

Sec. 145.191. (A) ~~A member of the~~ Except as provided in division (E) of this section, a public employees retirement system; other than a member who is a PERS law enforcement officer; member or contributor who, as of the last day of the month immediately preceding the date on which the system public employees retirement board first establishes a PERS defined contribution plan under section 145.81 of the Revised Code, 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 ~~one or more plans under section 145.81 of the Revised Code~~ a PERS defined contribution plan, an eligible member or contributor may elect to participate in a PERS defined contribution plan established under that section. If a form evidencing an election is not made 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 described in sections 145.201 to 145.79 of the Revised Code.

(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 account of the member in the defined contribution fund the accumulated contributions standing to the member's credit in the employees' savings fund; 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 described in sections 145.201 to 145.79 of the Revised Code.

(D) An election under this section shall be 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.

EFF!

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