

# Rules

August 14, 2025

## **PERS**

145-2-19      Aggregating combined and traditional plan service credit for retirement eligibility

## **OP&F**

742-3-01      Effective date of retirement (No change)

742-3-06      Calculation of on-duty disability benefits on less than three years of salary (No change)

742-3-15      Procedures for claims asserted under division (J) of section 742.21 of the Revised Code (No change)

742-7-02      Use of member's records (No change)

742-7-14      Recognition of pick-up of contributions (No change)

742-8-13      Special penalty provisions (No change)

742-16-01      Policy for reimbursement of trustee business and educational travel expense (No change)

742-21-03      Administration of method of payment section of approved division of property order format (No change)

145-2-19**Aggregating combined and traditional plan service credit for retirement eligibility.**

- (A) This rule amplifies section 145.195 of the Revised Code.
- (B) Pursuant to the authority specified in section 145.195 of the Revised Code, for retirement effective dates on or after July 1, 2025, members who have service credit in both the traditional pension plan and the combined plan may aggregate such service credit for determining eligibility for age and service retirement if the following conditions are met:
- (1) The member shall have attained at least five years of contributing service in either the traditional pension plan or the combined plan and is, or will become, eligible for an unreduced age and service retirement allowance after the service credit is aggregated.
  - (2) Service credit shall be aggregated for retirement eligibility into the retirement plan in which the member has the most total service credit and, if the member has an equal amount of total service credit in both retirement plans, the retirement plan in which the member has the greatest total contributions.
  - (3) Calculation of the unreduced retirement allowance shall be based solely on the total service credit in the retirement plan into which service credit was aggregated for retirement eligibility.
  - (4) The member shall apply, at the time of application for retirement, for a refund of contributions under section 145.40 of the Revised Code or Article VIII of the combined plan document, as applicable, for the service credit that was aggregated for retirement eligibility. A member who elects to aggregate for retirement eligibility is not eligible for the additional amount described in rule 145-2-54 of the Administrative Code.
- (C) If a member described in this rule has service credit and contributions in the school employees retirement system or state teachers retirement system, the member may aggregate service credit under this rule if the public employees retirement system is the paying system, as defined in section 145.37 of the Revised Code, and the member otherwise meets the requirements of that section regarding the member's service credit in the traditional pension plan, prior to a determination of aggregating service credit under this rule.
- (D) A member who elects to aggregate service credit for age and service retirement eligibility, as described in this rule, shall do so on a form provided by the retirement system. If such member later elects to withdraw the retirement application or the refund application as permitted under rules 145-1-71 and 145-1-73 of the

Administrative Code, the member shall withdraw both the retirement and refund applications.

- (E) For purposes of determining eligibility under rule 145-4-27 of the Administrative Code, the retirement system may aggregate years of employer contributions earned and purchased in both the traditional pension plan and the combined plan if the requirements described in this rule are met.

Effective:

Five Year Review (FYR) Dates: Exempt

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Certification

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Date

Promulgated Under:	111.15
Statutory Authority:	145.09
Rule Amplifies:	145.195

742-3-01

**Effective date of retirement.**

Except as provided in section 742.37 or division (D) of section 742.38 of the Revised Code and rule 742-3-05 of the Administrative Code, the effective date of any monthly pension or benefit payable under division (C) of section 742.37 or division (D) of section 742.38 of the Revised Code shall be the day following the final day for which compensation was last earned by virtue of working or using accrued leave to remain on active payroll status, unless the last day of compensation earned is on the thirtieth, which in that case, the effective date of retirement shall be the first day of the following month.

In no event shall there be overlapping salary and pension.

Five Year Review (FYR) Dates: 7/9/2025 and 07/09/2030

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Certification

07/09/2025

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Date

Promulgated Under:	111.15
Statutory Authority:	742.10
Rule Amplifies:	742.37, 742.38
Prior Effective Dates:	01/01/1977, 07/24/1986 (Emer.), 10/16/1986, 09/16/1998 (Emer.), 12/10/1998, 07/17/2004, 11/20/2014, 05/31/2020

742-3-06

**Calculation of on-duty disability benefits on less than the requisite years of salary.**

- (A) This rule shall only apply to a member who has been granted an on-duty disability and who has less than the requisite years of "salary," as set forth in divisions (G) and (L) of section 742.01 of the Revised Code and rule 742-3-02 of the Administrative Code, as of the effective date of retirement.
- (B) For purposes of calculating the on-duty disability benefit pursuant to section 742.39 of the Revised Code, the member's "average annual salary" shall be based on the actual "salary" paid during OP&F membership divided by the service credit applicable to the pay periods covered, with the balance of the months being based on the average "salary" over the reported time period calculated according to the aforementioned formula.

Five Year Review (FYR) Dates: 7/9/2025 and 07/09/2030

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Rule Amplifies:	742.01, 742.39
Prior Effective Dates:	01/03/1977, 05/01/2000, 04/30/2005, 04/23/2015



742-3-15

**Procedures for claims asserted under division (J) of section 742.21 of the Revised Code.**

- (A) If a member makes a claim with the Ohio police and fire pension fund ("OP&F") pursuant to division (J) of section 742.21 of the Revised Code, the procedures set forth in this rule shall apply.
- (B) In computing a pension or benefit under section 742.37 or 742.39 of the Revised Code, OP&F's board of trustees shall give the member full credit for service credit purchased or transferred under section 742.21 of the Revised Code for service that was less than full-time service if the member files a claim with OP&F, and the board determines that clear and convincing documentary evidence exists to support the finding that all of the following criteria have been met:
- (1) The OP&F member is not receiving a pension or disability benefit from OP&F;
  - (2) Prior to the member changing or ceasing his/her employment, the member received written notice from OP&F indicating that the member would be permitted to purchase or transfer service credit for service that was less than full-time without any limitation or qualification;
  - (3) Based upon the written notification referenced in paragraph (B)(2) of this rule, the member changed or ceased the member's employment, which by virtue of such job assignment made such person an OP&F member; and
  - (4) The member's reliance on OP&F's written notice of the transfer of such service credit resulted in actual damage to the member, including, but not limited to the member's ineligibility for retirement benefits.
- (C) Upon receipt of a claim under division (J) of section 742.21 of the Revised Code and in accordance with this rule, OP&F shall schedule such claim for review by the benefits committee of the board or such other committee as the board may designate from time to time. The benefits committee shall then make a written recommendation to the board.
- (D) Based on the written recommendation of the benefits committee or such other committee as the board may designate from time to time, the board shall then review all evidence available and decide to:
- (1) Grant the claim;
  - (2) Deny the claim; or
  - (3) Postpone the determination pending receipt of additional information or the submission of additional facts.

(E) Any claim granted by the board under division (J) of section 742.21 of the Revised Code and this rule shall be effective as of the date that the board made its decision.

(F) The member shall be notified of the board's decision within thirty days after the board's final action.

If the claim is denied by the board, OP&F's notice of decision shall also inform the member of his or her right to appeal the board's decision.

(G) Appeal of board's decision.

(1) If the member's claim is denied by the board and the member wishes to appeal the board's decision, the member must file a written notice of appeal with OP&F within ninety days of the date of the board's notice of decision. The member shall also provide OP&F with all materials which he or she desires to submit in support of the appeal.

(2) Upon receipt of the notice of appeal and supporting materials, the board shall schedule a hearing on the appeal and shall give the member reasonable notice of the date, time and place thereof in writing. Notwithstanding the foregoing, any hearing may be postponed or continued by the board, either upon application of the aggrieved member or on its own motion. The member shall be given the opportunity to be present at the hearing, with counsel or other representation if he or she chooses. A recording of the hearing will be made to provide the board with a record for further review. Such recording shall be available to the aggrieved member and to those individuals who are authorized by the member to receive such information, with such authorization in the form required by OP&F.

(3) Following the hearing on appeal, the board may choose to:

(a) Affirm the original decision;

(b) Reverse the original decision; or

(c) Postpone a decision pending submission of additional documentation or information.

(4) The board's decision on appeal shall be the final determination of such claim.

(5) The member shall be advised of the board's action within thirty days after the board's final determination under this paragraph and such notice shall inform the member of his/her right to:

(a) Accept the board's decision on appeal; or

(b) File a mandamus action.

(H) All notices to the member provided for in this rule shall be either delivered personally, sent by express delivery service, certified mail, or first class U.S. mail, postage prepaid and addressed to the member at the most recent address set forth in OP&F's records, or to such other address as the member shall thereafter designate by proper notice in accordance with this paragraph. All notices to OP&F or the board shall be addressed at its principal place of business.

Five Year Review (FYR) Dates: 7/9/2025 and 07/09/2030

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Rule Amplifies:	742.21, 742.37, 742.39
Prior Effective Dates:	12/07/1998 (Emer.), 06/12/1999, 07/17/2004, 07/05/2007 (Emer.), 11/20/2014, 05/31/2020

742-7-02

**Use of member's records.**

- (A) All records and files of the board and Ohio police & fire pension fund ("OP&F") shall be public information, including an employer's status of the payment of contributions generally due under sections 742.30, 742.31, 742.33, and 742.34 of the Revised Code, but shall not include any member's personal history record (as hereinafter defined), except as otherwise provided by law. A member's personal history record may only be released to the member or a third party upon OP&F's receipt of a written authorization from the member or his/her authorized representative or agent using forms provided by OP&F or a form substantially similar to OP&F's form, subject to any internal policies adopted by OP&F and to the extent provided by such authorization, but any such authorization must be signed before a notary public.
- (B) "Member's personal history record" includes all information related to an OP&F member, including the name, address, telephone number, social security number, record of contributions, correspondence to or from OP&F, any report of a pre-employment physical, any medical reports and recommendations (subject to the terms of paragraph (C) of this rule), the status of any application for benefits, any record identifying the service history or service credit of a member or benefit recipient, but excluding:
- (1) The member's status with OP&F (i.e. active or retired but does not include whether or not the member made an election to participate in DROP);
  - (2) The award given to survivors by the board of trustees for an application for benefits under the Ohio public safety officers death benefit fund and the member's name and employer; and
  - (3) Any information disclosed by OP&F in accordance with the permitted exceptions of the Health Insurance Portability And Accountability Act of 1996 and OP&F HIPAA policies and procedures.
- (C) Medical reports and recommendations are considered to be the property of Ohio police and fire pension fund. The medical reports and recommendations for a member may be released to the member, unless an OP&F physician or psychiatrist determines for OP&F that the disclosure of information is likely to have an adverse effect on the member. In the event the OP&F physician or psychiatrist determines that a disclosure of medical reports and recommendations to a member will have an adverse effect on the member, the information shall only be released to a physician, psychiatrist, or psychologist who is designated by the member or his/her authorized representative or agent only after OP&F's receipt of a written authorization from the member or his/her authorized representative or agent using forms provided by OP&F or a form substantially similar to OP&F's form, subject to any internal policies adopted by OP&F to the extent provided by such authorization. Notwithstanding any other

restrictions referenced in this rule, the medical reports and recommendations of a member may be released to OP&F appointed physicians and vocational evaluators when necessary for the proper administration of the benefits offered by OP&F. Except as otherwise provided in this rule, these records may be released to the member and may be released to the member's attorney, physician, or duly authorized agent only upon written authorization of the member or the member's authorized representative or agent using forms provided by OP&F or a form substantially similar to OP&F's form, but any such authorization must be signed before a notary public. Any other release is prohibited.

- (D) As provided by law and only at the request of any organization or association of members of OP&F, OP&F shall provide a list of names and addresses of members and other system retirants (as defined in section 742.26 of the Revised Code). OP&F shall comply with such a request at least once a year.
- (E) Reasonable fees may be charged for any expenses incurred in compiling, copying, mailing, or examining the records of OP&F.
- (F) The executive director may designate a staff member to authenticate retirement system's records of OP&F that will be sent to a court officer of this state.
- (G) An authorization given by a member or his/her authorized agent or representative shall be valid for only one year from the date that it was issued.
- (H) OP&F shall make the determination on compliance with the terms of this rule and its decision shall be final.
- (I) For purposes of this rule, "member" has the same meaning as in division (E) of section 742.01 of the Revised Code.

Five Year Review (FYR) Dates: 7/10/2025 and 07/10/2030

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Rule Amplifies:	742.41
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742-7-14

**Recognition of pick-up of contributions.**

- (A) For reporting and tax purposes, the Ohio police and fire pension fund ("OP&F") will recognize any payment of a member's contributions under section 742.32 of the Revised Code or amounts designated by the member's employer for the purchase of service credit by payroll deduction with picked-up contributions if the member's employer has adopted and filed with OP&F a resolution authorizing the deduction and payment of contributions or service credit purchases for its employees with amounts designated as picked-up contributions under section 414(h)(2) of the Internal Revenue Code, in such form approved by OP&F's board of trustees, including an effective date (the "approved resolution"). The resolution must be filed at least thirty days prior to submitting contributions to OP&F as picked-up.
- (B) The employer's reporting requirement under section 742.32 of the Revised Code shall also include the reporting of picked-up contributions consistent with the terms of this rule.
- (C) To be compliant for reporting purposes under section 742.32 of the Revised Code and rule 742-9-10 of the Administrative Code, the employer must meet the following criteria:
- (1) Timely file with OP&F a resolution authorizing the payment of contributions or purchase of service credit for its employees with amounts designated as picked-up contributions under section 414(h)(2) of the Internal Revenue Code in accordance with the deadline outlined in paragraph (A) of this rule;
  - (2) Timely report the amount of picked-up contributions by member as part of section 742.32 of the Revised Code and rule 742-9-10 of the Administrative Code and consistent with the applicable approved resolution on file with and approved by OP&F;
  - (3) Timely file a separate resolution for police and fire and then by unit/division, if applicable, or clearly outline the pick-up by unit/division;
  - (4) Timely file any changes to any approved resolution, which needs to be reviewed and approved by OP&F as if it were an originally-filed approved resolution;
- (D) Applicable penalties and interest will apply for employers who fail to:
- (1) Timely file a resolution for picked-up contributions with OP&F in accordance with the deadlines of this rule; and
  - (2) Timely report picked-up contributions under section 742.32 of the Revised Code.



- (E) If OP&F receives an employer report under rule 742-9-10 of the Administrative Code that does not conform to the resolution on file with OP&F, OP&F shall send a written notice to the employer of the non-conforming nature of the resolution or reporting and allow the employer to have an opportunity to take corrective actions noted in the notice within thirty days of OP&F's written notice. OP&F shall not assess further penalties and interest under section 742.35 of the Revised Code until the expiration of this grace period for those employers who fail to take the corrective action noted by OP&F's written notice.
- (F) For those employers who file an approved resolution and report contributions as picked-up, but fail to provide an effective date, this shall not be deemed to be non-compliant. In this case, the effective date will be the date of authorized signature or other supporting documentation provided by the employer, which is acceptable to OP&F.
- (G) The requirements of this rule shall also apply to any changes or modifications to picked-up contributions and they will be treated as if they are a new resolution.

Five Year Review (FYR) Dates: 7/10/2025 and 07/10/2030

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Rule Amplifies:	742.32
Prior Effective Dates:	11/25/2003 (Emer.), 02/09/2004, 07/19/2004, 06/08/2005 (Emer.), 09/26/2005, 12/19/2010

742-8-13

**Special penalty provisions.**

- (A) In the event any of the following situations occur, which is documented by the employer to the satisfaction of OP&F and the other requirements of this rule are met, this rule shall govern how OP&F will administer the penalties provided for in section 742.352 of the Revised Code or section 742.353 of the Revised Code, as permitted by the provisions of division (C) of those sections:
- (1) The employer hired a new clerk within the past year and he/she did not undergo OP&F training prior to the filing that is in question;
  - (2) The employer is a new filer with OP&F within the past year and the employee responsible for the reports and payments to OP&F did not undergo OP&F training prior to the filing that is in question;
  - (3) There is an act of God (i.e. natural disaster, fire, flood.) that adversely impacts the employer's ability to timely file the report or pay the required contributions according to the governing statutory provisions, but this provision is not intended to apply to overall computer problems, a clerk being sick on or around the deadline date, and such other related items;
  - (4) There is a medical leave involved for the person who is responsible for filing the report and contributions with OP&F and the medical leave exceeds ninety days; subject to paragraph (A)(3) of this rule;
  - (5) Theft in office has occurred by the person responsible for the filing;
  - (6) The penalties arising out of the filing in question will result in the employer being declared in fiscal emergency;
  - (7) The employer is a new user of OP&F's online payment/reporting system and as a result of performing the new process, the employer missed the deadline and incurred a penalty.
- (B) In order for the provisions of this rule to apply, the employer must be in "good standing." For purposes of this rule, "good standing" shall mean that the employer has paid all prior penalties in the past year in accordance within the governing statutory provisions so that OP&F did not need to take further action to collect such employer's compliance (i.e. the penalties were paid within the grace period once added to the employer's billing statement).
- (C) In the event that any of the events under paragraph (A) of this rule apply and the employer is in good standing with OP&F, with the exception of the report or payment in question, OP&F shall apply the following reduction in penalties:

- (1) If the employer files the proper report of contributions and properly pays the contributions within six months of OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by seventy-five per cent;
  - (2) If the employer files the proper report of contributions and properly pays the contributions within twelve months of OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by fifty per cent; and
  - (3) If the employer files the proper report of contributions and properly pays the contributions more than one year after OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by twenty-five per cent or such lesser amount established by the board of trustees based on the applicable facts and circumstances.
- (D) This rule shall not adversely impact OP&F's remedies in the event an employer files a report and pays contributions to the wrong retirement system.
- (E) For purposes of this rule, "proper report of contributions" shall mean the report of contributions required under section 742.32 of the Revised Code, as more fully outlined in rule 742-9-10 of the Administrative Code, and "properly pay the contributions" shall mean the payment of contributions due under section 742.32 of the Revised Code and consistent with the terms of rule 742-9-10 of the Administrative Code.

Five Year Review (FYR) Dates: 7/9/2025 and 07/09/2030

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Rule Amplifies:	742.352, 742.353
Prior Effective Dates:	12/22/2005 (Emer.), 03/20/2006, 06/24/2010, 09/14/2020, 09/22/2022

742-16-01

**Policy for reimbursement of trustee business and educational travel expense.**

- (A) Subject to the provisions of section 742.101 of the Revised Code and this rule, board members may receive reimbursement from police and fire pension fund for all proper, reasonable and necessary expenses actually incurred in the performance of their official duties, as more fully described in the board's travel policy. Eligible reimbursable expenses include, but are not limited to reasonable charges for meals, beverages, tips, lodging, airfare, ground transportation, telephone calls, and registration fees, subject to the limitations outlined in the board's travel policy.
- (B) Reimbursement from the fund for out-of-state travel shall require approval in advance by a majority of the board at a regularly scheduled board meeting after review and recommendation by the audit/administration committee, with the following exception. In the case of an emergency, out-of-state travel requires approval by the chairman of the board and the executive director of the fund. In the case of an emergency, reimbursement for in-state travel shall be approved by the chairman of the board or the executive director.
- (C) Official duties may include:
- (1) Attendance at a conference, convention, educational seminar, school or meeting which will serve to help the trustee become a better, more knowledgeable and active trustee.
  - (2) Meetings with OP&F staff, other trustees, members and associates on pension matters.
  - (3) Other travel on fund business, as required by the board or executive director.
- (D) For all travel and business expenses on which reimbursement is sought by a trustee, expense reports must be submitted on forms provided by OP&F.

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Rule Amplifies:	742.08, 742.102
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742-21-03

**Administration of method of payment section of approved division of property order format.**

- (A) As used in this rule, “the approved DPO format” shall mean the division of property order form required by sections 3105.82 and 3105.90 of the Revised Code and adopted by OP&F in rule 742-21-01 of the Administrative Code.
- (B) For purposes of administering the method of payment section of the approved DPO format, “a plan of payment that consists of either periodic benefits or a lump sum payment” shall apply to all of the following OP&F benefits or payments: age and service retirement benefit, disability monthly benefit, account refund, and reemployed retiree monthly annuity or lump sum refund.
- (C) For purposes of administering the method of payment section of the approved DPO format, “a plan of payment consisting of both a lump sum benefit and a periodic benefit” shall apply to distributions from the deferred retirement option plan (“DROP”).
- (D) Partial distributions from DROP, as outlined in paragraph (A)(1) of rule 742-4-16 of the Administrative Code, shall be considered lump sum payments for purposes of administering the DPO method of payment.



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