

Page 1 of 2

Sec. 145.33. (A) ~~A~~ EXCEPT AS PROVIDED IN DIVISION (B) OF THIS SECTION, A member, ~~other than a member who qualifies for and elects to receive benefits under division (B) 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 adjusted in accordance with this division and determined by multiplying his total Ohio service credit by the greater of the following:

- (a) Eighty-six dollars;
- (b) Two and one-tenth per cent of his final average salary for each of the first thirty years of service plus two and one-half per cent of his final average salary for each subsequent year of service.

The allowance 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			88
		28	90
62			91
63			94
		29	95
64			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 the lesser of one hundred per cent of his final average salary or the limit established by

section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(B)(1) A member who has at least twenty-five years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer 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 and one-tenth per cent of his final average salary multiplied by the number of years of his total service credit in excess of twenty years, except that no allowance shall exceed the lesser of ninety per cent of his final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(2) A member who has at least fifteen years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer 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. The benefit shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(3) A member with at least fifteen years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer 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 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 benefit shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The allowance shall commence on the first day of the calendar month following the 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.

144 OK
Ann. Sub
AB 382

Emergency
6/30/91

Page 2 of 2

(4) A member who has at least twenty-five years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer 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:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(1) of this section
49	80% of the benefit payable under division (B)(1) of this section
50	86% of the benefit payable under division (B)(1) of this section
51	93% of the benefit payable under division (B)(1) of this section

A member who has at least twenty-five years of law enforcement service credit 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.

If a member 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. If a member 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. If a member 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 date he attained fifty years of age or from the date he becomes eligible to receive the reduced benefit, whichever is later. If a member 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 for which he was eligible, he shall, upon attaining fifty-two years of age, be entitled to receive a benefit computed and paid under division (B)(1) of this section.

(C)(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) of this section. A member enrolled in division (B) 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. A MEMBER WITH SERVICE CREDIT AS A LAW ENFORCEMENT OFFICER AND OTHER SERVICE CREDIT UNDER THIS CHAPTER MAY ELECT ONE OF THE FOLLOWING:

(a) TO HAVE ALL HIS SERVICE CREDIT UNDER THIS CHAPTER, INCLUDING CREDIT FOR SERVICE AS A LAW ENFORCEMENT OFFICER, USED IN CALCULATING A RETIREMENT ALLOWANCE UNDER DIVISION (A) OF THIS SECTION IF HE QUALIFIES FOR AN ALLOWANCE UNDER THAT DIVISION;

(b) IF HE QUALIFIES FOR AN ALLOWANCE UNDER DIVISION (B) OF THIS SECTION, TO HAVE HIS SERVICE CREDIT AS A LAW ENFORCEMENT OFFICER USED IN CALCULATING A BENEFIT UNDER DIVISION (B) OF THIS SECTION AND HIS CREDIT FOR ALL SERVICE OTHER THAN LAW ENFORCEMENT SERVICE UNDER THIS CHAPTER USED IN CALCULATING A BENEFIT CONSISTING OF A SINGLE LIFE ANNUITY HAVING A RESERVE EQUAL TO THE AMOUNT OF HIS ACCUMULATED CONTRIBUTIONS AND AN EQUAL AMOUNT OF THE EMPLOYER'S CONTRIBUTIONS.

(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 law enforcement officer, or the total service credit of such person.

(3) Only credit for his service as a law enforcement officer, or service credit purchased as a policeman or state highway patrolman shall be used in computing the benefits under division (B) 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, 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, any person who is originally employed as a county narcotics agent on or after September 26, 1984, and any person who is originally employed as an undercover drug agent as defined in section 109.79 of the Revised Code, liquor control investigator, park officer, forest officer, game protector, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home policeman, special policeman for a mental health institution, special policeman for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988.

(D) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

144 JH
Ann Sub
NB 382

Emergency
6/30/91