

Sec. 3309.23. ~~The membership of~~ (A) EXCEPT AS PROVIDED IN DIVISION (B) OF THIS SECTION, THE FOLLOWING SHALL BE CONTRIBUTORS TO the school employees retirement system ~~shall consist of:~~

~~(A)(1) All employees, as defined in division (B) of section 3309.01 of the Revised Code, who were in service on September 1, 1987, except employees who have filed with their employer a statement in writing requesting exemption from membership or employees who are excluded by this chapter.~~

~~(B) All employees who became employees or who were reappointed as employees after September 1, 1987, except employees who are excluded by this chapter.~~

~~(C)(2) The employees of an existing or newly created employer unit as defined in division (A) of section 3309.01 of the Revised Code, supported in whole or in part by the state or any political subdivision thereof and wholly controlled and managed by the state or any subdivision thereof. SUCH EMPLOYEES shall become members CONTRIBUTORS on the same terms and conditions as provided by this chapter, provided the board of trustees or other managing body of such school, college, or other institution, if such institution is now in existence or if in existence on such date, shall agree by formal resolution to accept all the requirements and obligations imposed by this chapter upon employers of members. A certified copy of the resolution shall be filed with the school employees retirement board. When such resolution has been adopted and a copy of it filed with the school employees retirement board, it shall not later be subject to rescission or abrogation. Service in such schools, colleges, or other institutions shall be then considered in every way the same as service in the public schools.~~

~~(D)(3) All other employees who become contributors MEMBERS.~~

~~Notwithstanding divisions (A), (B), (C), and (D) of this section, any employee who becomes a disability retiree of the public employees retirement system or the state teachers retirement system shall thereafter be ineligible to make contributions or accrue benefits in the school employees retirement system.~~

(B) THE FOLLOWING INDIVIDUALS MAY CHOOSE TO BE EXEMPT FROM COMPULSORY MEMBERSHIP BY FILING A WRITTEN APPLICATION FOR EXEMPTION WITH THE EMPLOYER WITHIN THE FIRST MONTH AFTER BEING EMPLOYED:

(1) A STUDENT WHO IS NOT A MEMBER AT THE TIME OF HIS EMPLOYMENT AND WHO IS EMPLOYED BY THE SCHOOL, COLLEGE, OR UNIVERSITY IN WHICH HE IS ENROLLED AND REGULARLY ATTENDING CLASSES;

(2) AN EMERGENCY EMPLOYEE SERVING ON A TEMPORARY BASIS IN CASE OF FIRE, SNOW, EARTHQUAKE, FLOOD, OR OTHER SIMILAR EMERGENCY;

(3) AN INDIVIDUAL EMPLOYED IN A PROGRAM ESTABLISHED PURSUANT TO THE "JOB TRAINING PARTNERSHIP ACT," 96 STAT. 1322 (1982), 29 U.S.C.A. 1501.

~~(E)(C) In all cases of doubt pertaining to the membership of employees CONTRIBUTORS on an individual or group basis or the status of existing or newly created employer units, the decision shall be made by the retirement board, and such decision shall be final.~~

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