



Ohio
Retirement
Study
Council

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*Sub. S.B. 168,
AM 135 1370-1 of the
135th General Assembly*

Sen. Reynolds

January 11, 2024

ORSC Recommendation

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Summary of Sub. S.B. 168

Sub. S.B. 168 deals generally with education reforms in the State of Ohio. AM_135_1370-1 was included in the version of the bill passed by the Ohio Senate. This analysis deals only with the provisions included in the amendment.

AM_135_1370-1 would require a board or commission to give thirty days' public notice before the re-employment or continued employment of an individual who retired under the State Teachers Retirement System (STRS) or the School Employees Retirement System (SERS). This amendment applies to positions that are customarily filled by a vote of the board or commission and requires that the board or commission have urgent reasons to fill the position in an expedited manner. If urgent reasons are not present, the current sixty-day notice requirement applies.

The amendment further removes the requirement that a board or commission provide notice if the STRS or SERS member has been retired for at least one year prior to their re-employment.

Background

The ORSC has long recommended that re-employment provisions applied to the five public retirement systems be standardized.¹ Starting in 2000, with the enactment of S.B. 144, the notice and waiting period for the Public Employees Retirement System (PERS) and STRS was shortened to sixty days, which standardized the period of time across all systems pursuant to the ORSC's recommendation.² The ORSC has continued to recommend this standardization.³

Staff Comments

The ORSC, despite recommending the standardization of the waiting period and notice requirements for re-employment, has never commented on what the time period should be. Therefore, the adequacy of the time period for notice in the amendment is strictly a public policy decision. Instead, the ORSC has focused consideration dealing with re-employed retirees on their participation in Social Security and how benefits are paid to these individuals when they are re-employed.⁴ These topics are not addressed by this amendment.

This amendment, as drafted, would move public policy away from the standardization that has been recommended by the ORSC since 2000, as the new notice requirements only apply to STRS and SERS covered positions. As for the time period of

¹ 2022 ORSC Annual Report, March 31, 2023.

² Sub. S.B. 144 ORSC Position, May 25, 2000.

³ Am. Sub. H.B. 84 ORSC Recommendation, December 18, 2001; H.B. 240 ORSC Position, October 10, 2007; H.B. 270 ORSC Position, October 10, 2007.

⁴ Am. Sub. H.B. 84 ORSC Recommendation, December 18, 2001; H.B. 240 ORSC Position, October 10, 2007; H.B. 270 ORSC Position, October 10, 2007.

the notice requirement itself, it remains largely consistent with the sixty-day notice present in legislation previously approved by the ORSC. The notice requirement only changes in instances of urgent hiring need.

ORSC Recommendation

The ORSC does not object to the provisions included in AM_135_1370-1 of Sub. S.B. 168, as previously approved notice provisions remain largely intact. Further, the ORSC recommends that any change to the notice requirements for re-employed retirees be applied uniformly across all five systems.