

742-4-19

**DROP benefits at death.**

(A) For purposes of paying DROP benefits under division (B)(1) of section 742.446 of the Revised Code, the Ohio police and fire pension fund (OP&F) may require receipt of the following documents from the DROP participant's surviving spouse, designated beneficiary or estate, as the case may be:

- (1) Marriage certificate, if applicable;
- (2) Birth certificate, if applicable;
- (3) Letters of authority from the DROP Participant's executor/executrix or administrator/administratrix, if applicable and as the case may be;
- (4) Application for benefits in the form provided by OP&F;
- (5) A complete copy of the trust agreement if a trust has been designated as the beneficiary of DROP benefits pursuant to rule 742-3-22 of the Administrative Code;
- (6) Any other documentation requested by OP&F for the distribution of funds.

(B) Capitalized terms used in this rule shall have the meaning assigned to them in rule 742-4-01 of the Administrative Code.

R.C. 119.032 review dates: 07/14/2014 and 07/14/2019

CERTIFIED ELECTRONICALLY

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Certification

07/14/2014

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Date

Promulgated Under: 111.15  
Statutory Authority: 742.10  
Rule Amplifies: 742.446  
Prior Effective Dates: 5/9/2004, 9/27/2009

## TO BE RESCINDED

742-5-09

**Lay off credit.**

- (A) For purposes of division (B)(1) of section 742.27 of the Revised Code, Ohio police and fire pension fund ("OP&F") shall consider a member to be "entitled to receive disability benefits" if that member is receiving a disability benefit from OP&F and that member has not timely withdrawn his/her disability application in accordance with the provisions of rule 742-3-17 of the Administrative Code, but in no event shall a member be entitled to purchase lay-off credit for any period that overlaps the receipt of that person's disability benefits.
- (B) As part of the purchase of such credit, the member must provide the following to OP&F:
- (1) Written certification from the employer that the member was removed from active service as a result of a lay off that was involuntary;
  - (2) Written certification of the date on which the member returned to full-time duty as a member of the police or fire department (as such terms are defined in divisions (A) and (B) of section 742.01 of the Revised Code, respectively), which is certified by either the employer with whom the lay-off occurred or the new OP&F-covered employer in the event the member does not return to the prior employer;
  - (3) Written certification from the member that during the time the member was laid off, the member did not render any service that is not permitted according to division (B)(2) of section 742.27 of the Revised Code.
- (C) As determined by OP&F's board of trustees, after consultation with OP&F's actuary, the "additional liability" to OP&F resulting from the purchase of lay-off credit is the amount the member and his/her employer would have contributed during the lay off period, including interest. Interest shall be calculated at OP&F's actuarially assumed interest rate compounded annually based on the effective method of calculating interest from the date the member returned to duty as a full-time member of a police or fire department through the date OP&F receives the payment for such credit and the statutory contributions shall be based on the member's "salary" (as such term is defined in division (L) of section 742.01 of the Revised Code and section 742-3-02 of the Administrative Code) reported to OP&F for the last full month of his/her full-time employment prior to being laid off.
- (D) A member may choose to purchase only part of such credit in any one payment, provided that any reduced credit is purchased in increments of one-year periods and if the amount of the lay-off credit is less than one year, then the purchase is for the

full amount of the lay-off credit. If OP&F receives less than the full amount referenced in division (C) of section 742.27 of the Revised Code, as more fully described in paragraph (C) of this rule, this shall constitute the member authorization to OP&F to grant a proportionate amount of lay-off credit, which is calculated by taking the lay-off credit the member is eligible to receive multiplied by the ratio of the amount actually received by OP&F divided by the total amount due OP&F pursuant to division (C) of section 742.27 of the Revised Code, as more fully described in paragraph (C) of this rule.

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Rule Amplifies: 742.27  
Prior Effective Dates: 07/17/93, 3/9/01 (Emer.), 5/24/01, 5/24/04

742-5-09**Purchase of lay-off service credit.**

(A) Upon a member's request to purchase service credit for any period during which the member was laid off, OP&F shall provide the member with certification forms to be completed by both the member and the member's employer where the period of lay-off occurred. The member shall certify all of the following information to OP&F:

- (1) The date that he or she was removed from active service as a result of an involuntary lay-off;
- (2) The name of the employer that laid the member off;
- (3) The date that the member returned to full-time service; and
- (4) That, during the period of lay-off, the member did not render any service that is used in the calculation of any public or private retirement benefit, except any federal social security retirement benefit.

(B) The employer shall certify all of the following to OP&F:

- (1) That the member was hired into a full-time position;
- (2) That the member was involuntarily laid off from the full-time position;
- (3) The last day the member worked prior to the involuntary lay-off;
- (4) The first day the member worked after the involuntary lay-off; and
- (5) The total gross wages subject to retirement contributions the member would have received had he or she not been laid off.

(C) The member service credit purchase certification form and the employer service credit purchase certification form, last modified June 12, 2013, can be found on OP&F's website, [www.op-f.org](http://www.op-f.org). Notwithstanding these certifications, OP&F will review the documentation and determine the member's eligibility to purchase the service credit. If the member is eligible to purchase the lay-off credit, OP&F shall provide the member with a cost statement to purchase the service credit.

(D) For purposes of division (C) of section 742.27 of the Revised Code, the "additional liability" to OP&F resulting from the purchase of lay-off credit shall be the amount that the member and his or her employer would have contributed during the lay-off period, including interest. The amount of the contributions shall be based upon the salary that the member would have earned had there not been an interruption in service. Interest shall be calculated at OP&F's actuarially assumed interest rate and compounded annually based on the effective method of calculating interest from the date the member returned to full-time active service to the date that OP&F receives payment for the lay-off service credit.

(E) Service credit for lay-off time shall be purchased in increments of one-year periods, unless the period of lay-off is less than one year. If the lay-off period is less than one year, then the purchase shall be for the full amount of the lay-off time. If the member submits a payment that is less than the full amount of the cost statement, OP&F shall prorate the amount of lay-off service credit. The prorated amount of service credit will be determined by dividing the amount received by the total amount due, then multiplying the result by the amount of service credit the cost was calculated for.

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Rule Amplifies: 742.27  
Prior Effective Dates: 07/17/93, 3/9/01 (Emer.), 5/24/01, 5/24/2004



742-7-03

**Payment date of benefits.**

Except as otherwise required by law, all benefit checks shall be paid by Ohio police and fire pension fund ("OP&F") as follows ~~from and after September 1, 2000:~~

- (1) For benefit recipients who request the payment of benefits by direct deposits, OP&F shall transfer the funds to the benefit recipient's account on record on the first business day of each month;
- (2) For benefit recipients who do not request the payment of benefits by direct deposit, OP&F shall mail checks on the last business day of the month for benefits due the following month, even though the issue date of the check will be the first day of the next month, as provided for in rule 742-7-01 of the Administrative Code. In the event a benefit recipient negotiates the check prior to its issue date and OP&F incurs a fee for such transaction, the board of trustees may adopt a policy that provides for the reimbursement of such fees by the benefit recipient.
- (3) In the event the first business day of the month falls on a legal holiday, the funds will be available for benefit recipients who request direct deposit on the first business day following the legal holiday.

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Certification

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Promulgated Under: 111.15  
Statutory Authority: 742.10  
Rule Amplifies: 742.37, 742.40  
Prior Effective Dates: 5/4/2000, 11/30/2004

742-11-01

**Rule on books and records reliance.**

For purposes of determining compliance with any statutory requirements under Chapter 742. of the Revised Code, the books and records of OP&F will prevail.

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Date

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Rule Amplifies: 742.10  
Prior Effective Dates: 7/16/00

## TO BE RESCINDED

742-21-02

**Information to be released from member's personal history record upon receipt of court order issued pursuant to section 3105.87 of the Revised Code.**

For purposes of complying with an order issued pursuant to section 3105.87 of the Revised Code that does not specifically reference the information to be disclosed from a member's personal history record necessary to determine the amounts described in division (D) of section 3105.82 of the Revised Code, Ohio police and fire pension fund ("OP&F") shall provide the following information to the court and the parties:

(A) If the member's status is active:

- (1) A statement that the member is active and, as such, is not receiving a benefit from OP&F;
- (2) For purposes of calculating the numerator in division (D)(2)(a) of section 3105.82 of the Revised Code, the number of years during which the member was both married to the alternate payee and a member of a public retirement program, as such term is defined in division (F) of section 3105.80 of the Revised Code. If the date of marriage and date of divorce, dissolution, or legal separation are not provided in the order, OP&F shall provide the member's date of entry into OP&F and the amount of service credit that was contributed by the member in another public retirement system during the time in which the member was married to the alternate payee, to the extent the member has a record of purchasing or transferring such credit;
- (3) For purposes of calculating the denominator in division (D)(2)(b) of section 3105.82 of the Revised Code, a statement that a public retirement program shall determine the member's total years of service program at the time the member elects to take a benefit or payment from such retirement program.

(B) If the member is receiving a benefit:

- (1) The gross monthly amount of the benefit the member is receiving as of the date stated in the response;
- (2) For purposes of calculating the numerator in division (D)(2)(a) of section 3105.82 of the Revised Code, the number of years during which the member was married to the alternate payee and a member of a public retirement program, as such term is defined in division (F) of section 3105.80 of the Revised Code. If the date of marriage and date of divorce, dissolution, or legal separation are not provided in the order, OP&F shall provide the

member's date of entry into OP&F and the member's effective date of retirement, as well as the amount of service credit that was contributed by the member in another public retirement system during the time in which the member was married to the alternate payee, to the extent the member has such credit;

- (3) For purposes of calculating the denominator in division (D)(2)(b) of section 3105.82 of the Revised Code, the member's total years of service credit, including any service credit transferred into OP&F or purchased by the member.

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 742.10  
Rule Amplifies: 3105.87  
Prior Effective Dates: 7/19/2004

742-21-02**Information to be released pursuant to court order issued under section 3105.87 of the Revised Code.**

For purposes of complying with an order issued pursuant to section 3105.87 of the Revised Code that does not specifically reference the information to be disclosed from a member's personal history record, Ohio police and fire pension fund ("OP&F") shall provide the following information about the member:

1) Status with OP&F;

2) Contribution history;

3) Service credit history;

4) If receiving a periodic benefit from OP&F, the gross monthly amount of the member's benefit;

5) If the member is participating in, or has participated in, the deferred retirement option plan under section 742.43 of the Revised Code, the amounts accrued to the member's benefit pursuant to section 742.443 of the Revised Code; and

6) Date of entry into OP&F and, if applicable, the member's effective date of retirement.



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