

742-3-29

Mandatory direct deposit.

- (A) As used in this rule, "alternate payee" shall be as defined in section 3105.80 of the Revised Code.
- (B) All benefits or payments made on and after January 1, 2009, shall be paid by direct deposit (i.e., electronic fund transfer), unless one of the following exceptions applies:
- (1) When a one-time lump sum or partial distribution from the deferred retirement option plan is paid directly to another retirement savings plan eligible to receive rollovers from a qualified plan;
 - (2) Benefit recipients or alternate payees whose addresses are outside of the United States, but these individuals may still choose to receive benefits by direct deposit; or
 - (3) Upon a showing by a benefit recipient or an alternate payee of an undue hardship, the executive director may waive the requirement that funds be paid through direct deposit.
- (C) Each benefit recipient and each alternate payee shall notify OP&F on a form it supplies of:
- (1) The name of the financial institution to which benefits will be transferred electronically;
 - (2) The mailing address of that financial institution;
 - (3) The routing number of that financial institution;
 - (4) The account number to which funds are to be transferred; and
 - (5) Such other information as OP&F may specify.
- (D) Unless an exception in paragraph (B) of this rule applies, no benefits or payments will be made to a benefit recipient or to an alternate payee until such recipient or alternate payee provides OP&F with all of the information about the financial institution specified in paragraph (C) of this rule.

R.C. 119.032 review dates: 09/25/2013 and 09/22/2018

CERTIFIED ELECTRONICALLY

Certification

09/25/2013

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.37, 742.39
Prior Effective Dates: 09/22/2008

742-4-11

Termination of a member's active service in an police or fire department.

- (A) For purposes of section 742.444 of the Revised Code, "termination of a member's active service in a police or fire department" is presumed to occur if OP&F does not receive consecutive reports or payments of contributions from an employer on behalf of the DROP participant, regardless of which employer reports or pays such contributions to OP&F, as more fully illustrated in the following examples. For example, if the DROP participant works for city A through January 25, 2003 and then begins employment with city B, who is a employer within the meaning assigned to it in division (D) of section 742.01 of the Revised Code, on February 1, 2003, then no termination would exist. On the other hand, if the DROP participant terminated employment with city A on January 25, 2003 and did not resume employment in an OP&F covered position until March 1, 2003, a termination would result under section 742.444 of the Revised Code. This presumption may be rebutted by the member or employer by timely submitting documentation to OP&F that shows the continuation of the employment relationship within the time period requested by OP&F.
- (B) Employer shall have the meaning assigned to it in division (D) of section 742.01 of the Revised Code.
- (C) Capitalized terms used in this rule shall have the meaning assigned to them in rule 742-4-01 of the Administrative Code (definitions).

R.C. 119.032 review dates: 09/25/2013 and 09/22/2018

CERTIFIED ELECTRONICALLY

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09/25/2013

Date

Promulgated Under: 111.15
Statutory Authority: 742.10, 742.43
Rule Amplifies: 742.444
Prior Effective Dates: 12/31/02 (Emer.), 04/06/2003, 08/28/2008

742-4-15

Optional plan of payment.

- (A) If, as part of the DROP election, a DROP participant elected an optional plan of payment under section 742.3711 of the Revised Code to have the member's monthly pension calculated as a retirement allowance that continues or is paid to a surviving beneficiary, the DROP participant shall be eligible to cancel such optional plan or continuation of all or part of the allowance in accordance with the provisions of division (B) of section 742.3711 of the Revised Code.
- (B) Notwithstanding the provisions of paragraph (A) of this rule, a DROP participant shall not be eligible to exercise the rights under division (C) of section 742.3711 of the Revised Code until the DROP participant has filed an application for retirement with OP&F under division (C)(1) of section 742.37 of the Revised Code. In the case of a member who is required by a court order to designate a former spouse as a beneficiary, the provisions of rule 742-3-28 of the Administrative Code shall apply.
- ~~(C) For purposes of section 742.44 of the Revised Code, the reference to "a retirement allowance that continues to a surviving beneficiary" shall mean option 2 that is provided for in division (A)(2) of section 742.3711 of the Revised Code.~~
- ~~(D)~~(C) Capitalized terms used in this rule shall have the meaning assigned to them in rule 742-4-01 of the Administrative Code (definitions).

Effective:

R.C. 119.032 review dates: 09/25/2013

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10, 742.43
Rule Amplifies: 742.444
Prior Effective Dates: 12/31/02 (Emer.), 04/06/2003, 08/28/2008

742-4-16

Selection of distributions.

(A) A DROP participant who is eligible for distributions under division (B)(3) of section 742.444 of the Revised Code may select periodic payments under division (B)(3)(b) of section 742.444 of the Revised Code according to the following methods:

- (1) Partial distributions, which are one-time payments and not recurring, in a gross amount equal to or greater than one thousand dollars per request, with a maximum of four distributions being made by OP&F during a calendar year; and
- (2) Monthly distributions in a gross amount equal to or greater than one hundred dollars per payment, which will be paid on a monthly basis until OP&F receives proper written direction from the DROP participant to change such selection; and
- (3) Notwithstanding the foregoing provisions of paragraphs (A) and (B) of this rule, the final distribution shall be a one-time payment in the gross amount due the DROP participant, according to OP&F's books and records.

~~(B) If an eligible DROP participant elects a one-time distribution, OP&F will make the initial distribution based on the DROP accrual shown for the member for those payroll reports that have been received and processed as of the date of the member's selection. OP&F will then make a final distribution to the DROP participant in the same manner as the original request for a lump sum distribution once the final payroll reports have been received and processed so that the final DROP benefit that is due the member can be determined.~~

~~(B)~~ If an eligible DROP participant elects a partial distribution, this distribution may consist of multiple methods of payment and such request will constitute one partial distribution for purposes of the limits set forth in paragraph (A)(1) of this rule. For example, a member may request a partial DROP distribution and choose to rollover a portion of the partial distribution to an eligible account and have the balance of the partial distribution paid directly to him or her and this would constitute one partial distribution of DROP benefits.

~~(C)~~ Capitalized terms used in this rule shall have the meaning assigned to them in rule 742-4-01 of the Administrative Code (definitions).

Effective:

R.C. 119.032 review dates: 09/25/2013

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.444
Prior Effective Dates: 12/31/02 (Emer.), 04/06/2003, 12/27/05 (Emer.),
03/20/2006, 08/28/2008

742-9-10

Employer reporting requirements.

- (A) ~~As required by section 742.32 of the Revised Code, employers are required to file a report of employee deductions with the Ohio police & fire pension fund ("OP&F") in accordance with the form approved by OP&F's board of trustees, in the form attached hereto and consistent with the requirements outlined in this rule. For purposes of this rule, "required penalties" shall mean the penalties prescribed by section 742.352 of the Revised Code, as modified by rule 742-8-07 of the Administrative Code.~~
- (B) For purposes of section 742.32 of the Revised Code, the "report of employee deductions" that employers must transmit to Ohio police & fire pension fund ("OP&F") shall be on the report of retirement deductions form provided by OP&F and found on OP&F's website, www.op-f.org, and shall be consistent with the requirements outlined in this rule.
- ~~(B)~~(C) For purposes of section 742.32 of the Revised Code, the term "employee" shall refer to a "member", as such term is defined in divisions (A)(2)(a) and (B)(2)(a) of section 742.01 of the Revised Code.
- ~~(C)~~(D) For purposes of section 742.32 of the Revised Code, the deduction shall be taken on "salary" paid by the employer to the employee for the month covered in that report, pursuant to the terms of division (L) of section 742.01 of the Revised Code and the rules of the Administrative Code adopted pursuant to that section.
- ~~(D)~~ For all filings due prior to February 28, 2006, the provisions of the prior rule shall govern based on their respective terms.
- (E) ~~For all filings due on or after February 28, 2006, the~~The form of the employer's report of employee deductions shall be deemed properly filed with OP&F if all of the following occurs:
- (1) The completed form of the report that is filed with OP&F by the statutory deadline is consistent with the report of retirement deductions form attached hereto as appendix A to this rule and meets all the following requirements:
 - (a) A separate report for the report of deductions for firefighter members and a separate report for the report of deductions for police officer members;
 - (b) For electronic filings, it meets the technical specifications provided to the employers ~~in a written notice from~~by OP&F ~~in March 2005~~, as may be amended from time to time with prior ~~written~~ notice to the employer;

- (c) The reporting of "salary" is consistent with the requirements outlined in this rule ~~and the written notice sent to the employers in March 2005 for those employers who file in electronic format as of the date of such notice or May 2005 from those employers who file in paper format as to the date of such notice, as may be amended from time to time with prior written notice to the employer;~~ and
- (d) The reporting of picked-up contributions, whether done through a salary reduction or paid on behalf of the member, must be consistent with the requirements outlined in rule 742-7-14 of the Administrative Code.
- (2) The report and/or payment is accompanied by a completed OP&F recap form as referenced in rule 742-9-17 of the Administrative Code, and is received by OP&F by the statutory deadline. It is OP&F's preference that the recap form is sent along with the payment, rather than the report. For electronic filers, the recap form must still be received by OP&F by the statutory deadline.
- (3) The contributions due under section 742.32 of the Revised Code must be paid to OP&F by the statutory deadline, must match the amount outlined in the recap form referenced in rule 742-9-17 of the Administrative Code, and must match the total amount reported on the report referenced in paragraph (E)(1)(a) of this rule. As referenced in paragraph (E)(2) of this rule, it is OP&F's preference that the recap form accompany this payment.
- (4) For newly hired members, the report and payment is accompanied by a completed OP&F personal history record in the form provided by OP&F and documentation showing the member's appointment to a full-time position as a police officer or firefighter to the extent that it exists.
- (F) In order to verify the reporting of "salary" consistent with the provisions of division (L) of section 742.01 of the Revised Code and section 742.32 of the Revised Code and the corresponding rules of the Administrative Code, OP&F may request detailed pay records involving the member's wages and/or service credit from the employer at any time.
- (G) For purposes of assessing the required penalties ~~prescribed by section 742.352 of the Revised Code~~ for all filings due OP&F under section 742.32 of the Revised Code ~~from and after February 28, 2006~~, OP&F shall take the following course of action:
- (1) No report/no payment. If the required payment prescribed by section 742.32 of the Revised Code is not made in accordance with the deadline outlined in such section and no report of employee deductions is filed with OP&F in

accordance with the deadline outlined in such section, which includes the recap form, OP&F shall assess the required penalties ~~prescribed by section 742.352 of the Revised Code.~~

(2) Report/no payment. If the required report of employee deductions prescribed by section 742.32 of the Revised Code and more fully outlined in this rule is filed with OP&F in accordance with the deadline outlined in such section, but the proper payment is not paid to OP&F in accordance with the deadline outlined in such section, OP&F shall assess the required penalties ~~prescribed by section 742.352 of the Revised Code.~~

(3) No report/payment. If the required report of employee deductions prescribed by section 742.32 of the Revised Code and more fully outlined in this rule is not filed with OP&F in accordance with the deadline outlined in such section, but a payment is made with OP&F in accordance with the deadline outlined in such section, OP&F shall assess the required penalties ~~prescribed by section 742.352 of the Revised Code.~~

(4) All other cases, the following shall apply:

(a) Non-conforming payroll report. OP&F shall ~~initially~~ give ~~verbal~~ notice to the employer of the non-conforming nature of the report and allow the employer to have an opportunity to take corrective actions to cure such deficiencies within thirty days of OP&F's ~~verbal~~ notice of deficiency. ~~If the employer has not submitted a writing to OP&F that properly addresses the noted deficiencies by Friday of the week in which OP&F gave the verbal notice, OP&F shall then send a written notice to the employer of the non-conforming nature of the report and allow the employer to still have an opportunity to take the corrective actions identified in the written notice from OP&F within thirty days of OP&F's initial verbal notice (referred to herein as the "cure period"),~~ and the following shall apply:

(i) If the employer files a correct report of employee deductions in OP&F's approved format ~~with the correct and detailed deductions outlined in OP&F's notice~~ and such report is received by OP&F on or before the expiration of the cure period, no penalties will be assessed by OP&F against the employer.

(ii) If OP&F does not receive from the employer the proper report of employee deductions ~~with the correct and detailed deductions, as noted in OP&F's written notice to the employer,~~ on or before the expiration of such cure period, then OP&F will assess the

~~required penalties prescribed by section 742.352 of the Revised Code, beginning the day after the expiration of the cure period.~~

(b) In all other situations, OP&F will notify the employer ~~in writing~~ of the employer's failure to comply with the provisions of section 742.32 of the Revised Code ~~and shall then send a written notice to the employer of the failure to comply with section 742.32 of the Revised Code~~ and shall allow the employer to still have an opportunity to take the corrective actions identified in the ~~written~~ notice from OP&F within thirty days of OP&F's ~~initial verbal~~ notice (referred to herein as the "cure period"), and the following shall apply:

(i) If the employer files a correct report of employee deductions in OP&F's approved format ~~with the correct and detailed deductions outlined in OP&F's notice~~ and such report is received by OP&F on or before the expiration of the cure period, no penalties will be assessed by OP&F against the employer.

(ii) If OP&F does not receive from the employer the proper report of employee deductions ~~with the correct and detailed deductions, as noted in OP&F's written notice to the employer,~~ on or before the expiration of such cure period, then OP&F will assess the ~~required penalties prescribed by section 742.352 of the Revised Code, beginning the day after the expiration of the cure period.~~

(5) Even with the cure period, the employer will still be assessed any statutory fines for late filings and/or payments, as the case may be under the applicable statutory provision.

(6) This rule shall apply once the payment and/or report has been filed with OP&F and shall not limit any other remedies available to OP&F by law.

~~(H) Except for the limited exception outlined in this section, this rule will not impact any penalties and interest already assessed by OP&F for reports and/or payments due prior to February 19, 2002 since OP&F has already given notice of such assessments, but the reduction provided for in section 3 of Sub. H.B. No. 244, 124th General Assembly, shall apply to all penalties incurred for filings due prior to February 19, 2002 and the following may apply in limited circumstances. The prior versions of this rule will apply to issues that occurred prior to the effective date of such rules, but in cases where the employer misreported to another Ohio retirement system during the period beginning 2002, the provisions of this rule shall apply and OP&F will refund any penalties that were charged to an employer for misreporting to another Ohio retirement system without first being given a notice and opportunity to cure the deficiency prior to imposing the penalty.~~

~~(H)~~ (H) The provisions of this rule will not change the penalty amounts set forth in section 742.352 of the Revised Code of the required penalties.

~~(J)~~ Any failure on the part of OP&F to return the deficient report to the employer under any prior versions of this rule shall not extend or change the requirement that the employer must file the corrected report within the time period stated in OP&F's notice in order to avoid penalties associated with the deficiencies noted in such report.

~~(K)~~ Employers who timely filed reports in 2006 (through pay period end date of January 31, 2007), shall not be assessed a penalty if the reports could not be loaded into OP&F's pension administration system due to a system error.

Effective:

R.C. 119.032 review dates: 09/25/2013

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.32, 742.352
Prior Effective Dates: 11/18/1999 (Emer.), 03/16/00, 08/31/00 (Emer.),
11/23/00, 02/11/02 (Emer.), 04/29/02, 05/30/02
(Emer.), 08/22/02, 11/17/05 (Emer.), 02/16/2006,
06/04/2006, 07/19/2007, 05/22/2008, 09/22/2008

742-21-01

Form of division of property orders.

- (A) The division of property orders to be used by the courts for orders described in section 3105.81 of the Revised Code shall be made on the form prescribed by the appendix to this rule, which form has been created by the state retirement systems, the Ohio state bar association and the Ohio domestic relations judges association. For division of property orders received by Ohio police and fire pension fund ("OP&F") prior to June 30, ~~2010~~2014, OP&F will accept either the form prescribed by the appendix under the prior version of this rule that was effective on ~~August 21, 2003~~January 1, 2010, or the form prescribed by the appendix to this rule. From and after June 30, ~~2010~~2014, OP&F will only accept the division of property order in the form prescribed by the appendix to this rule.
- (B) Subsequent to the time Ohio police and fire pension fund (OP&F) receives a division of property order, an alternate payee shall provide information required on the form prescribed by the appendix to this rule. An alternate payee shall notify OP&F in writing of any change in the required information contained in the form.

Effective:

R.C. 119.032 review dates: 01/01/2018

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.462, 3105.81, 3105.90
Prior Effective Dates: 03/24/02, 08/21/2003, 01/01/2010

Appendix 1

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

Plaintiff/Petitioner,

v.

Defendant/Petitioner.

:
:
:
:
:

Case No.

Judge

DIVISION OF PROPERTY ORDER

The Court finds the following facts and issues the following Order pursuant to Sections 3105.80 to 3105.90, Revised Code:¹

I. Terms:

A. The "Plan Participant" or "Participant" means _____, Social Security number _____, whose date of birth is _____, whose current address is _____, and whose current mailing address is _____.

B. The "Alternate Payee" means _____, Social Security number _____, whose date of birth is _____, whose current address is _____, and whose current mailing address is _____.

C. The "Public Retirement Program(s)" means (please check the name and address of the public retirement program(s) and/or University/College Alternative Retirement Plan Administrator):

Ohio Public Employees Retirement System
277 East Town Street
Columbus, Ohio 43215-4642

¹ This form was created under Ohio Revised Code Section 3105.90. Since Ohio Revised Code Section 3105.82 requires that this form be used, variance from this form will result in non-acceptance of the order by the Public Retirement Program.

- State Teachers Retirement System of Ohio
275 East Broad Street
Columbus, Ohio 43215-3771
- School Employees Retirement System of Ohio
300 East Broad Street
Suite 100
Columbus, Ohio 43215-3746
- Ohio Police and Fire Pension Fund
140 East Town Street
Columbus, Ohio 43215
- Ohio State Highway Patrol Retirement System
6161 Busch Boulevard
Suite 119
Columbus, Ohio 43229-2553
- University/College Alternative Retirement Plan
Name and address of University/College Plan Administrator:

D. Obligation of Plan Participant and Alternate Payee: The Plan Participant and the Alternate Payee are ordered to notify in writing the Public Retirement Program of a change in the individual's mailing address.

II. Amount Payable to the Alternate Payee: Upon the Plan Participant receiving a payment from the Public Retirement Program, the court orders that the Alternate Payee shall receive payment in accordance with and subject to the limitations set forth in Sections 3105.82 to 3105.90, Revised Code. The Public Retirement Program is required to distribute amounts to the Alternate Payee in the same manner selected by the Participant. For example, if only a lump sum dollar amount is provided in Paragraphs II(B)(1)(a) and (b), then the Alternate Payee also receives a lump sum payment. Please designate the type and the method of payment:

A. Type of Payment: If the Participant is eligible to receive more than one benefit payment or more than one lump sum payment, please check the benefit(s) or lump sum payment(s) from which payment to the Alternate Payee shall be made. If no benefit or lump sum payment is designated, the Alternate Payee shall receive payment from the first benefit payment or lump sum payment for which the Participant is eligible to apply and to receive. Please check ALL APPLICABLE BENEFIT(S) OR LUMP SUM PAYMENT(S):

- Age and service retirement benefit, INCLUDING Partial Lump Sum Payments ("PLOS") received under Sections 145.46(E)(1), 3307.60(B), 3309.46(B)(4), or 5505.162(A)(3), Revised Code, and Deferred Retirement Option Plan ("DRO") under Section 742.43 or 5505.50, Revised Code.

- Age and service retirement benefit, BUT EXCLUDING Partial Lump Sum Payments (“PLOP”) received under Sections 145.46(E)(1), 3307.60(B), 3309.46(B)(4) or 5505.162(A)(3), Revised Code, and Deferred Retirement Option Plan (“DROP”) under Section 742.43 or 5505.50, Revised Code.
- Disability monthly benefit
- Account refund
- Additional money purchase annuity/additional annuity lump sum refund
- Reemployed retiree money purchase annuity (when monthly payment exceeds \$25.00) or lump sum refund
- Defined contribution plan benefit

B. Method of Payment: If the Plan Participant is a reemployed retiree contributing to a money purchase annuity or is eligible to receive or is receiving monthly benefits or a lump sum payment from a reemployed retiree money purchase annuity, the Alternate Payee shall receive payment from the reemployed retiree money purchase annuity and any other type of payment designated in Paragraph II(A) above in a monthly or one-time dollar amount as specified in Paragraph II(B)(1)(a) below. If the Plan Participant is participating in the defined contribution program, or any of its constituent plans, the Alternate Payee shall receive payment from the defined contribution program, or any of its constituent plans, and any other type of payment designated in Paragraph II(A) above in a percentage of a fraction as specified in Paragraph II(B)(2) below. If the Plan Participant is participating in any other plan in a Public Retirement Program, the Alternate Payee shall receive payment in either a dollar amount **OR** a percentage of a fraction as specified below (i.e. Please complete Dollar Amount **OR** Percentage).

1. Dollar Amount: Paragraphs II(B)(1)(a) and (b) must be fully completed, even if the indication is to pay the Alternate Payee “\$0.00” from the Participant’s periodic benefit or/and lump sum payment.

a. If the Participant elects a plan of payment that consists of a lump sum payment **OR** a plan of payment that consists of periodic benefits:

\$ _____ per benefit from the Participant’s periodic benefit upon the Participant’s receipt of the aggregate periodic benefit; **or**

\$ _____ from the Participant’s lump sum payment upon the Participant’s receipt of the payment.

- b. If the Participant elects a plan of payment consisting of both a lump sum benefit **AND** a periodic benefit:

\$ _____ per benefit from the Participant's periodic benefit upon the Participant's receipt of the periodic benefit; **and**

\$ _____ from the Participant's lump sum benefit upon the Participant's receipt of the payment.

OR

2. Percentage: Please provide percentages in both Paragraph II(B)(2)(a) and (b) even if the percentage is "0%".

- a. If the Participant elects a plan of payment that consists of either periodic benefits **OR** a lump sum payment, the Public Retirement Program shall pay directly to the Alternate Payee per benefit or in a one-time lump sum payment _____ percent (_____%) of a fraction as set forth in Paragraph II(B)(2)(c) below of the Plan Participant's periodic benefit or one-time lump sum payment.

- b. If the Plan Participant elects a plan of payment consisting of both a lump sum benefit **AND** a periodic benefit, the Public Retirement Program shall pay directly to the Alternate Payee _____ percent (_____%) of a fraction as set forth in Paragraph II(B)(2)(c) below of the Plan Participant's periodic benefit and _____ percent (_____%) of a fraction as set forth below of the Plan Participant's lump sum benefit.

- c. Fraction:

- i. The numerator of the fraction shall be _____, which is the number of years during which the Plan Participant was both a contributing member of the Public Retirement Program and married to the Alternate Payee. The date of marriage is _____.

- ii. The denominator, which shall be determined by the Public Retirement Program at the time that the Plan Participant elects to take a benefit or a payment, shall be the Participant's total years of service credit with the Public Retirement Program or, in the case of a Participant in a retirement plan established under Chapter 3305, Revised Code, the years of participation in the plan.

- C. Applicable Benefit: The monthly benefit amount used to determine the amount paid to the Alternate Payee from the Participant's monthly benefit shall be whichever applies:
1. If the Participant is receiving a monthly benefit, the monthly benefit shall be the gross monthly benefit the Participant is receiving at the time the decree of divorce or dissolution becomes final. The effective date of the decree of divorce, dissolution, or legal separation is _____;
 2. If the Participant has applied for but is not yet receiving a monthly benefit, the monthly benefit shall be the benefit for which the Participant is eligible;
 3. If the Participant has not applied for a benefit, the monthly benefit shall be the benefit calculated at the time the Participant elects to take the benefit.
- D. Minimum Benefit Notice: The total amount paid to the Alternate Payee pursuant to this order plus any administrative fee charged to the Participant and Alternate Payee as authorized by Section 3105.84, Revised Code, shall not exceed fifty percent of the amount of a benefit or lump sum payment that the Plan Participant is to receive or, if withholding is to be made from more than one benefit or lump sum payment, fifty percent of the total of the benefits or lump sum payments that the Plan Participant is to receive. If the Plan Participant's benefit or lump sum payment is or will be subject to more than one order issued pursuant to Section 3105.81, Revised Code, the Public Retirement Program shall not withhold an aggregate amount for all the orders plus the administrative fee(s) charged to the Participant and Alternate Payee as authorized by Section 3105.84, Revised Code, that exceeds fifty percent of the benefit or lump sum payment.
- E. Cost of living allowances: Any cost-of-living allowance ("COLA") granted to a Participant while this Order is in effect shall be apportioned between the Participant and Alternate Payee in the same proportion that the amount being paid the Alternate Payee bears to the amount paid the Participant, as provided under Sections 145.323(B), 742.3711(G), 742.3716(F), 742.3717(B)(3), 3307.67(C), 3309.374(B), and 5505.174(C), Revised Code.

- III. Notification to Alternate Payee: The Alternate Payee is hereby notified of the following:
- A. The Alternate Payee's right to payment under this Order is conditional on the Plan Participant's right to a benefit payment or lump sum payment from the Public Retirement Program;
 - B. When the Plan Participant's benefit or lump sum payment is subject to more than one order under Section 3105.81, Revised Code, or to an order described in Section 3105.81, Revised Code and a withholding order under Section 3121.03, Revised Code, the amount paid to the Alternate Payee under this order may be reduced based on the priority of the other orders;

- C. The Alternate Payee's right under this order to receive an amount from the benefit payment or lump sum payment to the Plan Participant shall terminate upon:
1. The death of the Plan Participant;
 2. The death of the Alternate Payee;
 3. The termination of a benefit pursuant to the governing laws of the Public Retirement Program.
- IV. Administrative Fee: Pursuant to Section 3105.84, Revised Code, this order authorizes the Public Retirement Program that is or will be paying the benefit or lump sum payment to withhold from any benefit or payment that is subject to this order an amount determined by the Public Retirement Program to be necessary to defray the cost of administering the order. This amount shall be divided equally between the Plan Participant and the Alternate Payee.
- V. Application of Order: This order applies to payments made by the Public Retirement Program after retention of the Order under Section 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261, Revised Code.
- VI. Additional Limitations on Order:
- A. Payments under this order shall commence as provided under Section 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261, Revised Code.
 - B. The Alternate Payee has no right or privilege under the law governing the Public Retirement Program that is not otherwise provided in the governing law.
 - C. This order shall not require the Public Retirement Program to take any action or provide any benefit, allowance, or payment not authorized under the law governing the Public Retirement Program.
- VII. Notice of Order:
- A. The clerk of courts shall transmit a certified copy of this order to the Public Retirement Program(s) named in the order.
 - B. On receipt of this order, the Public Retirement Program shall determine whether the order meets the requirements as set forth in Sections 3105.80 to 3105.90, Revised Code.
 - C. The Public Retirement Program shall retain the order in the Plan Participant's record if the order meets the requirements in Sections 3105.80 to 3105.90, Revised Code.
 - D. The Public Retirement Program shall return, by regular mail, to the clerk of courts of the court that issued the order any order the Public Retirement Program determines does not meet the requirements in Sections 3105.80 to 3105.90, Revised Code, no later than sixty days after the Public Retirement Program's receipt of the order.
- VIII. Jurisdiction of the Court: The Court shall retain jurisdiction to modify, supervise, or enforce the implementation of this order notwithstanding Section 3105.171(I), Revised Code.

APPROVED:

Signature of Attorney for Plaintiff/Petitioner

Attorney for Plaintiff/Petitioner (please type or print name)

Supreme Court No.

Address

Address

Signature of Attorney for Defendant/Petitioner

Attorney for Defendant/Petitioner (please type or print name)

Supreme Court No.

Address

Address

SO ORDERED.

Judge

Division of Property Order approved per Section 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261, Revised Code, for filing and submission.

Retirement System

Retirement System