

Sec. 3305.05. (A) A PERSON WHOSE EMPLOYMENT AS AN ACADEMIC OR ADMINISTRATIVE EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION COMMENCES AFTER THE INITIAL DATE ON WHICH THE BOARD OF TRUSTEES OF THE PUBLIC INSTITUTION ESTABLISHES THE ALTERNATIVE RETIREMENT PROGRAM MAY, NOT LATER THAN NINETY DAYS AFTER THE STARTING DATE OF EMPLOYMENT, MAKE AN ELECTION TO PARTICIPATE IN AN ALTERNATIVE RETIREMENT PLAN AVAILABLE AT THE PUBLIC INSTITUTION.

IF NO ELECTION TO AN ALTERNATIVE RETIREMENT PLAN IS IN EFFECT AT THE END OF NINETY DAYS AFTER THE PERSON'S STARTING DATE OF EMPLOYMENT, THE PERSON SHALL BE DEEMED TO HAVE ELECTED PARTICIPATION IN THE STATE RETIREMENT SYSTEM THAT APPLIES TO THE PERSON'S EMPLOYMENT. EXCEPT AS PROVIDED UNDER DIVISION (F) OF THIS SECTION, AN ELECTION THAT IS MADE UNDER THIS DIVISION OR DIVISION (B) OF THIS SECTION AND THAT IS IN EFFECT AT THE END OF NINETY DAYS AFTER THE PERSON'S STARTING DATE OF EMPLOYMENT, SHALL BE IRREVOCABLE WHILE THE ELECTING EMPLOYEE REMAINS CONTINUOUSLY EMPLOYED. A PERSON WHO MAKES AN ELECTION TO PARTICIPATE IN AN ALTERNATIVE RETIREMENT PLAN SHALL BE FOREVER BARRED FROM CLAIMING OR PURCHASING SERVICE CREDIT UNDER ANY STATE RETIREMENT SYSTEM FOR THE PERIOD OF THAT PERSON'S EMPLOYMENT THAT THE ELECTION IS IN EFFECT. IF A PERSON CEASES TO BE CONTINUOUSLY EMPLOYED AND SUBSEQUENTLY IS EMPLOYED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION IN A POSITION FOR WHICH AN ALTERNATIVE RETIREMENT PLAN IS AVAILABLE UNDER THIS CHAPTER, THE PERSON MAY MAKE ANOTHER ELECTION UNDER THIS DIVISION. EACH PUBLIC INSTITUTION OF HIGHER EDUCATION EMPLOYING A PERSON ELIGIBLE TO MAKE AN ELECTION UNDER THIS DIVISION SHALL NOTIFY, WITHIN TEN DAYS OF THE PERSON'S EMPLOYMENT, THAT STATE RETIREMENT SYSTEM THAT APPLIES TO THAT PERSON'S EMPLOYMENT IN THE MANNER SPECIFIED BY THAT STATE RETIREMENT SYSTEM, WHICH NOTICE SHALL INCLUDE THE NEW EMPLOYEE'S NAME AND ADDRESS.

THIS DIVISION DOES NOT APPLY TO ANY PERSON WHO HAS MADE AN ELECTION UNDER THIS DIVISION OR DIVISION (B) OF THIS SECTION UNLESS THE PERSON HAS CEASED TO BE CONTINUOUSLY EMPLOYED.

(B) NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE DATE ON WHICH THE BOARD OF TRUSTEES OF A PUBLIC INSTITUTION OF HIGHER EDUCATION ESTABLISHES THE INITIAL ALTERNATIVE RETIREMENT PROGRAM FOR THAT PUBLIC INSTITUTION, EACH ACADEMIC OR ADMINISTRATIVE EMPLOYEE OF THE PUBLIC INSTITUTION WITH LESS THAN FIVE YEARS OF TOTAL SERVICE CREDIT IN THE STATE RETIREMENT SYSTEM IN WHICH THE PERSON IS A MEMBER ON THAT INITIAL ESTABLISHMENT DATE MAY MAKE AN ELECTION TO PARTICIPATE IN AN ALTERNATIVE RETIREMENT PLAN AVAILABLE AT THE PUBLIC INSTITUTION. IF A PERSON TO WHOM THIS DIVISION APPLIES FAILS TO MAKE AN ELECTION, THE PERSON SHALL BE DEEMED TO HAVE ELECTED CONTINUED PARTICIPATION IN THE STATE RETIREMENT SYSTEM IN WHICH THE PERSON IS A MEMBER.

(C) EACH ACADEMIC OR ADMINISTRATIVE EMPLOYEE SHALL MAKE ANY ELECTION UNDER DIVISION (A) OR (B) OF THIS SECTION IN WRITING AND SUBMIT THE ELECTION TO THE DESIGNATED OFFICER OF THE EMPLOYEE'S EMPLOYING PUBLIC INSTITUTION OF HIGHER EDUCATION. THE OFFICER SHALL FILE A CERTIFIED COPY OF THE ELECTION WITHIN TEN DAYS WITH THE STATE RETIREMENT SYSTEM TO WHICH, APART FROM THIS ELECTION, THE EMPLOYEE'S EMPLOYMENT WOULD BE SUBJECT.

(D)(1) EACH ELECTION MADE UNDER DIVISION (A) OF THIS SECTION SHALL BE EFFECTIVE ON THE ELECTING EMPLOYEE'S STARTING DATE OF EMPLOYMENT.

(2) EACH ELECTION MADE UNDER DIVISION (B) OF THIS SECTION SHALL BE EFFECTIVE ON THE FIRST DAY OF THE MONTH NEXT FOLLOWING THE DATE ON WHICH THE ELECTING EMPLOYEE SUBMITS THE ELECTION UNDER DIVISION (C) OF THIS SECTION.

(E) ANY ELECTION MADE UNDER DIVISION (A) OR (B) OF THIS SECTION SHALL ONLY APPLY TO THE ELECTING EMPLOYEE'S EMPLOYMENT IN POSITIONS FOR WHICH AN ALTERNATIVE RETIREMENT PROGRAM IS AVAILABLE PURSUANT TO THIS CHAPTER. EMPLOYMENT OF THE ELECTING EMPLOYEE IN ANY OTHER POSITION SHALL BE SUBJECT TO THE APPLICABLE STATE RETIREMENT SYSTEM.

(F) THE BOARD OF TRUSTEES OF A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL PERMIT AN ELECTING EMPLOYEE TO CHANGE THE ALTERNATIVE RETIREMENT PLAN IN WHICH THE ELECTING EMPLOYEE PARTICIPATES IF THE PLAN CEASES, PURSUANT TO DIVISION (C) OF SECTION 3305.03 OF THE REVISED CODE, TO BE A DESIGNATED PLAN.