

H.B. 430

135 O.L.

Sec. 3307.41. To coordinate and integrate membership in the public employees retirement system and the school employees retirement system with membership in the state teachers retirement system for the purpose of RECEIVING SERVICE retirement, DISABILITY RETIREMENT, OR SURVIVOR BENEFITS, the following provisions apply:

(A) Retirement systems are the public employees retirement system, the state teachers retirement system, and the school employees retirement system.

(B) At the member's option, total contributions and service credit in all retirement systems shall be used in determining the eligibility [~~and total service and disability retirement benefit~~] FOR BENEFITS. If total contributions and service credit are combined, the following provisions apply:

(1) Disability and service retirement [~~shall be~~] IS effective on the first day of the month [~~after the date retirement application is filed in any system, or on the first day of the month after~~] NEXT FOLLOWING the last day for which compensation was paid [~~; whichever is later~~] IF THE BOARD OF ANY SYSTEM RECEIVES AN APPLICATION FOR RETIREMENT WITHIN THREE MONTHS AFTER THAT DATE. IF THE APPLICATION IS RECEIVED LATER THAN THREE MONTHS AFTER THAT DATE, RETIREMENT IS EFFECTIVE AS OF THE FIRST DAY OF THE MONTH NEXT FOLLOWING THE DATE OF RECEIPT BY ANY SYSTEM.

(2) "Total service credit" includes the total credit in all retirement systems except that such credit shall not exceed one year for any period of twelve months.

(3) In determining eligibility for disability retirement the medical examiner's report to the board of any retirement system, showing that the member's disability, incapacitates him for the

performance of duty and that he ought to be retired, may be accepted as sufficient for granting disability retirement.

(4) The retirement system in which the member had the greatest service credit without adjustment, shall determine and pay the total [~~retirement~~] benefit. If his credit is equal in two or more retirement systems, the system having the member's largest total contributions shall determine and pay the total [~~retirement~~] benefit.

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(5) In determining the total credit to be used in calculating the [retirement] benefit, credit shall not be reduced below that certified by the system or systems transferring credit, except that such total combined service credit shall not exceed one year of credit for any one "year" as defined in the statute governing the system making the calculation.

(6) The retirement system determining and paying the [retirement] benefit, shall receive from the other system or systems the present value as determined by the transferring system of the proportionate share of the reserve required to fund the total liability.

(a) The annuity rates and mortality tables of the retirement system making the calculation and paying the [retirement] benefit shall be applicable.

(b) Deposits made for the purchase of additional income, with guaranteed interest, upon the member's request, shall be transferred to the retirement system paying the regular retirement benefit. The return upon such deposits shall be that offered by the retirement system making the calculation and paying the regular retirement benefit.

(7) Any member who was an elective official of the state or of any political subdivision thereof in a position for which an annual salary was paid shall be entitled to have his retirement allowance computed as provided in division (B) of section 145.33 and 145.34, division (A) of section 3307.38, and division (B) of sections 3309.36, and 3309.38 of the Revised Code, notwithstanding the provision requiring three or more years of total service credit within the ten years immediately prior to retirement.

(C) A person receiving a [service or disability retirement] benefit under this section, who accepts employment amenable to coverage in any retirement system which participated in his combined retirement, shall be subject to the applicable provisions of law governing such re-employment. The retirement benefit shall terminate the entire pension portion of the benefit for the period of re-employment, once the applicable provisions of law relative to days re-employed or compensation earned, have transpired.

If a retiree should be paid any amount to which he is not entitled under the applicable provisions of law governing such re-employment, such amount shall be recouped by the retirement system paying such benefit by utilizing any recovery procedure available under the law of the retirement system covering such re-employment.

(D) If a member elects to combine total contributions and service credit in all retirement systems for any purpose enumerated in this section, the state teachers retirement board, together with the other retirement boards, shall decide all problems arising in connection therewith, and their decisions are final.