiving a retirement allowance under a plan that 2283
provides for continuation of all or part of the allowance after 2284
death for the lifetime of the retirant's surviving spouse may, 2285
with the written consent of the spouse or pursuant to an order 2286
of the court with jurisdiction over the termination of the 2287
marriage, elect to cancel the portion of the plan providing 2288
continuing lifetime benefits to that spouse. The retirant shall 2289
receive the actuarial equivalent of the retirant's single 2290
lifetime benefit as determined by the retirement board based on 2291
the number of remaining beneficiaries, with no change in amount 2292
payable to any remaining beneficiary. The election shall be made 2293
on a form provided by the board and shall be effective the month 2294
following its receipt by the board. 2295

(H) (1) Following a marriage or remarriage, both of the 2296
following apply: 2297

(a) A retirant who is receiving the retirant's retirement 2298
allowance under a single-life plan may elect a new plan of 2299
payment under division (B) (1) of this section based on the 2300
actuarial equivalent of the retirant's single lifetime benefit 2301
as determined by the board. 2302

(b) A retirant who is receiving a retirement allowance 2303
pursuant to a plan of payment providing for payment to a former 2304
spouse pursuant to a court order described in division (C) (2) of 2305
this section may elect a new plan of payment in the form of a 2306
multiple-life plan based on the actuarial equivalent of the 2307
retirant's single lifetime retirement allowance as determined by 2308
the board if the new plan of payment elected does not reduce the 2309
payment to the former spouse. 2310

(2) If the marriage or remarriage occurs on or after June 2311
6, 2005, the election must be made not later than one year after 2312

the date of the marriage or remarriage. 2313

The plan elected under this division shall become 2314
effective on the date of receipt by the board of an application 2315
on a form approved by the board, but any change in the amount of 2316
the retirement allowance shall commence on the first day of the 2317
month following the effective date of the plan. 2318

(I) Any person who, prior to July 24, 1990, selected an 2319
optional plan of payment at retirement that provided for a 2320
return to the single life benefit after the designated 2321
beneficiary's death shall have the retirant's benefit adjusted 2322
to the optional plan equivalent without such provision. 2323

(J) A retirant's receipt of the first month's retirement 2324
allowance constitutes the retirant's final acceptance of the 2325
plan of payment and may be changed only as provided in this 2326
chapter. 2327

Section 2. That existing sections 145.01, 145.012, 2328
145.016, 145.017, 145.195, 145.201, 145.32, 145.33, 145.331, 2329
145.332, 145.333, 145.35, 145.361, 145.38, 145.39, 145.41, 2330
145.45, and 145.46 of the Revised Code are hereby repealed." 2331

The motion was _____ agreed to.

SYNOPSIS 2332

**Consolidation of the PERS combined plan with the PERS 2333
defined benefit plan** 2334

**R.C. 145.196 and 145.335, with conforming changes in R.C. 2335
145.01, 145.016, 145.017, 145.195, 145.201, 145.32, 145.33,** 2336

145.331, 145.332, 145.333, 145.335, 145.35, 145.361, 145.38,	2337
145.39, 145.41, 145.45, and 145.46	2338
Allows the Public Employees Retirement System (PERS) to	2339
consolidate the PERS combined plan with the PERS defined benefit	2340
plan and establishes requirements for how members' accounts and	2341
funds are to be treated following the consolidation (under	2342
current law, the PERS combined plan is treated as a PERS defined	2343
contribution plan).	2344
Specifies the eligibility requirements for age and service	2345
retirement of a member participating in the PERS combined plan	2346
following consolidation with the PERS defined benefit plan.	2347
Establishes the formulas used to calculate the amount of	2348
the retirement allowance such a member is eligible to receive	2349
based on the funds in the member's individual account.	2350
Specifies that provisions of the law governing PERS	2351
regarding coordination of benefits, purchases or transfers of	2352
service credit, refunds of contributions, service as a PERS law	2353
enforcement or public safety officer, and health care coverage	2354
do not apply to a member's individual account if the member was	2355
a participant in the PERS combined plan at the time of	2356
consolidation.	2357
Election workers excluded from PERS membership	2358
R.C. 145.012	2359
Adds that a person employed as an election worker in a	2360
calendar year where more than one primary election and one	2361
general election are held is not a PERS member if the person is	2362
paid \$600 plus an amount not to exceed \$400 for that service	2363
(under continuing law, an election worker paid less than \$600 in	2364
a calendar year for that service is excluded from PERS	2365

membership).

2366