

Benefits paid to survivors of deceased members.

Sec. 3309.45. In lieu of accepting the payment of the accumulated account of a member who dies subsequent to June 14, 1951, and before retirement as provided in division (A) of section 3309.44 of the Revised Code, the surviving spouse if nominated as a *sole* beneficiary, or a certain other survivor if nominated as sole beneficiary and receiving at least one-half of his support from the member at his death, may elect to forfeit such payment and to substitute certain other benefits either under division (A) or division (B) of this section. If benefits are paid under division (A) of this section, the accumulated account and the reserve from the *** *employers' trust* fund shall be transferred as provided in section 3309.60 of the Revised Code. If benefits are paid under division (B) of this section, the accumulated account of the deceased member shall be transferred to the survivors' benefit fund.

(A) If the deceased member was eligible for a superannuation or commuted superannuation retirement allowance as provided in sections 3309.36 and 3309.38 of the Revised Code, such nominated beneficiary may elect to receive a retirement allowance computed as the joint survivor allowance designated as option 1 in section 3309.46 of the Revised Code, which the member would have received had he retired as of the last day of the month of death and had he at that time selected said joint survivor plan, and such payment shall begin with the subsequent month;

(B) If the deceased member had at least five years of contributing service credit, with at least one-fourth year of contributing service credit within the two years prior to the date of death, or was receiving at the time of death a disability retirement allowance as provided in section 3309.40 of the Revised Code, certain designated beneficiaries may elect to receive monthly payments provided they also meet the following requirements:

(1) A surviving spouse sixty-five years of age, married to the member at least three years, and not remarried subsequent to the member's death, shall be paid fifty dollars per month. Such spouse may qualify for this benefit in addition to any payments received as provided by division (B) (3) of this section. Such spouse shall not receive this benefit while receiving benefits under division (B) (2) or (B) (3) of this section.

(2) A surviving spouse, fifty or more years of age, receiving at least one-half of his support from the member at the time of the member's death, married to the member at least three years and not remarried subsequent to the member's death shall be paid fifty dollars per month if the deceased member had fifteen or more years of service credit at the time of death. Such spouse may qualify for this benefit in addition to any payments received as provided in division (B) (3) of this section. Such dependent shall not receive this benefit while receiving benefits under (B) (3) of this section.

(3) A surviving widow, or a dependent widower receiving at least one-half of his support from the member at the time of the member's death, who has the care of unmarried children of the deceased member under eighteen years of age, or any other progeny of the deceased member adjudged physically or mentally incompetent by a probate court in this state, shall be paid one hundred dollars per month for such time as such children or progeny are in his care. If the beneficiary taking under the provisions of this division *marries or dies* *** while having the care of *such* unmarried children under eighteen years of age, then benefits shall be paid such children as follows:

(a) One child shall be paid fifty dollars per month.

(b) Two or more children shall be paid a total of one hundred dollars per month which shall be divided equally between or among them.

(4) An unmarried child of the deceased member under eighteen years of age shall be paid fifty dollars per month. If such child elects to take under this division and there are one or more other unmarried children of the deceased member under eighteen years of age, there shall be paid a total amount of one hundred dollars per month which shall be divided equally between or among all such qualified children.

(5) A dependent parent if at least sixty-five years of age who does not remarry subsequent to the member's death shall be paid fifty dollars per month. If such parent elects to take under this division and if the other parent of the member is a dependent at least sixty-five years of age who has not remarried subsequent to the member's death, such other parent shall also be paid fifty dollars per month.

Benefits to such designated beneficiaries shall be payable the month subsequent to the death of the member and shall be terminated at death, at marriage or remarriage, *upon attainment of age eighteen by the youngest child of the deceased member, except an incompetent progeny of the deceased member, where the survivor had qualified under division (B) (3) of this section*, or if payable to a child, upon his adoption, death, marriage, or upon his attaining eighteen years of age. The term "child" includes a legally adopted child.

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The beneficiary of a member who is also a member of the public employees retirement system or the state teachers retirement system shall forfeit to the school employees retirement system the accumulated accounts in such other systems in order to qualify for the survivor benefits provided in this section, which shall be paid by the school employees retirement system only in the event the member had the greatest number of years of service credit in the school employees retirement system.

The school employees retirement board shall formulate and adopt the necessary rules and regulations for the administration of this section and its decisions shall be final. In addition to the forfeited accumulated account transferred to the survivors' benefit fund, the estimated funds required for the payment of dependent survivor's benefits shall be collected from employers based upon a rate which shall become a part of the employers' *** contribution rate and deposited in the survivors' benefit fund from which all such benefits shall be paid.

However, if a member dies on and after the taking effect of this act the provisions of division (B) of this section shall be subject to the following exceptions:

(1) If the deceased member had completed three or more years of service credit with at least one-fourth year within the two years prior to death, or was receiving at the time of death a disability retirement allowance as provided in section 3309.40 of the Revised Code, his beneficiaries shall qualify for the benefits set forth in division (B) (1), (B) (3), (B) (4), and (B) (5), and, the monthly benefits set forth in division (B) (1), (B) (3), (B) (4), and (B) (5) shall be increased fifty per cent.

(2) If the deceased member had completed fifteen or more years of service credit (a) with at least one-fourth year within the two years prior to death or (b) receiving at the time of death a disability retirement allowance as provided in section 3309.40 of the Revised Code, the monthly benefit set forth in division (B) (2) shall be increased one hundred per cent.