

**3309-1-11                    Membership determinations.**

- (A) A request for a determination as to whether an individual or a group of individuals are required to be members of the school employees retirement system may be initiated by an employer, an affected individual, or the retirement system.
- (1) An employer or individual who has a question as to membership requirements shall request in writing a determination by the retirement system. Such determination shall be made as provided in rule 3309-1-03 of the Administrative Code.
  - (2) When a membership determination has been initiated, the employer and any affected individual or individuals shall furnish such documents and information requested by the retirement system.
- (B) If contributions have not been remitted and the retirement system determines the individual is covered by this system, the employer shall be liable for employee and employer compulsory contributions pursuant to rule 3309-1-13 of the Administrative Code. If no membership record and/or contributions are received by the system within thirty days of the determination, a charge, based on an estimated salary for such individual's position, against the employer shall be made for collection through the state school foundation program if available or by direct billing.
- (C) If contributions have been remitted and the retirement system determines the individual is not covered by this system, any contributions received shall be unauthorized and shall be refunded.
- (D) The retirement board has determined that the phrase "service common to the normal daily operation of an educational unit" as used in division (B)(2) of section 3309.01 of the Revised Code means:
- (1) Any service required to be provided by an educational unit or the provision of which is governed by law, statute, or rule; or
  - (2) Any service necessary on a regular continuous basis to the efficient operation of an educational unit; or
  - (3) Any service which, through custom and usage, has become a service commonly provided or procured by an educational unit on a regular continuous basis.

R.C. 119.032 review dates: 01/31/2014 and 01/31/2019

**CERTIFIED ELECTRONICALLY**

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Certification

01/31/2014

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Date

Promulgated Under: 111.15  
Statutory Authority: 3309.04  
Rule Amplifies: 3309.01, 3309.23  
Prior Effective Dates: 9/27/04, 4/3/09

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3309-1-22

**Disability retirement - effective date.**

For purposes of section 3309.40 of the Revised Code, a member who files an application for disability retirement prior to the member's sixtieth birthday and whose last date of contributing service is prior to the member's sixtieth birthday "has not attained age sixty."

R.C. 119.032 review dates: 01/31/2014 and 01/31/2019

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Rule Amplifies: 3309.39, 3309.40  
Prior Effective Dates: 12/24/76, 1/2/93, 5/8/04, 4/3/09

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3309-1-23

**Contributing status; compulsory and optional.**

- (A) The following standards shall apply for the determination of contributing status in the school employees retirement system.
- (B) Contributing status shall be required for any employee of an employer as defined in divisions (A) and (B) of section 3309.01 of the Revised Code beginning with the first date of service, unless contributing status is otherwise made optional under this rule or the provisions of Chapter 3309. of the Revised Code.
- (C)
- (1) Employees who are eligible pursuant to division (B) or (C) of section 3309.23 of the Revised Code to elect to be exempt from contributing status, shall make such election by filing a written application for exemption with their employer within the first month of being employed.
  - (2) Once an exemption is filed, it is irrevocable during the current period of employment for the same employer provided the employee remains qualified for an exemption pursuant to division (B) or (C) of section 3309.23 of the Revised Code. Should the employee no longer qualify for an exemption, the previously filed exemption shall be invalid and contributing status shall be mandatory.
  - (3) An exemption shall be valid only during the current period of employment for the employer by whom the employee is employed at the time that the exemption is filed. When such employment terminates, the exemption also terminates. Upon return to employment, either for the former or for another employer, contributing status is mandatory unless the employee qualifies and timely applies for an exemption.
- (D)
- (1) Within thirty days of initially taking office, school board members or governing board members who are compensated by the school district for their services as board members may elect to be contributors by filing a written election with the treasurer of the board of education. If the board member elects to be a contributor, the treasurer of the board of education shall notify the system of the election on a form provided by the school employees retirement board. Board members who are not compensated for their services, or who receive only reimbursement or payment for their expenses, are not eligible to be contributors.

- (2) A board member who is an SERS retirant or other system retirant as defined in section 3309.341 of the Revised Code and who has elected to be a contributor shall contribute under the provisions of section 3309.341 of the Revised Code.
- (3) The election to become a contributor, once made, is irrevocable during the board member's current term as a board member, and during any successive terms where the board member has not, prior to the commencement of the term, refunded his accumulated contributions or taken a retirement benefit from the school employees retirement system.

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