



Ohio Retirement Study Council

30 East Broad Street, Suite 219
Columbus, Ohio 43215
PHONE: 614-228-1346
FAX: 614-228-011

To: Members of the Ohio Retirement Study Council
From: Ryan Hennigan, Assistant Research Associate *RH*
Date: September 12, 2024
Subject: Senate Bill 168 of the 135th General Assembly

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In June, Senate Bill 168 (education regulation reform) was enacted and will be effective October 21, 2024. The act includes a change to the notice requirements of re-employed State Teachers Retirement System (STRS) and School Employee Retirement System (SERS) retired members. This change was not objected to by the ORSC at its January 11, 2024, meeting.¹ The ORSC recommended that any change to the notice requirements for re-employed retirees be applied uniformly across all five systems, but also noted that this is a long-standing recommendation and should not prevent the enactment of this legislation. This act still applies only to STRS and SERS. The final analysis of the act is enclosed.

¹ ORSC Recommendation, Sub. S.B. 168 AM_135_1370_1 of the 135th General Assembly (January 11, 2024).
Available online at: <https://www.orsc.org/Assets/Reports/1599.pdf>.



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30 East Broad Street, Suite 219
Columbus, Ohio 43215
PHONE: 614-228-1346
FAX: 614-228-0118

Voting Members

Senators

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*Sub. S.B. 168 of the 135th
General Assembly*

(Effective October 21, 2024)

Sen. Reynolds

September 12, 2024

ORSC Recommendation and Enactment

Staff Contact
Ryan Hennigan
(614) 228-3612

Summary of Sub. S.B. 168

Sub. S.B. 168 deals generally with education reforms in the State of Ohio. This analysis deals only with the provisions that relate to the state retirement systems.

Sub. S.B. 168 requires a board or commission to give thirty days' public notice before the re-employment or continued employment of an individual who retired under the State Teachers Retirement System (STRS) or the School Employees Retirement System (SERS). This requirement applies to positions that are customarily filled by a vote of the board or commission and requires that the board or commission have urgent reasons to fill the position in an expedited manner. If urgent reasons are not present, continuing law's sixty-day notice requirement applies.

The act further removes the requirement that a board or commission provide notice if the STRS or SERS member has been retired for at least one year prior to their re-employment.

Background

The ORSC has long recommended that re-employment provisions applied to the five public retirement systems be standardized.¹ Starting in 2000, with the enactment of S.B. 144, the notice and waiting period for the Public Employees Retirement System (PERS) and STRS was shortened to sixty days, which standardized the period of time across all systems pursuant to the ORSC's recommendation.² The ORSC has continued to recommend this standardization.³

ORSC Comments

The ORSC, despite recommending the standardization of the waiting period and notice requirements for re-employment, has never commented on what the time period should be. Therefore, the adequacy of the time period for notice in the act is strictly a public policy decision. Instead, the ORSC has focused consideration dealing with re-employed retirees on their participation in Social Security and how benefits are paid to these individuals when they are re-employed.⁴ These topics are not addressed by the act.

This act moves public policy away from the standardization that has been recommended by the ORSC since 2000, as the new notice requirements only apply to STRS and SERS covered positions. As for the time period of the notice requirement itself, it remains largely consistent with the sixty-day notice present in legislation

¹ 2022 ORSC Annual Report, March 31, 2023.

² Sub. S.B. 144 ORSC Position, May 25, 2000.

³ Am. Sub. H.B. 84 ORSC Recommendation, December 18, 2001; H.B. 240 ORSC Position, October 10, 2007; H.B. 270 ORSC Position, October 10, 2007.

⁴ Am. Sub. H.B. 84 ORSC Recommendation, December 18, 2001; H.B. 240 ORSC Position, October 10, 2007; H.B. 270 ORSC Position, October 10, 2007.

previously approved by the ORSC. The notice requirement only changes in instances of urgent hiring need.

ORSC Recommendation

At its January 11, 2024, ORSC meeting, the ORSC did not object to the provisions included in Sub. S.B. 168, as previously approved notice provisions remain largely intact. Further, the ORSC recommended that any change to the notice requirements for re-employed retirees be applied uniformly across all five systems, but also noted that this is a long-standing recommendation and should not prevent the enactment of this legislation. This act still applies only to STRS and SERS. The act did not include changes to the notice requirement applying to any other state retirement system except STRS and SERS.

Effective Date: October 21, 2024