

3309-1-02

Definition of compensation.

(A) This rule amplifies and is in addition to the provisions of division (V) of section 3309.01 of the Revised Code.

(B) Except as otherwise provided by division (V) of section 3309.01 of the Revised Code, the following payments made by an employer are not "compensation."

(1) Payments made by the employer for accrued but unused compensatory time for overtime worked;

(2) One-time and/or lump-sum payments made by the employer to an employee where such payments are not ~~made for additional services actually rendered~~ or based upon the employee's standard rate of pay;

(3) Retroactive payments or pay increases made or granted by the employer in whole or in part in consideration of retirement or an agreement to retire; and

(4) Any terminal payments or other additional remuneration paid by the employer in consideration of retirement or an agreement to retire.

(C) The following payments made by an employer shall be "compensation":

(1) Payments on behalf of the contributor to an eligible retirement plan as defined in section 402(c)(8) of the Internal Revenue Code of 1986, 26 U.S.C. 402(c)(8).

(2) Back wages awarded pursuant to a final order or final settlement award that reinstates the contributor to the contributor's former position, or comparable position, without interruption or loss of time.

(3) Effective January 1, 2009, differential wage payments as defined in section 3401(h)(2) of the Internal Revenue Code, 26 U.S.C. 3401(h)(2).

(4) Payments based on an employee's length of service.

(D)

(1) Prior to remitting contributions on salary, wages or other earnings where there is a question on whether such payments or earnings are "compensation," the employer shall request in writing a determination by the retirement board.

- (2) The retirement board shall give the employer written notice of its determination.
- (3) If the employer fails to request a prior determination and the retirement board determines that the salary, wages or other earnings are not "compensation," then any contributions received on such salary, wages and other earnings shall be deemed unauthorized and shall be refunded.
- (4) If the employer fails to request a prior determination and the retirement board determines that the salary, wages, or other earnings are "compensation," then the retirement board may certify for collection pursuant to sections 3309.47 and 3309.51 of the Revised Code the amount of contributions not remitted.

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Certification

Date

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4/2/10, 4/1/13

3309-1-05

Policy on investment department incentive plan payouts.

- (A) Pursuant to section 3309.14 of the Revised Code, payment of employee bonuses are subject to the guidelines established by the school employees retirement board as reflected in the investment department incentive plan. The plan 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, provided, however, that no such action by the board will be given effect if it is inconsistent with the requirements of section 409A of the Internal Revenue Code of 1986, as amended. The plan shall establish target incentive awards weighted against performance components, focusing on the school employees retirement system's actual relative investment performance compared with external benchmarks and portfolio management objectives. Any and all material modifications to the plan, including, but not limited to, those related to the assignment of target incentive awards, identification of performance measures and standards, and determination of plan payouts and actual payouts, requires the board's prior approval.
- (B) Participation in the plan is limited to certain school employees retirement system full-time investment professionals. Participation in the plan in any one year does not confer the right to participate in the plan in the current or any other year and does not confer the right to continued employment.

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Prior Effective Dates: 4/10/05, 4/2/10

3309-1-06

Ohio-qualified agents and investment managers.

- (A) For purposes of division (A)(4) of section 3309.157 and section 3309.159 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 3309.159 of the Revised Code.
- (B) For purposes of sections 3309.157 and 3309.159 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.
- (C) For purposes of division (E)(4) of section 3309.157 of the Revised Code, "compensation" shall mean the commissions paid on equity securities transactions and the cost or proceeds on fixed income securities transactions.

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3309-1-07

Refund application.

(A) ~~An Application~~ application pursuant to section 3309.42 of the Revised Code for payment of ~~the~~ accumulated contributions standing to the credit of a ~~in a~~ member's individual account ~~in the employees' savings fund pursuant to section 3309.42 of the Revised Code shall meet the following requirements: be made on a form provided by the school employees retirement system. The~~

(1) The application shall be signed by the member. If the account balance exceeds two hundred dollars, the applicant's member's signature on the form must be notarized or witnessed by a SERS counselor. if no contributions have been credited to the account within the twelve month period preceding the month in which the application is received and the account balance exceeds two thousand dollars.

(2) The application of a member who has worked in a SERS-covered position during the six month period preceding the application must include an employer certification completed by the employer's treasurer's office or finance personnel.

(B) A member may withdraw an application as follows:

(1) If the refund payment has not been sent, by delivering a signed written request over the applicant's signature to withdraw the application to the retirement system, prior to the date the payment is sent or,

(2) If the refund payment has been sent, by returning to the retirement system the warrant uncashed with a signed written request over the applicant's signature to withdraw the application and, if applicable, a personal check or money order for any amounts deducted from the refund amount and disbursed by the retirement system as authorized by law no later than thirty days after receipt of the check by the member or financial institution designated by the member.

(3) If the refund payment was distributed as a direct rollover pursuant to rule 3309-1-53 of the Administrative Code, by delivering to the retirement system a signed written request over the applicant's signature to withdraw the application, and if the retirement plan that received the distribution returns to the retirement system the full amount transferred not later than sixty days after the transfer.

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3309-1-08

Allowances—date payablePayment of benefits and allowances.

- (A) Effective July 1, 1953 all annuities, ~~pensions, retirement~~ allowances, and benefits provided by law and payable in monthly installments shall be due and payable in full on the first day of the month.
- (B) All ~~such~~ annuities, ~~pensions, retirement~~ allowances, and benefits shall be paid on the first day of the month due.
- (C) The retirement system may suspend any annuity, retirement allowance or benefit if the system has good cause to believe either of the following:
- (1) That a retirant or benefit recipient may be incapacitated, and no other person has authority to act or receive payment on the retirant or benefit recipient's behalf; or
 - (2) That a retirant or benefit recipient is deceased or missing.

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3309.401, 3309.45, 3309.46
Prior Effective Dates: 12/24/76, 1/7/13

3309-1-25 **Notice of meetings.**

(A) Any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by:

(1) Writing to the following address -

"School Employees Retirement System

300 East Broad Street, Suite 100

Columbus, Ohio 43215"

(2) Calling the following telephone number during normal business hours -

614/222-5853

(3) Accessing the SERS website -

www.ohsers.org

(B) 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

School Employees Retirement System

300 East Broad Street, Suite 100

Columbus, Ohio 43215"

(1) The request shall provide the name, United States postal service address and/or electronic mail address, and a maximum of two telephone numbers of the individual media representative to be contacted. The school employees retirement system shall maintain a list of all representatives of the news media who have requested notice of special meetings pursuant to this rule.

(2) In the event of a special meeting not of an emergency nature, the school employees retirement system shall notify all media representatives on the list of such meeting by doing at least one of the following:

(a) Sending written notice, by electronic mail or United States postal service,

which must be sent no later than four calendar days prior to the day of the special meeting;

- (b) 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 school employees retirement system has been unable to provide such telephone notice;
 - (c) Informing such representative personally no later than twenty-four hours prior to the special meeting.
- (C) In the event of a special meeting of an emergency nature, the school employees retirement system shall notify all media representatives on the list of such meeting by providing either the notice described in paragraph (B)(2)(b) of this rule, or that described in paragraph (B)(2)(c) of this rule or notifying the clerk of the state house 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.
- (D) In giving notices required by this rule, the school employees retirement board may rely on assistance provided by any member of the staff of the school employees retirement system, and such notice is complete if given by such member in the manner provided in this rule.
- (E) The school employees retirement system shall maintain a list of all persons who have requested, in writing, notice of all meetings of the school employees retirement board.

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Prior Effective Dates: 12/24/76, 2/1/92, 5/9/03, 4/2/10

3309-1-28

Purchase of service credit; military.

- (A) Compound interest at a rate to be set by the board shall be applied from the date of the member's first service covered by the school employees retirement system, public employees retirement system or state teachers retirement system following the termination of military duty to date of payment.
- (B) The number of years to be purchased shall not exceed five years or the total number of years of Ohio contributing service credit accumulated at time of purchase, whichever is the lesser.
- (C) The member may purchase any portion of the military service, provided that a member with less than five years of military service who buys all of his service will be credited with the total days of the final month of service.
- (D) The rate of contribution will be that which is in effect at the time the member entered into active military service.
- (E) The maximum salary limitation stipulated in Chapter 3309. of the Revised Code when the member completed his first year of Ohio service, will be observed in the calculation of the cost to purchase.

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Rule Amplifies: 3309.021
Prior Effective Dates: 12/24/76, 7/1/83, 11/1/96, 5/14/05

3309-1-29

Purchase of service credit; out-of-state and other.

(A) All service in public or private schools, colleges and universities or public service with another state or the United States government which is to be purchased shall be subject to the following requirements, governing eligibility and cost:

- (1) To be eligible to purchase service under this rule, after termination of the service to be purchased, a member must have one year of Ohio service in a year as defined in division (R) of section 3309.01 of the Revised Code.
- (2) The service credit must be properly certified by the official employer or custodian of records on a form acceptable to the retirement board. The certification should be taken from a legitimate source of documentation such as payroll or retirement records. When records have been destroyed, affidavits may be used, but only in conjunction with other documented evidence as proof of service.
- (3) Accrued interest shall be calculated from the date of membership in the school employees retirement system of Ohio following service to be purchased to the date of payment.
- (4) The member will be entitled to purchase any portion of the service credit under this rule not to exceed five years, or the total accumulated number of years of Ohio contributing service credit, whichever is less.
- (5) Service credit to be purchased shall be granted in accordance with the law and policy of the school employees retirement board current at the time each portion of service to be purchased was performed.
- (6) School service purchased under this rule shall receive .125 per cent of a year service credit per month of service rendered prior to July 1, 1955, and .111 per cent of a year service credit per month of service rendered after June 30, 1955 and before July 1, 1977. School service performed after June 30, 1977 shall be determined by dividing the number of days paid by one hundred eighty, if the employee worked less than one hundred twenty days in the partial year to be purchased. All service other than school service purchased under this rule shall receive .083 per cent of a year service credit per month of service rendered.
- (7) The Ohio service used for the purpose of establishing the purchase price of service under this rule shall be the first year of continuous full-time Ohio service following termination of the service to be purchased.

(8) No more than one year of service credit may be granted for any twelve-month period.

(B) The following types of service may be purchased under this rule:

(1) Service in a public or private school, college or university, located in or out of Ohio and service in any school operated by or for the United States government, provided any such school, college or university is recognized by an accrediting association approved by:

(a) The U.S. office of education;

(b) The appropriate state department of education; or

(c) The appropriate state department of higher education, and acceptable to the retirement board.

(2) Employment with a public governmental entity of a state or of the United States government which would have been covered by the school employees retirement system, state teachers retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or the public employees retirement system, if served in a comparable position in Ohio; and

(3) Except as provided in division (C) of section 3309.31 of the Revised Code, service for which contributions were made to a municipal retirement system in Ohio.

(C) For purposes of section 3309.31 of the Revised Code, "Ohio service" means contributing service in this retirement system.

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2/11/02, 5/14/05, 4/2/10, 4/28/13

3309-1-32

Cost-of-living; base allowance change.

(A) For purposes of this rule:

- (1) "Base allowance" means the benefit amount due a benefit recipient on the later of July 1, 1979 or the effective date of such benefit, as adjusted pursuant to this rule. A base allowance excludes subsequent allowances for cost-of-living pursuant to section 3309.374 of the Revised Code, reimbursements for medicare part "B" pursuant to section 3309.69 of the Revised Code, or additional annuity payments pursuant to section 3309.47 of the Revised Code.
- (2) "Benefit" means a periodic payment under an allowance, pension, or benefit granted under Chapter 3309. of the Revised Code, other than an annuity paid under section 3309.341 of the Revised Code.
- (3) "Benefit amount" means the amount due a benefit recipient on the effective date of such benefit.
- (4) "Benefit recipient" means an age and service retirant, disability benefit recipient, or a beneficiary as defined in section 3309.01 of the Revised Code, who is receiving monthly benefits due to the death of a member, age and service retirant or disability benefit recipient.

(B) A base allowance upon which a cost-of-living is calculated shall be adjusted when any of the following occur:

- (1) The enactment of any statutory ad hoc allowance increase but only if such statutory authority provides that such increase become part of the base allowance.
- (2) Recalculation of a retirant's benefit due to a change in a plan of payment as permitted in section 3309.46 of the Revised Code.
- (3) Recalculation of a benefit recipient's benefit amount after an audit.
- (4) If a benefit recipient waives any portion of a benefit amount pursuant to section 3309.662 of the Revised Code, the base allowance shall be the portion being paid. If a waiver is revoked, the base allowance shall be the amount allowed under this rule.

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3309-1-33

Retirement and benefit effective dates.

(A) For purposes of this rule, "retirement allowance" refers to a monthly retirement allowance, including an "estimated retirement allowance" as defined in paragraph (A) of rule 3309-1-21 of the Administrative Code, as well as a lump sum payment made under a plan described in division (B)(4) of section 3309.46 of the Revised Code.

(B)

~~(B)~~(1)

~~(1)~~(a) The effective date of a service retirement under sections 3309.34, ~~3309.343~~, 3309.35, 3309.36, and 3309.46 of the Revised Code shall be as follows:

The first of the month following the last date of compensated service, ~~or~~ the first of the month following the date that age and service credit eligibility is met, the first of the month after all purchases of service credit are completed, or at the date requested by the applicant in writing at retirement, whichever is later.

(b) The effective date of a service retirement under section 3309.343 of the Revised Code shall be as follows:

The first of the month following the last date of compensated service for the position from which the member is retiring, the first of the month following the date that age and service credit eligibility is met, the first of the month after all purchases of service credit are completed, or at the date requested by the applicant in writing at retirement, whichever is later.

(c) Notwithstanding any other provision of this rule to the contrary, the effective date of a service retirement under this rule of a member who is an other system retirant as defined in division (A)(2) of section 3309.341 of the Revised Code shall not be sooner than the effective date of retirement in the other system.

(2) The effective date of reemployment, conversion retirement, disability, and survivor benefits shall be the date as provided by section 3309.344, 3309.381, 3309.39, 3309.40, 3309.401, or 3309.45 of the Revised Code.

(C) A member, a beneficiary eligible for benefits pursuant to section 3309.45 of the Revised Code, or a SERS retirant or other system retirant as defined in section 3309.341 of the Revised Code, may withdraw an application for a retirement

allowance, survivor benefit or annuity to which the member, beneficiary, SERS or other system retiree is entitled as follows:

- (1) If a retirement allowance, survivor benefit or annuity payment has not been sent, by sending a signed written request over the applicant's signature to the school employees retirement system prior to the date the first payment is sent or transmitted.
 - (2) If a retirement allowance, survivor benefit or annuity payment has been sent, then by:
 - (a) Returning to the retirement system all warrants sent, uncashed, with a signed written request over the applicant's signature to withdraw the application and, if applicable, a personal check or money order for any amounts deducted from the payment and disbursed by the retirement system as authorized by law; and/or
 - (b) Remitting to the retirement system a personal check or money order repaying all payments transmitted by the retirement system to the applicant's financial institution no later than thirty days after the institution's receipt of the first payment with a signed written request over the applicant's signature to withdraw the application, and, if applicable, a personal check or money order for any amounts deducted from the payment and disbursed by the retirement system as authorized by law.
 - (3) If deductions equal the amount of the payment and no warrant was sent or payment was transmitted, by sending a written request over the applicant's signature to the retirement system to withdraw the application no later than thirty days after receipt of the first payment stub, and, if applicable, a personal check or money order for any amounts deducted from the payment and disbursed by the retirement system as authorized by law.
- (D) A beneficiary who requested his or her benefit payment to be distributed as a direct rollover pursuant to rule 3309-1-53 of the Administrative Code may withdraw the application for payment by delivering to the retirement system a signed written request over the applicant's signature to withdraw the application, and if the retirement plan that received the distribution returns to the retirement system the full amount transferred not later than sixty days after the transfer.
- (E) The retirement laws in effect on the benefit effective dates shall determine the amount and eligibility for a retirement allowance, survivor benefit, or annuity.

(F) The annuity and option tables as adopted by the board and in effect shall be used to determine reserve liability and retirement allowance, survivor benefit payments and annuity.

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3309.46
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11/1/01, 1/2/03, 1/2/04, 5/11/06, 4/2/10, 1/7/13,
12/14/13

3309-1-34 **Combined disability benefits.**

(A) This rule amplifies section 3309.35 of the Revised Code.

(B) As used in this rule:

"Last date of service" means last day of compensated service, either for a day worked or used paid leave, under school employees retirement system, public employees retirement system, or state teachers retirement system, whichever is latest.

(C) If a member of school employees retirement system files an application for a disability benefit pursuant to section 3309.39 of the Revised Code and also chooses to apply for a combined disability benefit with the public employees retirement system or the state teachers retirement system, the following shall apply:

(1) If this system receives the application for combined disability, it shall forward a copy of the application to the other retirement system(s).

(2) If this system is the calculating and paying system, it shall request and pay for the examining physician(s) report(s).

(3) Disability shall be determined on the basis of the member's ability to perform the duties for the position held on the member's last date of service, under school employees retirement system, public employees retirement system, or state teachers retirement system. If the member's last date of service is concurrent under two or more systems, disability for performance of duty shall be determined on the basis of the duties for the position with the greater annual compensation or earnable salary at the time of the application.

(D) If this system is the calculating and paying system of a combined disability, this system's rules and statutes governing disability benefits shall govern, and this system will be responsible for subsequent medical examinations. ~~A finding of disability shall be based on the member's ability to perform the member's last date of service under school employees retirement system, public employees retirement system, or state teachers retirement system.~~

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3309.46
Prior Effective Dates: 12/24/76, 2/1/92, 1/2/93, 5/2/01, 7/30/01(Emer),
11/1/01, 1/2/03, 1/2/04, 5/11/06, 4/2/10, 1/7/13,
12/14/13

3309-1-42

Options; pop-up and election of new option.

(A)

(1) Upon the death of any designated beneficiary, the lesser retirement allowance calculated as plan A, C, or D under division (B)(1)(b), (B)(3)(b), (B)(3)(c) or (B)(4) of section 3309.46 of the Revised Code or as option 1 or 2 under division (A) or (B) of section 3309.46 of the Revised Code as in effect prior to amendment effective July 24, 1990 shall be increased to the single lifetime allowance equivalent.

(2) Upon the death of a designated beneficiary under plan F under division (B)(3)(e) of section 3309.46 of the Revised Code, the retirant shall receive the actuarial equivalent of the retirant's single lifetime allowance based on the number of remaining beneficiaries, with no change in the amount payable to any remaining beneficiary.

(B)

(1) Upon divorce, annulment, or marriage dissolution, the lesser retirement allowance calculated as plan A, C, or D under division (B)(1)(b), (B)(3)(b), (B)(3)(c) or (B)(4) of section 3309.46 of the Revised Code or as option 1 or 2 under division (A) or (B) of section 3309.46 of the Revised Code as in effect prior to amendment effective July 24, 1990 shall, at the election of the retirant, be increased to the single lifetime allowance equivalent; except that no benefit first payable on or after August 1, 1990 shall be increased without the written consent of the ex-spouse or order of the court with jurisdiction over the termination of the marriage.

(2) Upon the divorce, annulment, or marriage dissolution from a designated beneficiary under plan F, the retirant may elect to receive the actuarial equivalent of the retirant's single lifetime allowance based on the number of remaining beneficiaries, with no change in the amount payable to any remaining beneficiary; except the retirant's benefit shall not be increased without the written consent of the ex-spouse or order of the court with jurisdiction over the termination of the marriage.

(C)

(1) Upon marriage or re-marriage, a retirant receiving a single lifetime allowance may elect to have his allowance recalculated as plan A, C, or D, designating the current spouse as beneficiary.

- (2) Upon remarriage, a retirant receiving a benefit pursuant to a plan of payment providing for payment to a former spouse pursuant to a court order described in division (B)(1)(b)(ii) of section 3309.46 of the Revised Code may elect a new plan of payment adding the new spouse under division (B)(3)(e) of section 3309.46 of the Revised Code if the new plan of payment does not reduce the payment to the former spouse or to any other beneficiary designated at the time of retirement.
- (3) In the case of a retirant who marries or remarries on or after June 6, 2005, an election under paragraph (C) of this rule shall be made not later than one year after the marriage or remarriage.
- (4) A plan elected under paragraph (C) of this rule shall be calculated according to the actuarial factors in effect when such plan is elected and based on the age of the retirant and spouse at the time of selection.

~~(D)~~ An application for a change of plan under this section must be filed on a form approved by the retirement board.

~~(E)~~(D) The effective date for a change in plan and benefit shall be as follows:

- (1) Death of spouse - the first of the month following death of spouse or September 1, 1976, whichever is later. The retirant shall furnish proof of date of death, satisfactory to the board.
- (2) Death of designated beneficiary other than spouse - the first of the month following the death, or November 1, 1978, whichever is later. The retirant shall furnish proof of date of death, satisfactory to the board.
- (3) Divorce, annulment or marriage dissolution - the first of the month following receipt of the application for a change of plan. The application shall be accompanied by proof of divorce, annulment or marriage dissolution, and any written consent of the ex-spouse or court order as required under paragraph (B) of this rule, satisfactory to the board.
- (4) Marriage or re-marriage - provided all documents are received prior to the retirant's death, the effective date for the change in the plan shall be the date the system receives the application, the marriage certificate, and any required consent or consent order; the effective date for the change in benefit shall be the first of the following month.

~~(F)~~(E) The "single lifetime retirement allowance equivalent" shall be the original single

lifetime allowance established at retirement plus any subsequent ad hoc pension increases and automatic cost-of-living increases which shall be applied to the original amounts granted.

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3309-1-46

Retirement - option selection.

- (A) If an applicant is married at the time of filing an application for retirement, the applicant shall receive a retirement allowance designated as "Plan A" under division (B)(1) of section 3309.46 of the Revised Code, unless:
- (1) The spouse consents on a form provided by the school employees retirement system to the applicant's election to receive an annuity or payment pursuant to an optional plan under division (B)(3) or (B)(4) of section 3309.46 of the Revised Code; or
 - (2) The school employees retirement board waives the requirement of a spousal consent upon receipt of one of the following:
 - (a) The written statement of the spouse's physician certifying that the spouse is medically incapable of consenting to the plan of payment elected by the applicant; or
 - (b) A certified copy of a probate court order appointing a guardian for the spouse due to a finding of incompetence.
 - (c) The affidavits of the applicant and at least two other persons, one of whom must be unrelated to the applicant, attesting that the whereabouts of the spouse is unknown.
 - (3) The applicant is required to elect a plan of payment providing a specified amount to a former spouse after the applicant's death pursuant to a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property, and
 - (a) The applicant elects a plan of payment designated as "Plan F" under division (B)(3)(e) of section 3309.46 of the Revised Code that is in accordance with the court order and also designates the applicant's current spouse as a beneficiary under the plan; or
 - (b) The total amount required by court order, or orders, is equal to or greater than one hundred per cent of the applicant's lesser allowance.
- (B) An applicant's current spouse must also consent to the election of a plan of payment described in division (B)(3)(e) of section 3309.46 of the Revised Code if the applicant is required to elect a plan of payment providing a specified amount to a former spouse after the applicant's death pursuant to a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state

regarding the division of marital property and also designates a beneficiary under the plan other than the former spouse and current spouse.

Five Year Review (FYR) Dates: 01/30/2015 and 02/01/2019

CERTIFIED ELECTRONICALLY

Certification

01/30/2015

Date

Promulgated Under: 111.15
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Prior Effective Dates: 9/20/90, 11/9/98, 1/2/03, 10/27/06, 5/4/07, 3/31/11

3309-1-50 **Re-employment restrictions.**

(A) For the purpose of this rule and section 3309.341 of the Revised Code:

- (1) "Effective retirement benefit date" means the date upon which a retirement allowance begins.
- (2) "Nonuniformed retirement system" means the school employees retirement system, state teachers retirement system and public employees retirement system.
- (3) "Ohio retirement system" means the school employees retirement system, state teachers retirement system, public employees retirement system, Ohio police and fire pension fund, and state highway patrol retirement system.
- (4) "Uniformed retirement system" means the Ohio police and fire pension fund and the state highway patrol retirement system.

(B)

- (1) Forfeiture of a retirement allowance under section 3309.341 of the Revised Code for employment in a position covered by another Ohio retirement system shall apply only to a SERS retirant whose effective retirement benefit date is on or after September 1, 1991.
- (2) A SERS retirant who has received a retirement allowance for less than two months and who becomes employed in a position covered by an Ohio retirement system shall forfeit such allowance for any month in which he is so employed during the two-month period after the effective benefit date.

The forfeited allowance shall be the retirement allowance payable under a plan described in division (B)(1) or (B)(3) of section 3309.46 of the Revised Code before any lump sum amount elected pursuant to division (B)(4) of section 3309.46 of the Revised Code.

- (3) Notwithstanding paragraphs (B)(1) and (B)(2) of this rule, the forfeiture provision shall not apply to a SERS retirant who is employed in a position covered by a uniformed retirement system if the retirant was continuously employed in the position for at least two months prior to the effective retirement benefit date in this system.

(C)

(1)

(a) Where a member of this system who also has established membership in another nonuniformed retirement system or systems is terminating all employment covered by all systems, and is electing to take a retirement benefit from one or more of the other systems, as of the effective retirement benefit date, the member shall elect to:

(i) Apply for a benefit if eligible pursuant to section 3309.34; or 3309.35 ~~or 3309.38~~ of the Revised Code; or

(ii) Apply for a refund of contributions pursuant to section 3309.42 of the Revised Code.

(b) If the member applies for a benefit described in paragraph (C)(1)(a)(i) of this rule, the system shall calculate the benefit with any necessary reduction for concurrent service among the systems.

(2) Where a member of this system who also has established membership in a uniformed retirement system or systems is terminating all employment covered by all the systems, and is electing to take a retirement benefit from one or more of the other systems, as of the effective retirement benefit date, the member shall elect to:

(a) Apply for a benefit if eligible pursuant to section 3309.34; or 3309.35 ~~or 3309.38~~ of the Revised Code;

(b) Apply for a refund of contributions pursuant to section 3309.42 of the Revised Code; or

(c) If as of the effective retirement benefit date from a uniformed retirement system the member has sufficient service credit to qualify for a benefit in this system, the effective retirement benefit date shall be the first of the month following the later of the benefit date in the uniformed retirement system or attainment of eligibility for a benefit in this system.

(3)

(a) A member of this system who also is a member of a uniformed retirement system and who has applied for a retirement benefit in the uniformed

system may continue employment in the position covered by this system, provided that contributions made to this system after the member's effective retirement benefit date in the uniformed system shall accrue only a benefit as described in section 3309.344 of the Revised Code.

- (b) If the member has been continuously employed in such position for at least two months prior to the effective retirement benefit date in the uniformed system, the member may make an irrevocable election on a form provided by this system to have contributions to this system made prior to his effective retirement benefit date in the other system applied toward the same benefit described in section 3309.344 of the Revised Code. In the event this election is made, accrual of allowable interest shall not begin until after the effective retirement benefit date in the other system.

Effective:

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