

Sec. 742.379. (A) As used in this section:

(1) "Full-time service" has the meaning established by rule of the board of trustees of the police and firemen's disability and pension fund.

(2) "Qualified contributions" means contributions to the public employees retirement system, SCHOOL EMPLOYEES RETIREMENT SYSTEM, OR STATE TEACHERS RETIREMENT SYSTEM attributable to full-time service or purchase of credit for service in the armed forces of the United States.

(B) ~~A member of~~ IN COMPUTING THE PENSION AND BENEFITS PAYABLE UNDER SECTION 742.37 OR 742.39 OF THE REVISED CODE, the police and firemen's disability and pension fund SHALL GIVE A MEMBER OF THE FUND who is in the active service of a police or fire department and is not receiving a pension or benefit payment from the fund ~~shall, in computing years of active service in the department under division (C) of section 742.37 of the Revised Code, be given~~ full credit for service credit earned for full-time service as a member of the ~~school employees retirement system, state teachers retirement system, or Cincinnati retirement system or purchased from a~~ THE retirement system for service in the armed forces of the United States if, for each year of service credit, the ~~member pays into the fund~~ RECEIVES the SUM OF THE FOLLOWING:

(1) AN amount, WHICH SHALL BE PAID BY THE MEMBER, EQUAL TO THE AMOUNT withdrawn by the member from the retirement system that is attributable to the year of service credit, with interest ~~compounded annually thereon at a rate to be determined by the board~~ ON THAT AMOUNT from the date of withdrawal to the date of payment;

(2) INTEREST, WHICH SHALL BE PAID EITHER BY THE MEMBER OR THE RETIREMENT SYSTEM, ON THE AMOUNT WITHDRAWN BY THE MEMBER FROM THE RETIREMENT SYSTEM THAT IS ATTRIBUTABLE TO THE YEAR OF SERVICE FROM THE LAST DAY OF THE YEAR FOR WHICH THE SERVICE CREDIT WAS EARNED OR IN WHICH MILITARY SERVICE CREDIT WAS PURCHASED OR OBTAINED TO THE DATE THE WITHDRAWAL WAS MADE;

(3) AN AMOUNT, WHICH SHALL BE PAID BY EITHER THE MEMBER OR THE RETIREMENT SYSTEM, EQUAL TO THE LESSER OF THE AMOUNT CONTRIBUTED BY THE EMPLOYER TO THE RETIREMENT SYSTEM FOR THE YEAR OF SERVICE OR THE AMOUNT THAT WOULD HAVE BEEN CONTRIBUTED BY THE EMPLOYER FOR THE YEAR OF SERVICE HAD THE MEMBER BEEN EMPLOYED BY THE MEMBER'S CURRENT EMPLOYER AS A MEMBER OF A POLICE OR FIRE DEPARTMENT, WITH INTEREST ON THAT AMOUNT FROM THE LAST DAY OF THE YEAR FOR WHICH THE SERVICE CREDIT WAS EARNED OR IN WHICH MILITARY SERVICE WAS PURCHASED OR OBTAINED TO THE DATE THE PAYMENT IS MADE;

(4) IF THE MEMBER BECAME A MEMBER OF THE FUND ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, THE AMOUNT, WHICH SHALL BE PAID BY THE MEMBER, DETERMINED PURSUANT TO DIVISION (I) OF THIS SECTION.

INTEREST SHALL BE DETERMINED IN ACCORDANCE WITH DIVISION (H) OF THIS SECTION.

(C) ~~A~~ IN COMPUTING THE PENSION AND BENEFITS PAYABLE UNDER SECTION 742.37 OR 742.39 OF THE REVISED CODE, THE FUND SHALL GIVE A member of the fund who is in the active service of a police or fire department ~~and, is not receiving a pension or benefit payment from the fund shall, in computing years of active service in the department under division (C) of section 742.37 of the Revised Code, be given,~~ AND HAS WITHDRAWN THE MEMBER'S CONTRIBUTIONS FROM THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, SCHOOL EMPLOYEES RETIREMENT SYSTEM, OR STATE TEACHERS RETIREMENT SYSTEM full credit for service credit earned for full-time service as a member of the public employees retirement system, SCHOOL EMPLOYEES RETIREMENT SYSTEM, OR STATE TEACHERS RETIREMENT SYSTEM or purchased from the ONE OF THOSE retirement ~~system~~ SYSTEMS for service in the armed forces of the United States if ~~one of the following occurs:~~

(1) ~~For,~~ FOR each year of service, THE FUND RECEIVES THE SUM OF THE FOLLOWING:

(1) AN AMOUNT, WHICH SHALL BE PAID BY the member ~~pays into the fund,~~ EQUAL TO the amount withdrawn by the member from the ~~public employees~~ FORMER retirement system that is attributable to that year of service credit, with interest ~~compounded annually thereon at a rate to be determined by the board~~ ON THAT AMOUNT from the date of withdrawal to the date of payment;

(2) ~~At the request of the member of the fund, the public employees~~ INTEREST, WHICH SHALL BE TRANSFERRED BY THE FORMER RETIREMENT SYSTEM, ON THE AMOUNT WITHDRAWN BY THE MEMBER FROM THE RETIREMENT SYSTEM THAT IS ATTRIBUTABLE TO THE YEAR OF SERVICE FROM THE LAST DAY OF THE YEAR FOR WHICH THE SERVICE CREDIT WAS EARNED OR IN WHICH MILITARY SERVICE CREDIT WAS PUR-

CHASED OR OBTAINED TO THE DATE THE WITHDRAWAL WAS MADE;

(3) AN AMOUNT, WHICH SHALL BE TRANSFERRED BY THE FORMER RETIREMENT SYSTEM, EQUAL TO THE LESSER OF THE AMOUNT CONTRIBUTED BY THE EMPLOYER TO THE RETIREMENT SYSTEM FOR THE YEAR OF SERVICE OR THE AMOUNT THAT WOULD HAVE BEEN CONTRIBUTED BY THE EMPLOYER FOR THE YEAR OF SERVICE HAD THE MEMBER BEEN EMPLOYED BY THE MEMBER'S CURRENT EMPLOYER AS A MEMBER OF A POLICE OR FIRE DEPARTMENT, WITH INTEREST ON THE AMOUNT TRANSFERRED FROM THE LAST DAY OF THE YEAR FOR WHICH THE SERVICE CREDIT WAS EARNED OR IN WHICH MILITARY SERVICE CREDIT WAS PURCHASED OR OBTAINED to the date the transfer is made;

(4) IF THE MEMBER BECAME A MEMBER OF THE FUND ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, THE AMOUNT, WHICH SHALL BE PAID BY THE MEMBER, DETERMINED PURSUANT TO DIVISION (I) OF THIS SECTION.

ON RECEIPT OF PAYMENT FROM THE MEMBER, THE FUND SHALL NOTIFY THE FORMER RETIREMENT SYSTEM, AND ON RECEIPT OF THE NOTICE, THE RETIREMENT SYSTEM SHALL MAKE THE TRANSFER. INTEREST SHALL BE DETERMINED IN ACCORDANCE WITH DIVISION (H) OF THIS SECTION.

147 OL Sub HB 648

eff 9-16-98

2074

(D) IN COMPUTING THE PENSION AND BENEFITS PAYABLE UNDER SECTION 742.37 OR 742.39 OF THE REVISED CODE, THE FUND SHALL GIVE A MEMBER OF THE FUND WHO IS IN THE ACTIVE SERVICE OF A POLICE OR FIRE DEPARTMENT, IS NOT RECEIVING A PENSION OR BENEFIT FROM THE FUND, AND HAS CONTRIBUTIONS ON DEPOSIT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, SCHOOL EMPLOYEES RETIREMENT SYSTEM, OR STATE TEACHERS RETIREMENT SYSTEM FULL CREDIT FOR SERVICE CREDIT EARNED FOR FULL-TIME SERVICE AS A MEMBER OF ONE OF THOSE RETIREMENT SYSTEMS OR PURCHASED FROM ONE OF THE RETIREMENT SYSTEMS FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES IF BOTH OF THE FOLLOWING OCCUR:

(1) THE retirement system transfers to the fund ~~an~~, FOR EACH YEAR OF SERVICE, THE SUM OF THE FOLLOWING:

(a) AN amount equal to the member's qualified contributions with interest compounded annually thereon for the period from the date that the last such contribution was made to the date the payment is made. The interest shall be at the actuarial assumption rate of the system at the time the transfer is made;

(b) AN AMOUNT EQUAL TO THE LESSER OF THE EMPLOYER'S QUALIFIED CONTRIBUTIONS TO THE RETIREMENT SYSTEM OR THE AMOUNT THAT WOULD HAVE BEEN CONTRIBUTED BY THE EMPLOYER FOR THE FULL-TIME SERVICE

HAD THE MEMBER BEEN EMPLOYED BY THE MEMBER'S CURRENT EMPLOYER AS A MEMBER OF A POLICE OR FIRE DEPARTMENT;

(c) INTEREST ON THE AMOUNTS SPECIFIED IN DIVISIONS (D)(1)(a) AND (b) OF THIS SECTION FROM THE LAST DAY OF THE YEAR FOR WHICH THE SERVICE CREDIT WAS EARNED OR IN WHICH MILITARY SERVICE CREDIT WAS PURCHASED OR OBTAINED to the date the transfer is made.

(2) IF THE MEMBER BECAME A MEMBER OF THE FUND ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, THE MEMBER PAYS THE AMOUNT DETERMINED PURSUANT TO DIVISION (I) OF THIS SECTION.

ON RECEIPT OF A REQUEST FROM THE MEMBER, THE APPROPRIATE RETIREMENT SYSTEM SHALL MAKE THE TRANSFER SPECIFIED IN DIVISION (D)(1) OF THIS SECTION. INTEREST SHALL BE DETERMINED IN ACCORDANCE WITH DIVISION (H) OF THIS SECTION.

~~(D)~~ (E) Subject to board rules, a member of the fund may choose to purchase in any one payment only part of the credit the member is eligible to purchase under division (B) or (C)(1) of this section.

~~(E)~~ (F) At the request of the fund, the public employees retirement system, school employees retirement system, state teachers retirement system, or Cincinnati retirement system shall certify to the fund a copy of the records of the service and contributions of a member of the fund who seeks service credit under this section.

~~(F)~~ (G) A member OF THE FUND is ineligible to receive credit under this section for service that is used in the calculation of any retirement benefit currently being paid or payable in the future to the member, or service rendered concurrently with any other period for which service credit has already been granted.

~~(G)~~ The (H) INTEREST CHARGED UNDER THIS SECTION SHALL BE CALCULATED SEPARATELY FOR EACH YEAR OF SERVICE CREDIT AT THE LESSER OF THE ACTUARIAL ASSUMPTION RATE FOR THAT YEAR OF THE FUND OR OF THE RETIREMENT SYSTEM IN WHICH THE CREDIT WAS EARNED. THE INTEREST SHALL BE COMPOUNDED ANNUALLY.

THE board may, by rule, establish procedures for the receipt of service credit under this section.

~~(H)~~ (I) THE AMOUNT TO BE PAID PURSUANT TO DIVISION (B)(4), (C)(4), OR (D)(2) OF THIS SECTION IS THE SUM OF THE FOLLOWING:

(1) AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT THE MEMBER PAID AS EMPLOYEE CONTRIBUTIONS FOR THE SERVICE AND THE AMOUNT THE MEMBER WOULD HAVE PAID HAD THE MEMBER BEEN EMPLOYED BY THE MEMBER'S CURRENT EMPLOYER AS A MEMBER OF A POLICE OR FIRE DEPARTMENT;

(2) AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT PAID OR TRANSFERRED UNDER DIVISION

(B)(3), (C)(3), OR (D)(1)(b) OF THIS SECTION AND THE AMOUNT THAT WOULD HAVE BEEN CONTRIBUTED BY THE EMPLOYER FOR THE SERVICE HAD THE MEMBER BEEN EMPLOYED BY THE MEMBER'S CURRENT EMPLOYER AS A MEMBER OF A POLICE OR FIRE DEPARTMENT;

(3) INTEREST, DETERMINED IN ACCORDANCE WITH DIVISION (H) OF THIS SECTION, ON THE AMOUNTS SPECIFIED IN DIVISIONS (I)(1) AND (2) OF THIS SECTION.

AT THE REQUEST OF A MEMBER, IN LIEU OF REQUIRING PAYMENT OF ALL OR PART OF THE AMOUNT DETERMINED UNDER THIS DIVISION THE FUND MAY GRANT THE MEMBER AN AMOUNT OF SERVICE CREDIT UNDER DIVISION (B), (C), OR (D) OF THIS SECTION THAT IS LESS THAN THE AMOUNT FOR WHICH THE MEMBER IS ELIGIBLE. THE SERVICE CREDIT GRANTED SHALL BE THE SAME PERCENTAGE OF THE SERVICE CREDIT FOR WHICH THE MEMBER IS ELIGIBLE THAT THE AMOUNT THE FUND RECEIVES UNDER DIVISION (B), (C), OR (D) OF THIS SECTION IS OF THE TOTAL AMOUNT IT WOULD RECEIVE UNDER THOSE DIVISIONS IF THE FULL AMOUNT DETERMINED UNDER THIS DIVISION WAS PAID.

1470L SubHB
648

eff 9-16-98

3 of 4

147 OL Sub HB 648

(J)(1) EXCEPT AS PROVIDED IN DIVISION (J)(2) OF THIS SECTION AND NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS SECTION, THE BOARD SHALL, IN COMPUTING A PENSION OR BENEFIT UNDER SECTION 742.37 OR 742.39 OF THE REVISED CODE, GIVE A MEMBER OF THE FUND WHO IS NOT RECEIVING A PENSION OR DISABILITY BENEFIT FROM THE FUND FULL CREDIT FOR SERVICE CREDIT PURCHASED UNDER THIS SECTION FOR SERVICE THAT WAS LESS THAN FULL-TIME SERVICE IF THE MEMBER PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT, AFTER RECEIVING WRITTEN NOTICE FROM THE FUND INDICATING THAT THE MEMBER WOULD BE PERMITTED TO PURCHASE SERVICE CREDIT FOR SERVICE THAT WAS LESS THAN FULL-TIME, THE MEMBER CHANGED OR CEASED THE MEMBER'S EMPLOYMENT WITH THE UNDERSTANDING THAT THE CREDIT IDENTIFIED IN THE NOTICE WOULD BE USED IN COMPUTING A PENSION OR BENEFIT. IF THE BOARD HAS CANCELED SERVICE CREDIT PURCHASED UNDER THIS SECTION FOR SERVICE THAT WAS LESS THAN FULL-TIME SERVICE AND THE MEMBER MEETS THE REQUIREMENTS OF DIVISION (J)(1) OF THIS SECTION, THE BOARD SHALL RESTORE THE SERVICE CREDIT ON REPAYMENT TO THE FUND OF THE AMOUNT REFERRED TO THE MEMBER AT THE TIME OF CANCELLATION.

(2) IF A MEMBER OF THE FUND WHO IS NOT RECEIVING A PENSION OR DISABILITY BENEFIT FROM THE FUND PURCHASED CREDIT UNDER THIS SECTION FOR SERVICE THAT WAS LESS THAN FULL-TIME SERVICE AND DOES NOT MEET THE REQUIREMENTS OF DIVISION (J)(1) OF THIS SECTION, THE BOARD SHALL REFUND TO THE MEMBER ANY AMOUNTS

PAID TO PURCHASE THE CREDIT, WITH INTEREST AT A RATE DETERMINED BY THE BOARD FROM THE DATE THE MEMBER PURCHASED THE CREDIT TO THE DATE OF THE REFUND.

(K) A MEMBER OF THE FUND WHO HAS PURCHASED SERVICE CREDIT UNDER THIS SECTION, OR THE MEMBER'S ESTATE, IS ENTITLED TO A REFUND OF THE AMOUNT OR PORTION OF THE AMOUNT PAID TO PURCHASE THE CREDIT IF THE PURCHASED CREDIT OR PORTION OF CREDIT DOES NOT INCREASE A PENSION OR BENEFIT PAYABLE UNDER SECTION 742.37 OR 742.39 OF THE REVISED CODE. THE REFUND CANCELS AN EQUIVALENT AMOUNT OF SERVICE CREDIT.

(L) If a MEMBER OR former member of the fund who IS NOT A CURRENT CONTRIBUTOR AND has not received a refund of accumulated contributions elects to receive credit under section 145.295, 3307.412, OR 3309.351 of the Revised Code for service for which the member contributed to the fund or purchased credit for service in the armed forces of the United States, the fund shall transfer to the public employees retirement system ~~an~~, SCHOOL EMPLOYEES RETIREMENT SYSTEM, OR STATE TEACHERS RETIREMENT SYSTEM THE amount equal to the member's accumulated contributions and payments for credit for service in the armed forces of the United States with interest compounded annually thereon from the date the last contribution was made to the date the transfer is made. The interest shall be at the actuarial assumption rate of the fund at the time the transfer is made.

(I)(1) If a former member of the fund who has received a refund pursuant to division (I) of former section 621.11, 741.18, or 741.40 of the Revised Code or division (G) of section 742.37 of the Revised Code elects to receive credit under section 145.295 of the Revised Code for service for which the former member contributed to the fund or purchased credit for service in the armed forces of the United States, the former member shall repay the fund the amount refunded, with interest compounded annually thereon as follows:

(a) From the date of the refund to the date of the repayment to the fund in the case of a former member who had not purchased credit for the service under former division (A)(1) of section 145.295 of the Revised Code as it existed before August 25, 1995;

(b) In the case of a former member who had used the entire amount of the refund to purchase credit for the service under former division (A)(1) of section 145.295 of the Revised Code as it existed before August 25, 1995, from the date of the refund to the date of such purchase;

(c) In the case of a former member who had purchased credit for the service under former division (A)(1) of section 145.295 of the Revised Code, as it existed before August 25, 1995, using only a portion of the refund amount, from the date of the refund to the date of the purchase for the portion of the refund used for that purchase and from the date of the refund to the date of repayment under division (I)(1) of this section for the portion of the refund not used for that purchase.

The interest shall be at the actuarial assumption rate of the fund at the time of repayment or purchase, as applicable.

eff 9-16-98

(2) Upon receipt of the repayment, the fund shall immediately transfer to the public employees retirement system an amount equal to the former member's accumulated contributions and payments for credit for service in the armed forces of the United States, with interest compounded annually thereon as follows:

(a) From the date the last contribution was made to the police and firemen's disability and pension fund to the date the transfer is made in the case of a former member who had not purchased credit for the service under former division (A)(1) of section 145.205 of the Revised Code as it existed before August 25, 1905;

(b) In the case of a former member who had used the entire amount of the refund to purchase credit for the service under former division (A)(1) of section 145.205 of the Revised Code as it existed before August 25, 1905, from the date the last contribution was made to the police and firemen's disability and pension fund to the date of such purchase;

(c) In the case of a former member who had purchased credit for the service under former division (A)(1) of section 145.205 of the Revised Code, as it existed before August 25, 1905, using only a portion of the refund amount, from the date the last contribution was made to the police and firemen's disability and pension fund to the date of the purchase for the portion of the refund used for that purchase and from the date the last contribution was made to the date of transfer for the portion of the refund not used for that purchase.

The interest shall be at the actuarial assumption rate of the fund at the time of transfer or at the time of purchase under that former division, as applicable.

The fund shall certify to the public employees retirement system a copy of the records of the former member's service and contributions.

A former member of the fund who makes the repayment required under this division does not thereby become a member of the fund or have any of the rights, privileges, or obligations of membership SPECIFIED IN DIVISION (A) OF SECTION 145.295 OF THE REVISED CODE, DIVISION (A) OF SECTION 3307.412 OF THE REVISED CODE, OR DIVISION (A) OF SECTION 3309.351 OF THE REVISED CODE.

(M) THE BOARD SHALL ADOPT RULES ESTABLISHING A PAYROLL DEDUCTION PLAN FOR THE PURCHASE OF SERVICE CREDIT UNDER THIS SECTION. THE RULES SHALL MEET THE REQUIREMENTS DESCRIBED IN SECTION 742.56 OF THE REVISED CODE.