

Sec. 145.33. (A) A member, other than a member who qualifies for and elects to receive benefits under division (B), (C), or (E) of this section, with at least five years of total service credit and who has passed his sixtieth birthday, or who has thirty years of total Ohio service credit, may apply for age and service retirement which shall consist of:

- (1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;
- (2) A pension equal to the annuity provided by division (A)(1) of this section;
- (3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;
- (4) A basic annual pension equal to one hundred eighty dollars, if the member has ten or more years of total service credit as of October 1, 1956, except that such basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section. The cost of such basic annual pension shall be included in the deficiency contribution provided by sections 145.48 and 145.50 of the Revised Code.

(5) When a member retires on age and service retirement, his total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount determined by multiplying his total Ohio service credit by the greater of eighty-six dollars or two AND ONE-TENTH per cent of his final average salary, which shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule:

Attained Birthday	Or	Years of Total Service Credit	Percentage of Base Amount
58		25	75
59		26	80
60		27	85
61		28	88
62		28	90
63		28	91
		29	94
		29	95
64		29	97
65		30 or more	100

Members shall vest the right to a benefit in accordance with the following schedule, based on the member's attained age by September 1, 1976:

Attained Birthday	Percentage of Base Amount
66	102
67	104
68	106
69	108
70 or more	110

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed ninety per cent of his final average salary.

(B)(1) A member who has at least twenty-five years of total service credit, including credit for military service under division (D)(2) of this section, while serving as a township constable, police officer in a township police department or district, sheriff, or deputy sheriff and who has passed his fifty-second birthday, may apply for an age and service retirement benefit which shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of his final average salary multiplied by the first twenty years of his total service, plus two per cent of his final average salary multiplied by each of his twenty-first to twenty-fifth years of service, plus one and one-half per cent of his final average salary multiplied by the number of years of his total service credit in excess of twenty-five years, except that no allowance shall exceed seventy-two per cent of his final average salary.

(2) A member who has at least fifteen years of total service credit, including credit for military service under division (D)(2) of this section, while serving as a township constable, police officer in a township police department or district, sheriff, or deputy sheriff and has attained sixty-two years of age, may apply for an age and service retirement benefit which shall consist of an annual single lifetime allowance computed as provided in division (B)(1) of this section.

(C) A member with at least fifteen years of total service credit, including credit for military service under division (D) (2) of this section, while serving as a township constable, police officer in a township police department or district, sheriff, or deputy sheriff and who voluntarily resigns or is discharged from his position for any reason except his retirement under this chapter, his death, dishonesty, cowardice, intemperate habits, or

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conviction of a felony, may apply for an age and service retirement benefit which shall consist of an annual single lifetime allowance equal to one and one-half per cent of his final average salary multiplied by the number of years of his total service credit. The allowance shall commence at the end of the calendar month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

(D)(1) If after March 4, 1975, a member withdraws any part or all of his accumulated contributions from the employees' savings fund, he shall forfeit any right to a pension under division (B) or (C) of this section. A member enrolled in division (B) or (C) of this section may elect to receive benefits under division (A) of this section if his service credit, either jointly or independently, would qualify for benefits under division (A) of this section.

(2) Notwithstanding sections 145.01 and 145.30 of the Revised Code, no more than four years of military service credit granted under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 of the Revised Code shall be used in calculating service as a township constable, police officer in a township police department or district, sheriff, or deputy sheriff, or the total service credit of such person.

(3) Only credit for his service as a deputy sheriff, sheriff, or township constable or police officer in a township police department or district, or service credit purchased as a policeman or state highway patrolman shall be used in computing the benefits under divisions (B), (C), and (E) of this section for any person who is originally commissioned and employed as a deputy sheriff by the sheriff of any county, or who is originally elected sheriff, on or after January 1, 1975, and any person who is originally appointed as a township constable or police officer in a township police department or district, on or after January 1, 1981.

(E) A member who has at least twenty-five years of total service credit, including credit for military service under division (D)(2) of this section, while serving as a township constable, police officer in a township police department or district, sheriff, or deputy sheriff and who voluntarily resigns or is discharged from his position for any reason except his retirement under

this chapter, his death, dishonesty, cowardice, intemperate habits, or conviction of a felony, may, on or after the date he attains forty-eight years of age but before the date he attains fifty-two years of age, elect to receive a reduced benefit as determined by the following schedule:

<u>ATTAINED AGE</u>	<u>REDUCED BENEFIT</u>
48	Seventy-five per cent of the benefit payable under division (B) of this section
49	Eighty per cent of the benefit payable under division (B) of this section
50	Eighty-six per cent of the benefit payable under division (B) of this section
51	Ninety-three per cent of the benefit payable under division (B) of this section

A member who has at least twenty-five years of total service credit, including credit for military service under division (D)(2) of this section, while serving as a township constable, police officer in a township police department or district, sheriff, or deputy sheriff may, upon attaining forty-eight, forty-nine, fifty, or fifty-one years of age, elect to retire and receive a reduced benefit determined by the above schedule.

In the case of a member who elects to receive a reduced benefit on or after the date he attains forty-eight years of age but before the date he attains forty-nine years of age, the reduced benefit is payable from the date he attained forty-eight years of age or from the date he becomes eligible to receive the reduced benefit, whichever is later. In the case of a member who elects to receive a reduced benefit on or after the date he attains forty-nine years of age but before the date he attains fifty years of age, the reduced benefit is payable from the date he attained forty-nine years of age or from the date he becomes eligible to receive the reduced benefit, whichever is later. In the case of a member who elects to receive a reduced benefit on or after the date he attains fifty years of age but before the date he attains fifty-one years of age, the reduced benefit is payable from the

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date he attained fifty years of age or from the date he becomes eligible to receive the reduced benefit, whichever is later. In the case of a member who elects to receive a reduced benefit on or after the date he attains fifty-one years of age but before the date he attains fifty-two years of age, the reduced benefit is payable from the date he attained fifty-one years of age or from the date he becomes eligible to receive the reduced benefit, whichever is later.

Once a member elects to receive a reduced benefit determined by the above schedule and has received a payment, he may not reelect to change such election.

If a member who has resigned or been discharged has left on deposit his accumulated contributions in the employees' savings fund and has not elected to receive a reduced benefit determined by the above schedule, he shall, upon attaining fifty-two years of age, be entitled to receive a benefit computed and paid under division (B) of this section.

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.

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