

Rules

September 12, 2024

OP&F

- 742-3-16 Survivor benefits
- 742-3-20 Statutory termination of disability benefits
- 742-4-19 DROP benefits at death (No Change)
- 742-5-03 Contributing service credit
- 742-9-10 Employer reporting requirements (Emergency)
- 742-9-17 Employer payment remittance form (Emergency)
- 742-9-10 Employer reporting requirements
- 742-9-17 Employer payment remittance form

HPRS

- 5505-7-08 Division of property orders (No Change)
- 5505-7-11 Dental and vision coverage
- 5505-9-01 Election of board members (No Change)

SERS

- 3309-1-68 Guardianship

742-3-16

Survivor-Interim survivor benefits.

- (A) "Interim Survivor Benefit Payment" is defined as the interim monthly survivor benefit initially paid by Ohio police and fire pension fund ("OP&F") to a surviving spouse of a member in the amount described in division (D) of section 742.37 of the Revised Code until OP&F receives a properly completed survivor pension application for survivor benefits on a form provided by OP&F and the required documents referenced therein and forms required by this rule, subject to the terms and conditions set forth in this rule. In no event shall interim survivor benefit payments be made for more than ninety days.
- (B) Upon receipt of OP&F's notice of the death of a member, the following will occur:
- (1) OP&F will process the interim survivor benefit payment ~~due the surviving spouse, which shall be paid to the member's surviving spouse for a period not to exceed ninety days (the "Interim Period");~~ provided that there is a valid marriage certificate on file. No interim survivor benefit payment will be paid without a valid marriage certificate on file.
 - (2) OP&F will send the surviving spouse an application for survivor benefits, a direct deposit application, tax withholding forms and, if applicable, health care stipend forms on forms provided by OP&F to the most recent address referenced in the member's record or the address provided to OP&F.
- (C) The surviving spouse shall submit the application for direct deposit to OP&F within sixty days of the issuance of the first interim survivor benefit payment. If a properly completed application for direct deposit is not received by the end of that sixty-day period, the payment of interim survivor benefits shall be suspended until the application is received by OP&F.
- ~~(D)~~ (D) The surviving spouse shall submit the application for survivor benefits to OP&F within ninety days of the issuance of the first interim survivor benefit payment. In the event a properly completed application for survivor benefits is received by OP&F on or before the expiration of the ninety-day period, OP&F will no longer be considered to be paying interim survivor benefit payments, but rather shall be paying the survivor benefit provided for in division (D) of section 742.37 of the Revised Code. In the event a properly completed application for survivor benefits is not received by OP&F by the expiration of the interim period, OP&F will send a notice to the surviving spouse that the interim survivor benefit payments will be suspended, effective sixty days after receipt of the notice of suspension (the "Notice Period"), unless a properly completed application is filed with OP&F on or before the expiration of the notice period end of that ninety-day period, the payment of interim survivor benefits shall be suspended.

- ~~(D)~~ In the event a properly completed application is received by OP&F on or before the expiration of the notice period, OP&F will no longer be considered to be paying interim survivor benefit payments, but rather shall be paying the survivor benefit provided for in division (D) of section 742.37 of the Revised Code.
- (E) In the event the interim survivor benefit payments are suspended due to a surviving spouse failing to ~~file~~ submit a properly completed application for survivor benefits on or before the expiration of the ~~notice~~ ninety-day period, OP&F will begin to pay the survivor benefits provided for in division (D) of section 742.37 of the Revised Code beginning the month following OP&F's receipt of the properly completed application for survivor benefits ~~and~~ OP&F will then pay any retroactive survivor benefits due the surviving spouse, subject to the provisions of paragraph (F) of this rule.
- (F) In the event OP&F pays a benefit to a member prior to OP&F's receipt of notice of the member's death; and the member benefit payment is not returned to OP&F, ~~and the surviving spouse is the beneficiary of the member's estate, then in such event,~~ OP&F will offset any overpaid member benefit ~~paid~~ against the survivor benefits due the surviving spouse under division (D) of section 742.37 of the Revised Code and section 742.58 of the Revised Code, as necessary.
- ~~(G)~~ For purposes of the notices provided for in this rule, the notices will be deemed to have been given as of the earlier of:
- ~~(1)~~ The date of the actual receipt;
 - ~~(2)~~ The next business day when sent via express mail or personal delivery; or
 - ~~(3)~~ Three days after mailing in the case of first class or certified U.S. mail, which will be based upon the date of the postmark of such mailing.
- ~~(H)~~ For purposes of filings provided for in this rule, all filings will be the date of OP&F's actual receipt of the filings.
- ~~(I)~~ OP&F may conclusively rely upon its books and records for purposes of determining the notices and filings provided for in this rule.
- ~~(J)~~ (G) OP&F will pay all other survivor benefits provided for in section 742.37 of the Revised Code upon OP&F's receipt of the properly completed application for survivor benefits by eligible parties.
- ~~(K)~~ (H) OP&F will reimburse the medicare part "B" premium to the surviving spouse according to the terms of division (B) of section 742.45 of the Revised Code and rule 742-7-09 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 4/21/2029

Certification

Date

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08/28/2008, 09/26/2013, 01/01/2019 (Emer.),
03/29/2019, 04/21/2024

742-3-20

Statutory termination of disability benefits.

For purposes of division (C)(3) of section 742.40 of the Revised Code, Ohio police and fire pension fund ("OP&F") shall consider an OP&F member to be "employed as a police officer or firefighter" if one of the following applies:

- (A) The person is appointed, commissioned, compensated, designated, employed, engaged, volunteering, or otherwise serving as one of the following:
- (1) A sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a metropolitan housing authority police force established under division (D) of section 3735.31 of the Revised Code, or township constable or a similar job position outside the state of Ohio;
 - (2) A railroad company police officer governed by sections 4973.17 to 4973.22 of the Revised Code or a similar job position outside the state of Ohio;
 - (3) A person engaged in the enforcement of Chapter 5743. of the Revised Code on behalf of the department of taxation and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code or a similar job position outside the state of Ohio;
 - (4) An undercover drug agent or a similar job position outside the state of Ohio;
 - (5) A department of public safety enforcement agent governed by section 5502.14 of the Revised Code or a similar job position outside the state of Ohio;
 - (6) A natural resources law enforcement staff officer in the department of natural resources governed by section 1501.013 or a similar job position outside the state of Ohio;
 - (7) A forest-fire investigator in the department of natural resources governed by section 1503.09 of the Revised Code or a similar job position outside the state of Ohio;
 - (8) A natural resources officer on the department of natural resources governed by section 1501.64 of the Revised Code or a similar job position outside the state of Ohio;
 - (9) A wildlife officer in the department of natural resources governed by section 1531.13 of the Revised Code or a similar job position outside the state of Ohio;

- (10) A park district law enforcement officer governed by section 511.232 or 1545.13 of the Revised Code or a similar job position outside the state of Ohio;
- (11) A conservancy district police officer governed by section 6101.75 of the Revised Code or a similar job position outside the state of Ohio;
- (12) A member of a hospital police or security department governed by sections 4973.17 to 4973.22 of the Revised Code or a similar job position outside the state of Ohio;
- (13) A veterans home police officer established by section 5907.02 of the Revised Code or a similar job position outside the state of Ohio;
- (14) A member of a qualified nonprofit corporation police department established by section 1702.80 of the Revised Code or a similar job position outside the state of Ohio;
- (15) A state university law enforcement officer governed by section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;
- (16) A special police officer in the department of mental health governed by section 5119.08 of the Revised Code or a similar job position outside the state of Ohio;
- (17) A special police officer in the department of mental retardation and developmental disabilities governed by section 5123.13 of the Revised Code or a similar job position outside the state of Ohio;
- (18) A member of a campus police department established under section 1713.50 of the Revised Code or a similar job position outside the state of Ohio;
- (19) A regional transit authority police officer governed by division (Y) of section 306.35 of the Revised Code or a similar job position outside the state of Ohio;
- (20) An investigator of the auditor of state governed by section 117.091 of the Revised Code who is engaged in the enforcement of Chapter 117. of the Revised Code or a similar job position outside the state of Ohio;
- (21) A special police officer serving on state property pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer

pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;

- (22) A port authority special police officer governed by section 4582.04 or 4582.28 of the Revised Code or a person serving as a port authority special police officer on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;
- (23) A municipal corporation special police officer who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is serving at a municipal airport or other municipal air navigation facility that is governed by aviation security rules of the transportation security administration of the United States department of transportation and required by federal laws and regulations to be under a security program or a similar job position outside the state of Ohio;
- (24) A PERS law enforcement officer, as defined in section 145.01 of the Revised Code or a similar job position outside the state of Ohio; or
- (25) A bailiff or deputy bailiff of a court of record in this state who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code or a similar job position outside the state of Ohio;
- (26) A parole, corrections, or probation officer or a similar job position outside the state of Ohio;
- (27) An employee of the department of youth services who is designated by the director of youth services pursuant to division (A)(1) of section 5139.53 of the Revised Code and who has received the training described in division (B)(1) of that section;
- (28) A federal protective service officer or a federal marshal, including, but not limited to, a court security officer hired by the U.S. marshals service;

- (29) A gaming agent employed under section 3772.03 of the Revised Code or a similar job position outside the state of Ohio.
- (B) The person is a "member of the police department," as such term is defined in division (A)(2) of section 742.01 of the Revised Code or such corresponding statutory provision, whether in Ohio or a similar job position outside the state of Ohio or is serving as a volunteer to a "police department," as such term is defined in division (A)(1) of section 742.01 of the Revised Code or such corresponding statutory provision; or
- (C) The person is classified as a firefighter who is a "member of a fire department," as such term is defined in division (B)(2) of section 742.01 of the Revised Code or such corresponding statutory provision, whether in Ohio or a similar job position outside the state of Ohio or is serving as a volunteer to a "fire department," as such term is defined in division (B)(1) of section 742.01 of the Revised Code or such corresponding statutory provision.
- (D)

For any new position added to paragraph (A) of this rule, OP&F shall give ninety days written notice of the change to all disability benefit recipients and allow those recipients to have ninety days to terminate the position not previously covered under this rule or be subject to the statutory requirement relating to the termination of disability benefits, as set forth in division (C)(3) of section 742.40 of the Revised Code.

- (E) Process for termination of disability benefits.

For any termination of disability benefits under section 742.40 of the Revised Code, staff shall present the termination for review and consideration by the disability committee, who shall make a written recommendation to the board of trustees based upon the applicable criteria. The applicable disability benefit recipient shall be notified of the board's decision within thirty days after the board's action and such notice shall be sent by certified mail, return receipt requested. The disability benefit recipient shall also be notified of the right to appeal the termination of disability benefits and the right to convert the disability benefits to a service retirement pension if the age and service eligibility requirements under division (C)(1), (C)(2), (C)(3), or (C)(4) of section 742.37 of the Revised Code are met and an application for service retirement is filed with OP&F.

- (F) Appeal of termination of disability benefits.

- (1) Any disability benefit recipient ~~aggrieved by~~ who wishes to appeal an action of the board with respect to the termination of the disability benefits in accordance with division (C)(3) of section 742.40 of the Revised Code must file a written notice of appeal with OP&F. The notice of appeal must be in the form provided by OP&F and must be filed with OP&F within ninety days of the notice of the board's decision to terminate the disability benefits. The notice of appeal must contain the member's name, social security number, and a brief description of the decision upon which the appeal is based.
- (2) Within ~~sixty~~thirty days of ~~the notice of the board's decision to terminate the disability benefits~~ filing of the notice of appeal, the aggrieved disability benefit recipient ("appellant") shall file with OP&F all materials which he or she desires to submit in support of the appeal. Failure to submit supporting materials or to request an extension of time within which to ~~submit the supporting materials~~ do so will be sufficient cause for ~~OP&F to dismiss the appeal to be dismissed~~, provided OP&F gives the appellant prior written notice of such dismissal and a deadline date by which all materials must be filed with OP&F and the appellant fails to file the required documentation with OP&F before the designated deadline. Upon application to OP&F before the expiration of the original ~~sixty~~thirty day period referred to in this paragraph, ~~OP&F~~the appellant may, for good cause shown, ~~grant the appellant~~be granted an extension of ~~sixty~~thirty days within which to file supporting materials.
- (3) Upon receipt of the supporting materials, OP&F shall schedule a hearing on the appeal and shall give the appellant reasonable notice of the date, time, and place thereof in writing. Such hearings shall be held within sixty days of the receipt of the supporting documentation by OP&F; ~~provided, however, that any.~~ Any hearing may be postponed or continued by the board, either upon application of the appellant or on its own motion. In no event shall a hearing be postponed more than three times, and in no event shall the postponements, in the aggregate, exceed one year six months. A request for a postponement received by OP&F within ten days of the date of the hearing will only be granted in exceptional circumstances, as determined by OP&F's executive director in his or her sole discretion. The
- The appellant shall be given the opportunity to be present, with counsel or other representation if he or she chooses, at the hearing. A ~~tape~~ recording of the hearing will be made to provide the board with a record for further review. Such ~~tape~~ recording of the hearing shall be available to the appellant and to those individuals who are authorized by the appellant to receive such information; ~~with such~~ on the authorization ~~in the form required~~provided by OP&F.
- (4) Following the hearing on appeal, the board may choose to:

- (a) Affirm the decision to terminate disability benefits;
- (b) Reverse the decision to terminate disability benefits;
- (c) Postpone a decision pending additional documentation.

The board's decision on appeal shall be the final determination on the statutory termination of disability benefits.

- (5) The applicant shall be advised of the board's action under paragraph (F)(4) of this rule within thirty days after the board's decision and such notice shall be sent by certified mail, return receipt requested.
- (G) For purposes of recovering overpaid disability benefits, OP&F shall collect those benefits from the later of April 1, 2004 or the date of the person's acceptance of employment that results in the statutory termination of disability benefits, which will apply to any termination of disability benefits under section 742.40 of the Revised Code and this rule prior to the effective date of this rule.
- (H) For disability benefit recipients who are terminated in accordance with division (C)(3) of section 742.40 of the Revised Code and this rule, who cannot convert the benefits to a service retirement pension, and who have not recovered all contributions received by OP&F that are paid by or on behalf of such person, OP&F shall offset the remaining contributions against any overpayment due OP&F in accordance with the provisions of this rule.
- (I) For any overpayments due OP&F as a result of the termination of benefits in accordance with division (C)(3) of section 742.40 of the Revised Code and this rule, OP&F shall require the member to sign a promissory note, which provides for equal monthly payments to be paid to OP&F over a period not to exceed five years, with interest paid at the current actuarial rate of interest. For any person who refuses to sign such promissory note, OP&F will seek to recover the amounts due by exercising all rights available by law.
- (J) In the event the payments required under paragraphs (H) and (I) of this rule exceed the limits provided for in the consumer credit protection act, the payments will be modified in order to comply with such limits. Payments may also be modified upon a showing of a financial hardship and in such amount as determined by the executive director.

Effective:

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Certification

Date

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05/22/2008, 08/02/2010 (Emer.), 10/17/2010,
02/04/2013, 03/22/2018, 09/22/2022

742-4-19

DROP benefits at death.

- (A) For purposes of paying DROP benefits under division (B)(1) of section 742.446 of the Revised Code, the Ohio police and fire pension fund (OP&F) may require receipt of the following documents from the DROP participant's surviving spouse, designated beneficiary or estate, as the case may be:
- (1) Marriage certificate, if applicable;
 - (2) Birth certificate, if applicable;
 - (3) Letters of authority from the DROP Participant's executor/executrix or administrator/administratrix, if applicable and as the case may be;
 - (4) Application for benefits in the form provided by OP&F;
 - (5) A complete copy of the trust agreement if a trust has been designated as the beneficiary of DROP benefits pursuant to rule 742-3-22 of the Administrative Code;
 - (6) Any other documentation requested by OP&F for the distribution of funds.
- (B) Capitalized terms used in this rule shall have the meaning assigned to them in rule 742-4-01 of the Administrative Code.

Five Year Review (FYR) Dates: 7/8/2024 and 07/08/2029

CERTIFIED ELECTRONICALLY

Certification

07/08/2024

Date

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Rule Amplifies:	742.446
Prior Effective Dates:	05/09/2004, 09/27/2009

742-5-03

Contributing service credit.

(A) As used in this rule:

- (1) "Contributing service credit" means service credit earned by a member of the police and fire pension fund ("OP&F") as a result of OP&F receiving employee contributions on salary of that member, as required under section 742.31 of the Revised Code, for full-time contributing service rendered by an OP&F member to a covered employer.
- (2) Except as provided in this rule, "full-time contributing service credit" means a member has been compensated for working (including paid leave) a minimum average of forty hours per week over a twenty-eight day period, either of the following:
 - ~~(a) For a standard forty-hour work week, a member has been compensated for working (including paid leave) a minimum of thirty-seven and a half hours for each week in any normal monthly payroll reporting period; or~~
 - ~~(b) For a platoon system (i.e., twenty-four hours then followed by forty-eight hours off), a member has been compensated for working (including paid leave) a minimum of forty-five hours for each week included in any normal monthly payroll reporting period.~~
- (3) "Partial contributing service credit" means prorated service credit allowed for members determined by OP&F to be full-time whose hours of service for each week included in any normal monthly payroll reporting period temporarily falls below "full-time contributing service credit," as defined in paragraph (A)(2) of this rule.

For partial contributing service credit, OP&F shall prorate the service credit by dividing the hours compensated by the regularly reported hours for the monthly payroll reporting period.
- ~~(4) "Furlough" means a temporary unpaid leave of absence that occurs between March 9, 2020 and June 30, 2021, which results in a member being paid less than the standard hours set forth in paragraph (A)(2) of this rule.~~

(B) Not more than twelve months of contributing service credit can be allowed in a calendar year.

(C) Notwithstanding this rule, no person shall be allowed contributing service credit before the date the person becomes a member of OP&F or after the member's effective date of termination or retirement.

~~(D) In the event of a furlough, the employer shall notify OP&F in writing of the planned furlough, the number of hours members will work, and the duration of the furlough not to exceed six total months in the period. A member shall receive up to a maximum of six months of full-time contributing service credit during the furlough period March 9, 2020 to June 30, 2021, as long as the member is compensated as follows:~~

- ~~(1) If an employer has less than two hundred OP&F members, OP&F will accept a minimum of thirty-two hours out of a standard forty-hour work week or, for a platoon system, thirty-eight hours out of forty-eight hours a week, for each week included in a normal payroll reporting period.~~
- ~~(2) If an employer has two hundred or more OP&F members, the minimum number of hours necessary for full-time contributing service credit will be determined on an ad hoc basis based on the actuarial impact to OP&F.~~

Effective:

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09/11/2020

742-9-10

Employer reporting requirements.

- (A) For purposes of this rule, "required penalties" shall mean the penalties prescribed by section 742.352 of the Revised Code, as modified by rule 742-8-07 of the Administrative Code.
- (B) For purposes of section 742.32 of the Revised Code, the "report of employee deductions" that employers must transmit to Ohio police & fire pension fund ("OP&F") shall be on the ~~report of retirement deductions~~ work history report form provided by OP&F and found on OP&F's website, www.op-f.org, and shall be consistent with the requirements outlined in this rule.
- (C) For purposes of section 742.32 of the Revised Code, the term "employee" shall refer to a "member", as such term is defined in divisions (A)(2)(a) and (B)(2)(a) of section 742.01 of the Revised Code.
- (D) For purposes of section 742.32 of the Revised Code, the deduction shall be taken on "salary" paid by the employer to the employee for the month covered in that report, pursuant to the terms of division (L) of section 742.01 of the Revised Code and the rules of the Administrative Code adopted pursuant to that section.
- (E) The form of the employer's report of employee deductions shall be deemed properly filed with OP&F if all of the following occurs:
- (1) The completed form of the report that is filed with OP&F by the statutory deadline is consistent with the ~~report of retirement deductions~~ work history report form and meets all the following requirements:
 - (a) A separate report for the report of deductions for firefighter members and a separate report for the report of deductions for police officer members;
 - (b) The reports are submitted electronically to OP&F and meet the technical specifications provided to the employers by OP&F, as may be amended from time to time with prior notice to the employer;
 - (c) The reporting of "salary" is consistent with the requirements outlined in this rule; and
 - (d) The reporting of picked-up contributions, whether done through a salary reduction or paid on behalf of the member, must be consistent with the requirements outlined in rule 742-7-14 of the Administrative Code.
 - (2) The report and payment are accompanied by a completed OP&F ~~recep~~ employer payment remittance form, as referenced in rule 742-9-17 of the Administrative Code, and is received by OP&F by the statutory deadline.

- (3) The contributions due under section 742.32 of the Revised Code must accompany the report of employee deductions and be submitted electronically to OP&F by the statutory deadline, must match the amount outlined in the recap employer payment remittance form referenced in rule 742-9-17 of the Administrative Code, and must match the total amount reported on the report referenced in paragraph (E)(1)(a) of this rule.
 - (4) For newly hired members, the report and payment is accompanied by a form provided by OP&F and documentation showing the member's appointment to a full-time position as a police officer or firefighter to the extent that it exists.
- (F) In order to verify the reporting of "salary" consistent with the provisions of division (L) of section 742.01 of the Revised Code and section 742.32 of the Revised Code and the corresponding rules of the Administrative Code, OP&F may request detailed pay records involving the member's wages and/or service credit from the employer at any time.
- (G) For purposes of assessing the required penalties for all filings due OP&F under section 742.32 of the Revised Code, OP&F shall take the following course of action:
- (1) No report/no payment. If the required payment prescribed by section 742.32 of the Revised Code is not made in accordance with the deadline outlined in such section and no report of employee deductions is filed with OP&F in accordance with the deadline outlined in such section, which includes the recap employer payment remittance form, OP&F shall assess the required penalties.
 - (2) Report/no payment. If the required report of employee deductions prescribed by section 742.32 of the Revised Code and more fully outlined in this rule is filed with OP&F in accordance with the deadline outlined in such section, but the proper payment is not paid to OP&F in accordance with the deadline outlined in such section, OP&F shall assess the required penalties.
 - (3) No report/payment. If the required report of employee deductions prescribed by section 742.32 of the Revised Code and more fully outlined in this rule is not filed with OP&F in accordance with the deadline outlined in such section, but a payment is made with OP&F in accordance with the deadline outlined in such section, OP&F shall assess the required penalties.
 - (4) All other cases, the following shall apply:
 - (a) Non-conforming payroll report. OP&F shall give notice to the employer of the non-conforming nature of the report and allow the employer to have an opportunity to take corrective actions to cure such deficiencies within

thirty days of OP&F's notice of deficiency (referred to herein as the "cure period"), and the following shall apply:

- (i) If the employer files a correct report of employee deductions in OP&F's approved format and such report is received by OP&F on or before the expiration of the cure period, no penalties will be assessed by OP&F against the employer.
 - (ii) If OP&F does not receive from the employer the proper report of employee deductions on or before the expiration of such cure period, then OP&F will assess the required penalties beginning the day after the expiration of the cure period.
- (b) In all other situations, OP&F will notify the employer of the employer's failure to comply with the provisions of section 742.32 of the Revised Code and shall allow the employer to still have an opportunity to take the corrective actions identified in the notice from OP&F within thirty days of OP&F's notice (referred to herein as the "cure period"), and the following shall apply:
- (i) If the employer files a correct report of employee deductions in OP&F's approved format and such report is received by OP&F on or before the expiration of the cure period, no penalties will be assessed by OP&F against the employer.
 - (ii) If OP&F does not receive from the employer the proper report of employee deductions on or before the expiration of such cure period, then OP&F will assess the required penalties, beginning the day after the expiration of the cure period.
- (5) Even with the cure period, the employer will still be assessed any statutory fines for late filings and/or payments, as the case may be under the applicable statutory provision.
- (6) This rule shall apply once the payment and/or report has been filed with OP&F and shall not limit any other remedies available to OP&F by law.
- (H) The monthly payments required by section 742.35 of the Revised Code shall be sent to OP&F electronically and meet the technical specifications provided to the employers by OP&F, as may be amended from time to time with prior notice to the employer. The payments shall be accompanied by a completed OP&F ~~recep~~ employer payment remittance form, as referenced in rule 742-9-17 of the Administrative Code.

(I) The provisions of this rule will not change the amounts of the required ~~penalties~~penalties.

Effective: 5/8/2024

CERTIFIED ELECTRONICALLY

Certification

05/08/2024

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07/04/2021, 07/12/2023 (Emer.), 09/29/2023

742-9-17

~~Summary of Employer~~ payment remittance information form(~~recap form~~).

- (A) Payments and reports due OP&F under the following provisions shall be accompanied by a completed ~~summary of employer~~ payment remittance information form (i.e., ~~the recap form~~) provided by OP&F and found on OP&F's website, www.op-f.org; sections 742.32 and 742.35 of the Revised Code and rule 742-9-10 of the Administrative Code (pension contributions), and section 742.56 of the Revised Code and rule 742-5-08 of the Administrative Code (payroll deduction purchases). ~~The summary of payment remittance information form (i.e., the recap form), last modified July 5, 2016, can be found on OP&F's website, www.op-f.org.~~
- (B) For purposes of prompt and efficient processing, employers are requested to submit a completed ~~summary of employer~~ payment remittance information form (i.e., ~~the recap form~~) to OP&F with any payments due OP&F under the following provisions: sections 742.30 (accrued liability), 742.301 (penalties for accrued liability), 742.352 (penalties for failing to transmit certain payments or reports), and 742.521 (military leave granting) of the Revised Code.

Effective: 5/8/2024

CERTIFIED ELECTRONICALLY

Certification

05/08/2024

Date

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Statutory Authority: 742.10
Rule Amplifies: 742.30, 742.32, 742.521, 742.352, 742.56
Prior Effective Dates: 05/22/2008, 09/28/2018, 07/12/2023 (Emer.),
09/29/2023

742-9-10

Employer reporting requirements.

- (A) For purposes of this rule, "required penalties" shall mean the penalties prescribed by section 742.352 of the Revised Code, as modified by rule 742-8-07 of the Administrative Code.
- (B) For purposes of section 742.32 of the Revised Code, the "report of employee deductions" that employers must transmit to Ohio police & fire pension fund ("OP&F") shall be on the ~~report of retirement deductions~~ work history report form provided by OP&F and found on OP&F's website, www.op-f.org, and shall be consistent with the requirements outlined in this rule.
- (C) For purposes of section 742.32 of the Revised Code, the term "employee" shall refer to a "member", as such term is defined in divisions (A)(2)(a) and (B)(2)(a) of section 742.01 of the Revised Code.
- (D) For purposes of section 742.32 of the Revised Code, the deduction shall be taken on "salary" paid by the employer to the employee for the month covered in that report, pursuant to the terms of division (L) of section 742.01 of the Revised Code and the rules of the Administrative Code adopted pursuant to that section.
- (E) The form of the employer's report of employee deductions shall be deemed properly filed with OP&F if all of the following occurs:
- (1) The completed form of the report that is filed with OP&F by the statutory deadline is consistent with the ~~report of retirement deductions~~ work history report form and meets all the following requirements:
 - (a) A separate report for the report of deductions for firefighter members and a separate report for the report of deductions for police officer members;
 - (b) The reports are submitted electronically to OP&F and meet the technical specifications provided to the employers by OP&F, as may be amended from time to time with prior notice to the employer;
 - (c) The reporting of "salary" is consistent with the requirements outlined in this rule; and
 - (d) The reporting of picked-up contributions, whether done through a salary reduction or paid on behalf of the member, must be consistent with the requirements outlined in rule 742-7-14 of the Administrative Code.
 - (2) The report and payment are accompanied by a completed OP&F ~~recap~~ employer payment remittance form, as referenced in rule 742-9-17 of the Administrative Code, and is received by OP&F by the statutory deadline.

- (3) The contributions due under section 742.32 of the Revised Code must accompany the report of employee deductions and be submitted electronically to OP&F by the statutory deadline, must match the amount outlined in the ~~reap~~ employer payment remittance form referenced in rule 742-9-17 of the Administrative Code, and must match the total amount reported on the report referenced in paragraph (E)(1)(a) of this rule.
 - (4) For newly hired members, the report and payment is accompanied by a form provided by OP&F and documentation showing the member's appointment to a full-time position as a police officer or firefighter to the extent that it exists.
- (F) In order to verify the reporting of "salary" consistent with the provisions of division (L) of section 742.01 of the Revised Code and section 742.32 of the Revised Code and the corresponding rules of the Administrative Code, OP&F may request detailed pay records involving the member's wages and/or service credit from the employer at any time.
- (G) For purposes of assessing the required penalties for all filings due OP&F under section 742.32 of the Revised Code, OP&F shall take the following course of action:
- (1) No report/no payment. If the required payment prescribed by section 742.32 of the Revised Code is not made in accordance with the deadline outlined in such section and no report of employee deductions is filed with OP&F in accordance with the deadline outlined in such section, which includes the ~~reap~~ employer payment remittance form, OP&F shall assess the required penalties.
 - (2) Report/no payment. If the required report of employee deductions prescribed by section 742.32 of the Revised Code and more fully outlined in this rule is filed with OP&F in accordance with the deadline outlined in such section, but the proper payment is not paid to OP&F in accordance with the deadline outlined in such section, OP&F shall assess the required penalties.
 - (3) No report/payment. If the required report of employee deductions prescribed by section 742.32 of the Revised Code and more fully outlined in this rule is not filed with OP&F in accordance with the deadline outlined in such section, but a payment is made with OP&F in accordance with the deadline outlined in such section, OP&F shall assess the required penalties.
 - (4) All other cases, the following shall apply:
 - (a) Non-conforming payroll report. OP&F shall give notice to the employer of the non-conforming nature of the report and allow the employer to have an opportunity to take corrective actions to cure such deficiencies within

thirty days of OP&F's notice of deficiency (referred to herein as the "cure period"), and the following shall apply:

- (i) If the employer files a correct report of employee deductions in OP&F's approved format and such report is received by OP&F on or before the expiration of the cure period, no penalties will be assessed by OP&F against the employer.
 - (ii) If OP&F does not receive from the employer the proper report of employee deductions on or before the expiration of such cure period, then OP&F will assess the required penalties beginning the day after the expiration of the cure period.
- (b) In all other situations, OP&F will notify the employer of the employer's failure to comply with the provisions of section 742.32 of the Revised Code and shall allow the employer to still have an opportunity to take the corrective actions identified in the notice from OP&F within thirty days of OP&F's notice (referred to herein as the "cure period"), and the following shall apply:
- (i) If the employer files a correct report of employee deductions in OP&F's approved format and such report is received by OP&F on or before the expiration of the cure period, no penalties will be assessed by OP&F against the employer.
 - (ii) If OP&F does not receive from the employer the proper report of employee deductions on or before the expiration of such cure period, then OP&F will assess the required penalties, beginning the day after the expiration of the cure period.
- (5) Even with the cure period, the employer will still be assessed any statutory fines for late filings and/or payments, as the case may be under the applicable statutory provision.
- (6) This rule shall apply once the payment and/or report has been filed with OP&F and shall not limit any other remedies available to OP&F by law.
- (H) The monthly payments required by section 742.35 of the Revised Code shall be sent to OP&F electronically and meet the technical specifications provided to the employers by OP&F, as may be amended from time to time with prior notice to the employer. The payments shall be accompanied by a completed OP&F ~~reap~~ employer payment remittance form, as referenced in rule 742-9-17 of the Administrative Code.

(I) The provisions of this rule will not change the amounts of the required ~~penalties~~penalties.

Effective:

Five Year Review (FYR) Dates: 9/29/2028

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.32, 742.352
Prior Effective Dates: 11/18/1999 (Emer.), 03/16/2000, 08/31/2000 (Emer.),
11/23/2000, 02/11/2002 (Emer.), 04/29/2002,
05/30/2002 (Emer.), 08/22/2002, 11/17/2003,
11/30/2005 (Emer.), 02/16/2006, 06/04/2006,
07/19/2007, 05/22/2008, 09/22/2008, 12/12/2013,
07/04/2021, 07/12/2023 (Emer.), 09/29/2023

742-9-17

Summary of Employer payment remittance information form(~~recap form~~).

- (A) Payments and reports due OP&F under the following provisions shall be accompanied by a completed ~~summary of employer~~ payment remittance information form (i.e., ~~the recap form~~) provided by OP&F and found on OP&F's website, www.op-f.org; sections 742.32 and 742.35 of the Revised Code and rule 742-9-10 of the Administrative Code (pension contributions), and section 742.56 of the Revised Code and rule 742-5-08 of the Administrative Code (payroll deduction purchases). ~~The summary of payment remittance information form (i.e., the recap form), last modified July 5, 2016, can be found on OP&F's website, www.op-f.org.~~
- (B) For purposes of prompt and efficient processing, employers are requested to submit a completed ~~summary of employer~~ payment remittance information form (i.e., ~~the recap form~~) to OP&F with any payments due OP&F under the following provisions: sections 742.30 (accrued liability), 742.301 (penalties for accrued liability), 742.352 (penalties for failing to transmit certain payments or reports), and 742.521 (military leave granting) of the Revised Code.

Effective:

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Date

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Rule Amplifies: 742.30, 742.32, 742.521, 742.352, 742.56
Prior Effective Dates: 05/22/2008, 09/28/2018, 07/12/2023 (Emer.),
09/29/2023

5505-7-08

Division of property orders.

(A) For purposes of this rule:

- (1) "Order" means an order described in section 3105.81 of the Revised Code.
- (2) "Alternate Payee," "benefit," "lump sum payment," and "participant" have the meanings set forth in divisions (A) to (D) of section 3105.80 of the Revised Code.

(B)

- (1) The retirement system may retain an order that provides the last four digits of the participant or alternate payee's social security numbers.
- (2) Prior to receiving a payment, an alternate payee shall provide the information requested by the retirement system. The retirement system shall not issue payment to the alternate payee until the retirement system receives the information required for payment. An alternate payee shall notify the retirement system in writing of any change in the information.
- (3) Any benefit or lump sum payment that is owed and unpaid to an alternate payee at the time of the alternate payee's death shall be paid to the estate of the alternate payee.
- (4) The order shall apply to the pension payment contributions to a deferred retirement option plan. The order shall only apply to the active member contributions to a deferred retirement option plan to the extent the contributions were made prior to the effective date of the decree of divorce, dissolution, or legal separation. The order shall not apply to active contribution to a deferred retirement option plan made after the effective date of the decree of divorce, dissolution, or legal separation.

(C) Pursuant to section 3105.90 of the Revised Code, an order shall be on the form prescribed by the appendix to this rule. The retirement system shall accept both the version of the form prescribed by the appendix to former rule 5505-7-08 of the Administrative Code that was effective September 28, 2010, and the version of the form prescribed by the current appendix until June 30, 2014. After June 30, 2014, the retirement system shall only accept the form prescribed by the current appendix.

(D) On or after October 27, 2006, starting with a participant's next annual benefit increase under section 5505.174 of the Revised Code, the annual increase shall be apportioned between the participant and the alternate payee while an order is in effect.

Five Year Review (FYR) Dates: 5/20/2024 and 05/20/2029

CERTIFIED ELECTRONICALLY

Certification

05/20/2024

Date

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Rule Amplifies: 5505.261, 3105.80, 3105.81, 3105.82, 3105.821,
3105.83, 3105.84, 3105.85, 3105.86, 3105.87,
3105.88, 3105.89, 3105.90
Prior Effective Dates: 01/02/2002 (Emer.), 03/23/2003, 08/22/2003,
07/19/2007, 12/11/2009, 09/28/2010, 01/16/2014

5505-7-11**Dental and vision coverage.****(A) For the purpose of this rule:**

- (1) "Age and service retirant" shall mean a former member that applied for and was granted retirement benefits as described in section 5505.16 of the Revised Code.
- (2) "Benefit recipient" shall mean an age and service retirant or disability retirant that is receiving a pension benefit as described in division (A)(1) of section 5505.17 of the Revised Code that qualifies for health care coverage pursuant to paragraph (D) of rule 5505-7-04. Benefit recipient does not include a member participating in the "Deferred Retirement Option Plan."
- (3) "Child" shall mean a biological child, lawfully adopted child, child placed for adoption or stepchild of a benefit recipient or member provided that such child has not yet attained age twenty-six. "Child" shall also mean a child for whom a benefit recipient or member has been legally appointed as guardian, provided that such child has not yet attained age eighteen.
- (4) "Dependent" shall mean a spouse or child as defined in this rule.
- (5) "Disability retirant" shall mean a former member that applied for and was granted retirement benefits as described in section 5505.18 of the Revised Code.
- (6) "Member" shall have the same meaning as division (I) of section 5505.01 of the Revised Code.
- (7) "Retirant" shall mean an age and service retirant or disability retirant.
- (8) "Spouse" shall mean a wife or husband of a retirant or member as set forth in a statutorily valid certificate.

(B)

- (1) Except as provided in paragraph (B)(2) of this rule, the state highway patrol retirement system may offer dental or vision coverage that is administered by a third-party administrator(s) to benefit recipients and dependents provided that the benefit exceeds the premium set by the board for coverage under this rule.
- (2) A spouse of a benefit recipient shall cease to be eligible for coverage on the first day of the month following the date of the final decree of divorce or dissolution from the benefit recipient.

(C) Enrollment

- (1) Except as provided in paragraph (C)(2) of this rule, a benefit recipient's application for dental or vision coverage must be received by the retirement system not later than sixty days after the benefit recipient's eligibility of retirement benefits, as defined in rule 5505-3-01.
 - (2) A benefit recipient that does not enroll as provided in paragraph (C)(1) of this rule may enroll by filing an application for enrollment in dental or vision coverage during one of the following:
 - (a) The annual open enrollment period;
 - (b) Within sixty days of involuntary termination of coverage under another group plan, and with proof of such termination.
 - (3) A benefit recipient may enroll a dependent in coverage during the annual open enrollment period or at any time outside of open enrollment if any of the following apply and the application is received not later than sixty days after the occurrence of the event:
 - (a) The benefit recipient may enroll a new spouse upon marriage;
 - (b) The benefit recipient may enroll an eligible child upon the birth or adoption of the child;
 - (c) The benefit recipient may enroll an eligible dependent who has involuntarily lost vision and dental coverage from another source;
 - (d) The benefit recipient is ordered to enroll a child pursuant to a national medical support order;
 - (e) The dependent first achieves an eligibility threshold as described in this rule.
 - (4) Enrollment of a benefit recipient or eligible dependent under this rule shall be made on an application provided by the retirement system.
- (D) After the death of a retirant or member, dependents are eligible or become eligible for dental and vision coverage if the retirant or member was eligible to be a benefit recipient at the time of death.
- (E) Effective date of coverage
- (1) The effective date of coverage of a benefit recipient or eligible dependent shall be the first day of the month following the system's receipt of the benefit recipient's application, provided enrollment is valid under this rule.

- (2) Notwithstanding paragraph (E)(1) of this rule, in the case of enrollment during open enrollment, the effective date of coverage shall be January first of the following year.
- (F) The following provisions apply to the dental and vision coverage offered by the retirement system:
- (1) The coverage shall be in effect for a calendar year.
- (2) An individual enrolled in coverage may voluntarily terminate the individual's enrollment in the coverage or a dependent's enrollment in the coverage only at the end of each calendar year by filing the notice of cancellation in a form and manner approved by the retirement system during the open enrollment period.
- (3) Notwithstanding paragraphs (F)(1) and (F)(2) of this rule, an individual enrolled in coverage may voluntarily terminate the individual's enrollment in the coverage by submitting proof to the retirement system that the individual has obtained other coverage through an employer or a spouse's employer.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	111.15
Statutory Authority:	5505.28
Rule Amplifies:	5505.28

5505-9-01 **Election of board members.**

(A) The state highway patrol retirement system (HPRS) board shall conduct elections in accordance with Chapter 5505. of the Revised Code and this rule.

(B) For the purpose of this rule:

- (1) "Contributing member" shall be a member described in division (I) of section 5505.01 and section 5505.51 of the Revised Code that is making contributions pursuant to section 5505.15 or 5505.52 of the Revised Code. Eligibility of a "contributing member" shall be determined on the first Monday in April of the year of the election.
- (2) "Retirant member" shall have the meaning described in division (J) of section 5505.01 of the Revised Code. Eligibility of a "retirant member" shall be determined on the first Monday in April of the year of the election.

(C) Notification of elections

- (1) For any election of an employee member, a notice of election shall be distributed by appropriate means to each facility where a contributing member is assigned not later than May first of the election year. For any election of a retiree member, a notice of election shall be sent to each eligible retirant member through appropriate means not later than May first of the election year.
- (2) The notice of election shall include a statement of the requirements for candidacy forms, the date after which candidacy forms shall be available, the final date for receipt of completed candidacy forms, the final date for receipt of completed election ballots, and the date and place for the election count to be conducted under the supervision of judges as designated in paragraph (E) of this rule. The notice of election, candidacy form, and voting instructions shall be approved by the board at its regular February meeting.

(D) Candidacy forms

- (1) Candidacy forms may be obtained at the HPRS offices during normal business hours after May first of the election year. Candidacy forms will also be available at www.ohprs.org. Candidacy forms will be mailed by HPRS only upon request.
- (2) Candidacy forms must be filed with the HPRS office not later than four thirty p.m. on the date set by the board pursuant to paragraph (C) of this Rule. Persons filing a candidacy form may also submit either a resume or a candidacy statement. A resume or candidacy statement may not exceed one single-sided page and must be submitted with the candidacy form.

(E) Ballots and voting

- (1) HPRS may conduct an election by paper ballots or through electronic methods.
- (2) The ballot position of each candidate's name shall be rotated.
- (3)
 - (a) Voting materials for each retirant member of the retirement system shall include a ballot, copies of the applicable candidacy form, the resume or candidacy statement, voting instructions, and any other materials the retirement board deems necessary. Voting material shall be distributed to each retirant member by June twentieth of the election year. If the voting instructions are not explicitly followed, the ballot will be voided.
 - (b) HPRS shall send each contributing member a ballot, voting instructions, and any other material the retirement board deems necessary by June twentieth of the election year. Candidacy forms, resumes, and candidacy statements shall be distributed by appropriate means to each facility where a contributing member is assigned not later than June twentieth of the election year. If the voting instructions are not explicitly followed, the ballot will be voided.
- (4)
 - (a) Completed ballots must be received at the HPRS office, in a manner described in the voting instructions, not later than four-thirty p.m. on the date set by the board pursuant to paragraph (C) of this rule.
 - (b) As ballot return envelopes are received at HPRS, each shall be date and time-stamped and recorded on the master list of contributing member and retirant member account numbers.
- (5)
 - (a) No sooner than the fourth business day following July twentieth, ballots shall be counted by a committee that includes at least one trustee appointed by the chair. The counting shall be monitored by a representative of the secretary of state.
 - (b) The candidate may attend the counting of ballots. If the candidate is unable to attend, the candidate may designate, in writing, a member to be present during the counting of ballots. Designations must be made by July

twentieth of the election year. No other person, except HPRS employees and individuals described in this rule, may attend the counting of ballots.

- (c) Within twenty-four hours of the completion of the count, the elections results shall be forwarded to each facility to which a contributing member is assigned. The election results shall be published on the retirement board's website within thirty days.
- (6) There shall be no provision for a recount; however, ballots shall be held for public inspection for thirty days. Ballots may be destroyed by the executive director after the public inspection period.
- (7) The official certification of the ballot totals may be destroyed after four years.
- (8) In the event of a tie, the winner shall be determined by a coin toss conducted by the representative of the secretary of state with "heads" being assigned to the candidate whose last name is first alphabetically and "tails" assigned to the other candidate. If three or more candidates are tied, the representative of the secretary of state shall draw names to select the winner amongst the tied candidates. A name shall be drawn for each vacancy. The manner in which the names are drawn shall be determined by the representative of the secretary of state with the concurrence of the trustee member of the committee selected in accordance with paragraph (E)(5)(a) of this rule.
- (9) In the event of more than one vacancy for the same term, a single election shall be held and the candidates with the most votes shall be elected.
- (F) If the number of candidates is less than or equal to the number of available board seats, each candidate shall be certified as a trustee without the need for an election.
- (G) The board may invalidate an election if, in its discretion, improprieties have had a substantial impact on the fairness of the election.
- (H) Pursuant to section 5505.042 of the Revised Code, a special election shall be held in the event of a vacancy or if the board invalidates an election pursuant to paragraph (G) of this rule. The process for a special election shall be the same as for a regular election except all the dates outlined in this rule shall be set as appropriate. No election shall occur if the remainder of the unexpired term is less than ninety days.
- (I) All information, ballots, instructions, correspondence or other material described in this rule shall be sent to the address on file with HPRS. It is the sole responsibility of the contributing member or retirant member to ensure HPRS has his or her most current address.

Five Year Review (FYR) Dates: 5/20/2024 and 05/20/2029

CERTIFIED ELECTRONICALLY

Certification

05/20/2024

Date

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02/01/1994, 08/01/1994, 12/09/2005, 12/11/2009,
05/16/2014, 03/27/2017

3309-1-68

Guardianship.(A) As used in this rule:

- (1) "Benefit" means a payment from the accumulated contributions of the member or employer, or both, under Chapter 3309. of the Revised Code and includes an account refund, pension, annuity, disability benefit, survivor benefit, or death benefit.
- (2) "Benefit recipient" means any person who is eligible to receive a payment or benefit under Chapter 3309. of the Revised Code and who has had a guardian appointed based either on being under the age of eighteen years or on being found incompetent.
- (3) "Incompetent" has the same meaning as in division (D)(1) of section 2111.01 of the Revised Code.

(B) Payments to a benefit recipient shall be made as follows:

- (1) To the guardian of the estate;
- (2) To the agent, when there is a valid durable power of attorney and no guardian of the estate;
- (3) To a specific person or financial institution account as directed by the probate court;
- (4) Lump sum payments of one thousand dollars or less and payments required to be paid to the benefit recipient by paragraph (C)(1) of rule 3309-1-09 of the Administrative Code may be paid as follows:
 - (a) When there is a guardian of the estate, to the guardian of the estate;
 - (b) When there is a durable power of attorney and no guardian of the estate, to the agent;
 - (c) When there is no guardian of the estate or durable power of attorney, to the guardian of the person.
- (5) If the benefit recipient is a minor, payment may be issued to the benefit recipient's legal parent so long as the minor is in the care and custody of the parent, or to the benefit recipient's legal custodian or legal guardian.

(C) Except as provided in this paragraph, court authority is required for an application to be signed on behalf of a benefit recipient for an account refund under section 3309.42 of

the Revised Code. When the benefit recipient has less than ten years of total service credit, the guardian of the estate, or agent under a durable power of attorney when there is no guardian of the estate, may apply for an account refund.

(D) A guardian of the estate of a benefit recipient has restricted authority to complete and sign the following forms and applications on behalf of the benefit recipient:

(1) Designation of Beneficiary form: The guardian may designate a beneficiary. If the beneficiary is anyone other than "estate" or "statutory," the beneficiary designation must be approved by court order.

(2) Application for Age and Service or Conversion Retirement: The guardian may elect plan A or plan B in accordance with divisions (B)(1) and (B)(3) of section 3309.46 of the Revised Code. If plan B is elected the guardian may only designate the beneficiary to be "statutory" or "estate". Any other election must be approved by court order.

(3) Application for benefits payable to a SERS retirant or other system retirant under section 3309.344 of the Revised Code: The guardian may sign the benefit application. If a monthly annuity is an option, the guardian cannot elect a lump sum payment unless approved by court order.

(4) Spousal Consent Form: The guardian may not sign unless approved by court order.

(5) Application for survivor benefits: If a monthly benefit is an option, the guardian cannot elect a lump sum payment of accumulated contributions unless approved by court order.

(6) A written notice of waiver pursuant to section 3309.662 of the Revised Code.

Replaces: 3309-1-68

Effective:

Five Year Review (FYR) Dates: Exempt

Certification

Date

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Rule Amplifies: 3309.01, 3309.22, 3309.34, 3309.343, 3309.344,
3309.35, 3309.381, 3309.39, 3309.40, 3309.401,
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