

Rules

January 13, 2022

OP&F

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742-3-18

Definition of "total dependency".

For purposes of paying benefits to a surviving child of a member who is "totally dependent" upon the member for support at the time of the death under division (E) of section 742.37 of the Revised Code, the child must meet one of the following criteria:

- (1) The child has a mentally or physically disabling condition and was claimed as an exemption for federal income tax return purposes for the year preceding the member's death;
- (2) The child is determined disabled by a court of competent jurisdiction;
- (3) The child attends an adult workshop or mental retardation and developmental disabilities (MRDD) school; or
- (4) The child has a mental or physical disability and is incapable of earning at least sixteen thousand dollars annually, as determined by ~~Ohio police and fire pension fund disability evaluation physician~~ the DEP medical advisor and the DEP vocational advisor recommendation expert.

Effective:

Five Year Review (FYR) Dates: 10/11/2021

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.37(E)
Prior Effective Dates: 11/23/2001

742-3-22

Designation of a trust as beneficiary for certain lump sum payments.

A member may designate a trust as "beneficiary" for purposes of any lump sum payments due under section 742.446 of the Revised Code (i.e., deferred retirement option plan) and section 742.58 of the Revised Code (i.e., lump sum death benefit). When submitting the beneficiary designation forms provided by OP&F, a member who designates a trust as beneficiary shall submit either a copy of a certificate of trust or copies of the first page and signature page of the trust instrument. The member shall also submit any other documentation requested by OP&F for the distribution of such funds. This rule will not supercede any statutory provisions governing the distribution of funds that may become due and payable under the aforementioned statutes.

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CERTIFIED ELECTRONICALLY

Certification

11/23/2021

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.446,742.58
Prior Effective Dates: 02/16/2006, 09/28/2006, 12/26/2011, 01/30/2017

742-3-24

Specified amount of court order.

The specified amount that a member is required to elect pursuant to a court order, described in division (D)(1)(c) of section 742.3711 of the Revised Code, shall be expressed only as a percentage of the allowance that continues after the member's death. In the event that it is expressed as a dollar amount, Ohio police and fire pension fund shall convert the amount to a percentage that will continue at least that amount to the former spouse as a survivor annuity upon the member's death.

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11/23/2021

Date

Promulgated Under:	111.15
Statutory Authority:	742.10
Rule Amplifies:	742.3711
Prior Effective Dates:	10/20/2006, 01/30/2017

742-3-25

Waiver of designation of former spouse as beneficiary under a court order.

In cases where a member is required to elect a joint and survivor annuity at the time of retirement and designate a former spouse as a beneficiary) pursuant to a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property, but the former spouse wishes to waive the former spouse's interest in the member's annuity plan, the member or former spouse shall submit a court order to OP&F that specifically cancels the joint and survivor annuity and the former spouse's right to be designated as beneficiary.

Five Year Review (FYR) Dates: 11/23/2021 and 11/23/2026

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11/23/2021

Date

Promulgated Under:	111.15
Statutory Authority:	742.10
Rule Amplifies:	742.3711
Prior Effective Dates:	10/20/2006, 01/30/2017

742-3-27

Reselection of beneficiary upon remarriage.

A member who remarries and desires to select a new spouse upon a remarriage may only do so if the member makes such selection within the statutory deadline and, in cases where the member has already selected beneficiaries under division (A)(4) of section 742.3711 of the Revised Code, the following shall apply:

- (A) Less than four beneficiaries - In cases where there are less than four beneficiaries named under an annuity plan of payment, the member has the right to reselect a plan of payment by the stated deadline in order to name the new spouse as a beneficiary provided that the amount that would be due and payable to a former spouse designated as a beneficiary is not reduced in cases where this designation is made in furtherance of an existing court order.
- (B) Four beneficiaries/voluntary designations - In cases where four beneficiaries are already named under a multiple beneficiary annuity plan of payment, but some beneficiaries have been voluntarily designated by the member who is not under an existing court order to do so, the member may cancel an existing beneficiary designation that is voluntary in order to name the new spouse as beneficiary. Any designations required under division (A)(4) of section 742.3711 of the Revised Code, however, may not be cancelled without a proper waiver or termination of such designation is received by OP&F. In any event, any amounts due and payable to a former spouse designated as a beneficiary will also not be reduced in cases where this designation is made in furtherance of an existing court order.
- (C) Four beneficiaries/court ordered designations - In cases where four beneficiaries are already named under a multiple beneficiary annuity plan of payment due to existing court orders, which requires the member to make such designation, the member will be permitted to designate a new spouse on remarriage within the statutory deadline only if a proper waiver or termination of such designation is received by OP&F. Otherwise, no new designation can be made. In cases where a waiver or termination is received, any amounts due and payable to a former spouse will not be reduced.

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11/23/2021

Date

Promulgated Under:	111.15
Statutory Authority:	111.15
Rule Amplifies:	742.3711
Prior Effective Dates:	10/23/2006 (Emer.), 01/07/2007, 01/30/2017

742-3-28

Plan of payment selection for DROP participants.

In cases where a member designates a beneficiary upon the person's election to participate in DROP and the member is required to elect a joint and survivor annuity pursuant to a court order, the member shall have the right to designate a former spouse as an additional beneficiary under division (A)(4) of section 742.3711 of the Revised Code in such cases without a corresponding reduction in DROP benefits. In all other cases, the member will not be permitted to make additional selections of beneficiaries upon the person's retirement.

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11/23/2021

Date

Promulgated Under: 111.15
Statutory Authority: 111.15
Rule Amplifies: 742.3711
Prior Effective Dates: 10/23/2006 (Emer.), 01/07/2007, 01/30/2017

742-17-01

Rule on rules.

- (A) Ohio police and fire pension fund ("OP&F") shall adopt rules in accordance with sections 111.15 and 742.10 of the Revised Code.
- (B) Any person or organization may obtain notice of any proposed amendment, rescission or adoption of a rule by submitting a written request to the executive director or the chairman of the board of trustees to have his, her or its name and address placed on the mailing list of those to whom the agenda of meetings of the board of trustees are sent. An organization may designate only one representative to receive such notice.
- (C) Notice of the amendment, rescission or adoption of any rule, along with a copy of the rule, shall be sent to those persons and organizations on the list in paragraph (B) of this rule.
- (D) The executive director shall cause notice of the amendment, rescission or adoption of a rule to be reported in OP&F publications.
- (E) Any person or organization who has submitted or who hereafter submits a written request under this rule to obtain notice of any proposed amendment, rescission or adoption of a rule by OP&F shall also be deemed to have filed a written request to obtain notice of all meetings and board reports of OP&F.

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10/11/2021

Date

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Rule Amplifies: 742.10
Prior Effective Dates: 01/01/1978, 11/24/1997, 06/12/1999, 12/08/2000