

Sec. 3309.251. (A) EXCEPT AS PROVIDED IN DIVISION (D) OF THIS SECTION, AN INDIVIDUAL WHO BECOMES A MEMBER OF THE SCHOOL EMPLOYEES RETIREMENT SYSTEM ON OR AFTER THE DATE ON WHICH THE SCHOOL EMPLOYEES RETIREMENT BOARD ESTABLISHES A PLAN UNDER SECTION 3309.81 OF THE REVISED CODE SHALL MAKE AN ELECTION UNDER THIS SECTION. NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH EMPLOYMENT BEGINS, THE INDIVIDUAL SHALL ELECT TO PARTICIPATE EITHER IN THE PLAN DESCRIBED IN SECTIONS 3309.18 TO 3309.70 OF THE REVISED CODE OR ONE OF THE PLANS ESTABLISHED UNDER SECTION 3309.81 OF THE REVISED CODE. IF A FORM EVIDENCING AN ELECTION UNDER THIS SECTION IS NOT ON FILE WITH THE EMPLOYER AT THE END OF THE ONE-HUNDRED-EIGHTY-DAY PERIOD, THE INDIVIDUAL IS DEEMED TO HAVE ELECTED TO PARTICIPATE IN THE PLAN DESCRIBED IN SECTIONS 3309.18 TO 3309.70 OF THE REVISED CODE.

(B) AN ELECTION UNDER THIS SECTION SHALL BE MADE IN WRITING ON A FORM PROVIDED BY THE RETIREMENT SYSTEM AND FILED WITH THE EMPLOYER'S PERSONNEL OFFICER. NOT LATER THAN TEN DAYS AFTER RECEIVING THE FORM EVIDENCING THE ELECTION, THE EMPLOYER SHALL TRANSMIT TO THE SYSTEM A COPY THAT INCLUDES A STATEMENT CERTIFYING THAT IT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL.

(C) AN ELECTION UNDER THIS SECTION SHALL TAKE EFFECT ON THE DATE EMPLOYMENT BEGAN AND IS IRREVOCABLE ON RECEIPT BY THE EMPLOYER.

(D) AN INDIVIDUAL IS INELIGIBLE TO MAKE AN ELECTION UNDER THIS SECTION IF EITHER OF THE FOLLOWING APPLIES:

(1) AT THE TIME EMPLOYMENT BEGINS, THE INDIVIDUAL IS ALREADY A MEMBER OR CONTRIBUTOR PARTICIPATING IN THE PLAN DESCRIBED IN SECTIONS 3309.18 TO 3309.70 OF THE REVISED CODE OR AN SERS RETIRANT, AS DEFINED IN SECTION 3309.341 OF THE REVISED CODE.

(2) AN ELECTION TO PARTICIPATE IN AN ALTERNATIVE RETIREMENT PLAN UNDER SECTION 3305.05 OF THE REVISED CODE IS IN EFFECT FOR EMPLOYMENT COVERED BY THE SYSTEM.

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