

HB 1034

135. CL.

Sec. 3307.01. As used in Chapter 3307. of the Revised Code:

(A) "Employer" means the board of education, school district, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B) "Teacher" means any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3319.08 of the Revised Code in a position for which he is required to have a certificate issued pursuant to sections 3319.22 to 3319.31 of the Revised Code; and any other teacher or faculty member regularly employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part by the state or any subdivision thereof, including Central state university and the university of Toledo. The educational employees of the department of education, as determined by the state superintendent of public instruction, shall be considered teachers for the purpose of membership in this system. In all cases of doubt the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(C) "Regularly employed" means full-time employment for twelve or more consecutive school weeks by the same employer during the year. Any regularly employed member also employed concurrently for part-time service as a teacher or faculty member by a different employer shall contribute from his compensation for his part-time service.

(D) "Prior service" means all service as a teacher before September 1, 1920, military service credit, and all service as an employee of any employer who comes within the public employees retirement system or of the school employees retirement system or any other state retirement system established under the laws of Ohio, for service prior to September 1, 1920, and similar service in another state credit for which was procured by a member as provided by section 3307.33 of the Revised Code, prior to June 25,

Effective September 26, 1974

1945. Prior service credit shall not be granted to any member for service for which credit or benefits have been received in any other state retirement system in Ohio or for credit that was forfeited by withdrawal of contributions unless such credit has been restored. If the teacher served as an employee in any two, or all of the capacities "prior service" means the total combined service in the capacities prior to September 1, 1920.

If a "teacher," who has been granted prior service credit for service rendered prior to September 1, 1920 as an employee of an employer who comes within the public employees retirement system or the school employees retirement system, should, subsequent to September 16, 1957 and before retirement, establish three years of contributing service in the public employees retirement system, or one year in the school employees retirement system, then the prior service credit granted shall become, at retirement, the liability of such other system, if the prior service or employment was in a capacity which is covered by that system.

(E) "Total service" or "total service credit," except as provided in section 3307.41 of the Revised Code, means all service of a member of the state teachers retirement system since last becoming a member and, in addition thereto, restored service credit as provided by section 3307.28 of the Revised Code, all his prior service credit, and all military service credit, computed as provided in this section and sections 3307.02, 3307.021, and 3307.31 of the Revised Code, and also all purchased service credit as provided in section 3307.33 of the Revised Code, except that credit purchased subsequent to June 25, 1945, for other than Ohio service shall not be included in total service or total service credit except for the purpose of qualifying for service retirement.

(F) "Member" means any person included in the membership of the state teachers retirement system which shall consist of all teachers and contributors as defined in divisions (B) and (G) of this section.

(G) "Contributor" means any person who has an account in the teachers savings fund.

(H) "Beneficiary" means any person eligible to receive, or in receipt of a retirement allowance or other benefit provided by Chapter 3307. of the Revised Code.

(I) "Service retirement" means retirement as provided in section 3307.38 of the Revised Code and age and service retirement.

(J) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the teachers' savings fund together with interest credited thereon at the rates approved by the retirement board prior to retirement.

(K) "Final average salary" means the sum of the annual earnings for the ~~five~~ THREE highest years of compensation for which contributions were made by the member, divided by ~~five~~ THREE.

If the member has a partial year of contributing service in the year in which he terminates his employment and such partial year is at a rate of compensation which is higher than the rate of compensation for any one of the highest [five] THREE full years of annual earnings, the board shall substitute the compensation earned for such partial year for the compensation earned for a similar fractional portion in the lowest of the [five] THREE high years of annual earnings before dividing by [five] THREE. If a member has less than [five] THREE years of contributing membership the final average salary shall be the total compensation during such period divided by the total number of years, including any fraction of a year, of contributing membership during that period.

For the purpose of calculating benefits payable to a member qualifying for service credit under division (T) of this section, final average salary means the total compensation as a teacher covered under this chapter divided by the total number of years, including any fraction of a year of contributing membership, during that period. If contributions were made for less than twelve months, the final average salary means the total amount of compensation paid to the member during all periods of contributions under Chapter 3307. of the Revised Code.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund. All annuities shall be paid in twelve monthly installments.

(M) "Pensions" means annual payments for life derived from appropriations made by an employer and paid from the annuity and pension reserve fund. All pensions shall be paid in twelve equal monthly installments.

(N) "Allowance" or "benefit" means the pension plus the annuity, or any other payment under this chapter.

(O) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the state teachers retirement board with interest, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a member.

(P) "Pension reserve" means the present value computed upon the basis of such mortality tables as are adopted by the state teachers retirement board with interest, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a member or to a beneficiary.

(Q) "Year" means the year beginning the first day of September and ending with the thirty-first day of August next following. Upon a date determined by the state teachers retirement board and in no case after July 1, 1975, "year" means the year beginning the first day of July and ending with the thirtieth day of June next following. For the purpose of determining final average salary, "year" may mean the contract year.

(R) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(S) "Employer contribution" means the amount paid by an employer, as determined by the employer rate including the normal and deficiency rates, contributions and funds wherever used in Chapter 3307. of the Revised Code.

(T) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility for benefits under section 3307.38 of the Revised Code, means employment covered under Chapter 3307. of the Revised Code and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under Chapter 3307. of the Revised Code.

SECTION 3. Notwithstanding Chapters 145., 3307., and 3309. of the Revised Code, on the effective date of this act the Public Employees Retirement Board, the State Teachers Retirement Board, and the School Employees Retirement Board shall recalculate the amount of all monthly benefits elected between June 29, 1974, and the effective date of this act as if this act had been in effect on June 30, 1974.