

# Rules

March 10, 2022

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3307-1-01

**Rules.**

- (A) Except as otherwise provided in Chapter 3307. of the Revised Code, the retirement board shall adopt rules pursuant to section 111.15 of the Revised Code.
- (B) Any person or organization may obtain notice of any proposed amendment, rescission, or adoption of a rule by making a written request to be placed on the mailing list to receive the retirement board's meeting agenda. Notice need not be provided to more than one representative of an organization.
- (C) The retirement system shall take all actions requested or required by the legislative service commission to facilitate publication of rules in the Administrative Code. Notice and information about any adopted rule or rule change shall also be provided to employers and, where applicable, shall also be reported in communications sent to members, contributors, retirants, and benefit recipients.

Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

CERTIFIED ELECTRONICALLY

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Certification

02/18/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.04  
Rule Amplifies: 3307.04  
Prior Effective Dates: 12/23/1976, 12/26/1997, 07/01/2001 (Emer.),  
09/17/2001, 07/24/2008, 06/04/2017

3307-1-02                    **Notice of meetings.**

- (A) This rule is adopted in compliance with, and under the authority of division (F) of section 121.22 of the Revised Code,
- (B) Any person may ascertain the time and place of all regularly scheduled meetings of the retirement board and the time, place, and purpose of all special meetings of the retirement board by:

- (1) Writing to one of the following addresses:

"State Teachers Retirement System

275 East Broad Street

Columbus, Ohio 43215-3771"

Or "contactus@strsoh.org"

- (2) Calling the following telephone number during the normal business hours: (614) 227-4090 or, 888-227-7877, or
- (3) Visiting the retirement system's website: [www.strsoh.org](http://www.strsoh.org).

In addition, any person may request, in writing, advance notice of all regular meetings of the retirement board. The retirement system shall maintain a list of all persons who have requested such notice and shall no later than five calendar days prior to each meeting, send to such persons by first class mail or e-mail an agenda of the meeting.

- (C) Any representative of the news media may obtain notice of all special meetings by requesting in writing that such notice be provided. Such notice will only be given, however, to one representative of any particular publication or radio or television station. A request for such notification shall be addressed to: "Executive Director, State Teachers Retirement System of Ohio, 275 East Broad Street, Columbus, Ohio 43215-3771."

The request shall provide the name of the individual media representative to be contacted, the mailing address and a maximum of two telephone numbers for contacting the requesting party. The retirement system shall maintain a list of all representatives of the news media who have requested notice of special meetings pursuant to paragraph (C) of this rule.

- (D) In the event of a special meeting not of an emergency nature, the retirement system shall notify all media representatives on the list of such meeting by doing at least one of the following:
- (1) Sending written notice, which must be mailed no later than four calendar days prior to the day of the special meeting;
  - (2) Sending notice by e-mail which must be sent no later than twenty-four hours prior to the time of the meeting;
  - (3) Notifying such representatives by telephone no later than twenty-four hours prior to the special meeting; such telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the retirement system has been unable to provide such telephone notice;
  - (4) Informing such representative personally no later than twenty-four hours prior to the special meeting.
- (E) In the event of a special meeting of any emergency nature, the retirement system shall immediately notify all media representatives on the list of such meeting by providing either the notice described in paragraph (D)(1) or (D)(2) of this rule, or that are described in paragraph (D)(3) or (D)(4) of this rule, or notifying the ~~clerk of the state house~~ statehouse press room. In such event, however, the notice need not be given twenty-four hours prior to the meeting, but shall be given as soon as possible.
- (F) In giving the notices required by paragraph (C) of this rule the retirement system may rely on assistance provided by any member of the retirement system and such notice is complete if given by such member in the manner provided in paragraph (C) of this rule.

Effective:

Five Year Review (FYR) Dates: 2/18/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.04  
Rule Amplifies: 121.22  
Prior Effective Dates: 12/23/1976, 12/26/1981, 12/26/1997, 07/01/2001  
(Emer.), 09/17/2001, 07/18/2003, 07/24/2008,  
06/02/2013, 06/04/2017

3307-1-03

**Release of names, addresses and account information.**

Information contained in records kept by the retirement system shall be released to third parties or the public only in accordance with section 3307.20 of the Revised Code and this rule.

- (A) Except as otherwise provided by division (E) of section 3307.20 of the Revised Code, the following records may be released to a third party only upon the written authorization of the person to whom the record pertains:

Any part of an individual's personal history record, including but not limited to, any record identifying beneficiary information, account balance, benefit or allowance paid or payable to any person, any record identifying the service history or service credit of a member or benefit recipient, medical reports and recommendations including those related to health care coverage for a disabled adult child as defined in rule 3307:1-11-01 of the Administrative Code, or any record that includes address, e-mail address, telephone number, social security number, appointments, requests, counseling information or correspondence with the retirement system.

- (B) The executive director of the retirement system may designate the staff members who shall serve as custodians of the records of the system for purposes of division (F) of section 3307.20 of the Revised Code, and who are authorized to authenticate copies of records being sent to any court or before any officer of this state.



Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

CERTIFIED ELECTRONICALLY

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Certification

02/18/2022

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Prior Effective Dates: 12/23/1976, 12/26/1981, 08/28/1982, 04/28/1986,  
11/04/1991, 05/08/1998, 07/01/2001 (Emer.),  
09/17/2001, 07/18/2003, 07/24/2008, 03/23/2009  
(Emer.), 07/16/2009, 06/02/2013, 06/04/2017,  
05/07/2020

ACTION: No Change

DATE: 02/18/2022 9:42 AM

3307-1-04

**Financial report.**

Annually the retirement system shall prepare and publish a comprehensive financial report that complies with all applicable statutory requirements and that is in accordance with generally accepted accounting principles.

Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

CERTIFIED ELECTRONICALLY

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Certification

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Date

Promulgated Under:	111.15
Statutory Authority:	3307.04
Rule Amplifies:	3307.121
Prior Effective Dates:	12/23/1976, 12/26/1997, 07/01/2001 (Emer.), 09/17/2001, 06/04/2017

3307-1-05

**Policy on investment department performance based incentive programs.**

- (A) Pursuant to section 3307.04 of the Revised Code, payment of employee bonuses are subject to the guidelines established by the retirement board as reflected in the performance based incentive award program for investment exempt associates. The award program shall be reviewed and approved on an annual basis by the board, and may be interpreted, amended, rescinded, and/or terminated at any time in the board's discretion. The award program shall establish target incentive awards based on the retirement system's total fund performance and the investment associates' individual goals. Any and all material modifications to the award program, including, but not limited to the determination of award program payouts and actual payouts, require the board's prior approval.
- (B) Participation in the award program is limited to certain retirement system investment professionals. Participation in the award program in any one year does not confer the right to participate in the program in the current or any other year and does not confer the right to continued employment.

Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

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Certification

02/18/2022

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Date

Promulgated Under:	111.15
Statutory Authority:	3307.04
Rule Amplifies:	3307.041
Prior Effective Dates:	05/05/2005, 06/04/2017

3307-1-06

**Ohio-qualified agents and investment managers.**

- (A) For purposes of division (A)(4) of section 3307.152 and section 3307.154 of the Revised Code, an investment manager may be designated as an "Ohio-qualified investment manager" if the investment manager and/or any parents, affiliates, or subsidiaries of the investment manager meets the requirements of divisions (A)(1) and (A)(2) of section 3307.154 of the Revised Code.
- (B) For purposes of section 3307.154 of the Revised Code, "principal place of business" includes an office in which the agent or investment manager regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.

Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

CERTIFIED ELECTRONICALLY

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Certification

02/18/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.10  
Rule Amplifies: 3307.152, 3307.154  
Prior Effective Dates: 05/05/2005, 06/02/2013, 06/04/2017

3307-2-01                    **Nomination and election of members of the retirement board.**

- (A) The retirement system shall forward notices for the nomination of candidates for "contributing member" and/or "retired teacher member" of the retirement board to all school superintendents, university presidents and other employers for publication, and furnish notice to retired teacher members through appropriate means. Such notice shall be issued no later than the first of December preceding the election.
- (B) Nomination of candidates shall be made as set forth in section 3307.07 of the Revised Code and shall be on petition forms prepared and distributed by the retirement system. Petition forms shall clearly state the term of office. Petitions filed on forms other than those indicated herein will not be accepted.
- (C) Nominating petitions containing original signatures written in ink must be ~~submitted~~ ~~to~~ received by the retirement system on or before four-thirty p.m. on the last Friday in February. Petitions must be received by four-thirty p.m., in the "state teachers retirement system, 275 East Broad Street, Columbus, Ohio 43215," on that date.
- (D) At the board's directive the executive director may contract with an independent firm to administer the elections.
- (E) Except where the only nominated candidate takes office pursuant to section 3307.071 of the Revised Code, the retirement system shall list the names of all properly qualified candidates on a ballot, arranging for the orderly rotation of names on the ballot. On or before the fifth of April, ballots and return envelopes shall be sent to all eligible members and retirants of the retirement system at the eligible member's or retirant's last known complete address.
- (F) Voting shall be permitted by paper, telephone and/or internet ballots.
- (G) All ballots must be received in the retirement system or independent firm office not later than four-thirty p.m., on the first Monday in May.
- (H) The retirement system or its designee shall deliver the ballot results to a board of tellers, appointed by the retirement system. The tellers shall meet in person, remotely or a combination of the two on the first Saturday after the first Monday in May to certify the results of the election.
- (I) Pursuant to section 3307.071 of the Revised Code, when only one candidate has been nominated for the position, the secretary of state shall certify the candidate for office as if elected.
- (J) If after the first Monday in May no qualified candidate has been nominated for a position on the retirement board, the retirement board shall elect a new member in accordance



with section 3307.06 of the Revised Code and rule 3307-2-02 of the Administrative Code at the last regularly scheduled board meeting before the new member's term begins.

Effective:

Five Year Review (FYR) Dates: 2/18/2022

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3307.04, 3307.075  
Rule Amplifies: 3307.06, 3307.07, 3307.071, 3307.075  
Prior Effective Dates: 12/23/1976, 11/28/1977, 12/26/1981, 07/01/2001  
(Emer.), 09/17/2001, 07/18/2003, 12/02/2004,  
06/02/2013, 06/04/2017, 08/06/2020

3307-2-02

**Election of successor member when vacancy occurs on the retirement board.**

If a vacancy occurs after an election of the retirement board but prior to the start of the elected board member's term or during the term of office of any elected member of the retirement board, the remaining members of the retirement board shall elect a successor member, as specified in section 3307.06 of the Revised Code, in the following manner:

- (A) Upon being notified that a vacancy occurs, each remaining member of the retirement board shall have forty-five days in which to nominate one eligible candidate for consideration of election to the vacancy by notifying the secretary to the board of such nomination.
- (B) The secretary to the retirement board shall notify each nominee of his/her nomination and request that within ten days of receipt of the notice he/she submit to the retirement board biographical information related to his/her nomination on a questionnaire which shall be identical to the one used for the last regular election of a member to the retirement board.
- (C) At the first meeting of the retirement board following the deadline for receipt of said questionnaires, the retirement board, through successive public votes, shall elect the successor member. Through successive public votes those nominees receiving the lowest number of votes shall be dropped from the list of nominees. The nominee receiving a majority of votes cast shall be elected the successor member and shall hold office until the first day of the new term that follows the next board election that occurs not less than ninety days after the successor member's election.

Effective:

Five Year Review (FYR) Dates: 2/18/2022

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3307.04, 3307.075  
Rule Amplifies: 3307.06, 3307.075  
Prior Effective Dates: 04/07/1983, 02/02/1995, 07/01/2001 (Emer.),  
09/17/2001, 12/02/2004, 07/24/2008, 06/02/2013,  
06/04/2017

3307-2-03

**Board member education and travel policy.**

Section 3307.15 of the Revised Code mandates that the retirement board and other fiduciaries of the fund will discharge their duties with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and by diversifying the investments of the retirement system so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

Education of board members is both appropriate and essential to successfully carrying out these fiduciary duties. Board members have an obligation to select such methods of learning as will best enable them to acquire the information and skills needed. In the process of making that selection, board members also have the responsibility to ensure that the expenses incurred are both reasonable and necessary, and that attendance at meetings does not compromise the integrity of the retirement system or unreasonably further a personal financial interest of individuals.

When board members pursue educational opportunities or travel in any capacity as a board member of the retirement system, members shall adhere to the board policies titled "Board Member Education" and "Board Member Travel and Expenses" as amended from time to time.

Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

CERTIFIED ELECTRONICALLY

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Certification

02/18/2022

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Date

Promulgated Under:	111.15
Statutory Authority:	3307.04, 3307.041
Rule Amplifies:	3307.10
Prior Effective Dates:	11/05/1995, 07/01/1996, 03/17/1997, 07/01/2001 (Emer.), 09/17/2001, 05/05/2005, 07/24/2008

3307-2-04

**Payment of allowances and benefits.**

The retirement system is authorized to pay monthly retirement allowances, disability benefits and other statutorily mandated benefits during the interim period which may occur between the date such allowances and benefits are payable and the date the retirement board can act as provided in Chapter 3307. of the Revised Code, as such authority so granted is considered necessary to the proper operation of the retirement system.

Five Year Review (FYR) Dates: 2/18/2022 and 02/18/2027

CERTIFIED ELECTRONICALLY

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Certification

02/18/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.04  
Rule Amplifies: 3307.04  
Prior Effective Dates: 12/23/1976, 12/26/1981, 07/01/2001 (Emer.),  
09/17/2001, 07/24/2008, 06/02/2013, 09/04/2014,  
06/04/2017



3307-4-01

**Membership and contribution.**

(A) Membership in the state teachers retirement system may be denied to the following categories of teachers employed on a temporary basis:

Visiting faculty members appointed to an academic chair in Ohio, provided;

- (1) The appointment will not exceed two years;
- (2) The faculty member will terminate employment upon completion of the appointment;
- (3) The faculty member will remain the employee of a school, college or university other than an Ohio public employer.

(B) A member employed on a part-time basis as a student employee by a school, college or university in which he or she is regularly attending classes may make application to be exempt from contributions to the retirement system, provided that:

- (1) Application for exemption from contribution is made within thirty days of such employment or enrollment as a student on a form provided by the retirement system;
- (2) The exemption from contribution remains in effect until employment as a student employee of that employer is terminated or contributions are made upon compensation paid by that employer, whichever occurs earlier;
- (3) A member on leave of absence from a teaching position covered by the retirement system shall be ineligible for exemption from contribution;
- (4) Membership shall be maintained throughout any period of exemption from contribution and such exemption shall not constitute termination of covered employment within the meaning of section 3307.56 of the Revised Code.

(C) Requests for denial of membership or contribution pursuant to this rule shall be made jointly by the teacher and employer involved. Failure to comply with any of the conditions specified in paragraph (A) or paragraph (B) of this rule shall void any denial of membership or contribution previously granted and contributions will thereupon be due beginning with the initial date of appointment.

(D) No service credit will be awarded for any period for which a person is exempted from contribution. A person shall be forever barred from claiming credit for any such period, except as provided by section 3307.73 of the Revised Code.

(E) Supplemental salaried service: Compensation received as a result of reimbursement from a contracted third party or agency for supplemental services rendered in addition to the full-time contracted work period or workload shall not be subject to contributions to the retirement system as provided in division (B) of section 3307.01 of the Revised Code and section 3307.26 of the Revised Code. As such, no service credit is granted for these services.

Replaces: 3307:1-2-01

Effective:

Five Year Review (FYR) Dates: 5/3/2023

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Certification

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Statutory Authority: 3307.04  
Rule Amplifies: 3307.01, 3307.24  
Prior Effective Dates: 12/23/1976, 05/26/1979, 02/25/1980, 12/26/1981,  
12/31/1981, 09/23/1991 (Emer.), 12/23/1991,  
08/24/1992 (Emer.), 11/05/1992, 01/19/1996,  
07/01/2001 (Emer.), 09/17/2001, 07/24/2008,  
06/11/2010, 06/02/2013, 05/07/2015, 05/03/2018,  
07/01/2019, 05/07/2020

3307:1-2-01      **Service credit.**

(A) As used in section 3307.53 of the Revised Code and this rule:

(1) "Full-time service" means employment as a teacher under a contract that:

(a) Requires teaching service that begins and ends on either:

(i) The first and last day of a year consisting of three hundred sixty-five days; or

(ii) The first and last day of a school year of at least the minimum hours required by sections 3313.48 and 3314.03 of the Revised Code or two semesters; and

(b) Provides compensation in an amount equal to the rate paid under an employer's overall salary schedule for teachers of the same experience teaching the entire day for every day of the school year. College and university teachers must be employed under a contract that provides compensation equal to the rate paid to other teachers of the same experience teaching the designated full-time equivalent workload.

(2) "Part-time service" means employment on any basis other than those identified in paragraph (A)(1) of this rule.

(B) Calculation of service credit for full-time service:

(1) One hundred twenty or more days or two semesters of contributing service as a teacher for a single employer constitutes one year of service credit to be used in determining total credit for retirement purposes.

(2) If less than one hundred twenty days of teaching, the annual service credit will be determined in accordance with paragraph (C) of this rule.

(C) Calculation of service credit for ~~part-time service~~ part-time service:

(1) If a teacher has taught in a given year for one employer for at least ninety days or five hundred hours, where hours are used only when the actual number of days of service is not available from the employer's records, service credit shall be calculated as follows, provided that the employment relationship has been in effect for a period of time at least equal to one hundred twenty days of that school year:

- (a) If total compensation for the year is in an amount at least equal to the base amount as defined in section 3317.13 of the Revised Code, annual service credit shall be one year.
- (b) If total compensation for the year is in an amount less than the base amount as defined in section 3317.13 of the Revised Code, annual service credit shall be the lesser of:
  - (i) Actual days of service divided by one hundred eighty; or
  - (ii) Hours of service divided by one thousand, but only if the actual number of days of service is not available from the employer's records; or
  - (iii) Actual compensation for the year divided by twelve thousand dollars.
- (2) If a teacher has taught for one employer for less than ninety days or five hundred hours in a year or the employment relationship has been in effect for a period of time less than one hundred twenty days of that school year:
  - (a) Service credit will be determined by the lesser of:
    - (i) Dividing the number of days or partial days for which compensation was paid for actual teaching service rendered by one hundred eighty; or
    - (ii) Actual compensation for the year divided by twelve thousand dollars.
  - (b) If actual number of days or partial days taught is not available from payroll records and the teacher is compensated for hourly service, service credit will be determined by the lesser of:
    - (i) Dividing the number of hours for which compensation was paid by one thousand; or
    - (ii) Actual compensation for the year divided by twelve thousand dollars.
- (3) If actual number of days or partial days taught is not available from payroll records and the teacher is compensated for per cent based salaried service, service credit granted on a contract which is issued on per cent of full-time employment as a teacher will be determined in accordance with the actual contract percentage averaged over three quarters or two semesters during the year, except that one full year of service credit will be granted when such employment exceeds sixty-six per cent averaged over three quarters or two semesters during the year.

- (D) ~~Supplemental salaried service: Compensation received as a result of reimbursement from a contracted third party or agency for supplemental services rendered in addition to the full-time contracted work period or workload shall not be subject to contributions to the state teachers retirement system as provided in division (B) of section 3307.01 of the Revised Code and section 3307.26 of the Revised Code. As such, no service credit is granted for these services. Calculation of service credit for full-time or part-time service does not include days when the teacher was on-call and no teaching service was performed.~~
- (E) Non-teaching periods: Service credit granted for contribution paid during non-teaching periods authorized in sections 3307.77 and 3345.28 of the Revised Code shall be determined by the amount of contribution actually paid divided by the amount of contribution the member would have paid for full-time employment if the non-teaching period had not occurred.
- (F) Credit for teaching service in and after September 1971 previously reported for all active members on the date of this amendment of this rule may be recalculated in accordance with this rule. Credit for part-time salaried service earned prior to September 1971 may be evaluated and recalculated in accordance with the versions of this rule in effect between December 23, 1976 and the effective date of this amendment.

Effective:

Five Year Review (FYR) Dates: 5/7/2025

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.04  
Rule Amplifies: 3307.53  
Prior Effective Dates: 12/23/1976, 12/26/1981, 01/19/1996, 07/01/2001  
(Emer.), 09/17/2001, 06/11/2010, 05/07/2015,  
07/01/2019, 05/07/2020

3307:1-6-01

**Determination of temporary supplementary benefit fund.**

By authority provided in section 3307.671 of the Revised Code, the state teachers retirement board shall establish the following rule for determining the amount of the temporary supplementary benefit fund, if allocated:

- (A) A temporary supplementary benefit will be paid to a person granted and paid a benefit by this system upon meeting the eligibility requirements of section 3307.57, 3307.58, 3307.59, 3307.60, 3307.63, 3307.631, or 3307.66 of the Revised Code, if during the year in which a payment is awarded the person received twelve monthly benefit payments including that paid for December.
- (B) If more than one person is receiving a benefit under section 3307.66 of the Revised Code from the account of a deceased member the temporary supplementary benefit payable to the account shall be divided into equal proportionate payments based on the ratio the benefit paid to each benefit recipient who is sharing in the account at the time of payment bears to the total benefit paid on the account. If such division of the temporary supplementary benefit results in a payment of less than twenty-five dollars, the amount shall be increased to twenty-five dollars to each affected recipient.
- (C) If more than one person is receiving a joint and survivor annuitant benefit under division (A)(4) of section 3307.60 of the Revised Code, the temporary supplementary benefit payable to the account shall be divided into proportionate payments based on the ratio the benefit paid to each beneficiary bears to the total benefit paid on the account. If such division of the temporary supplementary benefit results in a payment of less than twenty-five dollars, the amount shall be increased to twenty-five dollars to each affected recipient.
- (D) If the system has retained a division of property order as provided under sections 3105.88 and 3307.371 of the Revised Code and rule 3307-9-01 of the Administrative Code, the temporary supplementary benefit shall be divided as provided in the division of property order.
- ~~(E)~~(E) A retirant who has been re-employed in violation of the restrictions of section 3307.35 of the Revised Code during a calendar year is ineligible to receive a temporary supplementary benefit for that year. If a determination of violation of section 3307.35 of the Revised Code is made after the payment of a temporary supplementary benefit is paid for the year in which the violation occurred, such benefit shall be repaid or collected along with any other benefits overpaid.
- ~~(F)~~(F) The amount of the temporary supplementary benefit will be determined according to the number of units accumulated by each account, as follows:



- (1) One unit is accumulated for each full calendar year that the benefit has been paid from the account.
    - (a) Except as described in paragraph (F)(1)(c) of this rule, the service retirement benefit effective date shall be used to determine the years the benefit has been received when calculating units for benefits paid under section 3307.60 of the Revised Code to a survivor annuitant of a service retirement benefit.
    - (b) Except as described in paragraph (F)(1)(c) of this rule, the survivor benefit effective date shall be used to determine the years the benefit has been received when calculating units for benefits paid under section 3307.66 of the Revised Code.
    - (c) The disability benefit effective date shall be used to determine the years the benefit has been received when calculating units for a recipient who moves from a disability benefit under section 3307.63 or 3307.631 of the Revised Code to either a benefit paid under section 3307.60 of the Revised Code or a benefit paid under section 3307.66 of the Revised Code without a break in benefits.
  - (2) One unit is accumulated for each year of total service credit as defined by ~~division (D)~~ of section 3307.013307.50 of the Revised Code and rule 3307:1-1-01 of the Administrative Code. Partial units are accumulated for partial years of such Ohio credit.
  - (3) Units shall not be accumulated by recipients of disability benefits under section 3307.63 of the Revised Code for years of projected credit used in the calculation of a benefit.
  - (4) ~~Units shall not be accumulated by recipients of service retirement benefits under section 3307.59 of the Revised Code for any period of time during which a disability allowance was paid under section 3307.631 of the Revised Code.~~ Units shall not include service credit applied to the account of a former disability allowance recipient under section 3307.631 of the Revised Code for the last continuous period during which the recipient received a disability benefit as described in division (B)(1)(b) of section 3307.59 of the Revised Code and is now receiving a service retirement benefit under section 3307.59 of the Revised Code.
- ~~(F)~~(G) For each year in which a temporary supplementary benefit is paid, the state teachers retirement board shall assign a monetary value to each unit, based upon the total

amount allocated within the limits established in section 3307.671 of the Revised Code.

~~(F)~~(H) The total value of all units actually paid will establish the amount of the temporary supplementary benefit fund for that year.

~~(G)~~(I) Any temporary supplemental benefit calculated under this rule shall be reduced by any amounts due to be repaid to the retirement system on an account, without regard to the individual primarily responsible for such repayment.

Effective:

Five Year Review (FYR) Dates: 2/20/2025

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.04  
Rule Amplifies: 3307.671  
Prior Effective Dates: 12/27/1980, 04/04/1987, 05/25/2000, 07/01/2001  
(Emer.), 09/17/2001

3307:1-11-04

**Health care services - health care assistance program.**

- (A) The retirement board authorizes health care assistance for certain benefit recipients who apply, qualify, and are approved for the health care assistance program.
- (B) The following benefit recipients shall be eligible to apply annually for health care assistance under the health care assistance program on a form provided by the retirement system. The benefit recipient must be enrolled in the health care program and enrolled in medicare, if eligible, and meet the total household income requirements of paragraph (C) of this rule:
- (1) A service retiree who has twenty-five or more years of total service credit at retirement.
  - (2) A disability benefit recipient.
  - (3) A survivor annuitant or survivor benefit recipient who was enrolled in the health care assistance program as of December 31, 2015, continues to meet all other health care assistance program requirements, and remains continuously enrolled in the health care assistance program.
- (C) A benefit recipient's total household income shall not exceed the amount determined by the retirement board for any of the amounts below:
- (1) The benefit recipient's monthly benefit annualized at the time of the application for the health care assistance program;
  - (2) The total estimated household earnings and reportable earnings according to the Internal Revenue Code of all persons in the benefit recipient's household as reported on the tax returns filed for the previous tax year and the applicable limit set by the board for the tax year; and
  - (3) The combined total liquid assets for all persons within the benefit recipient's household, which includes cash and all monies readily available in savings accounts, checking accounts, money market accounts, trust funds, any publicly traded security or other investment vehicles as the board may from time to time specify.
  - (4) If the benefit recipient or a member of the benefit recipient's household is not required to file an income tax return, the benefit recipient may submit to the retirement system a written sworn statement on the form provided by the retirement system.
- (D) Applicants for the health care assistance program shall provide all information requested by the retirement system, including copies of any federal income tax return

for the benefit recipient and each person in the benefit recipient's household to verify the income and assets reported on the application and, if applicable, verification of medicare enrollment.

- (E) If the application for health care assistance is approved by the retirement system, health care assistance is provided through the end of the plan year provided the applicant continues to meet the eligibility requirements in paragraph (B) of this rule. Health care coverage as determined by the retirement board through certain medical plans shall begin:
- (1) January first of the following year for renewal applications received on or before December fifteenth of the current year; or
  - (2) The first day of the month following the date a new application is received for applications received on or before the fifteenth day of the month; or
  - (3) The first day of the second month from the date a new application is received for applications received after the fifteenth day of the month; or
  - (4) The later of the effective benefit date or the effective date established under paragraph (E)(2) or (E)(3) of this rule for "benefit recipients" who apply for the health care assistance program at the same time an application for service retirement benefits or disability benefits is filed with the retirement system.
- (F) The health care assistance program may be changed or terminated by the retirement board at any time.
- (G) Health care assistance under this rule provided as the result of false information submitted on an application shall be terminated immediately. Any person who submits false or misleading information in connection with an application for health care assistance shall immediately repay the amounts of any health care assistance provided to date. If such amounts remain unpaid, they shall be deducted from any future amounts payable under Chapter 3307. of the Revised Code. The retirement system may collect amounts due in any other manner the system considers appropriate, as provided by law.

Effective:

Five Year Review (FYR) Dates: 6/3/2026

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3307.04  
Rule Amplifies: 3307.39  
Prior Effective Dates: 01/01/2004 (Emer.), 03/22/2004, 07/01/2004 (Emer.),  
08/26/2004, 07/01/2007 (Emer.), 09/24/2007,  
05/14/2009, 06/12/2014, 12/10/2015, 06/10/2016,  
06/03/2021

ACTION: No Change

DATE: 02/01/2022 11:25 AM

3309-1-01

**Membership effective date.**

Membership shall begin on the first date of compensated service for which employee contributions have been received by SERS.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.01, 3309.23, 3309.36, 3309.39  
Prior Effective Dates: 04/06/2012



3309-1-10

**Mandatory direct deposit.**

- (A) For purposes of this rule, “direct deposit” means an electronic fund transfer directly to an individual’s account at a financial institution ~~“alternate payee” has the same meaning as defined in section 3105.80 of the Revised Code.~~
- (B) ~~Except as provided in paragraph (C) of this rule, an individual whose retirement, benefit, or payment effective date is on or after January 1, 2013 and who receives an annuity, pension, allowance, monthly benefit, or monthly payment from the school employees retirement system~~ All retirement allowances and benefits payable under Chapter 3309 of the Revised Code shall be paid by direct deposit, which is an electronic fund transfer directly to an individual’s account at a financial institution. ~~Retirants, benefit recipients, and alternate payees shall~~
- (C) Individuals shall provide to the retirement system valid direct deposit account and routing numbers, the name and contact information of the financial institution, and such other information as may be required by the retirement system. The retirement system may withhold payment until the individual provides the information described in this paragraph.
- ~~(E)~~(D) ~~If a retirant, benefit recipient, or alternate payee~~ an individual resides outside the United States, ~~in a nursing or convalescent home, correctional facility, jail, or prison,~~ or experiences other circumstances such that compliance with ~~paragraph (B)~~ of this rule is impracticable, the individual may submit a written request for exemption from direct deposit and the retirement system staff shall approve or deny the request.

Effective:

Five Year Review (FYR) Dates: 2/24/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.03, 3309.341, 3309.344, 3309.35, 3309.36,  
3309.3712, 3309.381, 3309.40, 3309.401, 3309.42,  
3309.43, 3309.44, 3309.45, 3309.46, 3309.47,  
3309.50, 3309.671  
Prior Effective Dates: 01/01/2013, 04/20/2017

3309-1-14

**Purchasing leave of absence service credit.**

- (A) A state retirement system member as defined in section 3309.474 of the Revised Code who while employed in a position covered by the school employees retirement system was out of service due to an unpaid leave of absence granted by the employer pursuant to section 3319.13 of the Revised Code for educational or professional purposes, illness, or disability may purchase service credit for the leave so long as the member provides certifications from the employer establishing the following:
- (1) That the employer granted the leave of absence pursuant to section 3319.13 of the Revised Code;
  - (2) The beginning and ending dates of the leave;
  - (3) The number of days the member would have worked during the leave period; and
  - (4) The compensation the member would have received for the period of the approved leave.
- (B) Payment shall be made by payroll deduction or by payment to the member's employer who shall transmit the payment to the retirement system.
- (C) Service credit may not be purchased under this rule until the leave, including any extensions or renewals, has ended.
- (D) Service credit purchased under this rule may be purchased in increments of one month.
- (E) Amounts paid by a member to purchase service credit shall be credited to the employees' savings fund.
- (F) Service credit purchased under this rule shall be considered the equivalent of Ohio service credit.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.474  
Prior Effective Dates: 04/02/2010, 01/07/2013, 04/06/2017

3309-1-16

**Qualified child attending educational institution.**

(A) For purposes of this rule and division (B)(2)(b) of section 3309.45 of the Revised Code:

- (1) "Qualified child" means a qualified child as defined in division (B)(2)(b) of section 3309.45 of the Revised Code.
- (2) "School year" means the twelve-month period beginning the first day of July through the last day of June of the following calendar year.
- (3) "School" means an educational entity providing instruction through grade twelve and includes a vocational or technical school.
- (4) "College" or "university" means an educational entity providing instruction post grade twelve.
- (5) "Attending" means registered or enrolled at the institution of learning or training and attending classes.
- (6) "Institution of learning or training" means one of the following:
  - (a) A school:
    - (i) In Ohio and recognized by the Ohio department of education as meeting Ohio's compulsory education requirements;
    - (ii) In another state and recognized by that state as complying with the state's compulsory education requirements or accredited by a state-recognized, regionally-recognized, or nationally-recognized accrediting agency; or
    - (iii) Operated by the federal government.
  - (b) Home education provided in compliance with Ohio law, or with the law of the state in which the home education is provided.
  - (c) A college or university:
    - (i) In Ohio and recognized by the Ohio board of regents, the state board of career colleges and schools, or other applicable state agency or board; or
    - (ii) In another state and recognized by the Ohio board of regents, the state board of career colleges and schools, or other applicable Ohio state agency or board, or by comparable state agencies where the

college or university is located, or accredited by a state-recognized or nationally-recognized accrediting agency.

(d) An unrecognized or unaccredited private school, college, or university provided at least three recognized or accredited schools, colleges, or universities accept its credits on transfer on the same basis as if transferred from a recognized or accredited school, college, or university.

(e) A school, college, or university outside the United States if it meets comparable qualifications described in paragraphs (A)(6)(a) to (A)(6)(d) of this rule.

(7) "Two-thirds of the full-time curriculum" means at least two-thirds of the full-time curriculum requirements as established and certified by the school, college or university. The curriculum may include the time a qualified child is employed in a position approved by the school, college, or university and required as part of the child's program of study.

(B) Benefit payments made to a qualifying child under division (B)(2)(b) of section 3309.45 of the Revised Code shall be made as follows:

(1) Benefit payments to a qualified child over age eighteen but under age twenty-two shall begin only after the child files an application for such benefits.

(2) Benefit payments shall be paid during an institution of learning or training vacation or other academic break provided the child:

(a) Was a qualified child before the vacation or break began;

(b) Intends to, and subsequently does, return to an institution of learning or training and certifies such return to the retirement system;

(c) Receives a benefit payment for no more than four consecutive months without returning to the institution of learning or training from the vacation or academic break;

(d) Does not receive benefits for more than one vacation or break for a period which exceeds one month in duration during a single school year.

(3) If benefits are terminated because the child no longer attends an institution of learning or training, such benefits may be reinstated if the child subsequently becomes eligible and files a new application for prospective payment of such benefits.

## (C)

- (1) At the end of each academic year, a qualified child shall certify the child's registration with an institution of learning or training and completion of all courses for such academic year.
- (2) The retirement system may require or request such certification at any other time and/or additional supporting documentation.

## (D)

- (1) The retirement system may delay or terminate benefits to a qualified child if:
  - (a) The child is no longer attending an institution of learning or training; or
  - (b) The retirement system does not receive a timely and properly verified certification as required by this rule.
- (2) Any benefit payment made for a period in which the child was not attending an institution of learning or training, or for which there was no proper verified certification as required by this rule shall be deemed an overpayment of the benefit. Any overpayment of a benefit shall be repaid to the retirement system by the child or the child's parent or guardian or obtained by the retirement system pursuant to section 3309.70 of the Revised Code.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under:	111.15
Statutory Authority:	3309.04
Rule Amplifies:	3309.45
Prior Effective Dates:	01/07/2013, 12/14/2013



3309-1-30 **Eligibility for retirement.**

~~(A) This rule amplifies division (A)(1) of section 3309.34 of the Revised Code.~~

~~(B)~~(A) For purposes of division (A) of section 3309.34 of the Revised Code and this rule:

- (1) "Total service credit" means all service credit earned in the public employees retirement system, state teachers retirement system, or school employees retirement system, except credit for service subject to section 3309.341 of the Revised Code. Total service credit shall not exceed one year of credit for any twelve-month period.
- (2) "Buy-up" means to pay an additional voluntary contribution in an amount equal to the additional actuarial liability to the school employees retirement system of retiring under the retirement eligibility criteria contained in division (A)(1) (a) of section 3309.34 of the Revised Code.

~~(B)~~

- (1) SERS administrative staff shall provide a cost estimate of a member's buy-up amount to any member or their designee upon request. A member who wishes to buy-up after receiving a cost estimate shall submit a written request for an actuarial cost calculation.
- (2) The actuarial cost calculation of the additional liability shall be performed by the school employees retirement system actuary based on factors recommended by the actuary and approved by the retirement board. The factors used in calculating the additional liability will be revised no more than once annually and shall apply only to payments made after such revision is approved by the school employees retirement board.
  - (a) SERS will send notice of the actuarial cost calculation to the member upon receipt from the actuary.
  - (b) The buy-up payment shall be made in a lump sum payment and shall be received by SERS within ninety days following the date of the notice or by August 1, 2017, whichever is earlier. If SERS does not receive the payment within ninety days of the notice, a new cost calculation is required.
  - (c) Members can request no more than four actuarial cost calculations in any calendar year.
- (3) The amount of any buy-up payment cannot exceed the limitations set forth in Internal Revenue Code section 415. If the cost of the additional liability exceeds

the limitations set forth in the Internal Revenue Code, the member is not eligible to retire under division (A)(1)(a) of section 3309.34 of the Revised Code.

- (4) Buy-up payments shall be treated as part of a member's accumulated contributions as defined in division (J) of section 3309.01 of the Revised Code. Contributions paid by a member pursuant to this rule shall be credited to the employees' savings fund.

~~(D)~~(C) Except as provided in division (A)(1)(c) of section 3309.34 of the Revised Code, to retire under division (A)(1)(a)(i) of section 3309.34 of the Revised Code, a member must meet the following requirements:

- (1) Have at least five years of total service credit and have attained at least sixty years of age before August 1, 2017;
- (2) File with the retirement board a proper and complete application for retirement before August 1, 2017; and
- (3) Have a retirement effective date that is no later than August 1, 2017.

~~(E)~~(D) For purposes of division (A)(1)(b) of section 3309.34 of the Revised Code:

- (1) Periods of compulsory service that occurred before August 1, 2017 for which the employer did not deduct and transmit contributions and for which SERS receives required contributions and interest after August 1, 2017 pursuant to section 3309.47 of the Revised Code, shall be credited to the member's account effective the dates of the service.
- (2) A period of reinstatement with back wages that preceded August 1, 2017 and for which SERS receives required contributions after August 1, 2017, shall be credited to the member's account effective as of the dates of the reinstatement period identified under the final order or final settlement awarding back wages.

(E) For purposes of division (B)(1) of section 3309.34 of the Revised Code, "last day of employment" refers to the last day of covered employment after a completed application is filed with the retirement system.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.34  
Prior Effective Dates: 01/07/2013, 07/12/2014, 07/27/2015, 06/03/2018

3309-1-40

**Application and procedures for receiving disability benefits.**

(A) For purposes of sections 3309.39, 3309.40, 3309.401 and 3309.41 of the Revised Code and SERS rules:

(1) "Disability" or "disabled" means that the member meets the following applicable standard of disability:

(a) At the time of application: A disabling condition, either permanent or presumed to be permanent for twelve continuous months following the filing of an application, which has occurred or increased since the applicant last became a member and which renders the member mentally or physically incapacitated for the performance of the member's last assigned primary duty as an employee.

(b) At the time of annual examination:

(i) For a disability benefit recipient with a benefit effective date before January 7, 2013 and for a disability benefit recipient with a benefit effective date on or after January 7, 2013 who is on leave of absence, a disabling condition that renders the member mentally or physically incapable of resuming the service from which the member was found disabled.

(ii) For a disability benefit recipient with a benefit effective date on or after January 7, 2013 who is not on leave of absence, a disabling condition that renders the member mentally or physically incapable of performing the duties of any occupation.

(2) "Ongoing disability" means:

(a) For a disability benefit recipient with a benefit effective date before January 7, 2013, a disability for which medical treatment presently offers no reasonable expectation of improvement to the extent that a member may be found mentally and physically capable of resuming employment that is the same or similar to that from which the member was found disabled.

(b) For a disability benefit recipient with a benefit effective date on or after January 7, 2013, a disability for which medical treatment presently offers no reasonable expectation of improvement to the extent that a member may be found mentally and physically capable of employment in any occupation.

- (3) "Medical treatment" means treatment of common medical acceptance that is readily available, would be covered under the system's health care plan and may include but is not limited to, medicine, physical therapy, psychological or psychiatric services or mechanical devices, but would exclude surgery or other invasive procedures.
- (4) "Board physician" means the ~~chairman~~chairperson of the medical advisory committee.
- (5) "Examining physician(s)" means the disinterested physician(s) assigned by the system or the ~~chairman~~chairperson of the medical advisory committee to conduct medical examinations of a disability applicant or recipient to determine eligibility to obtain or continue to receive disability benefits.
- (6) "Any occupation" means a position that meets all of the following criteria:
- (a) Replaces not less than seventy-five per cent of the member's final average salary, adjusted each year by the actual average increase in the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "All items 1982-84=100");
  - (b) Is reasonably to be found in the member's regional job market;
  - (c) Is one that the member is qualified for by experience or education.
- (7) "Vocational rehabilitation" means tests, evaluations, and/or training whose purpose is to enable a disability benefit recipient to find employment in any occupation.
- (8) "Annual disability benefit" means the annuity and pension, or allowance, calculated under section 3309.40 or 3309.401 of the Revised Code at the time the member is determined to qualify for a disability benefit.
- (9) "Employee" includes service as a school board member or governing board member as defined in section 3309.012 of the Revised Code.
- (10) "Disability benefit recipient" means a member whose application for disability has been approved by the school employees retirement board.

(B)

- (1) The school employees retirement board shall appoint a minimum of three members to the medical advisory committee who shall be physicians

who demonstrate a wide range of competent medical experience, and a ~~chairman~~chairperson for the medical advisory committee who shall act as medical advisor to the board. The ~~chairman~~chairperson shall have authority and responsibility to assign competent and disinterested physicians to conduct medical examinations of disability applicants and recipients for the purpose of determining the member's eligibility to obtain and continue to receive disability benefits, to recommend and review medical treatment and/or vocational rehabilitation, to certify a disability as ongoing and to submit to the board a recommendation to accompany the report of the medical examiner and/or the medical advisory committee.

- (2) The board may appoint as consultants, professionals in the field of vocational rehabilitation to provide services to the board on matters of vocational rehabilitation, including to conduct evaluations and to advise and make recommendations to the medical advisory committee, the board physician, and the board.
- (C) The board shall be responsible for screening disability benefit applications; serving as a hearing committee for disability applicants; and determining eligibility to obtain or continue to receive disability benefits.
- (D)
- (1) In order to qualify for a disability benefit, a member shall submit an application and undergo a medical examination by the examining physician(s) as required. The
- (a) The application shall include report(s) from the member's health care provider(s) that identify the medical bases of the application and include supportive medical evidence, a job duty form, and a job description provided by the last employer. ~~Medical examinations will only be assigned for conditions identified by a health care provider.~~
- (b) Medical examinations will only be assigned for conditions identified by a health care provider.
- (c) A medical examination will not be required if the board physician determines that the medical records submitted with the application clearly establish that the member is disabled.
- (2) For purposes of division (C) of section 3309.39 of the Revised Code:

- (a) A disability occurs before termination of contributing service if the underlying medical condition existed while the member was contributing to SERS;
  - (b) A disability occurs after last becoming a member if the underlying condition did not exist or did not render the member incapacitated from working for at least twelve continuous months when the member last became a member of SERS.
- (E) The examining physician(s) shall make a report of the examination on a form provided by the board that sets forth the examining physician's medical opinion as to the nature of any disabilities disclosed; and
  - (1) Any recommended medical treatment, and the period of time in which recovery may reasonably be expected with such treatment, or
  - (2) That the disability is ongoing.
- (F) ~~Upon~~
  - (1) Upon receipt of a completed application, report of the examining physician(s) as required, and any other available evidence pertaining to the application for disability, the board's medical advisory committee and/or the ~~chairman~~chairperson of the medical advisory committee shall review all such information and prepare a recommendation to the board. The recommendation shall include a description of any disability, the nature and duration of any recommended medical treatment and/or vocational rehabilitation, where applicable, or a certification from the board's physician that the disability is ongoing, and any recommended reexamination requirements.
  - (2) If the applicant dies before the chairperson finalizes a recommendation, the application shall be automatically vacated. If the applicant dies after the chairperson has finalized a recommendation of disability, disability benefits from the effective date of disability through the month of the applicant's death shall be paid to the applicant's beneficiary.
- (G) The board shall determine whether the applicant is eligible for disability benefits. Notice of denial or termination of disability benefits shall be sent to the applicant by regular U.S. mail or certified mail pursuant to rule 3309-1-41 of the Administrative Code. Notice of eligibility for disability benefits shall be sent by regular U.S. mail or certified mail.
- (H) If the board's physician recommends medical treatment and if the board's physician or consultant recommends vocational rehabilitation, the grant of disability benefits,

or continuation of disability, shall be conditioned on the applicant completing and returning a signed agreement to obtain recommended medical treatment on a form included with the notice of the conditional grant of disability benefits. Failure to return this agreement, properly completed, within sixty days of the date mailed by the system constitutes failure to meet conditions for granting the disability benefits and will result in an automatic denial of disability benefits without further action by the board, with all rights of appeal pursuant to rule 3309-1-41 of the Administrative Code. Notice of the denial will be sent to the applicant pursuant to rule 3309-1-41 of the Administrative Code.

- (1) A copy of the notice of a conditional grant or continuation of disability benefits shall be sent to the health care provider designated on the member's application for disability benefits as authorized to receive the applicant's disability information unless the applicant subsequently provides a signed release designating another health care provider. The applicant's health care provider shall also receive:
  - (a) A description of the disabling condition,
  - (b) The nature and duration of any recommended medical treatment.
- (2) The applicant's notice of the conditional grant or continuation of disability benefits shall inform the applicant that information regarding the nature of the disability and recommended treatment has been forwarded to the applicant's health care provider and that the applicant must contact that health care provider to review this information. The applicant shall be informed that the agreement to obtain recommended medical treatment and/or vocational rehabilitation must be properly completed and returned to the system within sixty days of the date that the system mailed the notice. Proper completion requires the signature of the health care provider indicating that the provider has communicated the disability information and recommended medical treatment to the applicant and the signature of the applicant indicating agreement to obtain the recommended medical treatment and/or vocational rehabilitation.
- (3) Upon the timely return of a properly completed agreement to obtain recommended medical treatment and/or rehabilitation, the system shall forward to the applicant an acknowledgment of receipt of the agreement containing the effective date of the disability benefits and annual reexamination and reporting requirements necessary to continue receiving disability benefits.

(I)



(1) ~~Based on a certification of ongoing disability by the board physician, the board may waive annual Annual examinations required by division (B) of section 3309.41 of the Revised Code, shall be waived as follows: the filing of annual earnings statements and current medical information required by division (D) of section 3309.41 of the Revised Code, and the filing any other information required in this rule.~~

(a) When the board has waived the requirement indefinitely based on a certification of ongoing disability.

(b) For the present year based on the board physician's determination that the current medical information clearly establishes that the disability recipient continues to be disabled.

(c) If the termination standard is whether the recipient can perform any occupation, when:

(i) An annual earnings statement establishes that the recipient earned 75% or more of their adjusted FAS, and,

(ii) The board physician determines that current medical records do not indicate a subsequent material decline in the recipient's physical and mental condition.

~~If not previously waived, the obligation to file annual earnings statements of a disability recipient whose disability has been certified as ongoing shall automatically be waived when the benefit recipient has satisfied one of the following requirements:~~

~~(a) Has received a disability benefit for twenty years, or~~

~~(b) Has attained age sixty-five.~~

(2) The obligation of filing annual earnings statements and current medical information required by division (D) of section 3309.41 of the Revised Code, and the filing any other information required in this rule shall be waived as follows:

(a) By the board based on a certification of ongoing disability;

(b) If not previously waived, the obligation to file annual earnings statements of a disability recipient whose disability has been certified as ongoing shall automatically be waived when the benefit recipient has satisfied one of the following requirements:

(i) Has received a disability benefit for twenty years, or

(ii) Has attained age sixty-five.

~~(2)~~(3) The board may review any disability granted including those certified as ongoing and request other information pursuant to division (D) of section 3309.41 of the Revised Code.

~~(3)~~(4) The board or the board's physician may require a disability recipient to submit to a medical examination by an examining physician and a vocational rehabilitation evaluation by a vocational rehabilitation professional or health care professional assigned by the system.

(J) In the absence of a waiver from the board ~~based on a certified ongoing disability~~, in order to continue receiving disability benefits, the recipient shall comply with the following conditions as set forth in section 3309.41 of the Revised Code:

(1) Submit to an annual medical examination,

(2) If required, submit to a medical examination,

(3) If required, submit to a vocational rehabilitation evaluation,

(4) If applicable, obtain any recommended medical treatment and submit medical reports regarding the treatment,

(5) If applicable, obtain any recommended vocational rehabilitation and submit required reports regarding the rehabilitation,

(6) Annually file an earnings statement, current medical information, and any other information required by the board.

(K)

(1) If a recipient refuses to submit to a required examination or evaluation or to file required information, the disability benefits shall be suspended until the examination or evaluation is obtained or the information is filed.

(2) If, when applicable, the recipient fails to obtain recommended medical treatment and submit medical reports regarding the treatment, the disability benefits shall be suspended until the treatment is obtained and the report of the treatment submitted, or the board physician certifies that the treatment is no longer helpful or advisable.

Medical treatment is no longer helpful or advisable if, after a period of time in which it would be medically reasonable to see results, the treatment has failed to produce improvement in the disability, or continuation of the treatment presents a medically significant risk of aggravation or complication of an existing disability or creation of an additional disability.

- (3) If, when applicable, the recipient fails to obtain required vocational rehabilitation and submit reports regarding the rehabilitation, the disability benefits shall be suspended until the rehabilitation is obtained and the report submitted, or the board physician or consultant certifies that vocational rehabilitation is no longer helpful or advisable.

Vocational rehabilitation is no longer helpful or advisable if:

- (a) The recipient's disability renders the recipient unable to perform the duties of any position and is not expected to improve sufficiently, or
  - (b) After a period of time in which the recipient has complied with recommended vocational rehabilitation, the recipient cannot be reasonably expected to obtain employment in any occupation.
- (L) If the recipient's failure to comply with any of the applicable conditions set forth in paragraph (J) of this rule continues for one year from the date of the suspension of benefits for noncompliance, the recipient's right to the disability benefits shall be terminated as of the date of the original suspension.
- (M) On reexamination the board's medical advisory committee and/or the board physician shall review the medical and vocational reports and certify to the board whether the recipient continues to be disabled.
- (1) If the medical advisory committee and/or the board physician certifies that the recipient continues to be disabled, the medical advisory committee and/or the board physician shall make recommendations regarding reexamination and, where applicable:
- (a) Recommend a continuation of the medical treatment and/or vocational rehabilitation previously recommended,
  - (b) Recommend a modification in medical treatment and/or vocational rehabilitation, or
  - (c) Certify that the disability is ongoing.

- (2) When the termination standard is whether the recipient can perform any occupation, a recipient ~~may~~shall not be certified for termination as follows: unless
- (a)
- (i) A SERS appointed vocational consultant has submitted a report that is based on findings made at the time of the review and that identifies a minimum of three positions that meet the any occupation definition and has submitted job descriptions that include a discussion of the physical and mental demands of the position; and
- (ii) An examining physician or the medical advisory committee concludes that the recipient is capable of meeting the physical and mental demands of a minimum of three of the positions; or
- (b) ~~The~~
- (i) ~~A recipient's~~recipient has submitted an current earnings statement that establishes that the recipient is employed in a position whose annual earnings ~~of~~ are seventy-five per cent or more of the recipient's final average salary, adjusted each year by the actual average increase in the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "All items 1982-84=100"); and
- (ii) The board physician determines that recipient's current medical records establish no subsequent material decline in the recipient's physical and mental condition.
- (3) If the medical advisory committee and/or the board physician certifies that the recipient meets the applicable standard for termination of disability under division (C) of section 3309.41 of the Revised Code and the board concurs, the board shall:
- (a) Terminate the disability benefits effective as of a date not later than three months after the board's concurrence, or upon notice of employment of the recipient as an employee.
- (b)
- (i) If the leave of absence has not expired when the board votes to terminate the disability benefit, the board shall certify to the recipient and the recipient's last employer as applicable that the

recipient is no longer incapable of resuming service that is the same or similar to that from which the recipient was found disabled and shall identify the scheduled termination date of the disability benefit.

- (ii) The employer must notify the system if the member returns to work before the scheduled termination date. If the employer fails to notify the system, the amount of benefits paid to the member after the member's return to work shall be paid from amounts allocated under Chapter 3317. of the Revised Code.

(N)

- (1) Disability benefit recipients with a benefit effective date before January 7, 2013 shall be considered on leave of absence from employment during the first five years following the effective date of their disability benefit.
  - (2) Disability benefit recipients with a benefit effective date on or after January 7, 2013 shall be considered on leave of absence from employment during the first three years following the effective date of their disability benefit; thereafter, their leave of absence shall terminate as follows:
    - (a) If medical treatment and/or vocational rehabilitation is not recommended, at the end of the first three years;
    - (b) If medical treatment and/or vocational rehabilitation is recommended, but the recipient is not participating in the recommended treatment or rehabilitation, the earlier of the last month the benefit recipient participated in recommended treatment or rehabilitation or the end of five years following the benefit effective date;
    - (c) If medical treatment and/or vocational rehabilitation was recommended and the recipient is participating in the recommended treatment or rehabilitation, at the end of five years following the benefit effective date.
- (O) A disability benefit recipient is employed for purposes of division (E) of section 3309.41 of the Revised Code if they hold office as a school board member or governing board member as defined in section 3309.012 of the Revised Code, regardless of whether the disability recipient elects membership under that section.
- (1) Upon receipt of notice that a disability recipient holds office as a school board member or governing board member, the system shall notify the recipient that the recipient must terminate their service in order to continue to receive a disability benefit.

- (2) The disability recipient shall send written notice to the system within thirty days from the date on the notice sent under paragraph (O)(1) of this rule, indicating whether they will resign their office.
- (3) If the disability recipient affirms a continuation of service or if the recipient fails to provide notice to the system, the disability benefit shall be terminated on the date the recipient first held office as a school board member or governing board member and any overpayments shall be collected as authorized in Chapter 3309. of the Revised Code.
- (4) If the disability recipient affirms a termination of service, the termination shall be effective on the receipt of the notice described in paragraph (O)(1) of this rule. Any employee contributions remitted for the service shall be unauthorized and returned to the employer.

(P)

- (1) Amounts paid by a member to purchase service credit shall be credited to the employees' savings fund.
- (2) Service credit for a period of disability shall be considered the equivalent of Ohio service credit.
- (3) Service credit granted or purchased under section 3309.41 of the Revised Code for a period of disability shall not result in the member receiving more than one year of service credit for any year as defined in division (R) of section 3309.01 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.39, 3309.41  
Prior Effective Dates: 01/21/1977, 02/19/1982, 10/26/1984, 02/01/1992,  
01/02/1993, 11/09/1998, 05/09/2003, 01/02/2004,  
01/06/2005, 01/30/2006, 04/03/2008, 01/07/2013,  
10/04/2015, 04/06/2017, 08/13/2017, 12/22/2019

3309-1-41

**Appeals for denial and termination of disability benefits.**

(A) The following procedures will govern in cases of a member's appeal of a denial of disability benefits including an automatic denial under paragraph (H) of rule 3309-1-40 of the Administrative Code or a disability benefit recipient's appeal of a termination of disability benefits, excluding when the recommendation to terminate was certified pursuant to paragraph (M)(2)(b) of rule 3309-1-40 of the Administrative Code.

(1) After formal board action is taken or an automatic denial under paragraph (H) of rule 3309-1-40 of the Administrative Code, a notice of denial or termination of disability benefits shall be issued to the applicant or former disability benefit recipient by regular or certified U.S. mail. This notice shall inform the member of:

- (a) The medical evidence reviewed;
- (b) The board's denial or termination of disability benefits; and
- (c) The procedures for appeal of a denial or termination of disability benefits as set forth in this paragraph.

(2)

- (a) The member may appeal a decision to deny or terminate disability benefits, excluding a termination pursuant to paragraph (M)(2)(b) of rule 3309-1-40 of the Administrative Code, within fifteen days of the date on the notice of denial or termination by filing a notice of intent to appeal such decision and by providing additional evidence. Such additional evidence must be received by the board within ninety days from the date on the notice of denial or termination and must be submitted in writing by the member or by counsel and/or personal physician on behalf of the member.
- (b) If a member does not submit a notice of intent to appeal or additional evidence as required by this rule, all appeal rights shall cease and the prior decision of the board shall become final. The member shall be notified of all future rights and/or limitations to apply for disability benefits.
- (c) The member may request, as part of the appeal, a personal appearance before the board with counsel and/or a personal physician. The request for a personal appearance must be in writing and submitted to the board within fifteen days of the date on the notice of denial or termination. A personal appearance will not be granted unless additional evidence as required by



this paragraph is received by the board within ninety days from the date on the notice of denial or termination. If a personal appearance is granted, the member will be notified in writing of the date and time.

(d) "

(i) For appeals whose standard is whether the member is physically and mentally capable of performing the member's last assigned primary duty as an employee, "additional evidence" means evidence that is current and pertinent to the illness or injury for which the disability was claimed and that has not been submitted before.

(ii) For appeals whose standard is whether the member is physically and mentally capable of performing the duties of a position that meets the criteria of divisions (C)(1) to (C)(3) of section 3309.41 of the Revised Code, "additional evidence" means evidence that is current and and pertinent to the illness or injury that the member claims supports the member's inability to perform the duties of a position that meets the criteria of divisions (C)(1) to (C)(3) of section 3309.41 of the Revised Code.

(e) Upon a finding that a member was hospitalized or in a nursing home or other care facility at the time notice of denial or termination was sent, the board may allow a late appeal, but in no event more than 30 days after the member's discharge from the hospital or care facility.

(3) All costs incidental to the appeal and/or personal appearance shall be at the expense of the member.

(4) If a personal appearance is granted, the member shall appear before the board on the date and at the time specified by the board, or as otherwise requested by the member and agreed to by the board. If the member fails to appear on the specified date and time, all rights to a personal appearance shall terminate and the appeal shall be decided on the basis of the written evidence previously submitted.

(5) A personal appearance, if granted, shall be conducted as follows:

(a) The member shall appear in person and may be represented by counsel, the member's agent, and/or a personal physician, if desired. The member shall provide the name, title, and position of each person appearing on the member's behalf at least seven days prior to the hearing.

(b) The board shall be responsible for conducting the hearing.

- (c) A ~~tape~~ recording of the hearing will be made to provide the board and the medical advisory committee with a record for further review.
  - (d) Only one such appearance per application or termination will be allowed.
- (6) During the appeal process, the board's physician or the medical advisory committee may request that the member undergo an additional medical examination by an examining physician.
- (7) Following receipt of additional evidence and a personal appearance, if applicable, all evidence and information submitted shall be reviewed by the board's medical advisory committee and/or the board's physician who shall make a recommendation to the board.
- (a) If the board concurs with a recommendation to grant the appeal, disability benefits will be paid from the benefit effective date, or if a recommendation for termination of disability benefits was appealed and the appeal is granted by the board, the payments will be resumed from the date of termination, and the applicant or benefit recipient will be so notified.
  - (b) If the board concurs with a recommendation for denial of the appeal, the applicant or benefit recipient will be notified by letter of the board's decision, such decision shall be final and all appeal rights shall cease.
- (B) The school employees retirement system administrative staff shall have the authority to act for the board in matters related to the appeal proceedings, but shall not have authority to decide appeals.
- (C) Any future applications for disability benefits filed after a denial of appeal must be submitted with medical evidence supporting progression of the former illness or injury or evidence of a new illness or injury. If such evidence is evaluated by the medical advisory committee and found to be inadequate to establish the progression of the former illness or injury or the existence of a new illness or injury, the application shall be voided.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.39, 3309.41  
Prior Effective Dates: 01/02/1977, 02/19/1982, 10/26/1984, 02/01/1992,  
01/02/1993, 11/09/1998, 05/02/2001, 07/04/2003,  
01/30/2006, 04/03/2008, 04/30/2009, 01/07/2013,  
04/06/2017

3309-1-45

**Release of names, addresses and information.**

Names, addresses and other information contained in records maintained by the school employees retirement system shall be released to members of the public in accordance with this rule.

- (A) Except as otherwise provided in section 3309.22 of the Revised Code, no part of an individual's personal history record shall be released to a third party except upon the written authorization of the person to whom the record pertains.

In addition to the information set forth in division (A)(1) of section 3309.22 of the Revised Code, personal history record includes, but is not limited to, any record identifying:

- (1) The amount of benefit or allowance paid or payable to any person,
- (2) The service history or service credit of a member or retiree, or
- (3) The dependents or beneficiaries of a member or retiree.

- (B) Medical reports and recommendations shall be released only under the following circumstances:

- (1) Upon written request from the person to whom the report or recommendation pertains, to that person;
- (2) Upon written authorization from the person to whom the report or recommendation pertains or the person's agent, to the physician, attorney or authorized agent of that person;
- (3) To the board assigned physician.

- (C) Except as otherwise provided by law, all other system information not described in paragraph (A) or (B) of this rule shall be made available for inspection and copies provided upon request and payment of any applicable costs for copying and mailing. The person requesting a copy may choose to obtain the copy on paper, in the same medium in which the record is kept, or in any other medium in which the system determines that it can reasonably duplicate the record as an integral part of normal operations. A list of names and addresses of members, former members, retirants, contributors, former contributors, or beneficiaries shall be made available upon written request and payment of the cost of compiling, copying and mailing the list.

- (D) As used in division (D)(3) of section 3309.22 of the Revised Code and this rule:

- (1) “Contributor” means a SERS retirant or other system retirant who has an account with SERS based on contributions to SERS pursuant to section 3309.341 of the Revised Code.
- (2) “Former contributor” means a current recipient of a monthly annuity under section 3309.344 of the Revised Code.
- (3) “Former member” means a member who has not contributed to SERS in twelve months and is considered inactive.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04, 149.43  
Rule Amplifies: 3309.22, 149.43  
Prior Effective Dates: 02/16/1989, 02/11/2000, 05/03/2002, 12/10/2009,  
01/07/2013, 04/06/2017

3309-1-47

**Purchase of school board member service.**

(A) This rule amplifies section 3309.311 of the Revised Code.

(B)

- (1) A member of the school employees retirement system may purchase credit for service as a school board member by filing a written request which shall include a certification of service signed by the employer.
- (2) A member may purchase credit only for qualified service that occurred prior to June 30, 1991.
- (3) A member may purchase credit for service, including concurrent service, on two or more school boards provided that the total of the credit purchased shall not exceed one year of credit for any year as defined in division (R) of section 3309.01 of the Revised Code.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under:	111.15
Statutory Authority:	3309.04
Rule Amplifies:	3309.311
Prior Effective Dates:	02/01/1992, 04/06/2017



ACTION: No Change

DATE: 02/01/2022 11:25 AM

3309-1-48

**Effect of applicant's death on retirement application.**

If a member has filed a proper and complete application for a retirement allowance and dies subsequent to the established effective date of the retirement, whatever benefits may be due the member's beneficiaries will be determined by the plan of payment selected by the member on the application forms for retirement.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/01/2022

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**Date**

Promulgated Under:	111.15
Statutory Authority:	3309.04
Rule Amplifies:	3309.46
Prior Effective Dates:	02/01/1992, 05/03/2002, 04/06/2017

3309-1-49 **Purchase of exempt service credit.**

- (A) A member may purchase in portions all or part of the exempt service credit that the member is eligible to purchase. Payment for any portion purchased shall be made in full at the time of purchase. A member may make subsequent purchases of any remaining exempt service credit at any time prior to retirement.
- (B)
- (1) If the credit to be purchased is for service that would have been covered under Chapter 3309. of the Revised Code, the system shall request certification of the service from the employer for which the service was performed. On the basis of the employer certification, the system shall determine the amount of service credit that would have been earned had the service not been exempt.
  - (2) If the credit to be purchased is for service that would have been covered under Chapter 145. or 3307. of the Revised Code, the system shall request certification from the applicable retirement system that the service was exempt and the amount of service credit, based upon the certification of the employer for which the service was performed, that would have been earned had the service not been exempt.
  - (3) The service credit determined under paragraphs (B)(1) and (B)(2) of this rule shall be reduced to the extent that:
    - (a) It is concurrent with any other credit that will be used in calculating a benefit;
    - (b) Its purchase will result in the member being credited with more than twelve months of service credit in any one year.
- (C) The member shall be eligible to purchase the credit determined pursuant to paragraph (B) of this rule. The system shall calculate the cost to purchase each year of credit by multiplying the member's compensation for the twelve months of contributing service under Chapter 145., 3307. or 3309. of the Revised Code immediately preceding the month in which the application to purchase is received by a percentage rate established by the board by resolution upon recommendation of its actuary. The cost for portions of credit of less than a full year shall be prorated on the basis of the cost for a full year.
- (D) For purposes of section 3309.301 of the Revised Code, one and one-half years of contributing service in the school employees retirement system or the state teachers retirement system shall be equivalent to eighteen months of contributing service.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under:	111.15
Statutory Authority:	3309.04
Rule Amplifies:	3309.301
Prior Effective Dates:	05/13/1992 (Emer.), 08/01/1992, 05/03/2002, 04/06/2017

## TO BE RESCINDED

3309-1-51

**Long-term care coverage.**

- (A) The school employees retirement system may contract directly with an insurer to establish a program that provides contracts for long-term care insurance for members and benefit recipients of the system and members of their families. If the program is established jointly with another retirement system, the contract shall separately establish the terms and conditions for participation through the school employees retirement system.
- (B) Members of the school employees retirement system who have contributed to the system during the previous eighteen months may make application to participate in contracts effective on and after July 1, 1994 for long-term care coverage offered pursuant to section 3309.691 of the Revised Code, provided:
- (1) Application for coverage shall be made directly to the insurer during enrollment periods specified by the school employees retirement system; and
  - (2) Determination of eligibility for participation under the terms of any such contract shall be made by the insurer with approval of the school employees retirement system.
- (C) The recipient of any monthly benefit may participate in contracts for long-term care coverage, subject to the same conditions as those applicable to members under the terms of paragraph (B) of this rule.
- (D) Payment for coverage shall be made by the member or benefit recipient to the insurer in such amounts and by such methods as determined under the contract for long-term care coverage.
- (E) A spouse, parent or parent-in-law of any individual who has made application pursuant to paragraph (B) or (C) of this rule may apply for coverage subject to the same terms and conditions as those applicable to members under the terms of paragraph (B) of this rule, provided that in the case of a spouse, the individual participating pursuant to paragraph (B) or (C) of this rule agrees to remit the cost of such coverage along with his or her own payment.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.691  
Prior Effective Dates: 06/10/1994, 05/03/2002

3309-1-54

**Purchase of service credit by payroll deduction.**

(A) A member of the school employees retirement system may purchase service credit by payroll deduction pursuant to agency-level 3309 of the Administrative Code and section 3309.021, 3309.022, 3309.26, 3309.261, 3309.301, 3309.31, 3309.41, 3309.473, 3309.474, 3309.73, 3309.731, or 3309.75 of the Revised Code.

(1) Payroll deduction purchase plans received before January 1, 2019, and whose starting date is before January 1, 2019, shall be paid with amounts designated by the member's employer as picked-up contributions under a plan in compliance with section 414(h)(2) of the Internal Revenue Code of 1986, 26 U.S.C. 414(h)(2). Prior to the purchase of service credit with amounts designated as picked-up contributions, the member's employer shall have adopted and filed with the retirement system a resolution authorizing the purchase of service credit for its employees by payroll deduction with amounts designated as picked-up and paid to the retirement system by the employer.

(2) Payroll deduction purchase plans with a starting date on or after January 1, 2019 may not be paid with amounts designated by the member's employer as picked-up contributions under a plan in compliance with section 414(h)(2) of the Internal Revenue Code.

(B)

(1) Upon a member's request to purchase service credit, the retirement system shall prepare and forward to the member payroll deduction purchase plan documents, which shall include a cost estimate and a payroll deduction authorization form. The payroll deduction authorization form shall set forth:

- (a) The type and amount of service to be purchased;
- (b) The employer's payroll cycle;
- (c) The number of payments in which the service is to be purchased;
- (d) The amount of each payment; and
- (e) The starting date of the payments.

(2)

- (a) The member shall complete and sign the employee portion of the payroll deduction authorization form and forward it to the member's employer;

(b) The payroll officer of the member's employer shall complete the employer's portion of the payroll deduction authorization form; and

(c) The retirement system must receive the completed authorization form and first payment before the expiration of the cost estimate.

(C)

(1) A separate payroll deduction authorization form shall be completed for each separate type of service credit to be purchased;

(2) Only one service credit purchase plan at a time may be in place for each separate type of service credit;

(3) The maximum number of months over which service may be purchased under a payroll deduction purchase plan shall be one hundred twenty;

(4) The allocation of each payment toward interest and purchase of service credit shall be uniform for the period of the payroll deduction purchase plan;

(5) If a payroll deduction purchase plan is terminated early, the member shall be granted service credit based on the total amount allocated toward the purchase of service that was remitted to the retirement system under the payroll deduction purchase plan.

(D)

(1) The employer shall begin payroll deduction on the starting date set forth on the payroll deduction authorization form.

(2) The employer shall remit the amounts withheld directly to the retirement system on the employer's payroll cycle basis;

(3) Notwithstanding paragraph (E)(2) or (F)(2) of this rule, if a completed payroll deduction authorization form is returned to the retirement system, but at any point thereafter the employer fails to remit the amounts to be withheld to the retirement system for three consecutive months, the retirement system shall terminate the payroll deduction purchase plan.

(E)

When a member is purchasing service credit under a payroll deduction purchase plan as provided for in paragraph (A)(1) of this rule:



- (1) The member cannot:
    - (a) Decrease or increase the amount of the payroll deduction;
    - (b) Terminate the payroll deduction unless the member has terminated employment or purchased all of the service credit set forth on the payroll deduction authorization form; or
    - (c) Make a direct payment to the retirement system to purchase the service credit.
  - (2) The member's employer shall not decrease, increase, or terminate the payroll deduction unless the member has terminated employment or purchased all of the service credit set forth on the payroll deduction authorization form.
- (F) When a member is purchasing service credit under a payroll deduction purchase plan as provided for in paragraph (A)(2) of this rule:
- (1) The member can:
    - (a) Terminate a payroll deduction plan at any time by providing written notice to the member's employer and by notifying the retirement system;
    - (b) Make a direct payment to the retirement system to purchase the remaining service credit. To purchase the remainder of service credit, the member must first terminate the payroll deduction purchase plan and then submit a request to the retirement system for a statement of the balance due.
  - (2) The member's employer shall not decrease, increase, or terminate the payroll deduction purchase plan unless the member has terminated the payroll deduction purchase plan, terminated employment, or purchased all of the service credit set forth in the payroll deduction authorization form.
- (G) A member who has had one or more prior payroll deduction purchase plans for a type of service credit may establish a new payroll deduction purchase plan for the same type of service credit. The new plan's commencement date must be six or more months after the first deduction under the most recent payroll deduction purchase plan for the same type of credit.
- (H) Upon receipt of payments transferred pursuant to section 145.311 or 3307.711 of the Revised Code, the school employees retirement system shall restore the former member's service credit for which payment is transferred.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.021, 3309.022, 3309.26, 3309.261, 3309.262,  
3309.27, 3309.301, 3309.31, 3309.35, 3309.41,  
3309.473, 3309.474, 3309.73, 3309.731, 3309.75  
Prior Effective Dates: 11/01/1997, 02/11/2000, 05/02/2001, 11/19/2001  
(Emer.), 02/11/2002, 05/03/2002, 01/07/2013 (Emer.),  
03/08/2013, 08/13/2015, 04/06/2017, 10/11/2018

3309-1-57

**Rule on rules.**

- (A) The school employees retirement board shall adopt rules pursuant to section 111.15 of the Revised Code.
- (B) Any person may receive notice of the proposed adoption, amendment, or rescission of any rule by requesting their name be included on the mailing list to receive the retirement board's meeting agenda.
- (C) Notice of material changes to rules or new rules adopted shall be reported, as applicable, in publications sent to employers, members, contributors, and/or retirants and benefit recipients.

Replaces: 3309-1-57

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.04  
Prior Effective Dates: 12/24/1976, 11/09/1998, 04/06/2017

TO BE RESCINDED

3309-1-57

**Rule on rules.**

- (A) The procedures provided herein shall apply to all rules having a general and uniform application which affect the rights, privileges, or benefits of the members of the system, of the benefit recipients of the system, or of the employer units defined in section 3309.01 of the Revised Code. The word "rule," as used herein, shall include any proposed amendments to or rescission of existing rules.
- (B) The school employees retirement board shall adopt rules pursuant to section 111.15 of the Revised Code.
- (C) Any person may obtain, at cost, advance notification of the proposed adoption of any rule by requesting that his or her name be included on a mailing list to be maintained by the system. At least seven days prior to the date on which the board intends to consider the adoption of any rule, the system shall mail to each person on such mailing list an agenda of the meeting which shall contain a synopsis of the proposed rule and a statement of the date, time and place of the meeting.
- (D) Notice of rules adopted shall be reported as applicable, in publications sent to employers, members, contributors and/or retirants and benefit recipients.
- (E) Any person may obtain a copy of any rule adopted.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.04  
Prior Effective Dates: 12/24/1976, 11/09/1998, 04/06/2017

3309-1-59                    **Cincinnati retirement system.**

- (A) This rule amplifies sections 3309.74, 3309.75, and 3309.76 of the Revised Code.
- (B) As used in this rule:
- (1) "Eligible service credit" means service credit earned under this system or the Cincinnati retirement system or military service credit purchased or obtained in this system or the Cincinnati retirement system.
  - (2) "Eligible SERS member" means a member of this system who is eligible to obtain service credit in this system for service in the Cincinnati retirement system pursuant to section 3309.75 of the Revised Code.
  - (3) "Eligible CRS member" means a member or former member of this system who is eligible to obtain service credit in the Cincinnati retirement system pursuant to section 3309.76 of the Revised Code.
- (C) To obtain service credit in this system for eligible service credit with the Cincinnati retirement system, an eligible SERS member shall file a written request on a form provided by this system. Upon receipt of the properly completed form, this system shall notify the Cincinnati retirement system.
- (D) This system shall grant .083 per cent of a year of service credit in this system per month of eligible service credit with the Cincinnati retirement system upon payment of the following amounts:
- (1) Payment by the Cincinnati retirement system of the amounts required under division (B)(4) or division (C)(4)(b) of section 3309.75 of the Revised Code.
  - (2) Payment by the eligible SERS member of the amounts required under division (C)(4)(a) of section 3309.75 of the Revised Code with interest as provided by rule 3309-1-38 of the Administrative Code.
- (E) If the Cincinnati retirement system fails to pay any amounts required under division (B)(4) or division (C)(4)(b) of section 3309.75 of the Revised Code, this system shall not grant any service credit for which payment was not received and shall:
- (1) Provide notice to the eligible SERS member; and
  - (2) Refund any amounts paid by the eligible SERS member under division (C)(4)(a) of section 3309.75 and paragraph (D)(2) of this rule for which service credit is not granted.

- (F) An eligible SERS member may obtain service credit pursuant to section 3309.75 of the Revised Code in increments of one month. Service credit obtained in this system shall be deemed to be based first on the eligible SERS member's most recently acquired eligible service credit in the Cincinnati retirement system.
- (G) No service credit shall be granted in this system that would result in the eligible SERS member accruing more than one year of service credit for any twelve-month period.
- (H)
- (1) This system shall pay to the Cincinnati retirement system the amounts required under section 3309.76 of the Revised Code upon receiving written notice from the Cincinnati retirement system that the eligible CRS member has filed a request to obtain service credit in the Cincinnati retirement system and paid any amounts required.
  - (2) If less than the eligible CRS member's total eligible service credit in this system is obtained in the Cincinnati retirement system pursuant to division (A)(4)(a) of section 3309.76 of the Revised Code, any benefits or payments to which the eligible CRS member or beneficiaries may be entitled shall be based on the remaining service credit with this system.



Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.74, 3309.75, 3309.76  
Prior Effective Dates: 11/19/2001 (Emer.), 02/11/2002, 04/06/2017,  
03/26/2018

3309-1-60                    **Division of property orders.**

- (A) "Order" means an order described in section 3105.81 of the Revised Code.
- (B) "Alternate payee", "benefit", "lump sum payment" and "participant" have the meanings set forth in divisions (A) to (D) of section 3105.80 of the Revised Code.
- (C) School employees retirement system may retain an order that provides the last four digits of the participant's and alternate payee's social security numbers.
- (D) Prior to receiving a benefit or lump sum payment, an alternate payee shall provide the information required on a form approved by this system. An alternate payee shall notify this system in writing of any change in the information provided.
- (E) Any benefit or lump sum payment that is owed and unpaid to an alternate payee at the time of the alternate payee's death shall be paid to the estate of the alternate payee.
- (F) Pursuant to section 3105.90 of the Revised Code, an order shall be on the form prescribed by the appendix to this rule. ~~The system may also accept the version of the form prescribed by the previous appendix to this rule that was effective January 1, 2014.~~
- (G) Starting with a participant's next annual benefit increase under section 3309.374 of the Revised Code on or after October 27, 2006, the annual increase shall be apportioned between the participant and the alternate payee while the order is in effect.
- (H) In determining the amount to be paid to the alternate payee under division (D)(2) of section 3105.82 of the Revised Code, the fraction to be used in the calculation shall not exceed one whole.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3105.80, 3105.81, 3105.82, 3105.821, 3105.83,  
3105.84, 3105.85, 3105.86, 3105.87, 3105.88,  
3105.89, 3105.90, 3309.374  
Prior Effective Dates: 01/01/2002 (Emer.), 04/05/2002, 10/03/2003,  
10/27/2006, 01/01/2010, 01/01/2014, 04/06/2017

3309-1-66

**Application for early medicare coverage.**

- (A) This rule amplifies section 3309.392 of the Revised Code and applies to a disability benefit recipient whose disability benefit was granted on or after January 7, 2013 and who is enrolled in the school employees retirement system's health care coverage on or after April 6, 2017.
- (B) A disability benefit recipient shall be exempt from the requirements in section 3309.392 of the Revised Code for good cause shown if any of the following apply:
- (1) The disability benefit recipient has attained age sixty-three at the time of enrollment in the retirement system's health care coverage;
  - (2) The disability benefit recipient submits a written request to be exempt from the requirements due to circumstances that make compliance with section 3309.392 of the Revised Code impracticable, and the retirement system approves the request;
  - (3) The disability benefit recipient submitted an application for social security disability insurance benefits, provided the recipient files a copy of the application and the social security administration's acknowledgement with the retirement system;
  - (4) Prior to April 6, 2017, the disability benefit recipient submitted a signed statement to the retirement system certifying that the recipient does not meet the requirements to apply for social security disability insurance benefits; or
  - (5) The disability benefit recipient files with the retirement system written documentation from the social security administration verifying the recipient does not meet the requirements to apply for social security disability insurance benefits or medicare part A hospital insurance benefits.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under:	111.15
Statutory Authority:	3309.04
Rule Amplifies:	3309.392, 3309.69
Prior Effective Dates:	04/06/2017 (Emer.), 05/15/2017

3309-1-67

**Electronic transactions.**

The school employees retirement system may provide an electronic medium to perform an action and such medium shall constitute a form or application provided or required by the system. An action taken through the electronic medium shall have the same effect as a filing made on paper.

The system is not required to create an electronic medium to perform an action, nor accept an electronic document that is not designated by the system as the form or application necessary to perform an action.

Five Year Review (FYR) Dates: 2/1/2022 and 02/01/2027

CERTIFIED ELECTRONICALLY

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Certification

02/01/2022

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.28, 3309.34, 3309.341, 3309.344, 3309.35,  
3309.381, 3309.39, 3309.41, 3309.44, 3309.56  
Prior Effective Dates: 06/30/2017

3309-1-68

**Guardianship Payment to individual with legal incapacity.**

(A)

(1) For purposes of this rule, "benefit" means a payment from the accumulated contributions of the member or employer, or both, under Chapter 3309. of the Revised Code and includes an account refund, pension, annuity, disability benefit, or survivor benefit.

(2) For purposes of this rule, "benefit recipient" means any person who is eligible to receive a payment or benefit under Chapter 3309. of the Revised Code.

(B) Except as otherwise provided in this rule, guardianship of the estate shall be required to do any of the following on behalf of a member or benefit recipient who has a legal disability as defined in division (B) or (D) of section 2131.02 of the Revised Code:

(1) The guardian may designate a beneficiary, but if the designation is anyone other than the estate or the statutory order of succession identified in section 3309.44 or 3309.50 of the Revised Code, the beneficiary designation must be approved by court order.

(2) Direct payment of benefits on behalf of the member or benefit recipient. Payment shall be issued to the guardian of the estate or as otherwise specified by court order.

(C) Guardianship of the estate shall not be required ~~in the following situations:~~ if a

~~(1) A court of competent jurisdiction issued a limited order pursuant to section 2111.02, 2111.021, 2111.05, or 2111.131 of the Revised Code or comparable law of another state an order that directs SERS to issue a member or benefit recipient's payment to a specific person or entity, and identifies a specific account at a financial institution.~~

~~(2) If the benefit recipient is a minor, payment may be issued to the benefit recipient's biological or adoptive parent so long as the minor is in the care and custody of the parent, or to the benefit recipient's legal custodian.~~

(D) A guardian of the person may do any of the following: receive

(1) Receive a benefit recipient's account information; ~~but cannot make any changes to the account.~~

(2) Change a benefit recipient's address; or



(3) Apply for and receive a payment required by paragraph (C)(1) of rule 3309-1-09 of the Administrative Code.

(E) If the benefit recipient is a minor, payment may be issued to the benefit recipient's biological or adoptive parent so long as the minor is in the care and custody of the parent, or to the benefit recipient's legal custodian.

Effective:

Five Year Review (FYR) Dates: 2/1/2022

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.01, 3309.22, 3309.34, 3309.343,  
3309.344, 3309.35, 3309.381, 3309.39, 3309.40,  
3309.401,3309.42, 3309.44, 3309.45, 3309.46,  
3309.50  
Prior Effective Dates: 03/26/2018