

prior to the date employment begins, has five or more years of total service credit.

(4) The individual is employed in a position covered under this chapter to which section 145.193 of the Revised Code applies.

(5) The individual is a PERS law enforcement officer or ~~Hamilton county municipal court bailiff~~ PERS public safety officer.

Sec. 145.191. (A) Except as provided in division (E) of this section, a public employees retirement system member or contributor who, as of the last day of the month immediately preceding the date on which the public employees retirement board first establishes a PERS defined contribution plan, has less than five years of total service credit is eligible to make an election under this section. A member or contributor who is employed in more than one position subject to this chapter is eligible to make only one election. The election applies to all positions subject to this chapter.

Not later than one hundred eighty days after the day the board first establishes a PERS defined contribution plan, an eligible member or contributor may elect to participate in a PERS defined contribution plan. If a form evidencing an election is not received by the system not later than the last day of the one-hundred-eighty-day period, a member or contributor to whom this section applies is deemed to have elected to continue participating in the PERS defined benefit plan.

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

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

(1) Credit to the plan elected both of the following:

(a) Any employer contributions attributable to the member for the period beginning on the day the board first established a PERS defined contribution plan;

(b) All accumulated contributions attributable to the member or contributor.

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

(D) An election under this section is effective as of the date the board first established a PERS defined contribution plan and, except as provided in section 145.814 of the Revised Code or rules governing the PERS defined benefit plan, is irrevocable on receipt by the system.

(E) An election may not be made under this section by a member or contributor who is either of the following:

(1) A PERS retirant who is a member under division (C) of section

145.38 of the Revised Code;

(2) A PERS law enforcement officer or a ~~Hamilton county municipal court bailiff~~ PERS public safety officer.

Sec. 145.2914. (A) The public employees retirement board may adopt rules in accordance with section 145.09 of the Revised Code to establish a program under which service credit earned under division (A) or (B)(2)(b) of section 145.33 of the Revised Code is treated as service credit earned under division (B)(2)(a) of that section if the member makes payment to the public employees retirement system in accordance with the rules.

(B) If the board adopts rules under division (A) of this section, all of the following apply:

(1) For each year or portion of a year of service credit earned under division (A) or (B)(2)(b) of section 145.33 of the Revised Code that is to be treated as service credit earned under division (B)(2)(a) of that section, the member shall pay to the retirement system an amount specified by the retirement board that is not less than one hundred per cent of the additional liability resulting from the purchase of that year, or portion of a year, of service.

(2) The number of years of service credit earned under division (A) or (B)(2)(b) of section 145.33 of the Revised Code that may be treated as service credit earned under division (B)(2)(a) of that section shall not exceed five.

(3) Any amounts paid under this section shall be credited to the employees' savings fund.

(4) The amounts paid by the member under this section are subject to the limits established by division (n) of section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415(n), as amended.

(C) A member may make payments authorized by this section if the member is eligible to retire under this chapter or will become eligible to retire as a result of the payment. The member shall agree to retire not later than ninety days after receiving notice of the additional liability specified under division (B)(1) of this section. Payment shall be made in full for any credit earned under division (A) or (B)(2)(b) of section 145.33 of the Revised Code that is to be treated as service credit earned under division (B)(2)(a) of that section, but the member may choose to make payment for only part of the credit for which the member is eligible.

(D) If the member does not retire not later than ninety days after making the payment authorized by this section, the system shall refund the payment and shall not treat the credit for which payment was made as service credit earned under division (B)(2)(a) of section 145.33 of the Revised Code.