

~~Sec. 145.034~~ A MEMBER OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM WHO IS EMPLOYED BY AN ORGANIZATION DESCRIBED IN SECTION 501(c)(3) OF THE 'INTERNAL REVENUE CODE OF 1954,' 68A STAT. 163, 26 U.S.C. 501(c)(3), AS AMENDED, THAT IS EXEMPT FROM INCOME TAX UNDER SECTION 501(a) OF THE 'INTERNAL REVENUE CODE OF 1954,' 68A STAT. 163, 26 U.S.C. 501(a), AS AMENDED, AND WHOSE EARNINGS FROM SUCH EMPLOYMENT ARE OR BECOME, BY VIRTUE OF THE ENACTMENT OF SECTION 102 OF THE SOCIAL SECURITY AMENDMENTS OF 1983, SUBJECT TO THE TAX ON WAGES IMPOSED BY THE "FEDERAL INSURANCE CONTRIBUTIONS ACT," 68A STAT. 415 (1954), 26 U.S.C. 3101, AS AMENDED, MAY ELECT TO HAVE SUCH EARNINGS EXEMPTED FROM CONTRIBUTIONS TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM BY FILING WITH THE PUBLIC EMPLOYEES RETIREMENT BOARD A WRITTEN REQUEST BEARING HIS SIGNATURE. THE REQUEST SHALL BE FILED NOT LATER THAN NINETY DAYS AFTER THE LATER OF THE EFFECTIVE DATE OF THIS SECTION OR THE DATE THE MEMBER BECOMES SUBJECT TO SUCH TAX ON WAGES. A REQUEST MAILED TO THE BOARD SHALL BE CONSIDERED TO HAVE BEEN FILED ON ITS POSTMARK DATE. ON RECEIPT OF A REQUEST, THE BOARD SHALL NOTIFY THE MEMBER'S EMPLOYER THAT THE REQUEST HAS BEEN MADE. NO CONTRIBUTIONS BY THE PERSON MAKING THE REQUEST OR HIS EMPLOYER SHALL BE REQUIRED FOR SERVICE FOR WHICH EARNINGS ARE MADE EXEMPT FROM CONTRIBUTIONS PURSUANT TO THIS SECTION, AND NO SERVICE CREDIT SHALL BE GRANTED OR PURCHASED FOR SUCH SERVICE. ONCE GRANTED, A REQUEST MADE PURSUANT TO THIS SECTION MAY NOT BE WITHDRAWN.

PUBLIC EMPLOYEES RETIREMENT SYSTEM CONTRIBUTIONS MADE BY A MEMBER OR HIS EMPLOYER FOR EARNINGS THAT ARE MADE EXEMPT FROM CONTRIBUTIONS PURSUANT TO A REQUEST FILED IN ACCORDANCE WITH THIS SECTION SHALL BE REFUNDED. ANY SUCH EMPLOYEE CONTRIBUTIONS WITHHELD BY THE EMPLOYER BUT NOT PAID TO THE SYSTEM SHALL BE REFUNDED BY THE EMPLOYER TO THE EMPLOYEE FROM WHOM THEY WERE WITHHELD. ANY SUCH EMPLOYER AND EMPLOYEE CONTRIBUTIONS THAT HAVE BEEN PAID TO THE SYSTEM SHALL BE REFUNDED BY THE SYSTEM SEPARATELY TO THE MEMBER AND HIS EMPLOYER WITHIN ONE HUNDRED

TWENTY DAYS OF THE LATER OF THE EFFECTIVE DATE OF THIS SECTION OR THE DATE THE MEMBER BECOMES SUBJECT TO THE TAX ON WAGES DESCRIBED IN THIS SECTION. THE EMPLOYER SHALL PROVIDE THE PUBLIC EMPLOYEES RETIREMENT SYSTEM WITH ANY INFORMATION NEEDED BY THE SYSTEM TO CALCULATE THE REFUNDS.

A PERSON WHO MAKES AN ELECTION PURSUANT TO THIS SECTION MAY EITHER RECEIVE A RETURN OF HIS ACCUMULATED CONTRIBUTIONS PURSUANT TO SECTION 145.40 OF THE REVISED CODE AND CEASE TO BE A MEMBER OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OR LEAVE HIS ACCUMULATED CONTRIBUTIONS ON DEPOSIT WITH THE PUBLIC EMPLOYEES RETIREMENT BOARD PURSUANT TO SECTION 145.41 OF THE REVISED CODE AND, FOR THE PURPOSES OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, BE CONSIDERED ON A MEMBERSHIP LEAVE OF ABSENCE.

SECTION 3. The Public Employees Retirement Board shall recalculate the annual amount of the allowance, pension, or benefit of each person to whom a pension, allowance, or benefit became payable under section 145.33 or 145.36 of the Revised Code on or after February 1, 1984 but prior to the effective date of this act. The annual pension, allowance, or benefit of each such person shall be the recalculated amount, which shall be the amount that would have been payable to such person if this act had gone into effect February 1, 1984.

Each person to whom a pension, allowance, or benefit is payable from the Public Employees Retirement System, the State Teachers Retirement System, or the School Employees Retirement System on the effective date of this act whose pension, allowance, or benefit is increased by this act shall receive a payment in an amount equal to the additional amount, if any, he would have received if this act had gone into effect February 1, 1984. The payment shall be included in the first monthly benefit payment made to such person following the effective date of this act that is computed in accordance with this act.

SECTION 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that certain members of the Public Employees Retirement System became subject to Social Security taxes on January 1, 1984, and they and their employers are now subject to the financial burden of being required to contribute a substantial percentage of their earnings to each of the two retirement systems. Therefore, this act shall go into immediate effect.

140 Q.R.
Am H.B. 232

EMERGENCY

EFFECTIVE
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